

Development Consent

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

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

These conditions are required to:

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

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

22 December 2017

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application No:	SSD-7401
Applicant:	Bettergrow Pty Ltd
Consent Authority:	Minister for Planning
Site:	Lot 18 DP 249417, 24 Davis Road, Wetherill Park
Development:	<p>The construction and operation of a resource recovery facility to process up to 350,000 tonnes per year of waste comprising of:</p> <ul style="list-style-type: none">• 100,000 tpa of hydro-excavation, drill muds and fluids, concrete slurry and stormwater, classed as liquid waste;• 150,000 tpa of general solid waste (non-putrescible);• 70,000 tpa of food and garden organics; and• 30,000 tpa of packaged and bulk food and liquids. <p>The operation of a landscaping material supplies facility for the storage and sale of up to 40,000 tpa of landscaping supplies.</p>

FOR INFORMATION

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-7401-Mod-1	21 April 2021	Director	Increase the processing capacity to 350,000 tpa of waste; introduce additional waste streams; demolish existing structures; construct a partially enclosed shed; and increase the hours of operation to 24/7.
SSD-7401-Mod-2	30 November 2021	Team Leader	Amend the stormwater management system to include the use of an in-ground concrete pit with sand filter.
SSD-7401-Mod-3	31 March 2022	Team Leader	Amend the carparking configuration, replace the five on-site weighbridges with one weighbridge, relocate the 5 kilolitre underground rainwater tank to an above ground tank inside the drill muds processing shed and replace and relocate the Humeceptor with an Ecoceptor.
SSD-7401-Mod-4	25 January 2024	Team Leader	Administrative amendment to reflect additional waste streams of concrete slurry and stormwater, assessed as appropriate in Modification 1, in the limits of consent.

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DEFINITIONS

24 Hours	Relating to one day, or happening only on one day
Applicant	Bettergrow Pty Ltd, or any other person(s) carrying out any development to which this consent applies
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifying Authority	A person who is authorised by or under section 109D of the EP&A Act to issue Part 4A certificates
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix A
EIS	Environmental Impact Statement titled Greenspot Wetherill Park, Resource
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence issued by the EPA under the POEO Act
Evening	The period from 6 pm to 10 pm
FGO	Food and Garden Organics facility
FLD	Food and Liquid Depackaging facility
FRNSW	Fire and Rescue NSW
General solid waste (putrescible)	As defined in Part 3 Schedule 1 of the POEO Act
General solid waste (non-putrescible)	As defined in Part 3 Schedule 1 of the POEO Act
Heavy Vehicle	Any vehicle with a gross vehicle mass of five tonnes or more
Incident	A set of circumstances causing or threatening material harm to the environment,
kL	Kilolitre
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Landscaping Materials Supplies	means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, screenings, rock and the like
Management & Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS/RTS and included in Appendix B
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings of ecosystems that is not trivial
Minister	Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing impacts of the development prior to or during those impacts occurring
Modification Assessments	<p>The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:</p> <ul style="list-style-type: none"> • SSD-7401-Mod-1, prepared by RPS Australia East Pty Ltd and dated 14 September 2020, as amended by the Response to Submissions prepared by RPS Australia East Pty Ltd and dated 17 December 2020; • SSD-7401-Mod-2, prepared by Space Urban and dated 25 August 2021, as amended by the Response to Submissions prepared by Space Urban Pty Ltd and dated 29 October 2021 and Response to Department of Planning, Industry and Environment Request for Information dated 19 November 2021 – SSD-7401-MOD-2, prepared by Space Urban Pty Ltd and dated 22 November 2021; • SSD-7401-Mod-3, prepared by Space Urban and dated 20 December 2021, as amended by the Response to Submissions prepared by Space Urban and dated 21 February 2022; and • SSD-7401-Mod-4, prepared by Space Urban Pty Ltd and dated 10 August 2023, as amended in response to a Request for Information prepared by Space Urban Pty Ltd and dated 27 November 2023.
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 122C of the EP&A Act
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEMP	Operational Environmental Management Plan
Operation	The receipt, sorting, separating, processing and removal of waste or receipt of product for the landscaping material supplies area

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PCA	Principal Certifying Authority authorised under section 109D of the EP&A Act
POEO Act	Protection of the Environment Operations Act 1997
POEO (Waste) Regulation	Protection of the Environment (Waste) Regulation 2014
RTS	Response to Submissions titles Greenspot Wetherill Park, Resource Recovery and Recycling Facility, Response to Submissions, SSD-7401, prepared by RPS, dated 4 September 2017
Planning Secretary	Secretary of the Department (or nominee)
Sensitive Receivers	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreation area
Site	The land listed in Schedule 1
Tpa	Tonnes per annum
Waste	Has the same meaning as the definition of the term in the dictionary to the POEO Act
Weighbridge	A weighbridge that is verified in accordance with the National Measures Act 1960
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 criteria established under this consent, the Applicant must implement all measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- A2. The Development may only be carried out in:
- (a) compliance with the conditions of this consent;
 - (b) accordance with the directions of the **Planning Secretary**;
 - (c) accordance with the EIS and RTS;
 - (d) accordance with development layout plans and drawings in the EIS (see Appendix A);
 - (e) accordance with the Management and Mitigation Measures (see Appendix B); **and**
 - (f) **accordance with Modification Assessments.**
- A3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- A4. The Applicant must comply with all written requirement(s) of the **Planning Secretary** arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with the consent; and
 - (c) the implementation of any actions or measures contained in these documents.

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 the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. The Applicant must not cause, permit or allow any materials or waste generated outside the site to be received at the site for storage, use, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- A7. The Applicant must not receive or process more than **350,000** tonnes per year of waste comprising of:
- (a) **100,000** tpa of hydro-excavation, drill muds and fluids, **concrete slurry and stormwater**, classed as **liquid waste**;
 - (b) **150,000 tpa of general solid waste (non-putrescible)**;
 - (c) 70,000 tpa of food and garden organics classed as general solid waste (putrescible); and
 - (d) 30,000 tpa of packaged and bulk food and liquids, classed as general solid waste (putrescible) and liquid waste respectively.
- A8. The Applicant must not store more than 40,000 tonnes per year of landscape material supplies at the site and no processing of landscape supplies is permitted.
- A9. The Applicant must not store general solid (putrescible) and liquid waste at the site for more than 48 hours from the time of receipt unless in the event of an emergency and approved by the **Planning Secretary**.
- A10. The storage of compost on the site is not permitted.
- A11. Stockpiles of waste within the FGO and FLD buildings must not exceed 4 m in height measured from the finished floor level.
- A12. Stockpiles of product stored at the landscaping material supplies facility must not exceed 4 m in height measured from the finished ground level.

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- A13. The Applicant shall aim to achieve a recycling rate of 97.5% of all waste and a disposal rate of not more than 2.5% to landfill.
- A14. The Applicant must not receive, per week, more than:
- (a) 1,750 tonnes of general solid waste (putrescible) within the FGO building; and
 - (b) 700 tonnes of general solid waste (putrescible) and liquid waste within the FLD building.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- A15. With the approval of the **Planning Secretary**, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - (b) combine any strategy, plan or program required by this consent.
- A16. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined must be demonstrated.

REQUEST FOR INFORMATION

- A17. 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.
- A18. 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**.

EVIDENCE OF CONSULTATION

- A19. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
- (a) consult with the relevant public authority prior to submitting the required documentation to the **Planning Secretary** or the PCA for approval;
 - (b) submit evidence of such consultation as part of the relevant documentation required by the conditions of this consent;
 - (c) describe how matters raised by the public authority have been addressed and identify matters that have not been resolved; and
 - (d) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant.

STATUTORY REQUIREMENTS

- A20. The Applicant must ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

DEMOLITION

- A21. The Applicant must ensure that all demolition associated with the Development is carried out in accordance with Australian Standard AS 2601:2001: *The Demolition of Structures*, or its latest version and the requirements of the *Work Health and Safety Regulation, 2011*.

STRUCTURAL ADEQUACY AND CERTIFICATION

- A22. The Applicant must ensure all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the EIS and relevant requirements of the BCA.

Note: Under Part 4A 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.

- A23. Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council, unless otherwise agreed between the Applicant and Council.

UTILITIES AND SERVICES

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- A24. Prior to the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.
- A25. Prior to the commencement of construction, Approved Plans must be submitted to the Sydney Water via their online service to determine if the development will have any impacts on Sydney Water assets.
- A26. Prior to the commencement of operations, 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*.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A27. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and/or provider of services that are likely to be affected by the Development to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of this report to the **Planning Secretary** and Council.
- A28. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the Development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development.

OPERATION OF PLANT AND EQUIPMENT

- A29. The Applicant must ensure that all plant and equipment used for the Development is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

COMPLIANCE

- A30. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

DEVELOPMENT CONTRIBUTIONS

- A31. Prior to the issue of a Construction Certificate for any part of the Development, the Applicant must pay \$158,862.74 to Council in accordance with the Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011. Following Council's approval, the Applicant may stage the payment of the 94A contributions in accordance with the construction stages.

Note: *The contribution and the amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, producer Price index – Building Construction (NSW South Wales).*

PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

WASTE MANAGEMENT

- B1. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B2. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.
- B3. The Applicant must record the amount of waste (in tonnes) received at the site on a daily basis.
- B4. The Applicant must retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.

Receipt, Storage & Handling of Waste

- B5. The Applicant shall only receive waste on site that is authorised for receipt by an EPL.
- B6. 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.
- B7. The Applicant shall:
 - (a) implement auditable procedures to:
 - (i) ensure the site does not accept wastes that are prohibited; and
 - (ii) screen incoming waste loads.
 - (b) ensure that:
 - (i) all waste types that are controlled under a tracking system have the appropriate documentation prior to acceptance at the site;
 - (ii) all waste received at the site must be recorded in accordance with clause 27 of the POEO (Waste) Regulation;
 - (iii) details of the quantity, type and source of wastes received on the site must be provided to the EPA and the [Planning Secretary](#) when requested; and
 - (iv) staff receive adequate training to be able to recognise and handle any hazardous or other prohibited waste.
- B8. 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.
- B9. All waste must be:
 - (a) stored wholly within the designated waste storage areas; and
 - (b) loaded and unloaded within the designated loading and unloading areas.
- B10. All loading and unloading of general solid waste (putrescible) and liquid waste must be carried out completely within the FGO and FLD buildings.

Waste Monitoring Program

- B11. 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.

Waste Management Plan

- B12. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the Development to the satisfaction of the **Planning Secretary**. The Waste Management Plan must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C7. The Plan must:
- detail the type and quantity of waste to be received during operation of the Development;
 - include procedures for diversion of waste to other facilities during unexpected machinery breakdown; and
 - details the requirements for non-conforming waste handling and removal.
- B13. The Applicant must:
- not commence operation until the Waste Management Plan is approved by the **Planning Secretary**; and
 - implement the most recent version of the Waste Management Plan approved by the **Planning Secretary**.

Construction Waste Management

- B14. Prior to the commencement of construction, the Applicant must prepare a Construction and Demolition Waste Management Plan (CDWMP) for the Development to the satisfaction of the **Planning Secretary**. The plan must form part of the CEMP required by Condition C1. The CDWMP must:
- detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - be implemented for the duration of construction works.
- B15. The Applicant must:
- retain disposal records for all waste disposed of under the CDWMP for 4 years and provide these to the EPA as requested;
 - not commence construction until the CDWMP is approved by the **Planning Secretary**; and
 - implement the most recent version of the CDWMP approved by the **Planning Secretary**.

ODOUR AND AIR QUALITY

Meteorological Station

- B16. Prior to the commencement of any works on-site, the Applicant must install a suitable meteorological station on the site. That generally complies with the requirements in the EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales*.

Dust Management

- B17. All reasonable steps must be taken to minimise dust generated during all works authorised by this consent.
- B18. During construction, the Applicant must ensure that:
- all vehicles on site do not exceed a speed of 20 kilometres per hour;
 - exposed surfaces and stockpiles are suppressed by regular watering;
 - all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the Development do not track dirt onto the public road network; and
 - public roads used by these trucks are kept clean.
- B19. Prior to the commencement of operations, the Applicant must:
- ensure the interior of the FGO and FLD building is designed to facilitate wash down and leachate capture; and
 - seal all trafficable areas.
- B20. During operations, the Applicant must ensure that:
- all vehicles on site do not exceed a speed of 20 kilometres per hour;
 - regular watering is conducted within the landscaping material supplies area to ensure dust impacts are minimised; and
 - air quality and odour impacts of the Development are minimised during adverse meteorological conditions.

B20A. The Applicant must ensure the design and construction of the partially enclosed shed (shown in Drawing Number DA100, Issue A in Appendix A) does not preclude the ability for roller doors to be retrofitted.

Odour

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

Air Quality and Odour Mitigation

- B22. The Applicant must:
- (a) operate the Development so that air and odour emissions are minimised during all meteorological conditions
 - (b) implement best management practice, including all reasonable and feasible air and odour emission mitigation measures to minimise emissions from the Development, including but not limited to an odour management system comprising of:
 - (i) a system which ensures the FGO and FLD buildings would be held under negative pressure and fitted with automatically closing heavy vehicle roller doors;
 - (ii) installation of an air extraction device(s) which directs the air to eight carbon filters with a 99.9% odour elimination efficiency rate;
 - (iii) installation of a volatile organic compounds (VOC) breakthrough detection alarm in the FGO building which must be triggered once the carbon filters reach 90% saturation;
 - (iv) ducting the air from the FLD building to the FGO building to ensure the air is treated via the eight carbon filters;
 - (v) biological inoculums to deodorise plant and equipment areas; and
 - (vi) the installation of misting sprays above the truck entry/exit in the FGO and FLD building to suppress odour emissions
 - (vii) conduct weekly cleaning of any tipping areas within the FGO or FLD building where interior walls have been contaminated with putrescible waste;
 - (c) regularly maintain on-site surfaces to prevent dust re-entrainment from vehicle movements and other equipment use;
 - (d) in accordance with the OEMP ensure the regular wash down of the FGO and FLD buildings to ensure a build-up of waste and odour does not occur;
 - (e) ensure regular maintenance of the odour management system; and
 - (f) record and respond to any air quality or odour complaints within 48 hours.
- B23. Prior to acceptance of any waste at the FGO or FLD building, the odour management system identified in Condition B22(b) must be installed and operational.

Air Quality and Odour Management Plan

- B24. Prior to commencement of operation, the Applicant must prepare an **Air Quality and Odour Management Plan (AQOMP)** to the satisfaction of the **Planning Secretary**. The **AQOMP** must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C7. The **AQOMP** must:
- (a) be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
 - (b) describe the measures that would be implemented on site to ensure all reasonable and feasible measures are employed to minimise **air quality and odour** emissions, including details of the odour management system and all other operational air quality mitigation measures;
 - (c) detail on a site plan the location of any **air quality and odour** management infrastructure;
 - (d) **include an ongoing odour monitoring program with details of location, frequency and duration of monitoring activities;**
 - (e) **detail the contingency measures to be deployed to minimise air quality and odour impacts with well-defined triggers for their deployment; and**
 - (f) include a system for monitoring and responding to any odour complaints.
- B25. The Applicant must:
- (a) not commence operation until the **AQOMP** required by Condition B24 is approved by the **Planning Secretary**; and
 - (b) implement the most recent version of the **AQOMP** approved by the **Planning Secretary** for the duration of the Development.

Odour Audit

- B26. The Applicant must carry out an Odour Audit of the Development no later than six months after the commencement of operation of the FGO and FLD buildings. The audit must:
- (a) be carried out by a suitably qualified, experienced and independent person(s), whose appointment has been endorsed by the **Planning Secretary**;
 - (b) be carried out in accordance with the methodologies set out in the relevant EPA guidelines;
 - (c) identify all significant odour sources at the site;
 - (d) monitor odour and audit the Development whilst the FGO and FLD buildings are in full operation;

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- (e) include a summary of air and odour emission related complaints and any actions that were carried out to address the complaints;
- (f) validate the Development in consultation with the EPA against the odour predictions in the EIS and provide a comparison between the monitoring results and the relevant EPA guidelines;
- (g) review the design and management practices of the Development against the industry best practice for odour emissions; and
- (h) include an action plan that identifies, prioritises and provides timeframes for the implementation of any additional odour emission mitigation measures that may be necessary to reduce odour emissions to ensure the relevant odour criteria is met.

Note: *The Odour Audit may be prepared so that it addresses the requirements of this consent and the EPL for the Development.*

- B27. Within six months of commissioning of the Odour Audit required by Condition B26, or as otherwise agreed by the **Planning Secretary**, the Applicant must submit a copy of the Odour Audit report to the satisfaction of the **Planning Secretary**, together with the Applicant's response to any recommendations contained in the Odour Audit report.
- B28. The Applicant must comply with any reasonable requirement(s) of the **Planning Secretary** arising from the Odour Audit.

SOILS, WATER QUALITY AND HYDROLOGY

Wastewater and Leachate

- B29. Any leachate generated on the site must be captured and re-used on-site or disposed of at a licenced facility, and no leachate is permitted to enter the stormwater system.
- B30. The Applicant must ensure all wastewater is discharged to sewer in accordance with a Trade Waste Agreement with Sydney Water or tankered offsite for appropriate disposal at licenced facilities or further processing
- B31. The Applicant must install an alarm system which sounds and flashes once the amount of wastewater within the wastewater tanks reaches 80% of the total capacity.
- B32. Wastewater from the hydro-excavation, drill mud and fluids processing facility is not permitted to enter the stormwater management system.
- B33. Prior to commencement of operation of the hydro-excavation, drill mud and fluid processing facility, the Applicant must ensure:
- (a) the wastewater management system is operational; and
 - (b) the wastewater tanks associated with the hydro-excavation, drill mud and fluid processing facility are bunded in accordance with:
 - (i) all relevant Australian Standards; and
 - (ii) NSW EPA's Spill Management Bunding guidelines.

Liquid Food Waste

- B34. Prior to the commencement of operations of the FLD building, the Applicant must:
- (a) ensure the base of the FLD tip pit is located at or above 44.5 m AHD (0.5 m above the groundwater table);
 - (b) line the FLD building tip pit with an impermeable barrier to prevent leachate from entering groundwater;
 - (c) install an alarm within the two 27 kL liquid food waste tanks which sounds and flashes once 75% of the total capacity is reached; and
 - (d) ensure the liquid food waste tanks are bunded in accordance with all relevant Australian Standards and NSW EPA's Spill Management Bunding guidelines.
- B35. Any liquid food waste generated within the FLD building must be contained within the two 27 kL tanks within the FLD building.

Groundwater

- B36. Every 12 months from commencement of the FLD operations, the Applicant must conduct groundwater monitoring and demonstrate that leachate from the FLD facility tip pit is not entering groundwater. The groundwater monitoring must be conducted by a suitably qualified and experienced expert whose appointment has been endorsed by the **Planning Secretary**.
- B37. Within two months of the groundwater monitoring being conducted, the Applicant must submit a Groundwater Report to the **Planning Secretary** which:

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- (a) includes a plan showing the location of the groundwater monitoring well which was sampled in accordance with Condition B36;
- (b) details the baseline data, groundwater levels and monitoring results against the relevant criteria;
- (c) considers whether leachate from the FLD tip pit has entered groundwater; and
- (d) if necessary, details the mitigation and contingency measures which would be implemented to prevent the FLD tip pit from leaking.

B38. Should it be determined that leachate has entered groundwater, the Applicant is not permitted to store waste within the FLD tip pit until the leak has been rectified.

Discharge Limits

B39. 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.

Flood Management

B40. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan (FERP) for the Development in consultation with Council and to the satisfaction of the **Planning Secretary**. The Plan must form part of the CEMP and OEMP required by Conditions C1 and C4 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) include details of:
 - (i) the flood emergency responses for both construction and operation phases of the Development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors.

B41. The Applicant must:

- (a) not commence construction until the FERP required by Condition B40 is approved by the **Planning Secretary**; and
- (b) implement the most recent version of the FERP approved by the **Planning Secretary** for the duration of the Development.

B42. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 0.5 m of freeboard.

Stormwater Management System

B43. The Applicant must design, install and operate a stormwater management system for the Development. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS (**as amended in Modification Assessments**) and applicable Australian Standards;
- (c) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and ***Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004)***;
- (d) divert existing clean surface water around operational areas of the site; **and**
- (e) prevent firewater and contaminated water from entering the stormwater system.

B44. Prior to the issue of a Construction Certificate, a certificate must be submitted to the PCA certifying that:

- (a) satisfactory arrangements have been made for the disposal of stormwater;
- (b) the proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties; and
- (c) the piped drainage system has been designed to Council's Stormwater Drainage Policy.

B45. Prior to 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.

B46. **The Applicant must ensure the stormwater generated from the development is directed to the on site in-ground concrete pit and/or Ecoceptor prior to being released to Council's street kerb and gutter.**

B47. Within 6 months of the operation of the landscaping materials supplies facility, the Applicant must demonstrate to the **Planning Secretary** that the following stormwater reduction targets for the site are being met:

Table 1: Stormwater Reduction Targets

Stormwater Pollutant	Industrial Developments
Gross pollutants	90%
Total suspended solids (TSS)	80%
Total phosphorus (TP)	55%
Total nitrogen (TN)	40%

B48. If the Targets in **Table 1** are not met, the Applicant must install additional mitigation measures to meet the targets in **Table 1**.

Water Management Plan

B49. 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 C4 and be prepared in accordance with Condition C7. The Water Management Plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail water use, disposal and management on-site;
- (c) detail the water licence requirements for the development i.e trade waste;
- (d) **detail how leachate, stormwater and wastewater would be managed, including how any changes approved by modification applications have been addressed;**
- (d) detail any trigger levels to ensure overflow of wastewater and leachate at the site does not occur;
- (e) contain a Surface Water Management Plan, including:
 - (i) a program to monitor:
 - a. surface water flows and quality;
 - b. surface water storage and use; and
 - (ii) sediment and erosion controls;
 - (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.
- (f) contain a Groundwater Management Plan, including:
 - (i) baseline data on groundwater levels and quality;
 - (ii) a program to monitor groundwater levels and quality;
 - (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.

B50. The Applicant must:

- (a) not commence operation until the Water Management Plan required by Condition B49 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.

Chemical Spills and Fire Water Containment

B51. To ensure that chemical spills and fire-water are contained on-site, prior to the commencement of operations, the Applicant must:

- (a) prepare an Emergency Response Plan as part of the OEMP as required by Condition C4 which details the responsibilities and procedures should a chemical spill or fire occur on the site;
- (b) ensure the stormwater isolation valve functionality has a fail-safe function on power failure which automatically closes the valve. The stormwater isolation valve must remain in the closed position until a manual over-ride function is initiated upon confirmation that stormwater isolation is no longer required or once any contaminated water is disposed via trade waste or at a site that can lawfully receive the waste; and
- (c) ensure the location of the stormwater isolation valve and any associated controls are clearly identified on the site's fire hydrant block plan, fire sprinkler block plan and the site plan located within the site's Emergency Response Plan.

Erosion and Sediment Control

B52. Prior to the commencement of construction, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the

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Managing Urban Stormwater: Soils and Construction Guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C1.

TRAFFIC AND ACCESS

Parking

B53. Prior to the commencement of any operations, the Applicant must provide a total of 31 car parking spaces (including two disabled car spaces), all car parking must be constructed in accordance with the latest version of AS 2890.

Operating Conditions

B54. 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 and AS 2890.2;
- (b) the western entry/exit must be widened to meet RMS heavy vehicle access requirements and be submitted to Council for approval;
- (c) 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 AUSTRROADS guidelines;
- (d) the Development does not result in any vehicles queuing on the public road network in particular Davis Road;
- (e) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site;
- (f) all vehicles are wholly contained on site before being required to stop;
- (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) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
- (i) the eastern driveway is reserved for service and emergency access only;**
- (j) the various operating areas must be clearly marked and signage erected to direct heavy vehicles to the relevant operating areas; and
- (k) pedestrian paths on-site must be clearly marked at all times.

Operational Traffic Management Plan

B55. Prior to the commencement of operations, 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 C7. The OTMP 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 is maintained including restricting queuing or parking of vehicles on Davis Road and re-directing heavy vehicles during peak times so that queuing is appropriately managed;
- (d) detail heavy vehicle routes, driveway widening, access and parking arrangements;
- (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) ensure truck drivers use specified routes; and
 - (v) include a program to monitor the effectiveness of these measures.
- (f) include a Traffic Control Plan (TCP) detailing:
 - (i) the location of signage to direct heavy vehicles to the relevant operating areas;
 - (ii) the on-site measures to be implemented to control the movement of trucks in, out and onsite, such as 'left turn only' signs and a traffic controller; and
 - (iii) provisions for requiring a dedicated traffic controller to stop exiting trucks to allow an entering truck to manoeuvre into the site unhindered.

B56. The Applicant must:

- (a) not commence operation until the OTMP required by Condition B55 is approved by the **Planning Secretary**; and
- (b) ensure the OTMP (as required and approved by the **Planning Secretary** from time to time) is implemented for the operational life of the Development.

NOISE

Hours of Work

B57. The Applicant must comply with the hours detailed in **Table 2** and **Table 3**:

Table 2: Hours of Demolition and Construction

Activity	Day	Time
Demolition and construction	Monday to Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday	No works permitted

Table 3: Hours of Operation

Operation	Receival	Dispatch	Processing
Hydro-Excavation, Drill Mud and Fluids Processing Facility	Monday to Sunday, 24 hours	Monday to Sunday, 24 hours	Monday to Sunday, 24 hours
FGO Facility	Monday to Sunday, 24 hours	Monday to Sunday, 24 hours	
FLD Facility	Monday to Sunday, 24 hours	Monday to Sunday, 24 hours	
Landscaping Material Supplies Facility	Monday to Sunday, 24 hours	Monday to Sunday, 24 hours	Not Applicable

B58. Works outside of the hours identified in Condition B57 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 and /or prevent environmental harm.

Construction Noise Limits

B59. The Development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All 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 EIS.

Operational Noise Limits

B60. The Applicant must ensure that noise generated by operation of the Development does not exceed the noise limits in **Table 4**.

Table 4: Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
All residential receivers	35	35	35	45

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.

Noise Mitigation

B61. The Applicant must:

- (a) implement best practice, including all noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the development;
- (b) minimise the noise impacts of the development during adverse meteorological conditions;
- (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant and equipment is not being used operationally until fully repaired; and
- (d) regularly assess noise emissions and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Construction and Operational Noise Management

B62. The Applicant must ensure that all its vehicles are fitted with broadband reversing alarms only.

VIBRATION

Vibration Criteria

- B63. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structures; and
 - (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

Vibration Validation

- B64. During the commissioning of the hydro-excavation, drill mud and fluids processing equipment the Applicant must conduct vibration testing on vibration generating equipment. The vibration testing must be conducted by a suitably qualified and experienced person(s). Should exceedances occur, the Applicant must implement the following mitigation measures:
- (a) equipment causing the vibration should be isolated on resilient mounts from any connective structures;
 - (b) inertia blocks should be considered to add system mass to reduce vibration; and
 - (c) balance weights to correct rotation of poorly balanced parts.
- B65. Evidence of the vibration testing and outcomes must be submitted to the **Planning Secretary** and the EPA within two months of conducting the testing.

HAZARDS AND RISK

- B66. 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 Handbook*' if the chemicals are liquids.

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

Dangerous Goods

- B67. 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.
- B68. Dangerous goods, as defined by the *Australian Dangerous Goods Code*, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (EPA, 1997).

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

LITTER AND PEST CONTROL

Pests, Vermin and Noxious Weed Management

- B69. The Applicant must:
- (a) ensure all waste loads are covered unless fully contained with building(s); and
 - (b) maintain the site in a clean and tidy state at all times.
- B70. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and

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- (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.

CONTAMINATION

- B71. Prior to the commencement of construction, the Applicant must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The protocol must form part of the CEMP required by Condition C1 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.

VISUAL AMENITY

Building Materials and Landscaping

- B72. Prior to the commencement of construction, the Applicant must prepare a Building Material Schedule and Landscape Plan for the Development to the satisfaction of the **Planning Secretary**. The Schedule and Plan must:
- (a) be prepared in consultation with Council;
 - (b) be consistent with the Fairfield City Council Development Control Plan 2013;
 - (c) include a schedule of the building materials and colours to be used on the facades; and
 - (d) include details on landscaping including species and number of plants to be planted and the watering regime.

Only native species are to be used for landscaping purposes, and species must be selected which benefit the Cumberland Plain Woodland species present on the site.

- B73. The Applicant must:
- (a) not commence construction until the Building Material Schedule and Landscape Plan required by Condition B72 is approved by the **Planning Secretary**; and
 - (b) ensure the Building Material Schedule and Landscape Plan (as required and approved by the **Planning Secretary** from time to time) is implemented for the operational life of the Development.

External Walls and Cladding Flammability

- B74. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:
- (a) be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and
 - (b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

- B75. A copy of the documentation required under Condition B74(b) must be provided to the **Planning Secretary** within 7 days of being accepted by the Certifying

Lighting

- B76. The Applicant must ensure the lighting associated with the Development:
- (a) complies with the latest version of AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- B77. All signage and fencing must be erected in accordance with the Development plans included in the EIS/RTS.

Note: This condition does not apply to temporary construction and safety related signage and fencing.

HERITAGE

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B78. The Applicant must cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered. If human remains are uncovered, you must immediately stop work, not further disturb the remains and notify NSW Police. OEH and the Aboriginal community must be contacted if the remains are suspected to be of Aboriginal origin. If other Aboriginal objects are discovered, you must immediately stop work, not further disturb the objects and notify OEH by calling Environment Line on 131 555. Works must not resume in the designated area until the relevant written consent is received from NSW Police and/or OEH. Any Aboriginal objects discovered must be registered on the Aboriginal Heritage Management Information System (AHIMS), in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

SECURITY

B79. The Applicant shall:

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

DECOMMISSIONING

B80. Prior to the commencement of operations, the Applicant must prepare a Conceptual Decommissioning Management Plan (DMP) for the Development to the satisfaction of the **Planning Secretary**. The plan must form part of the OEMP required by Condition C7. The DMP must:

- (a) include a schedule for the decommissioning of the Development;
- (b) detail how the following would be achieved:
 - (i) ensure the site is left in a safe, stable and non-polluting manner;
 - (ii) removal of all waste from the site;
 - (iii) restoration of the site to the existing landuse in accordance with *State Environmental Planning Policy No 55 – Remediation of Land*; and
 - (iv) ensure public safety is maintained.
- (c) include procedures for notification of the surrounding landowners;
- (d) include procedures for safe removal of any machinery and structures;
- (e) include measures to mitigate any environmental impacts associated with the removal of the development;
- (f) include details of monitoring that would be undertaken during the decommissioning of the development; and
- (g) be reviewed 12 months prior to the closure of the site to the satisfaction of the **Planning Secretary**.

PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the **Planning Secretary**. The CEMP must:
- (a) be approved by the **Planning Secretary** prior to the commencement of construction;
 - (b) outline all environmental management practices and procedures to be followed during construction works associated with the Development;
 - (c) explain the controls that would be implemented to minimise dust emissions during construction of the Development;
 - (d) describe all activities to be undertaken on the site during construction of the Development, including a clear indication of construction stages;
 - (e) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (f) describe the roles and responsibilities for all relevant employees involved in construction works associated with the Development; and
 - (g) include the management plans required under Condition C2 of this consent.
- C2. As part of the CEMP required under Condition C1 of this consent, the Applicant must include the following:
- (a) Construction and Demolition Waste Management Plan (Condition B14);
 - (b) Flood Emergency Response Plan (see Condition B40);
 - (c) Erosion and Sediment Control Plan (see Condition B52);
 - (d) Unexpected Finds Protocol (see Condition B71); and
 - (e) Building Material Schedule and Landscape Plan (see Condition B72).
- C3. The Applicant must 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), unless otherwise agreed by the **Planning Secretary**.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C4. The Applicant must prepare an Operational Environmental Management Plan (OEMP) to the satisfaction of the **Planning Secretary**. The OEMP must:
- (a) be approved by the **Planning Secretary** prior to the commencement of operations;
 - (b) be prepared by a suitably qualified and experienced expert;
 - (c) provide the strategic framework for environmental management of the Development;
 - (d) identify the statutory approvals that apply to the Development;
 - (e) provide a legible site plan which shows all the various operations on the site;
 - (f) detail the FGO and FLD cleaning and maintenance regime;
 - (g) include the details of the groundwater monitoring as required by Condition B36;
 - (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (i) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance; and
 - (v) respond to emergencies.
 - (j) include the following environmental management plans:
 - (i) Waste Management Plan (Condition B12);
 - (ii) **Air Quality and Odour Management Plan** (see Condition B24);
 - (iii) Water Management Plan (see Condition B49);
 - (iv) Emergency Response Plan that addresses flooding, chemical spills and fire water containment (see Condition B51 and B40);
 - (v) Operational Traffic Management Plan (see Condition B55); and
 - (vi) Conceptual Decommissioning Management Plan (see Condition B80).
- C5. The Applicant must 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), unless otherwise agreed by the **Planning Secretary**.

Conditions Compliance Report

- C6. The Applicant must submit a Conditions Compliance Report to the **Planning Secretary** with any Environmental Management Plans, to track compliance with the conditions of this approval during the construction and

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operation of the Development. The Conditions Compliance Report must include procedures for rectifying any non-compliance identified.

MANAGEMENT PLAN REQUIREMENTS

- C7. The Applicant must ensure that the environmental management plans required under Condition C1 and Condition C4 of this consent are prepared by a suitably qualified person or persons in accordance with best practice and include:
- (a) detailed baseline data
 - (b) a description of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures/criteria; 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 management measures that would be implemented to comply with the relevant statutory requirements, limits or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the Development; and
 - (ii) effectiveness of any management measures (see (c) above).
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (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) incidents;
 - (ii) complaints;
 - (iii) non-compliances with statutory requirements; and
 - (iv) exceedances of the impact assessment criteria and/or performance criteria.
 - (h) a protocol for periodic review of the plan.

Revision of Strategies, Plans and Programs

- C8. Within three months of:
- (a) approval of a modification;
 - (b) approval of an annual review under Condition C9;
 - (c) submission of an incident report under Condition C10; and
 - (d) completion of an audit under Condition C14.

the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the [Planning Secretary](#).

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

ANNUAL REVIEW

- C9. Each year, the Applicant must review the environmental performance of the Development to the satisfaction of the [Planning Secretary](#). This review must:
- (a) describe the development that was carried out in the previous calendar year, and the Development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous calendar year, which includes a comparison of these results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS.
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the Development;
 - (e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

REPORTING

Incident Reporting

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- C10. Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the **Planning Secretary** no later than 14 days after the incident or potential incident.
- C11. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent Hazard Auditor and the Department.

Regular Reporting

- C12. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

AUDITING

Independent Environmental Audit

- C13. Within one year of the commencement of operation, and every three years thereafter, unless the **Planning Secretary** directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the Development. Division 2B of Part 6 of the EP&A Act applies to these audits, which are for the purposes of ascertaining information in relation to the environmental performance of the Development and the adequacy of strategies, plans and programs. Audits must:
- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Planning Secretary**;
 - include consultation with the relevant agencies;
 - assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL(s) (including any assessment, plan or program required under these approvals);
 - review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.

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

- C14. Within three months of commissioning this audit, or as otherwise agreed by the **Planning Secretary**, the Applicant must submit a copy of the audit report to the **Planning Secretary**, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The Applicant must implement these recommendations to the satisfaction of the **Planning Secretary**.

ACCESS TO INFORMATION

- C15. The Applicant must:
- make copies of the following publicly available on its website:
 - the documents referred to in Condition A2;
 - all current statutory approvals for the Development;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - 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;
 - a complaint register updated on a monthly basis;
 - the annual reviews of the Development;
 - any independent environmental audit of the Development and the Applicant's response to the recommendations in any audit;
 - any other matter required by the **Planning Secretary**; and
 - keep this information up to date, to the satisfaction of the **Planning Secretary**.

**APPENDIX A
DEVELOPMENT LAYOUT PLANS**

FOR INFORMATION

**APPENDIX B
APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

Summary of Mitigation and Management
General
<p>A site specific Environmental Management Plan (EMP) has been developed for the proposed resource recovery and waste facility. The EMP ensures that the commitments made within the EIS are fully implemented and complied with. The EMP will establish the framework for managing and mitigating the potential environmental impacts of the development over the life of the operation. Areas of particular focus within the EMP are the management of noise, dust, odour, traffic, and surface Water. The EMP will be updated following development approval to ensure all requirements within the approval conditions are met.</p>
Odour
<p>The potential for odour related impacts at off-site receptors will be managed through the adoption of the following odour reduction measures:</p> <ul style="list-style-type: none"> ■ All incoming consignments will be unloaded within the food and garden organics building or the food de-packaging building; ■ No garden organics (GO) / food and garden organics (FOGO) / food packaging will be stored outside the food and garden organics building or the food de-packaging buildings; ■ Any movement of processed food de-packaging organics to the food and garden organics building for consolidation will be contained or covered so that fugitive emissions are contained during the transfer; ■ When receiving incoming GO and FOGO, air extraction in the processing buildings will be in operation to direct odours to the designated high grade activated carbon filters; ■ When the doors of the processing buildings are opened misting sprays positioned above each door opening will be operated to suppress any fugitive volatile odour emissions; ■ Roller doors in process buildings will have high speed doors fitted to reduce the amount of time the doors are open; ■ All plant and equipment utilised for the processing of organic material will be regularly cleaned down to ensure they do not become a point source of pollution; ■ Proprietary inoculums will be utilised to deodorise equipment and process areas within the organics buildings; ■ Replacement activated carbon filter media for odour treatment units will be stored on site so as to allow for the immediate change of filters as required; ■ Spent filter media will be incorporated into the consignment of FOGO to be removed from the facility; ■ All stormwater improvement devices will be regularly maintained and serviced to ensure that anaerobic conditions do not occur; and ■ All general waste produced at the facility will be contained in appropriate waste receptacles and will be removed from site on a weekly basis, or more regularly as required; and ■ All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.
Dust
<p>The following mitigation and management measures will be applied to the construction and operational activities at the site to ensure :</p> <ul style="list-style-type: none"> ■ All incoming and outgoing loads of bulk landscaping materials will be tarped to ensure that dust or particulate matter is not generated from the load; ■ Onsite speed limit will be limited to a maximum of 20km/hr to ensure minimal dust generation from vehicle movements; ■ Driveways and onsite haulage paths will be regularly swept with a site based street sweeper; ■ Bulk landscaping supply stockpiles will be maintained through the use sprinklers and sprays supplied with water from the sites recycled water system; ■ Dust on site will be visually monitored by the Site Manager and process area supervisors. Should weather forecasting indicate adverse weather conditions, activities with the potential to produce dust will be reduced or ceased until conditions become more favourable; ■ Recycled water will be utilised across the operations to maintain hard surfaces and areas that have the potential to produce dust; ■ An on-site weather station will be installed at the facility to monitor local wind speed, wind direction, and temperature to assist with onsite dust management; ■ The bulk landscape storage and load-out area will be fully sealed with a two-coat tar seal to reduce the generation of dust; and

Summary of Mitigation and Management

- All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.

Noise and Vibration

Noise results for the construction and operational phases of the development indicate there will be no impacts to surrounding receivers, therefore no specific noise mitigation measures or monitoring are proposed.

Vibration results indicate that there will be no impact to surrounding receivers, however the following will be implemented in the unlikely event that vibration impacts are experienced:

- Vibration generating equipment will be isolated on resilient mounts from any connective structures;
- Inertia blocks to be utilised to add system mass to reduce vibration where required;
- Balance weights to be utilised to correct rotation of poorly balanced parts where required;
- Vibration generating plant to be located, where practical, as far from neighbouring industrial buildings as possible; and
- Mountings for all high vibration generating equipment will be installed such that there are no rigid connections between the equipment and the supporting structure.

Traffic and Access

The Traffic Impact Assessment has determined that there will be no impact on the performance of the local road network and that road upgrades are not required.

Whilst it has been determined that the additional traffic generation can be supported by the local road network and that the facility will be able to manage internally the queuing of trucks, the following mitigation measures will be adopted:

- Where possible heavy vehicle movements will be scheduled to avoid the morning and afternoon peak traffic periods;
- The entry to the site has been designed such that one vehicle can be on the entry weighbridge and one 19m vehicle (or two 8.8m vehicles) can be waiting to enter without queuing outside of the site boundary;
- Light vehicle access and heavy vehicle access has been separated to minimise the interaction of heavy and light vehicle traffic;
- Internal roadway markings and traffic signage erected to direct and guide site traffic movements;
- Delineation of two-way traffic flows through the provision of direction arrows on the internal roadway;
- Delineation on the access driveway will be provided in accordance with RMS' Delineation Guidelines Section 4 – Longitudinal Markings and Section 10 – Pavement Arrows;
- Traffic control will be provided onsite and will be coordinated by the individual process area supervisors and weighbridge operator, with direct 2-way radio contact with the truck drivers. As such all trucks will be required to have a 2-way radio programmed with a dedicated site channel;
- All process area supervisors will be required to carry portable 2-way radios to allow for constant contact with the weighbridge operator and truck drivers;
- The Site Manager and the process area supervisors will be responsible for overseeing the general driver behaviour, including any drivers disobeying internal traffic signage and road markings;
- Electronic swipe tags will be utilised at the weighbridges for incoming and outgoing loads to reduce the amount of time trucks are held at the entry/exit.
- Within the site, hold lines will be established where trucks can temporarily wait to enter the relevant process area or the outgoing weighbridge;
- Management of vehicles within the hold lines will be overseen by the process area supervisors and weighbridge operator;
- Hold lines will be marked with appropriate signage, numbering, and road markings;
- The weighbridge operator will direct incoming trucks to the respective process area and a hold line should where required;
- Process area supervisors will be responsible for advising drivers when it is safe to manoeuvre and reverse trucks for waste unloading within process buildings;
- When leaving the site, trucks will coordinate by 2-way radio with the weighbridge operator regarding their ability to exit the site or whether to wait at a hold line for further instruction;
- A 'Left Turn Only' sign will be erected at the exit weighbridge to instruct all drivers to turn left when re-entering Davis Road;
- All drivers, as part of a site induction, will be informed of preferred haul routes to be used when hauling to and from the facility; and
- A Traffic Management Plan will be developed prior to the commencement of operations and will be regularly reviewed and updated as the development reaches full capacity over the first 3 years of operations.

Summary of Mitigation and Management

Visual Amenity

The following mitigation and management measures will be applied to the proposed development to reduce visual impacts, including:

- The built form of the proposed buildings are of a similar scale to the surrounding industrial and commercial buildings;
- Building materials selected will reduce colour contrast and blend any new and existing structures, as far as possible, into the surrounding landscape;
- The existing buildings are being reused, which will reduce the visual impact during the construction phase;
- The existing vegetation buffer along the southern boundary will be retained and supplementary planting incorporated where possible;
- The retention of existing trees within the site to assist in fragmenting views of the proposed development; and
- The use of native flora species, consistent with vegetation already on the site, which will create habitat for fauna.

Cultural Heritage

Should any Aboriginal artefact be uncovered during construction or operation all works will cease in that locale and the OEH will be notified. Works will only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.

All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.

Historical Heritage

If during the course of development works suspected historic heritage material is uncovered, work will cease in that area immediately. OEH will be notified immediately and works will only recommence when an approved management strategy has been developed.

All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.

Contamination and Soils

A Site Audit Report and Contamination Assessment have been prepared for the site. Both reports have concluded that there is a low risk of further contamination being present and that the site is suitable for the intended use. Notwithstanding this, the following mitigation measures will be implemented at the site should any contaminated soils or buried infrastructure from previous use be encountered:

- Any water seepage encountered during construction activities will be appropriately managed;
- Erosion and sediment controls will be installed prior to the commencement of construction activities;
- Ongoing groundwater monitoring will be undertaken at the site;
- Should an Underground Storage Tank (UST) be discovered during construction works the Site Manager will be immediately notified and the area barricaded;
- Validation of the UST will be undertaken by a qualified environmental consultant through soil sampling and analysis;
- Should soils in the tank pit be identified to be contamination further validation and sampling will be undertaken in accordance with a site Unexpected Finds Protocol;
- Should unexpected contamination be encountered, a suitably qualified environmental consultant will be engaged to assess the conditions in accordance with a site Unexpected Finds Protocol and implement remediation activities in accordance with Australian Standard AS 4976 – 2008 *The Removal and Disposal of Petroleum Underground Storage Tanks* and WorkCover NSW, *Code of Practice: Storage and Handling of Dangerous Goods*, 2005;
- Any excavated materials that are considered to be potentially contaminated will be placed within containment bins for testing, disposal, treatment, or re-use; and
- All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.

Surface Water

The following mitigation and management items have been developed to ensure that the risk of sediment, nutrients, and leachate leaving the site is minimised. These include:

- Pipes, pits and bunds to be regularly checked for the build-up of excessive sediment;
- Site structures to be regularly checked for erosion and scouring;
- Treatment areas and structures to be regularly checked for the build-up of litter material;

Summary of Mitigation and Management

- Inflow areas and pit grates are to be clear of litter and debris;
- The sediment chamber of the Humeceptor is to be regularly checked and cleaned and any damaged covers replaced;
- The site stormwater management system has been designed such that it can be isolated from the street stormwater system in the event of a fire to control the release of contaminated fire water;
- Ensure downpipe leaf eaters, first flush devices and litter screens are unblocked and are operating correctly;
- Rainwater tanks to be regularly checked for any accumulation of litter, sediment or debris on or within the tanks;
- Spill kits will be utilised at all process areas;
- Staff will be appropriately trained on spill containment and management;
- The bulk landscape storage and load-out area will be fully sealed with a two-coat tar seal to reduce the generation of sediment materials; and
- All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.

Groundwater

As with any activity of this type, the appropriate management of the site in accordance with the *Protection of the Environmental Operations Act 1997* is required. This will further mitigate the already low risk posed by the development on groundwater at the site. The following mitigation and management strategies will apply to manage impacts to groundwater:

- Areas where liquid wastes or dangerous goods are to be handled will have appropriate containment measures to prevent leachate and contaminants from entering the ground (ie. proposed tip pit in the food de-packaging and process building);
- The proposed tipping pit will be suitably tanked or lined;
- If the pit is to be redesigned to reduce the potential for interference with groundwater, it is recommended that the excavation level (i.e. to the base of the sub-grade) be no lower than 44.5m AHD, i.e. at least 0.5m above the highest recorded groundwater level;
- The tip pit will include an appropriate pressure relief system / valve installed to prevent high hydrostatic pressures developing below the base of the pit during any high groundwater events;
- Should groundwater be encountered during the construction of foundations, standard construction and water management / disposal methods are to be employed;
- Monitoring wells 101, 102, 103, and 104 are to be monitored at 6 monthly intervals over a period of two years to provide a reliable background dataset for the proposed development;
- If a potentially contaminating substance is to be stored or used on the site, further groundwater monitoring will be undertaken if necessary, to provide data on the background concentrations (if any) of the substance in the groundwater;
- In the event of a leakage or spillage of leachate, or other potentially contaminating liquid, assessment of the impacts should be undertaken to determine the need for any clean up works. This may include soil and / or groundwater testing. In this event groundwater results should be assessed with respect to both the background data and relevant guideline thresholds;
- Spill kits will be stationed and utilised at all individual process areas;
- Staff and contractors will be appropriately trained on spill containment and management; and
- Staff and contractors will receive an onsite environmental induction at the commencement of their employment at the development.

Flora and Fauna

- **Where excavation works required to the installation of the Humeceptor, underground water tank and underground pipelines have potential for impacts to nearby trees, works will be undertaken under the supervision of an Australian Qualification Framework (AQF) Level 5 Arborist. Excavation and installation of the stormwater system will be subject to the guidance of the AQF Level 5 Arborist, acting in accordance with AS 4970-2009;**
- **Where tree removal is unavoidable, the supervising Arborist will record the following details for each tree to be removed:**
 - **Species.**
 - **DBH.**
 - **Presence of hollows (noting no hollows were identified within the extent of the CPW onsite under the SSD-7401-MOD-1 Biodiversity Development Assessment Report by MJD Environmental, 2021).**
 - **Reason for removal;**

Summary of Mitigation and Management

- Trees will be removed with the intent of reducing surrounding ground disturbance wherever possible, with removal methodology to be determined in consultation with the supervising Arborist. Seeds from removed vegetation will be collected by the Arborist for future use as part of compensatory planting;
- In the event that tree removal is required, DPIE will be notified of the vegetation removal works undertaken. Details provided to DPIE will include the number of trees removed, reason for removal and an outline of compensatory planting to be undertaken;
- Compensatory planting will be undertaken on a ratio of 2:1 (2 planted for every 1 removed) for any trees removed during installation of the stormwater system. Wherever possible, *Eucalyptus moluccana* (Grey Box), *Eucalyptus tereticornis* (Forest Red Gum) and *Corymbia maculata* (Spotted Gum) will be sourced for tree replacement, with other species endemic to CPW to be sourced in the event these species are unavailable. Shrub species, where removed, will be replaced on a 2:1 ratio using species endemic to CPW wherever possible;
- Compensatory planting will have regard to final growth form of the planted vegetation to allow enough space for growth to maturity;
- Where possible, planting shall use advanced and established local native trees with a minimum plant container pot size of 100 litres, or greater for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed;
- In event that larger trees are not able to be sourced, tubestock of vegetation will be used;
- Compensatory planting will involve the establishment of the same (or larger) growth form of the vegetation being removed (e.g. a tree may replace a shrub but a shrub will not replace a tree);
- Compensatory planting will be watered as per the environmental conditions, with minimum weekly plantings (unless >25mm rainfall experienced). Watering will continue until the compensatory vegetation is satisfactorily establishment and stable;
- Compensatory planting that fails to establish will be replaced on a one to one ratio;
- In the event that vegetation removal impacts upon potential fauna habitat (i.e. hollow, nest, drey) a suitably qualified ecologist will be engaged to relocate fauna prior to vegetation clearing wherever possible and to supervise vegetation removal works to relocate any fauna that may be encountered during vegetation removal;
- Hollows, where they occur, will be sectioned from the main tree for potential reuse as compensatory habitat;
- Hollows will be repurposed and installed as aerial habitat wherever possible. Where hollows are of unsuitable shape for installation, they will be maintained as ground habitat and a nest box with similar opening aperture will be purchased and installed on a nearby host tree;
- Compensatory hollows / nest boxes will be installed at minimum 3m height, facing north to north-east wherever possible; and
- Hollows / nest boxes installed on host trees will be attached using a wire covered in hose (or similar) to prevent damage to the host tree.

Greenhouse Gas

The following mitigation and management strategies will be considered to increase the energy efficiency of the proposed development and reduce GHG impacts:

- Use of building materials for walls, floors, roofs, that provide insulation and aid in reduced energy costs;
- Integration of energy efficient glazing and shading where possible;
- Fully enclosed buildings to maintain internal climate;
- Maximisation of natural ventilation and use of inverter air conditioning systems;
- Use of natural lighting;
- Potential future use of photovoltaic cells and battery storage to generate power onsite;
- Use of light sensors to minimise lighting related electricity usage;
- Use of high efficiency lighting;
- Use of variable frequency drive motor controls on stationary equipment to minimise electricity consumption;
- Waste transfer vehicles to leave site with full loads to reduce the number of traffic movements and diesel consumption;
- All vehicles/plant and machinery will be turned off when not in use and regularly serviced to ensure efficient operation; and
- Truck routes and loading capacity will be designed and optimised to reduce the distance and effort required by the vehicles.

Hazard and Risk

Summary of Mitigation and Management

While a Preliminary Risk Screen for the proposed facility has determined that the development is not considered a hazardous or offensive development, the following controls will be implemented to minimise the potential for a hazard to occur:

- All mobile plant and equipment will be fitted with fire extinguishers;
- All mobile plant and equipment will be regularly serviced to ensure they are in a safe and functioning condition;
- An Emergency Response Plan will be prepared and implemented for the facility;
- The site stormwater management system has been designed such that it can be isolated from the street stormwater system in the event of a fire to control the release of contaminated fire water;
- All staff on site will be appropriately trained in the handling of dangerous goods; and
- Flammable and combustible liquids will be stored in accordance with *AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids*.

Socio-economic

No further mitigation measures are proposed with regard to socio-economic issues as it is considered that the proposed development will be of net benefit to the community, providing for decreased cost and increased social efficiency associated with waste management and resource recovery within Fairfield Local Government Area and the surrounding area in accordance with legislative requirements. Ongoing engagement will occur with the local community and other key stakeholders during construction and operations.

Waste Management

The following mitigation and management measures will be applied during construction and operation of the facility:

- Plant and equipment will be regularly maintained;
- Ordering will be limited to only the required amount of materials;
- Materials will be segregated to maximise reuse and recycling;
- Routine checks would be undertaken of waste sorting and storage areas for cleanliness, hygiene and OH&S issues, and contaminated waste materials;
- Local commercial reuse opportunities will be investigated where reuse on-site is not practical;
- Separate skips and recycling bins will be provided for effective waste segregation and recycling purposes;
- Training and awareness of the requirements of the WMP and specific waste management strategies will be undertaken;
- Contaminated waste will be managed, transported, and disposed of in accordance with licensing requirements;
- Waste removed from site will be transported and disposed of in accordance with licensing requirements;
- Assessment of suspicious potentially contaminated materials, hazardous materials and liquid wastes will be undertaken;
- Regular monitoring, inspection and reporting requirements will be undertaken and findings implemented; and
- All contractors and staff will receive an onsite environmental induction at the commencement of their employment at the development.