SSD-7401-MOD-3

24 Davis Rd Wetherill Park, NSW 2164

Response to Submissions 21/02/2022





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DOCUMENT	RTS
PROJECT	SSD-7401-MOD-3
VERSION	1.0

AUTHOR	Brad Deane
POSITION	Environmental Services Coordinator
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Document Control

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1	21/02/2022	Brad Deane (Environmental Services Coordinator)	Shaun Smith (Principal Environmental Planner)	Version 1

Please note:

In preparing this report Space Urban Pty Ltd have assumed that all information and documents provided to us as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. As such we would not be aware of any reason if any of the assumptions were incorrect.

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Approval for Issue

NAME	SIGNATURE	DATE
Shaun Smith	5.	21/02/2022

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1 Introduction

Space Urban Pty Ltd (Space Urban) have prepared this Response to Submissions (RTS), on behalf of by Bettergrow Pty Ltd (Bettergrow), in response to feedback received from the NSW Department of Planning and Environment (DPE) to modify SSD-7401 for the construction and operation of a resource recovery facility (the facility) at 24 Davis Road Wetherill Park NSW (the subject site). The modification seeks to alter the stormwater management system, weighbridge configuration, and parking proposed at the site, as approved under SSD-7401-MOD-2. The alteration is considered a minor change to the development and of minimal impact. Accordingly, the modification is sought under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

Consent for State Significant Development 7401 (SSD-7401) was initially granted by the DPE on 22 December 2017. Consent for Modification 1 (MOD1) of SSD-7401 (SSD-7401-MOD-1) was approved by DPIE on 21 April 2021, with consent for SSD-7401-MOD-2 granted on 30 November 2021. The Approved Plans and Consolidated Conditions of Consent (CCoC) for SSD-7401 (including all Modifications) are provided in **Attachment 1** and **Attachment 2** of this report respectively.

 Table 1 provides a summary of key components under the approved SSD-7401-MOD-2.

Element	SSD-7401-MOD-2 Summary
Use	Waste or resource management facility, specifically a resource recovery facility. Landscaping material supplies facility
Processing Capacity	 Total of up to 350,000 tonnes per annum (tpa) made up of: 100,000 tpa of hydro-excavation, drill muds and fluids. 70,000 tpa of food and garden organics. 30,000 tpa of packaged and bulk food and liquids. 150,000 tpa of general solid waste, including VENM, ENM, soils, gravels, aggregates, street sweepings, clean timber, asphalt waste, cured concrete, rail ballast, and C&D waste.
Storage / sale of bulk landscape materials	Up to 40,000 tpa stored and sold.
Site Area	Site and development footprint approximately 2.29 ha in area.
Hours of Operation	24 hours / day during operation.
Receival / Dispatch Area (Lower and Mid-Levels)Up to four weighbridges, main administration office including staff amenities (rele site) and car parking.	
Processing Plant and Equipment and existing site buildings (Lower / Mid-Levels)	 Partially enclosed shed over drill mud processing plant and equipment, including truck unloading area. Shed area, 7,970m². Drill mud processing plant and equipment with 4 x hydro-tips and 1 x tip-pit. Bulk landscape material storage bays inside shed. Demolition of remaining site buildings.
Food de-packaging building (Upper level)	960m ² food de-packing building.
Garden and food organics sorting building (Upper level)	2,260m ² food and garden organics sorting building.
Garden and food organics office (Upper level)	Office with amenities located to east of Food and Garden organics sorting building.
Water storage	Underground rainwater/ raw water storage tank (eastern side of shed). Inground sand filter provides initial filtration of stormwater prior to dispatch through humeceptor system.
Received wastes	• Soils (ENM and VENM).

Table 1: Summary of SSD-7401-MOD-2

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Element	SSD-7401-MOD-2 Summary
	 Clay/Sands/Stone/Gravels/Aggregates (VENM). Drilling mud and/or muddy waters from hydro excavation, drilling and pot holing operations. Garden Mixes/Top Dressings/Mulches. Garden Organics. Food and Garden Organics. Solid Food Waste. Liquid Food Waste. Sawdust. Spent filter sand media. Street Sweepings. Stormwater Waste. Wood Waste. Asphalt Waste (including asphalt resulting from road construction). Building and demolition waste. Rail Ballast.
Finished products	 Finished Products include Mine Mix, Naturaliser, BioNRich, Earth4Turf. Clay/Sands/Stone/Gravels/Aggregates. Engineering material as per the EPA exemption. Liquid fraction either to sewer, to composting facility, or to another licenced facility for further processing/re-use. Garden Mixes/Top Dressings/Mulches. Material transferred to EPA licenced composting sites for the production of a range of growing media suitable for domestic and agricultural use. Material transferred to EPA licenced composting sites for the production of a range of growing media suitable for domestic and agricultural use. Material transferred to EPA licenced composting sites for the production of a range of growing media suitable for domestic and agricultural use. Liquid fraction applied to processed FOGO, composting, or sent to another licenced facility for further re-use. Sawdust. Component of Mine Mix, Naturaliser, BioNRich, Earth4Turf. Washed aggregate, organics transferred to EPA licenced composting site. Wood waste screened and re-used in particle board manufacture - unsuitable wood sent to an EPA licenced facility. Washed aggregate for re use in recycled products.
Traffic Generation	Up to 432 movements per day (TBC as part of traffic assessment)
Workforce	Up to 40-50 full-time equivalent construction jobs. Up to 25 operational jobs.

1.2 Proposed Modification

The proposed modification relates to the following:

- Replacement of the five (5) approved weighbridges with one (1) 25 m by 4.2 m weighbridge located approximately 55 m from the Facility intersection with Davis Road.
- 2. To facilitate weighbridge installation and improve site safety, vehicle parking spaces have been reconfigured:
 - a. Five (5) parking spaces immediately east of the existing site office.
 - b. Two (2) parking spaces located north of the inground sand filter, abutting the western façade of the drill muds processing shed.
 - c. Five (5) parking spaces located on the hardstand area immediately north of the western parcel of retained Cumberland Plain Woodland.
 - d. Remaining parking spaces have not been altered.
- 3. Relocation of proposed humeceptor water treatment device to the north-western corner of the central portion of Cumberland Plain Woodland onsite.
- 4. Relocation of the 5,000 L rainwater tank to inside drill muds processing shed next to the control room. Rainwater from the existing office will now be captured via the Facility stormwater network.

The final water treatment device, labelled as a humeceptor in previous applications, will be a SPEL Ecoceptor 6000 series, designed and sized to effectively meet the drainage requirements of the Facility. The SPEL Ecoceptor 6000 series measures 2720mm diameter and 3300mm depth and therefore does not change the dimensions proposed for the humeceptor under the SSD-7401-MOD-2 application.

Revised design plans for SSD-7401-MOD-3 are provided as Attachment 3.

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1.3 Summary of Submissions

The submissions received in relation to the proposed modification are summarised below in **Table 2**. No further submissions have been received in relation to SSD-7401-MOD-3 to date.

SUBMISSION SOURCE	COMMENTS
Government Agencies	
NSW Department of Planning, Industry and Environment – Industry Assessments	Request for additional information received via letter dated 1 February 2022.
Fairfield City Council	Comments received via email from DPIE on 15 February 2022.
NSW Department of Planning, Industry and Environment – Biodiversity Conservation Division – Environment, Energy and Science Group	Comments received via notification by DPIE in letter dated 27 January 2022.

1.4 Document Purpose and Structure

This Response to Submissions report has been prepared by Space Urban Pty Ltd (Space Urban), on behalf of Bettergrow Pty Ltd (Bettergrow), to address submissions received by government agencies regarding the proposed Modification (SSD-7401-MOD-3). This report has been structured as follows:

- Section 1 Project background information, proposed modification summary, summary of submissions, and report structure
- Section 2 Response to the issues raised by government agencies

Section 3 Conclusions

Section 4 References.

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2 Government Agency Responses

Requests for further information were received from three government agencies including DPE - Industry Assessments, DPE - Biodiversity Conservation Division (BCD), and Fairfield City Council. The following subsections detail agency comments in *italic bold*, with responses provided after each agency comment.

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2.1 Department of Planning, Industry and Environment – Industry Assessments

<u>Comment</u>

Provide clear justification for needing to amend the stormwater management system and reconfigure the weighbridges and parking.

Response

The proposed consolidation of multiple weighbridges into a single weighbridge has been designed to provide for more effective and safe operation of the facility. Under Stage 1 of operation, the proposed single weighbridge will be accessed by heavy vehicles for the operation of the hydro-excavation facility and bulk landscaping facility, while loading of empty trucks from the bulk landscaping products area will utilise loader mounted scales in lieu utilising a weighbridge. ReDirect Recycling Pty Ltd (ReDirect), who will operate the facility on behalf of Bettergrow, seek to implement alternative weight measuring devices as much as possible to limit reliance on weighbridges. This is largely due to the requirement for traffic manoeuvring surrounding a weighbridge coupled with the required development footprint to install a weighbridge. In addition, the proposed location that would be easily utilised for other operations onsite; being either the bulk landscaping area (in the event of loader scale breakdown) or during future operation of the Food and Garden Organics building and Food Depackaging Building.

The relocation of parking spaces allows office workers to park along the eastern extent of the site office, reducing the number of personnel who are required to cross the main driveway to access either the front office or internal areas of the drill muds processing shed. The movement of the two parking spaces adjacent to the drill muds shed reduces the number of parking spaces immediately north of retained vegetation parcels, however only two spaces have been relocated to this area as additional spaces may result in safety implications between vehicles, machinery and site personnel entering and exiting their vehicles.

The stormwater system approved under SSD-7401-MOD-2 had the SPEL Ecoceptor 6000 series located within the western parcel of CPW woodland. Following approval of SSD-7401-MOD-2, the constructor identified the electrical kiosk in close proximity to the approved footprint of the SPEL Ecoceptor 6000 series as a problem. In order to avoid any potential for impacts to underground lines that may be located close to the kiosk, the location of the SPEL Ecoceptor 6000 series was moved.

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2.2 Department of Planning, Industry and Environment – Biodiversity Conservation Division (Environment, Energy and Science Group)

Comment

Under section 7.17(2) of the Biodiversity Conservation Act 2016, a biodiversity development assessment report (BDAR) is required to be submitted with an application for the modification of a development unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values. This is regardless of whether a BDAR was prepared for the original application or any other previous modification applications. Section 5.1 of the EA states the proposed MOD 3 requires the removal of a portion of Cumberland Plain Woodland (CPW), which is listed as a critically endangered ecological community (CEEC), which was itself an offset for vegetation loss from MOD 1.

Response

The proposed modification will impact upon Plant Community Type (PCT) Number 849 (PCT 849) *Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion* vegetation. PCT 849 is commensurate with the *Cumberland Plain Woodland in the Sydney Basin Bioregion Ecological Community*, listed as a Critically Endangered Ecological Community (CEEC) under both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This CEEC has also been identified as a candidate for Serious and Irreversible Impact (SAII).

MJD Environmental Pty limited (MJD Environmental) previously prepared a Biodiversity Development Assessment Report (BDAR) for SSD-7401-MOD-1 in March 2021. The SSD-7401-MOD-1 BDAR determined that construction of the facility (at that time) would require the removal of 0.076 ha of CEEC (listed as 0.08 ha under BDAR), with impact avoidance and mitigation demonstrated by the inclusion of mitigation measures and the placement of drainage structures to avoid impacts to retained vegetation as much as possible.

Space Urban acknowledge that the proposed modification requires the removal of a small portion of CEEC vegetation previously designated for protection. However, a BDAR has not been prepared to specifically address SSD-7401-MOD-3 for the following reasons:

- The portion of vegetation to be removed under SSD-7401-MOD-3 is offset via the retention of CEEC previously designated for removal under SSD-7401-MOD-1.
- The MJD Environmental BDAR for SSD-7401-MOD-1 included an assessment of all vegetation within the subject site, including an assessment of potential fauna habitat. All native vegetation was classified as part of PCT 849, designated as CEEC vegetation.
- The offsets for the removal of 0.076 ha of CEEC vegetation were paid on 2 June 2021.
- An additional BDAR would not extend beyond the scope of the SSD-7401-MOD-1 study area.
- The SSD-7401-MOD-1 BDAR was published in March 2021 and is therefore less than a year old.
- The proposed SSD-7401-MOD-1 impact area is larger than that proposed under SSD-7401-MOD-3 (see **Table 3**). As such, it is considered that SSD-7401-MOD-3 has a lesser ecological impact compact to SSD-7401-MOD-1.
- The proposed works would not make the subject site more suitable for potentially occurring species credit and ecosystem credit fauna. As such, the SSD-7401-MOD-3 would not result in a higher risk to fauna displacement than that already assessed, approved and offset under SSD-7401-MOD-1.

Vegetation Impact	Area (ha)			
SSD-7401-MOD-1 - Offsets paid into BCF				
Exotic Vegetation Removed	0.017			
CEEC Retained under SSD-7401-MOD-1	0.072			
CEEC Removed under SSD-7401-MOD-1	0.076			
Proposed Modification				
Exotic Vegetation Removed	0.017			
Total CEEC Retained following proposed MOD-3	0.078			
Total CEEC Removed following proposed MOD-3	0.070			

Table 3: Vegetation impacts of current proposal

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<u>Comment</u>

Overall, the EA states in Section 5.1 that "the proposed modification requires the removal of an additional 0.017 ha of CEEC vegetation" but Table 6 indicates the total CEEC removed following the proposed MOD 3 is 0.070 ha and that 0.017ha of exotic vegetation is to be removed (page 25). The RtS needs to clarify the total area of CEEC that is proposed to be removed by the MOD 3 proposal and whether it is 0.070ha or 0.017ha.

Response

Space Urban apologises for the typing error. The total amount of PCT 849 to be removed under SSD-7401-MOD-3 is 0.070 ha.

Comment

EES notes that Table 6 refers to 'a nominal 2m buffer' and it states the "proposed modification does not exceed amount of CEEC vegetation offset via payment into the BCF. SSD-7401-MOD-2 impacts (besides nominal 2m buffer) not quantified to date". The RtS needs to clarify what this means. For noting, a payment to the Biodiversity Conservation Fund (BCF) does not negate the need for a BDAR under BC Act. One of the roles of the BDAR is to show the efforts made to avoid and minimise impacts to biodiversity values.

Response

The MJD Environmental BDAR determined that construction of the approved development under SSD-7401-MOD-1, including the sediment basin, would impact upon 755m² or 0.08ha of PCT 849, requiring the retirement of 2 ecosystem credits under the NSW Biodiversity Offset Scheme (BOS). The approved SSD-7401-MOD-1 footprint would retain approximately 720m² of PCT 849. Bettergrow retired the required credits for the removal of 0.08 ha of PCT 849 under SSD-7401-MOD-1 via payment into the NSW Biodiversity Conservation Fund (BCF) on 2 June 2021.

The SSD-7401-MOD-2 design removed the sediment basin and bioretention basin, which would have required the removal of approximately 270 m² (0.027 ha) of CEEC vegetation, while also realigning pipelines onsite closer to buildings to reduce potential impacts to retained vegetation. Vegetation impacts, however, had not been quantified due to the uncertainty regarding level of disturbance and the number of trees requiring removal for the installation of stormwater pipelines.

The statement that the ".... proposed modification does not exceed amount of CEEC vegetation offset via payment into the BCF. SSD-7401-MOD-2 impacts (besides nominal 2m buffer) not quantified to date...." was included to demonstrate that the combined impacts of SSD-7401-MOD-1 and SSD-7401-MOD-2 would not exceed the area already offset under the BOS. For context, the hypothetical 2 m intrusion in the central portion of Cumberland Plain Woodland would have an indicative impact area of 0.009 ha. The total impact area of 0.070 ha presented under the SSD-7401-MOD-3 EA would thus remain below the amount of CEEC vegetation already offset via payment into the BCF (under SSD-7401-MOD-1 – 0.08 ha).

Space Urban have discussed the requirement for a BDAR in the first response of this Section.

Comment

EES recommends the RtS provides details on the total number of trees to be removed by the MOD 3 proposal and the tree species.

Response

The facility BDAR was prepared to assess ecological impacts with a holistic approach to vegetation impacts, determining an 'impact area' that accounts for groundcover, canopy and trees themselves. An Arboricultural Impact Assessment, which conducts an assessment down to the individual tree level, has not been included as part of the pre or post consent of SSD-7401. As such, the impacts have been quantified as an area to determine appropriate offsets, which is discussed above in response to the first comment from EES.

The inclusion of compensatory planting has been previously accepted by DPE to compensate for when an individual tree is removed onsite.

Comment

The approved Site Plan for SSD-7401-MOD 1 shows 12 carparking spaces were previously proposed along the western boundary of the site to the north of the western parcel of retained CPW (see page 197/206 of the EA for MOD 3). The MOD 3 EA indicates to facilitate the weighbridge installation and improve site safety, these 12 vehicle parking spaces have been relocated to three positions, including:

- a) five (5) parking spaces immediately east of the existing site office
- b) two (2) parking spaces located north of the inground sand filter, abutting the western façade of the drill muds processing shed
- c) five (5) parking spaces located on the hardstand area immediately north of the western parcel of retained CPW.

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It is unclear which proposed carparking spaces require the removal of the CPW which Section 5.1 of the EA indicates will need to occur to facilitate the installation of parking spaces. The RtS needs provide details on this. For example, it is unclear if:

- the five carpark spaces noted in point (a) above which are proposed to be located immediately east of the existing site office will impact remnant native vegetation. Figure 4 shows the proposed carpark is near the CPW, or if
- the carpark noted in point (c) above will require any removal of CPW. Figure 4 shows the proposed carpark is located immediately to the north of the CPW.

If the proposed carpark spaces noted in point (a) will impact CPW, EES queries why the car park spaces can't be located along the southern boundary of the site building (see blue arrow in Figure 4 below). The RtS should provide details on this.

Response

A summary of vegetation requiring removal for parking under SSD-7401-MOD-3 includes (see Figure 2):

- Five (5) parking spaces immediately east of the existing site office requires the removal of approximately 12m² of disturbed groundcover vegetation to the north of the retained CEEC vegetation parcel, however it should be noted that the required works will be limited to scraping of surface soils and does not require the removal of any trees.
- Two (2) parking spaces located north of the inground sand filter, abutting the western façade of the drill muds processing shed installation of these parking spaces will not require the removal of vegetation.
- Five (5) parking spaces located on the hardstand area immediately north of the western parcel of retained CPW installation of this vegetation intersects the northern portion of vegetation previously offset via payment into the BCF. It should be noted that the proposed 'impacts' underly the extent of a canopy, with no removal of trees required to install parking spaces; existing hardstand will be utilised for this purpose.

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Legend Site Boundary Inground Sandfilter Proposed Weighbridge Proposed 5000L Water Tank Location Proposed Parking Spaces Proposed Humeceptor Location Vegetation Impacts All MODs Preserved

Figure:

Exotic Vegetation - Removed

MOD-1 Impacted (Offset)

MOD-2 Preserved (Previously Offset)

MOD-2 & MOD-3 Impacted

MOD-3 Vegetation Impacts

Davis Rd

SSD-7401-MOD-3 Response to Submissions 24 Davis Road, Wetherill Park NSW

Date: 21/02/2022 3:34 PM

User: deaneb

Source: Esri Community Maps Contributors, Spatial Services, Esri, HERE METI/NASA, USGS, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS, Nearmap - 2021, MJD Environmental - 2021

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Comment

The MOD 3 proposes five parking spaces (as noted in point (c) above) which are to be located on the hardstand area immediately north of the western parcel of retained CPW (as shown on Figure 4 of the EA (see below). EES queries why these five parking spaces can't be located next to the proposed two parking spaces (as note in point (b) above) which are proposed to be located north of the inground sand filter, abutting the western façade of the drill muds processing shed (see red arrow on Figure 4 below) particularly as the proposed five car parking spaces adjoin the retained CPW. The EA indicates the site slopes from north to south so runoff from the carpark has the potential to enter CPW unless adequate mitigation measures are in place. Relocating the five carpark spaces to adjoin the proposed two parking spaces would prevent earthworks and sediment runoff associated with the carpark construction and surface runoff during operation of the carpark from being immediately adjacent to the CPW.

Response

Ground preparation works for stormwater had already commenced within the space for the five (5) parking spaces mentioned by the BCD above. As such, this location was considered suitable for the additional car spaces as it did not require additional earthworks, did not require further vegetation removal and is located immediately adjacent to the existing office so that no driveways need to be crossed by site personnel after parking. The five (5) parking spaces cannot be located adjacent to the two (2) parking spaces north of the inground sand filter as these are located close to the opening of the drill muds shed. Placing additional car spaces in this location presents a potential safety implication with vehicles and machinery leaving the drill muds shed.

Comment

Section 5.1 of the EA states "The proposed modification has been designed so that only vegetation on the fringes of CEEC Cumberland Plain Woodland is impacted" It is unclear if the proposed replacement 25m by 4.2m weighbridge (which is to replace the five (5) approved weighbridges with one (1)) will impact any CPW. The RtS should clarify this. If so, EES queries why the proposed replacement 25m by 4.2m weighbridge (which is to replace the five (5) approved weighbridges with one (1)) can't be located further north on the road where a truck is shown on Figure 4 so it won't interfere with the CPW (see yellow arrow on figure 4 below).

Response

The proposed 25 m by 4.2 m weighbridge does not require the removal of vegetation onsite. It will be located within existing hardstand / driveway. Any overlap between the location of the weighbridge and mapped vegetation pertains to the canopy of vegetation already removed (and offset) for construction of the facility under SSD-7401-MOD-1 (see **Figure 2**). Vegetation impacts in this area were not modified under SSD-7401-MOD-2 nor under the proposed SSD-7401-MOD-3.

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 FIGURE 4: IMPACTS REQUIRING OFFSETS
 Making
 1.750

 Legend
 316
 1.750

 Cadastral Boundaries
 Impacts Requiring Offsets (CEEC, SAII)
 Impacts Not Requiring Offsets

 Areas Not Impacted
 Areas Not Impacted
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Figure 2: Vegetation Impacts under SSD-7401-MOD-1 (MJD Environmental, 2021).

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Comment

Section 5.1 of the EA notes the flora and fauna mitigation measures which were included as part of the MOD 2 proposal remain current under the proposed MOD 3 proposal and are included in the consolidated Statement of Commitments under Appendix F. EES agrees the flora and fauna mitigation measures should remain current under the MOD 3 proposal.

Response

Space Urban agree with this response.

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2.3 Fairfield City Council

<u>Comment</u>

The included in the statement of commitments states that 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 Cumberland Plain Woodlands (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.

It is advised that 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. It is recommended that propagation to start as soon as possible to meet the mentioned commitment.

<u>Response</u>

Space Urban agree with this response. For clarity, the Appendix F *Statement of Commitments* under the SSD-7401-MOD-3 Environmental Assessment included the following commitments in relation to Flora and Fauna management:

- 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).

The above commitments were drawn from the approval of SSD-7401-MOD-2 and Space Urban consider that they satisfactorily address the above comment from Fairfield City Council.

Comment

The Traffic Impact Assessment states that traffic generation will be up to 432 movements per day (TBC as part of the assessment). The applicant shall provide Council a Traffic Management Plan and provide a breakdown of the types and the number of vehicles that are anticipated to service the site throughout the day during the operational phase. This is to ensure that the heavy vehicle generation under the forecasted traffic conditions can be managed within the site without impacting on the adjoining external road network.

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to, and approved by Council's Coordinator (Traffic and Transport) prior to the issue of the Construction Certificate.

Response

Pavey Consulting Services (PCS) have been engaged to prepare an Operational Traffic Management Plan (OTMP) for the facility. This OTMP is being prepared in accordance with Condition B55 of the SSD-7401 CCoC and shall include the items requested above by Fairfield City Council. In addition, consultation with Fairfield City Council will be undertaken as part of the preparation of the OTMP in accordance with Condition B55(b) of the SSD-7401 CCoC.

Previous consents of SSD-7401 have not required the preparation of a Construction Traffic Management Plan (CTMP). Construction of the facility is nearing completion and is expected to be complete within two (2) months following commencement of construction of SSD-7401-MOD-3. As such, it is considered unnecessary for the preparation of a CTMP for implementation as construction of a project is nearing completion.

DOCUMENT	RTS	AUTHOR	Brad Deane
PROJECT	SSD-7401-MOD-3	POSITION	Environmental Services Coordinator
VERSION	1.0	DATE	21/02/2022



3 Conclusions

Bettergrow are seeking consent to modify SSD-7401-MOD-2 pursuant to section 4.55(1A) of the NSW EP&A Act. Bettergrow is proposing to improve site safety and the efficiency of operations through the replacement of four weighbridges with a single, larger centrally located weighbridge. The proposed SSD-7401-MOD-3 also includes the modification of parking spaces to reduce the risk of vehicle and personnel collision, with a modification of stormwater systems to suit the proposed layout.

The development (as modified) will provide critical waste management infrastructure which will be able to service existing and future waste recycling needs in the greater Sydney region. The modified development will also assist the NSW Government in achieving an increased diversion of waste from landfill through the provision of strategic infrastructure and processing capacity.

The proposed development has been shown to be consistent with the relevant local, State and Commonwealth government planning instruments through the approvals of SSD-7401, SSD-7401-MOD-1 and SSD-7401-MOD-2.

DOCUMENT	RTS	AUTHOR	Brad Deane
PROJECT	SSD-7401-MOD-3	POSITION	Environmental Services Coordinator
VERSION	1.0	DATE	21/02/2022



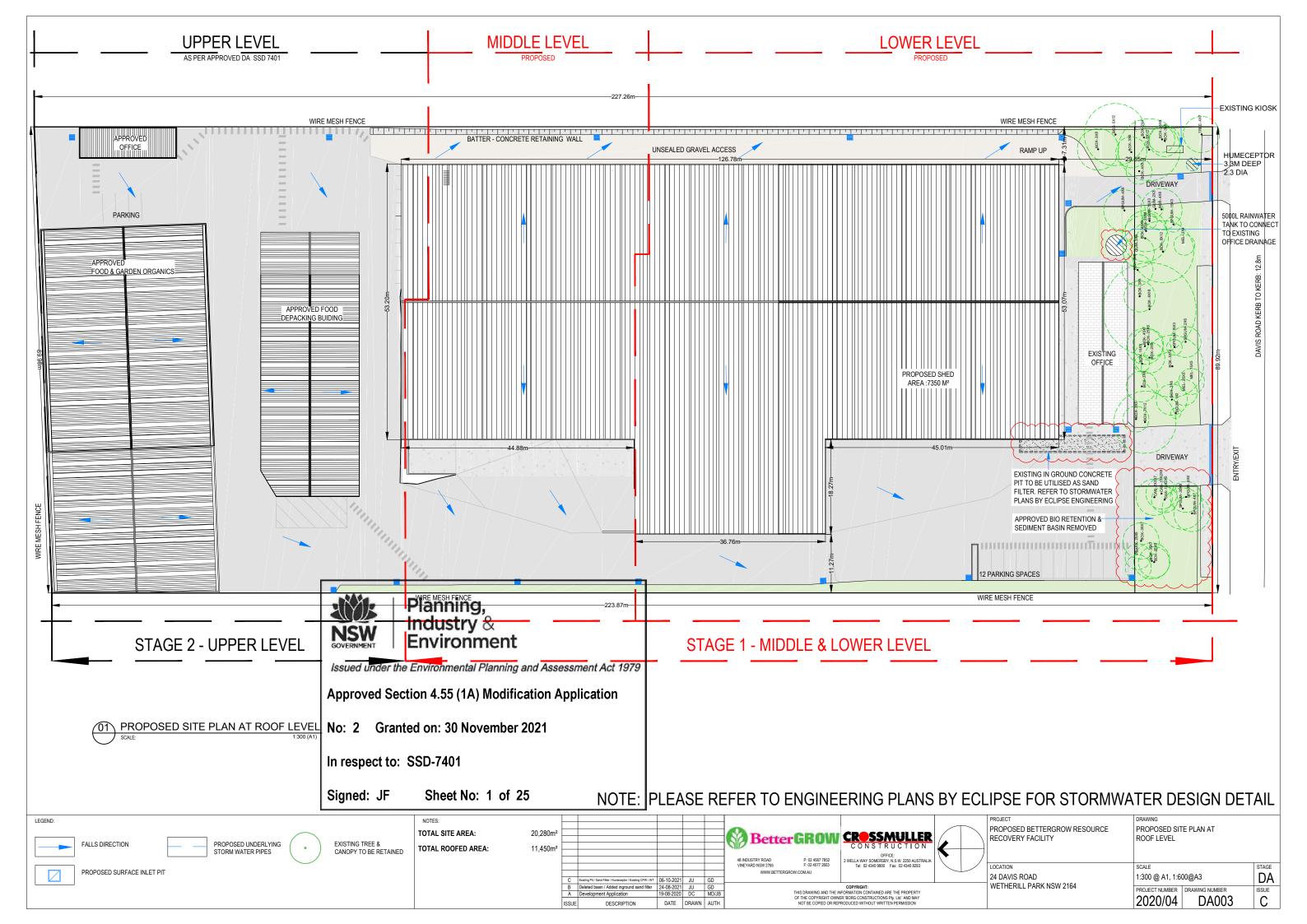
4 References

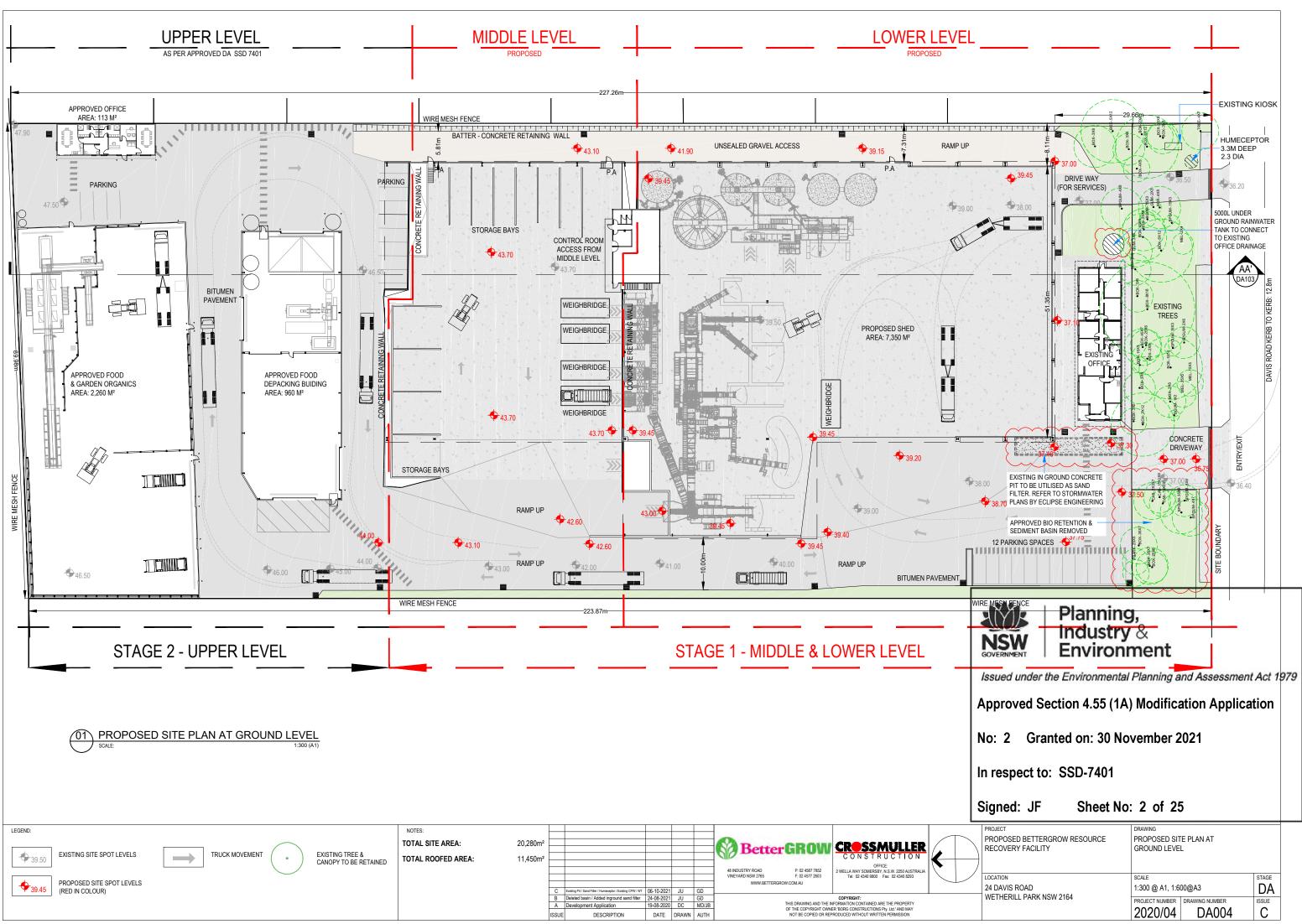
- Eclipse (2021). Stormwater Management Plan Resource Recovery and Recycling Facility At 24 Davis Road WETHERILL PARK, Eclipse Consulting Engineers Pty Ltd, Baulkham Hills NSW 2153.
- MJD Environmental (2021). Biodiversity Development Assessment Report (Streamlined), Modification 1 Bettergrow Resources Recovery Facility, Wetherill Park, MJD Environmental Pty Ltd, Waratah NSW 2298.

DOCUMENT	RTS	AUTHOR	Brad Deane
PROJECT	SSD-7401-MOD-3	POSITION	Environmental Services Coordinator
VERSION	1.0	DATE	21/02/2022

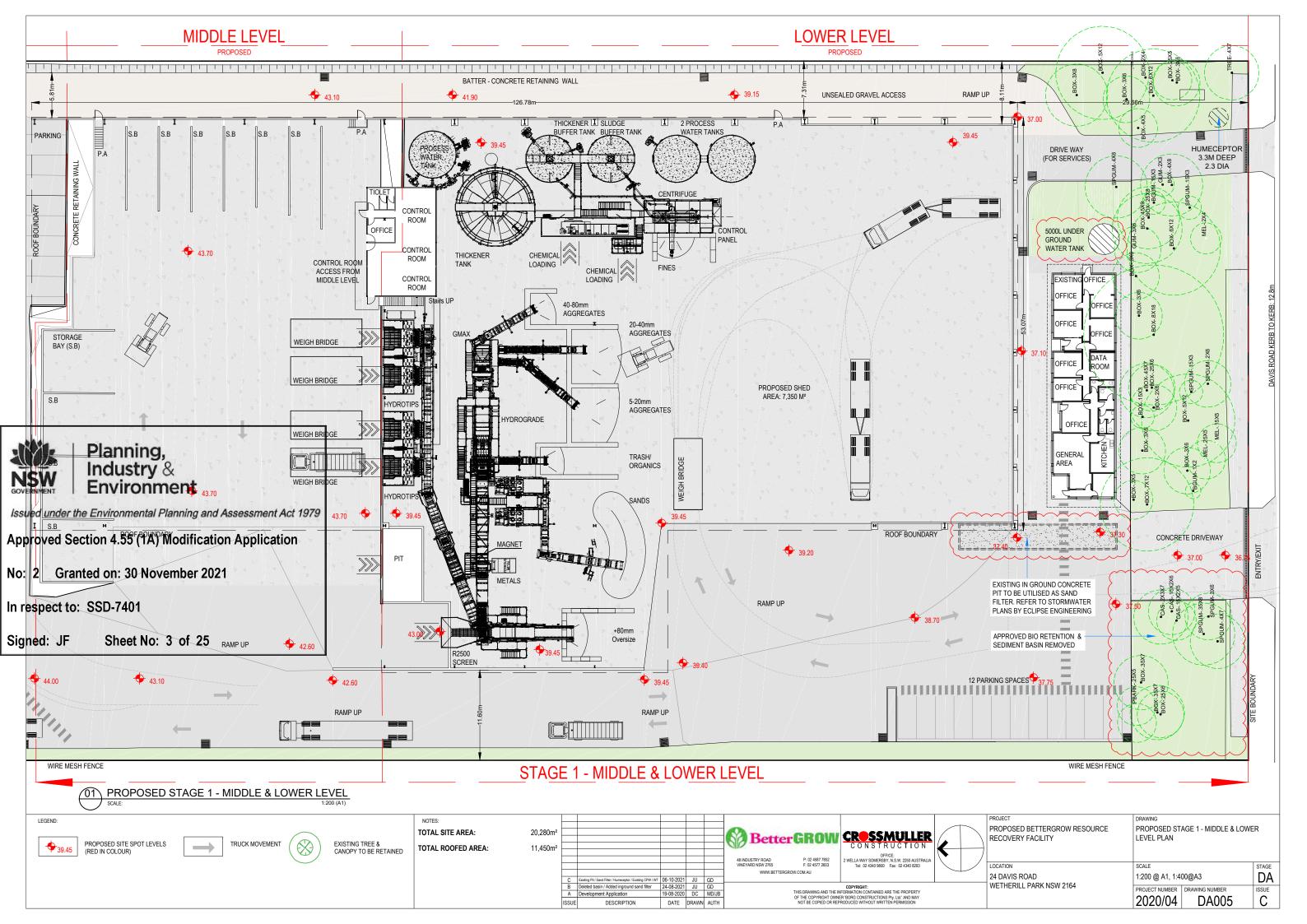


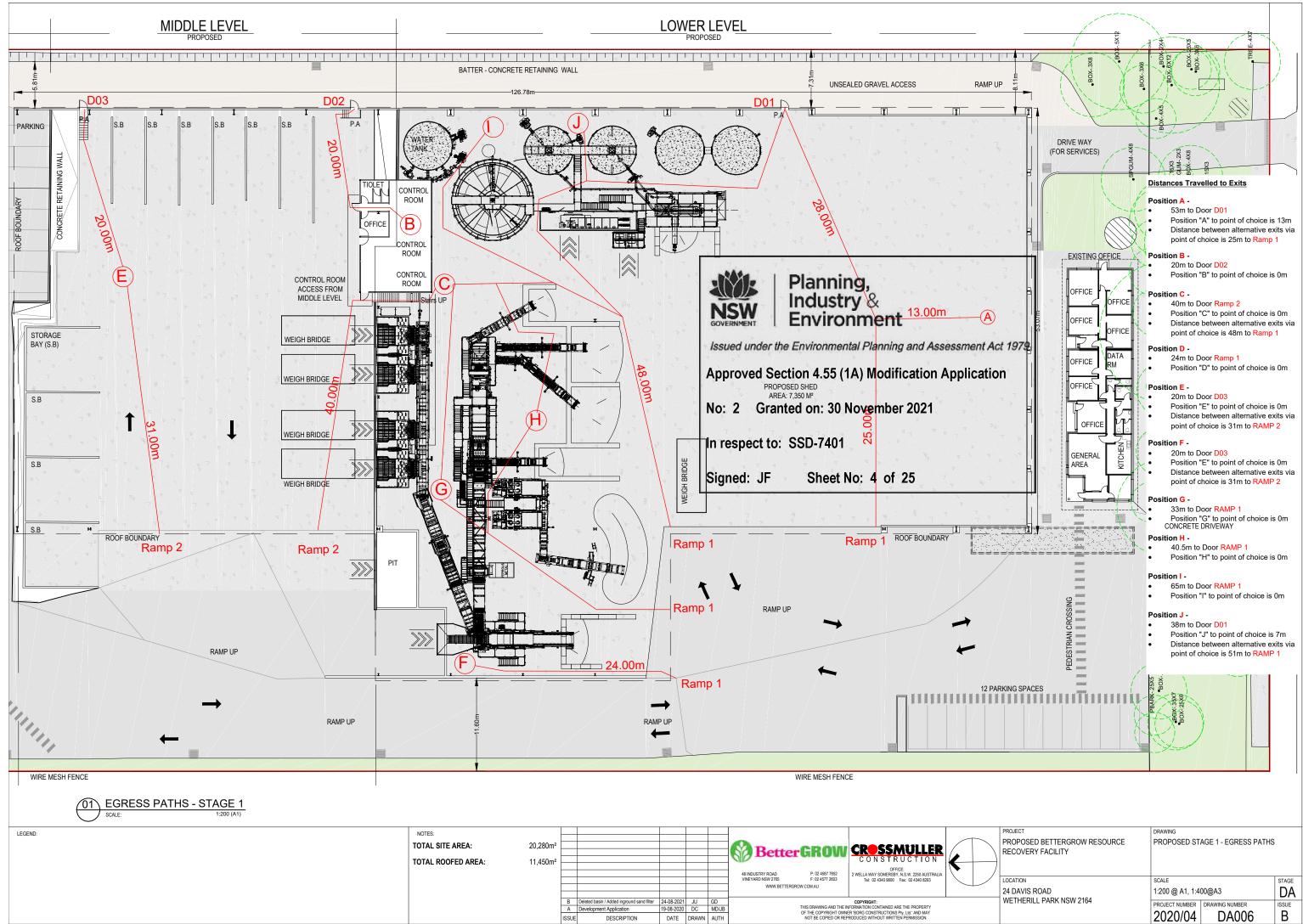
Attachment 1: SSD-7401-MOD-2 Stamped Approved Plans



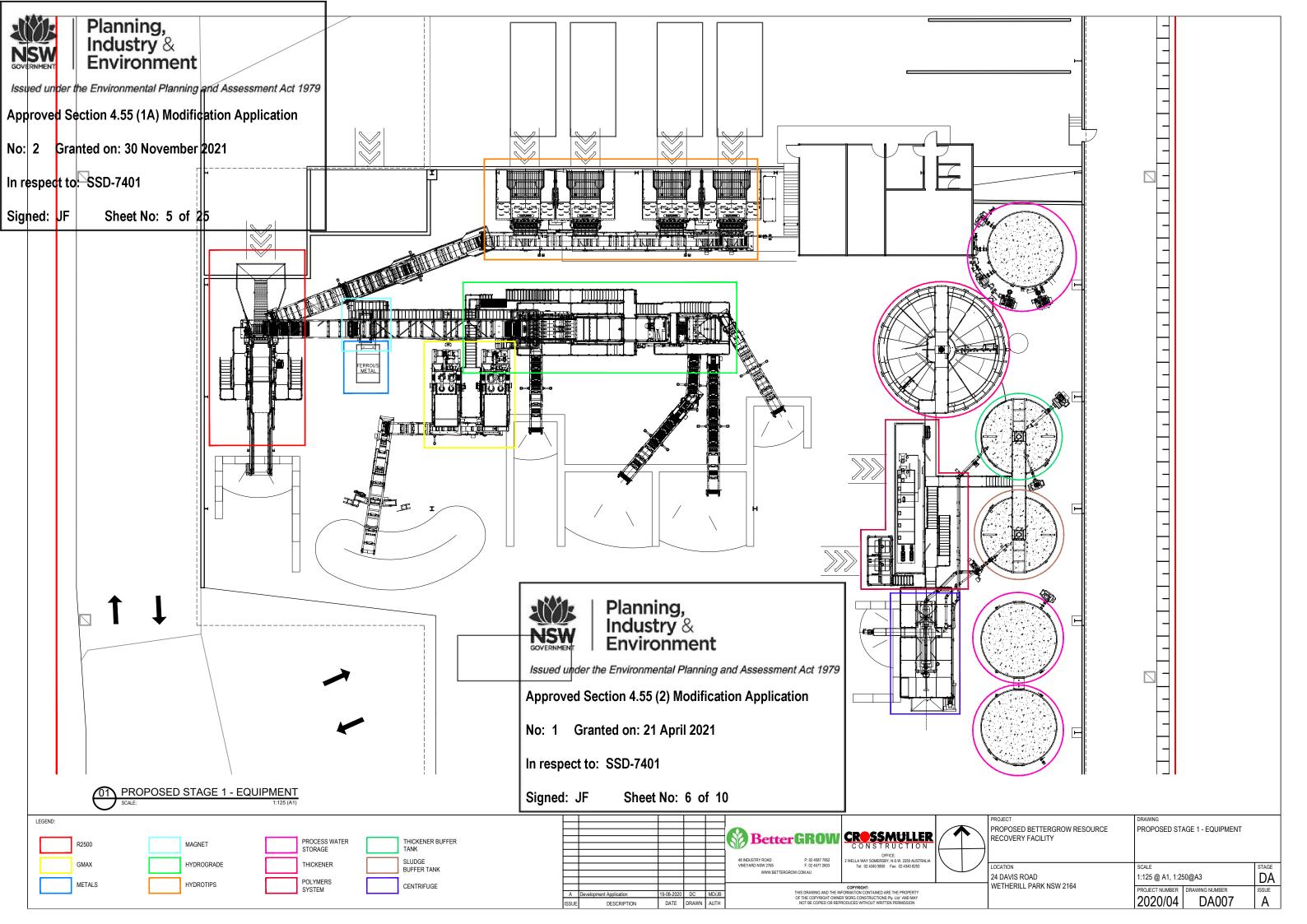


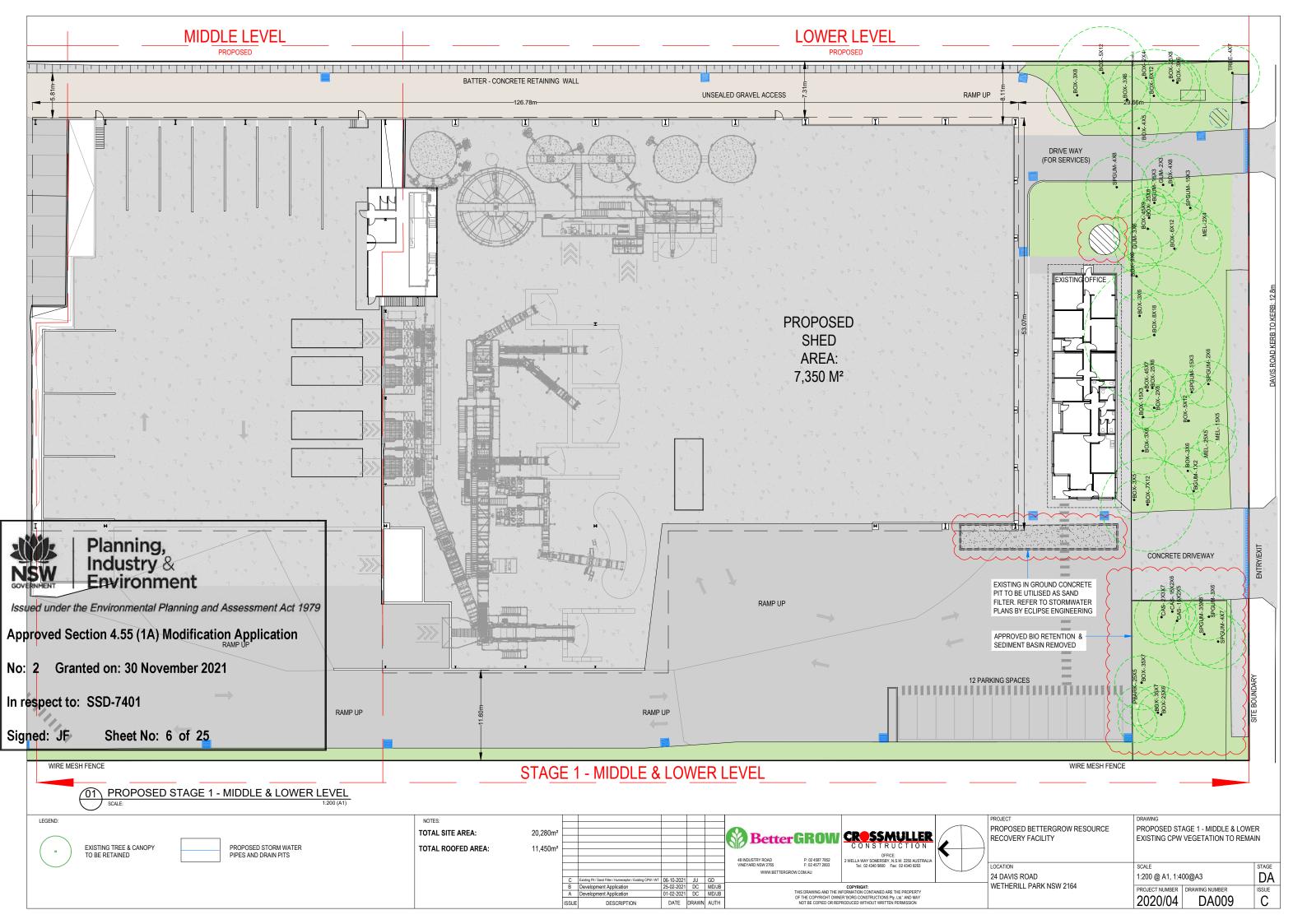
RECOVERY FACILITY	GROUND LEVE	L	
LOCATION	SCALE		STAGE
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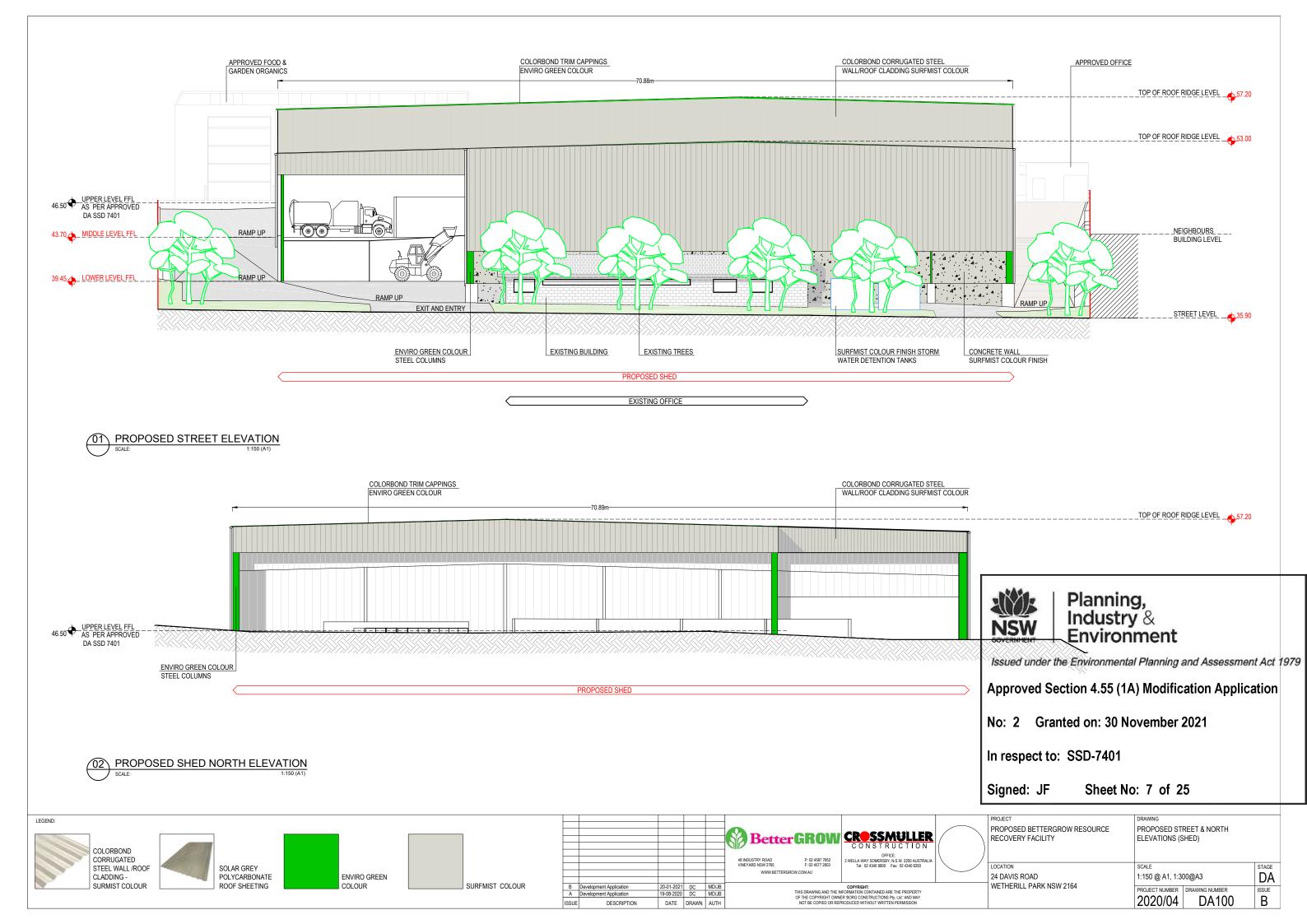


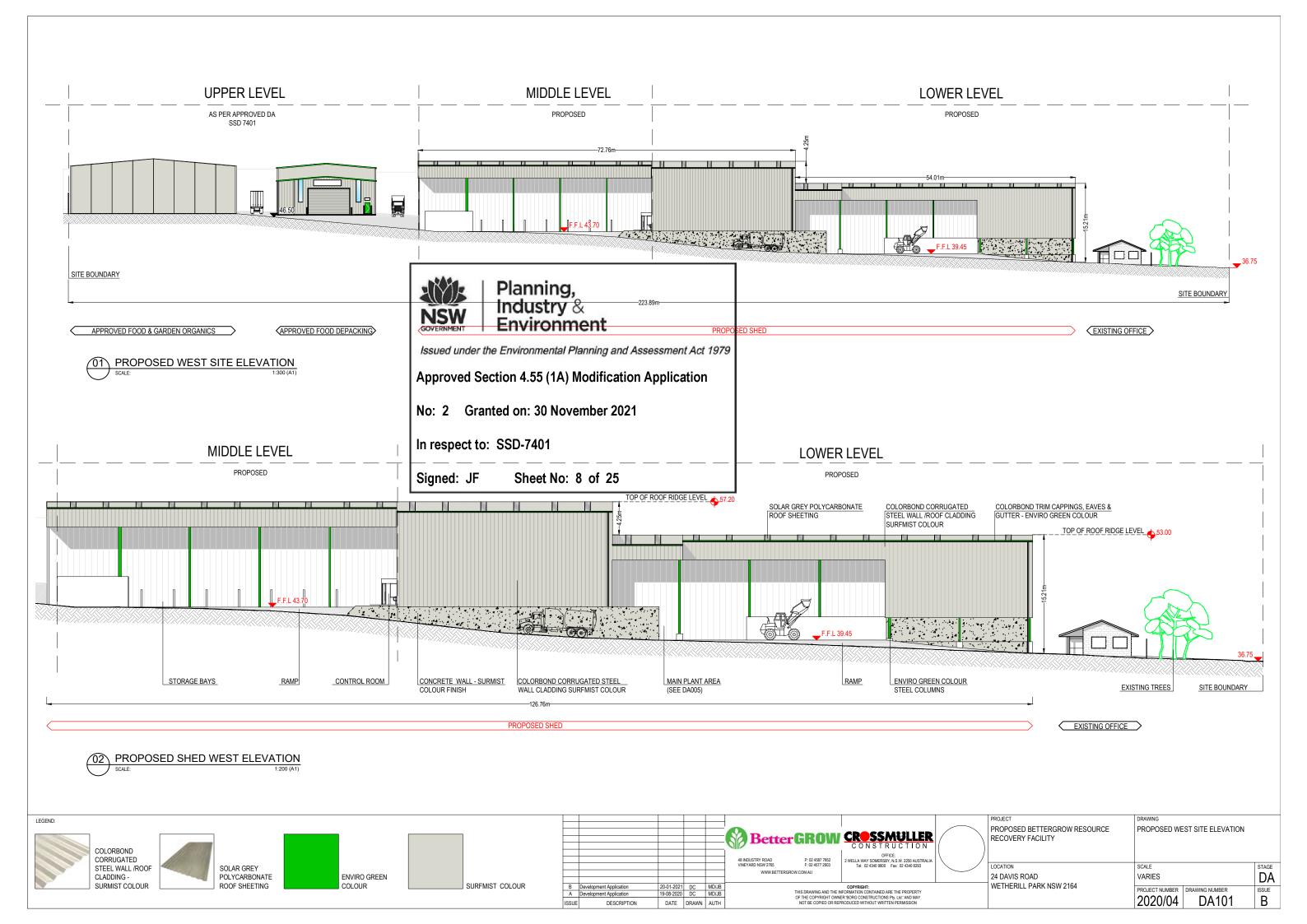


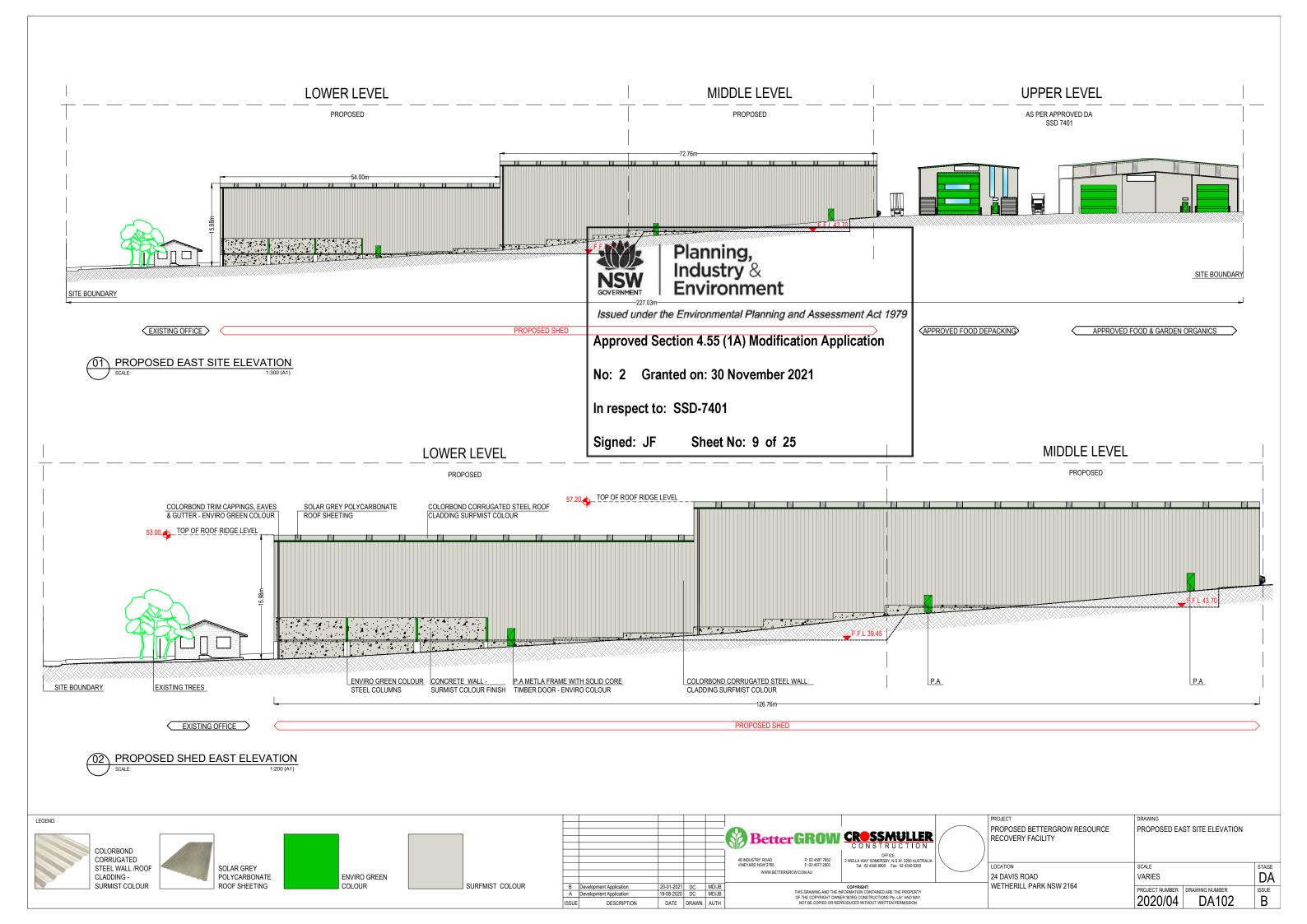
	WETHERILL PARK NSW 2164	PROJECT NUMBER 2020/04	DRAWING NUMBER	ISSUE B
	24 DAVIS ROAD	1:200 @ A1, 1:400@A3		DA
	LOCATION	SCALE		STAGE
)	PROPOSED BETTERGROW RESOURCE RECOVERY FACILITY	PROPOSED STAGE 1 - EGRESS PATHS		
	PROJECT			

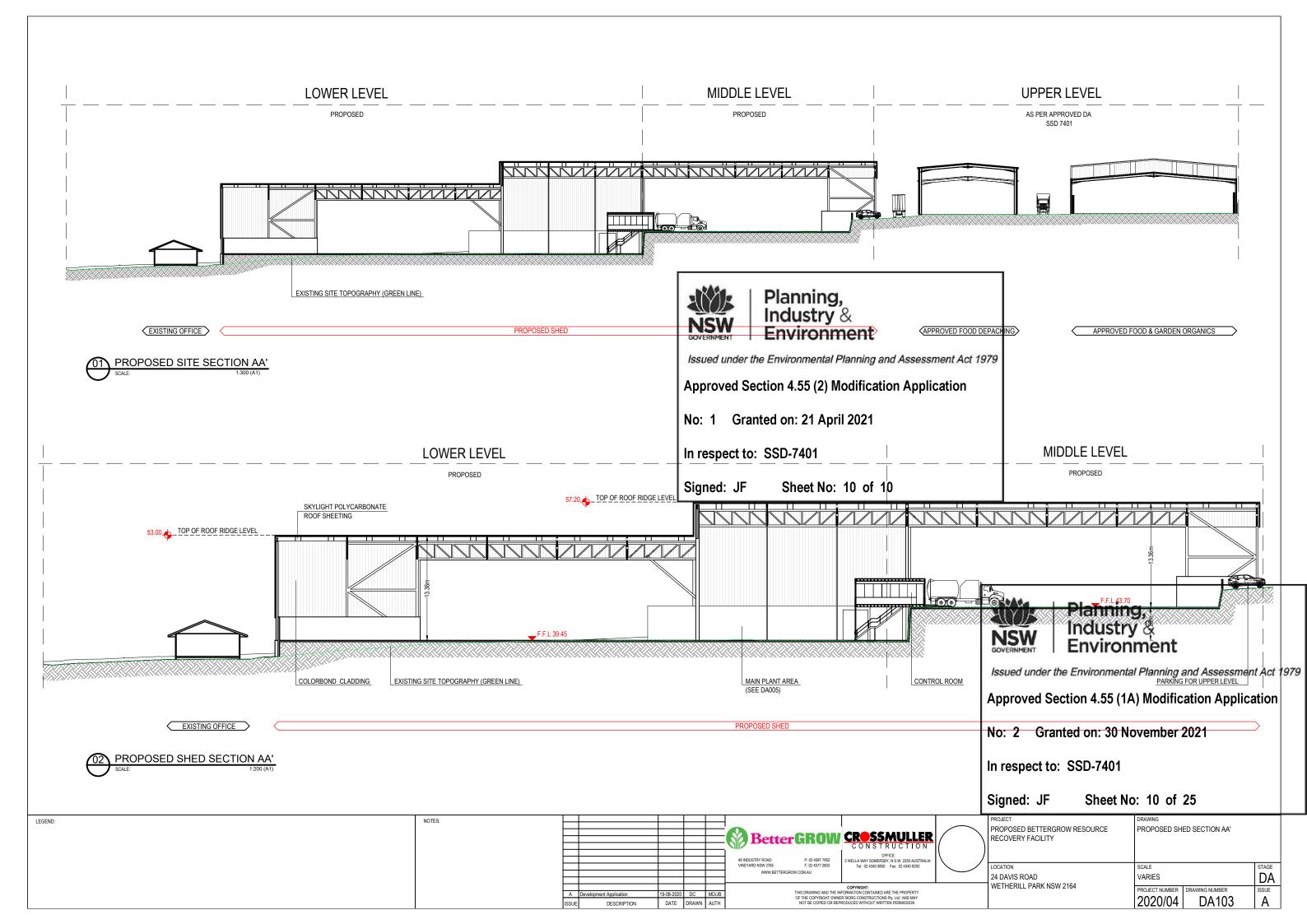


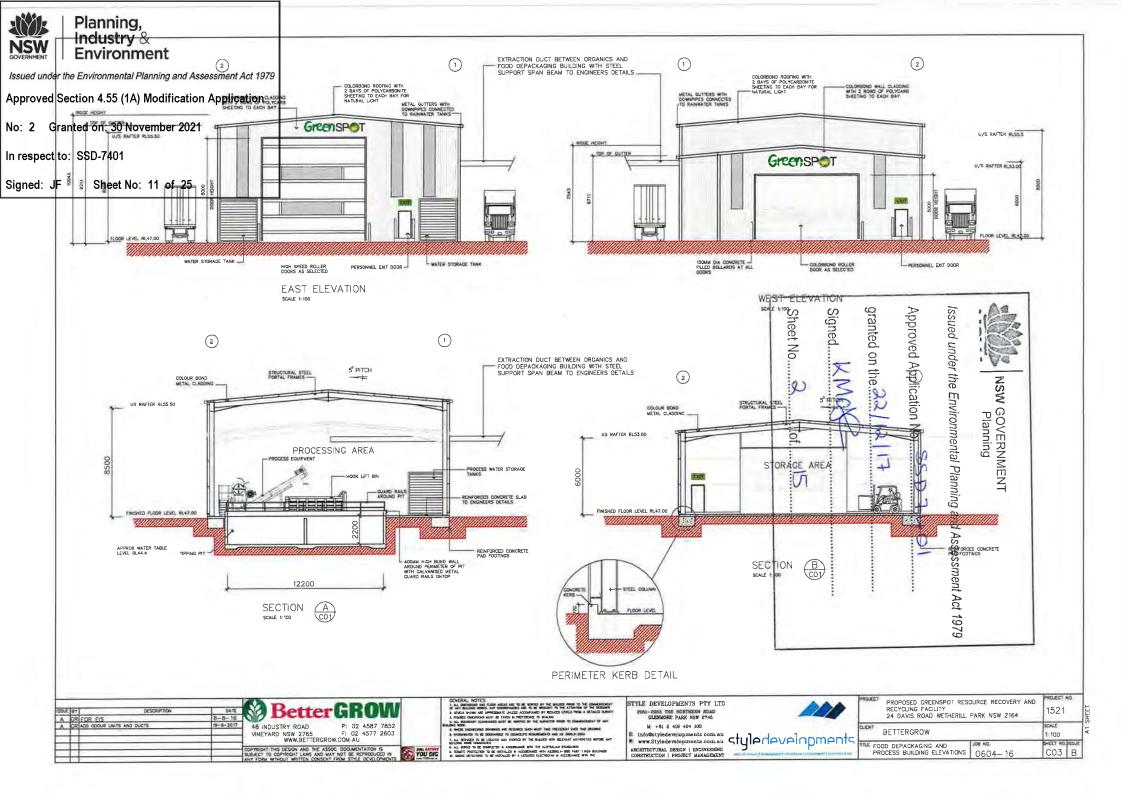


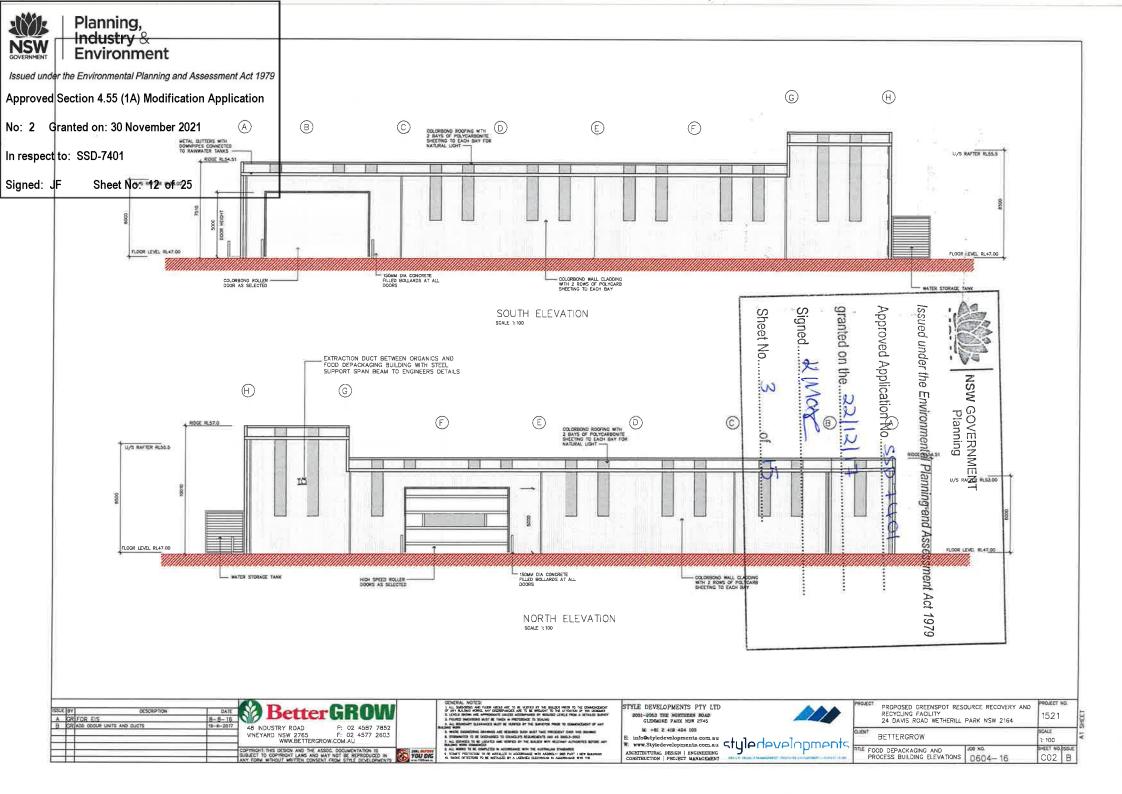


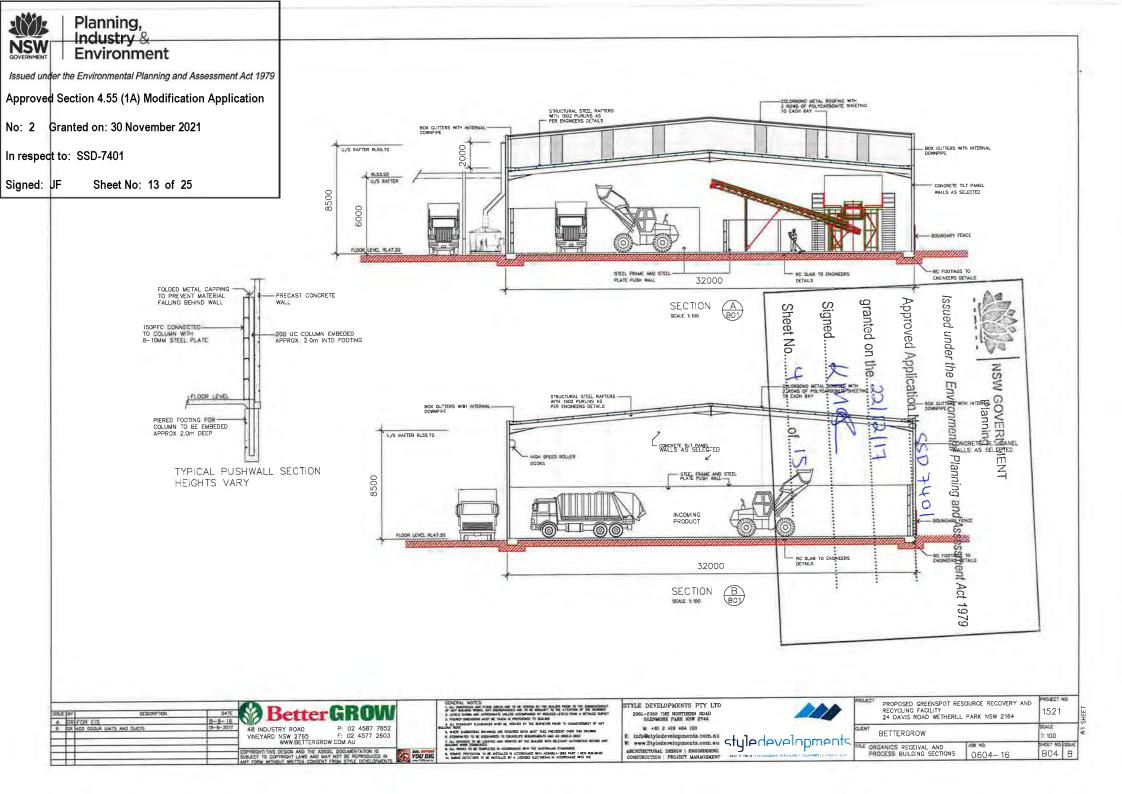


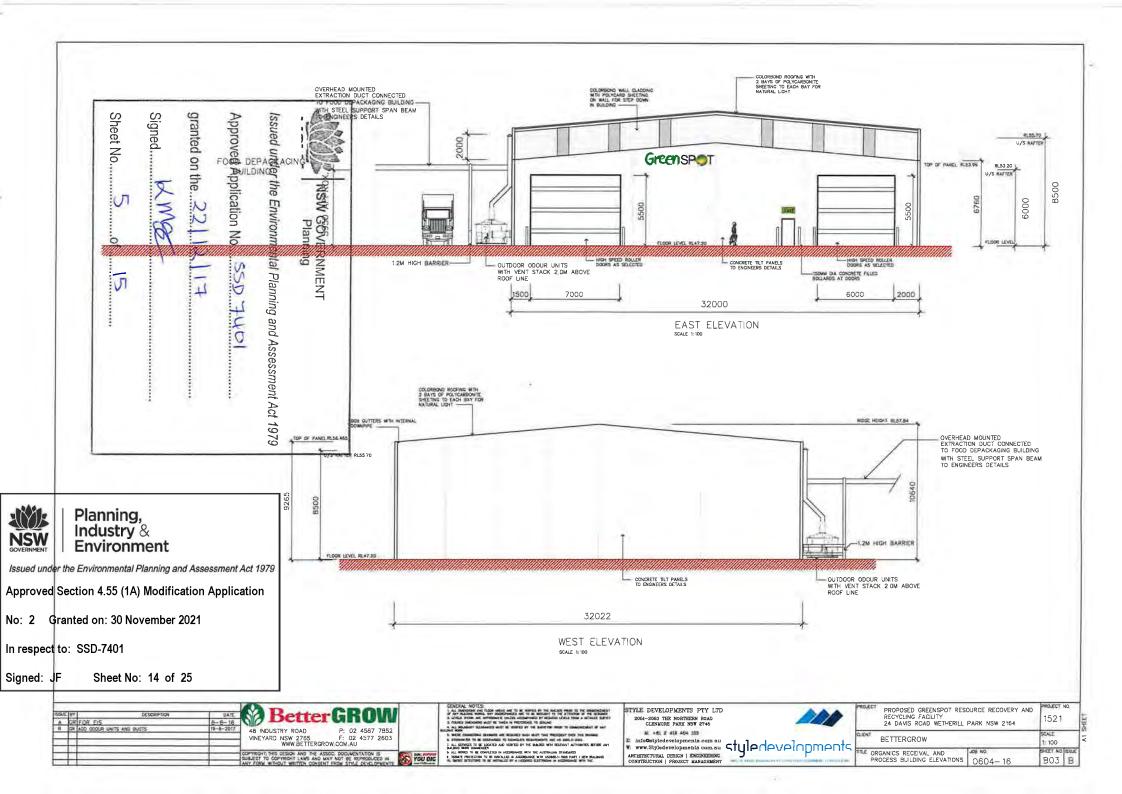


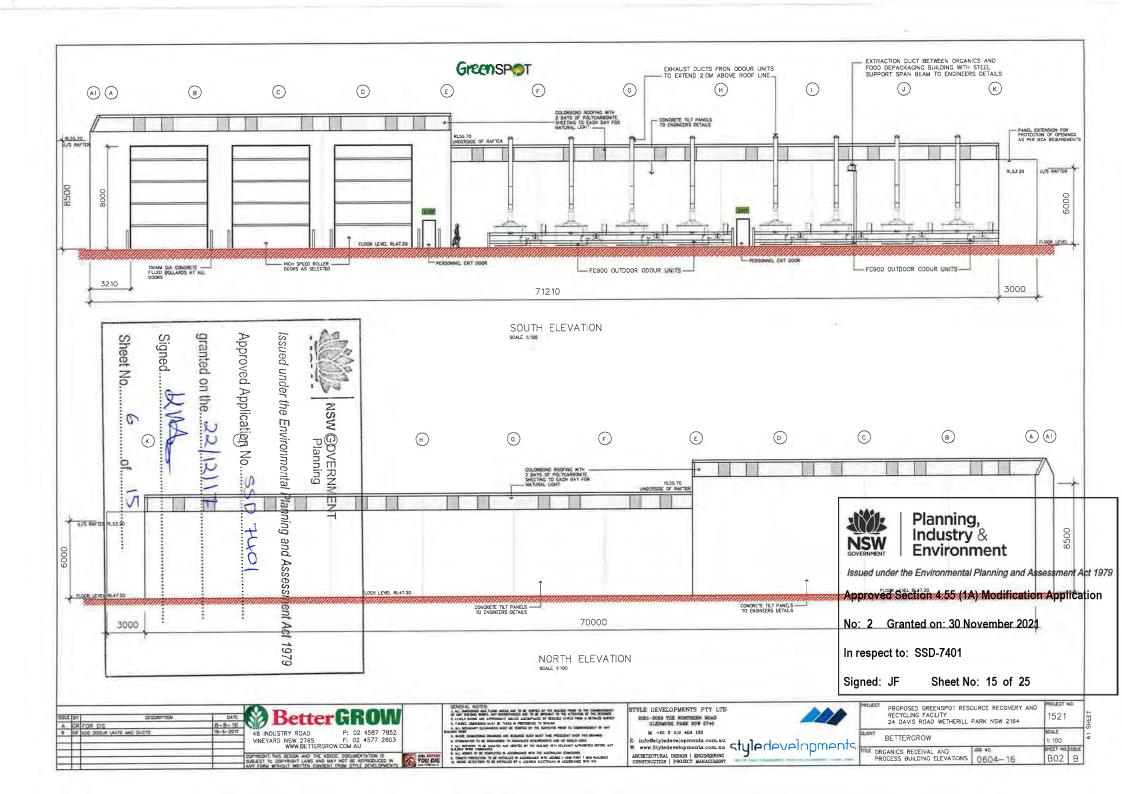


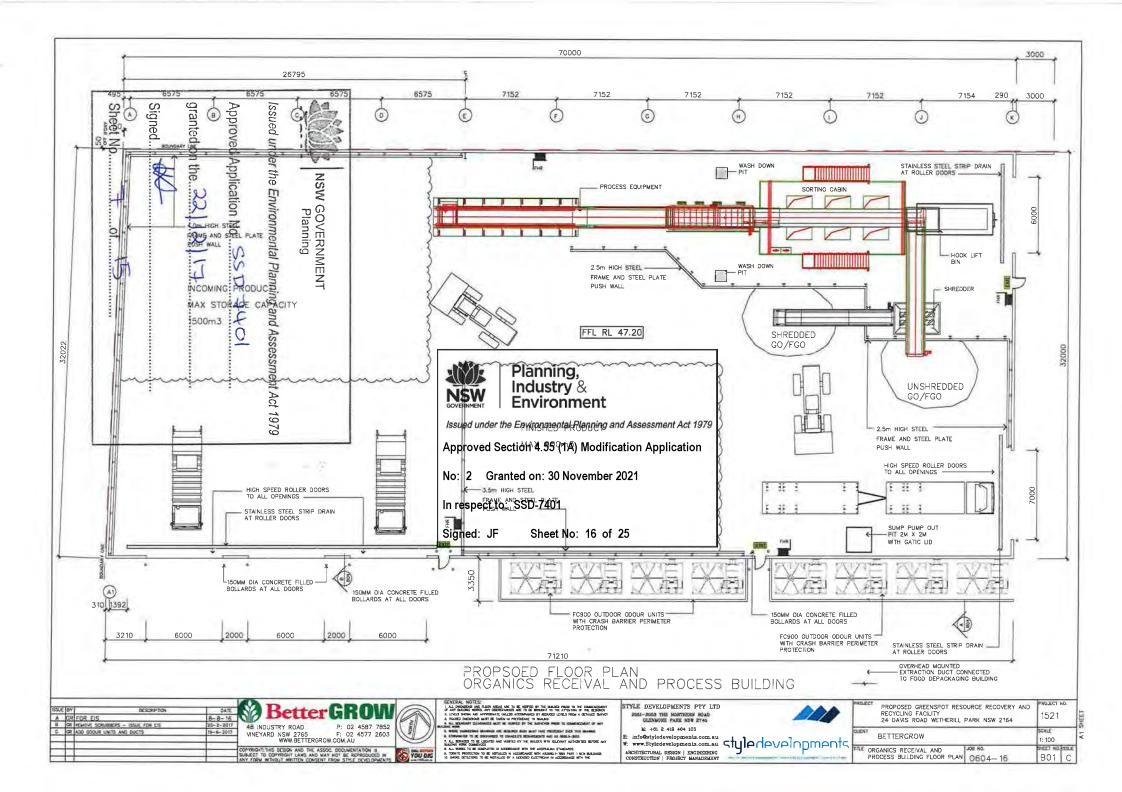


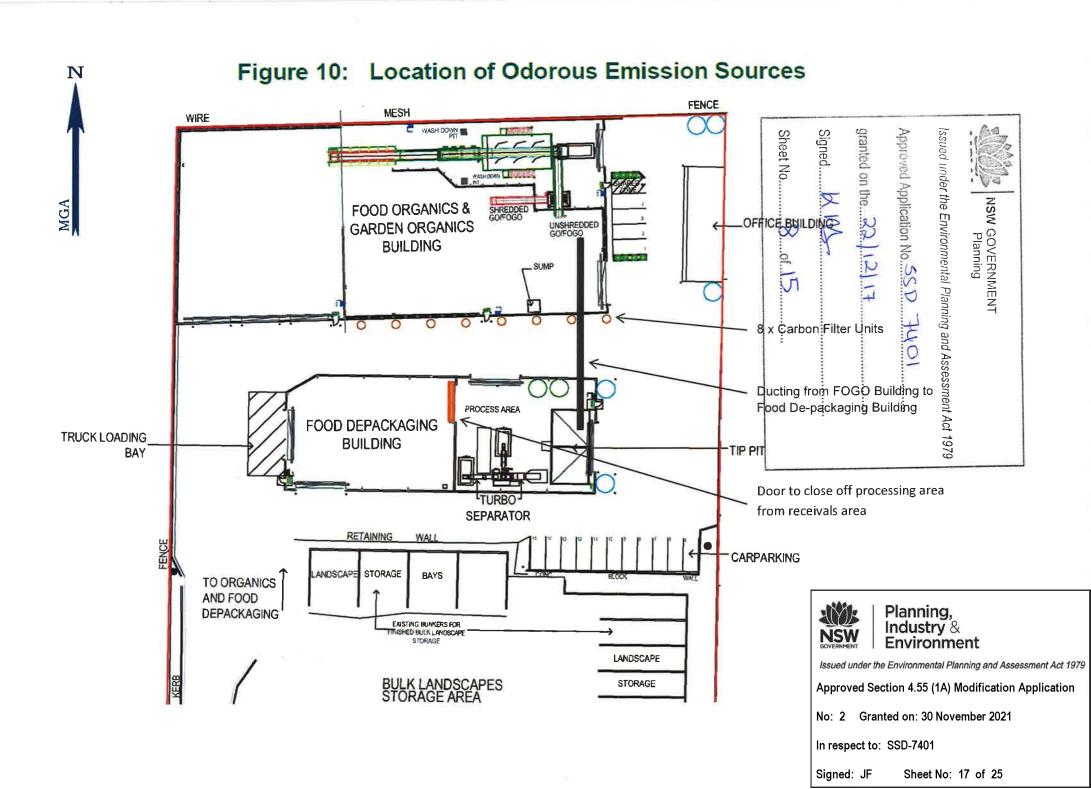


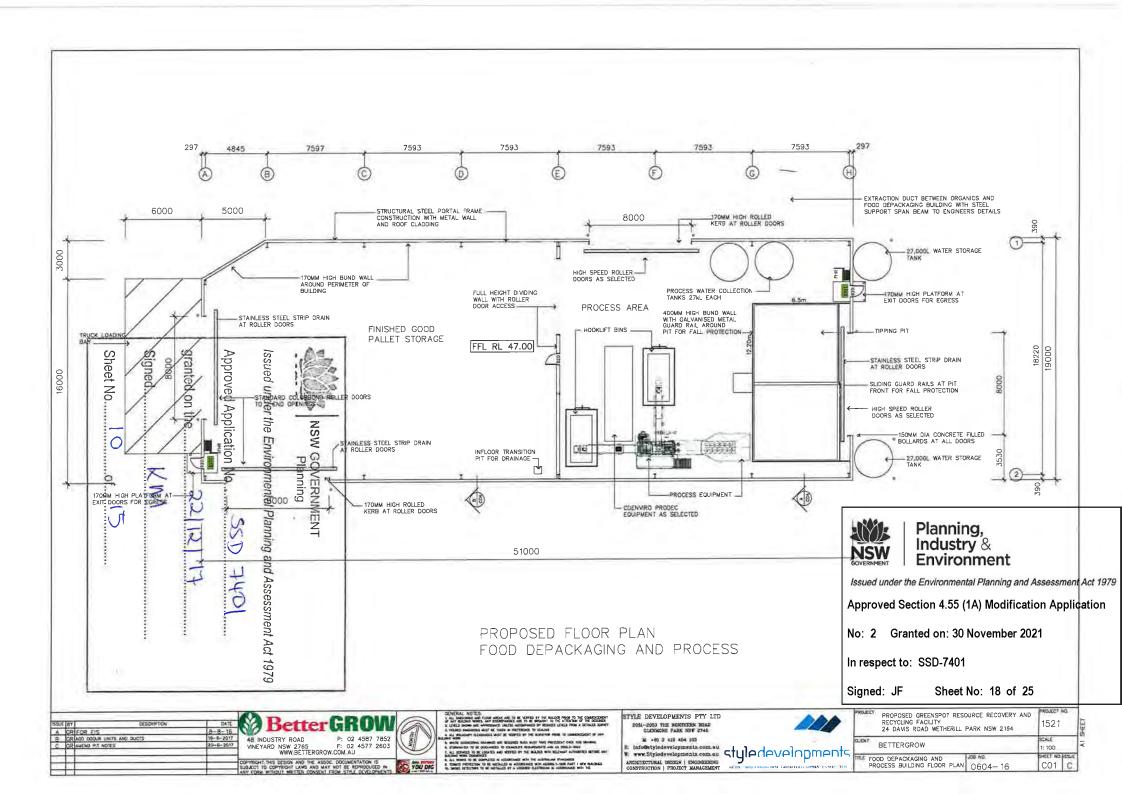














NSW GOVERNMENT Planning
Issued under the Environmental Planning and Assessment Act 1979
Approved Application No.SSD 7001
Signed
Sheet No





Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1A) Modification Application

No: 2 Granted on: 30 November 2021

In respect to: SSD-7401

Signed: JF Sheet No: 19 of 25

PROPOSED ORGANICS RECEIVAL AND PROCESSING

SHEET INDEX:

- BOO COVER SHEET
- B01 PROPOSED FLOOR PLAN
- B02 ELEVATIONS
- B03 ELEVATIONS
- B04 SECTIONS



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NSW GOVERNMENT Planning	
Issued under the Environmental Planning and Assess	ment Act 1979
Approved Application No. SSD 7401	
granted on the 22/12/17	
Signed	
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Planning, Industry & Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1A) Modification Application

No: 2 Granted on: 30 November 2021

In respect to: SSD-7401

Signed: JF Sheet No: 20 of 25

PROPOSED FOOD DEPACKAGING AND PROCESSING

SHEET INDEX:

COO - COVER SHEET

CO1 - PROPOSED FLOOR PLAN

CO2 - ELEVATIONS

CO3 - ELEVATIONS AND SECTIONS



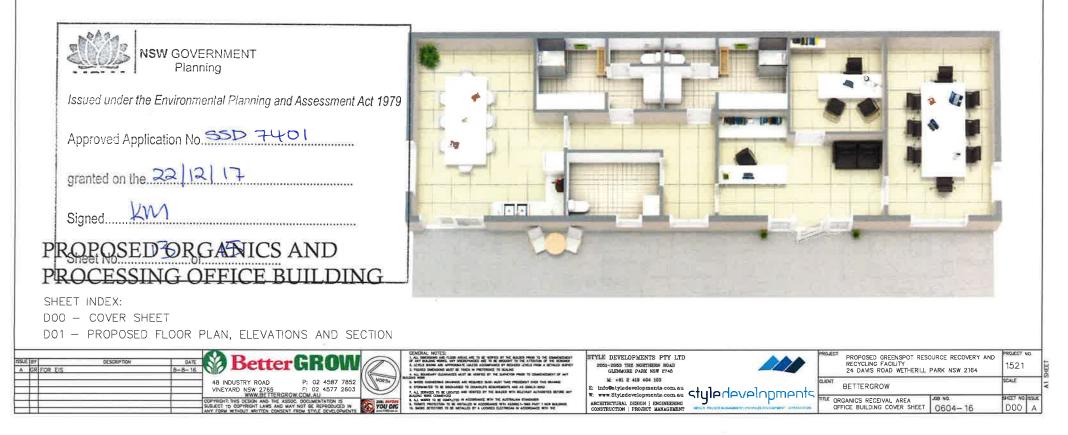
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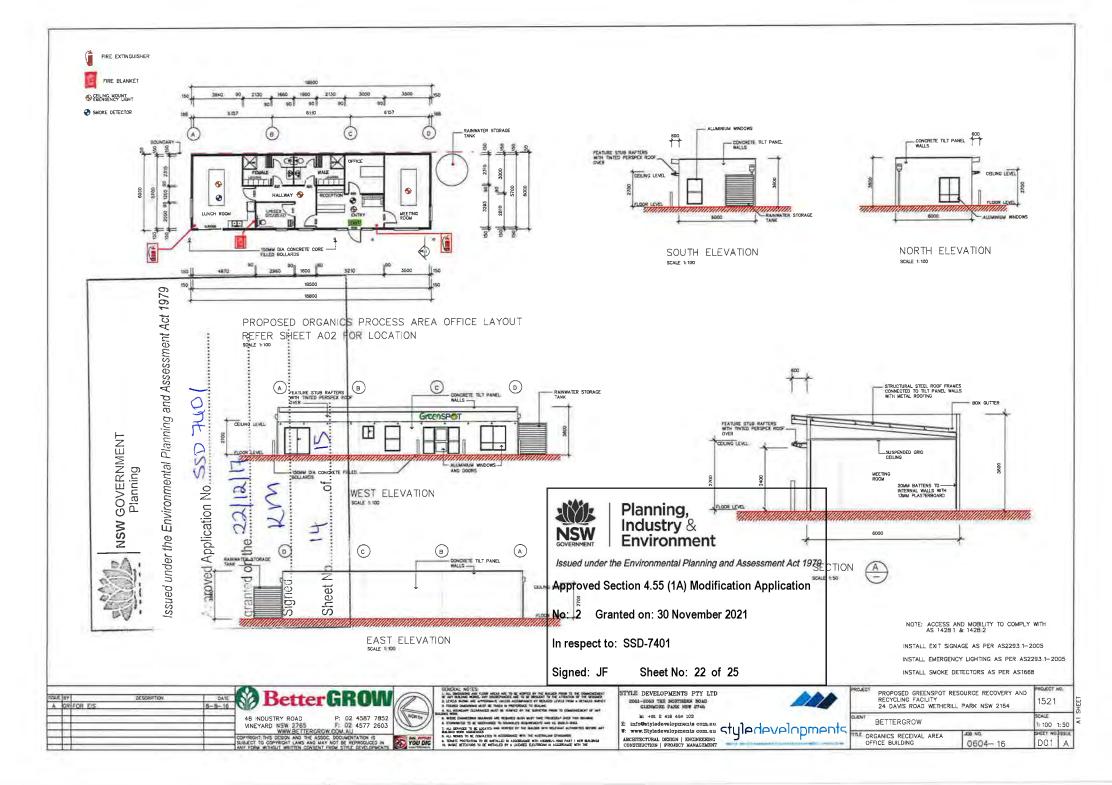
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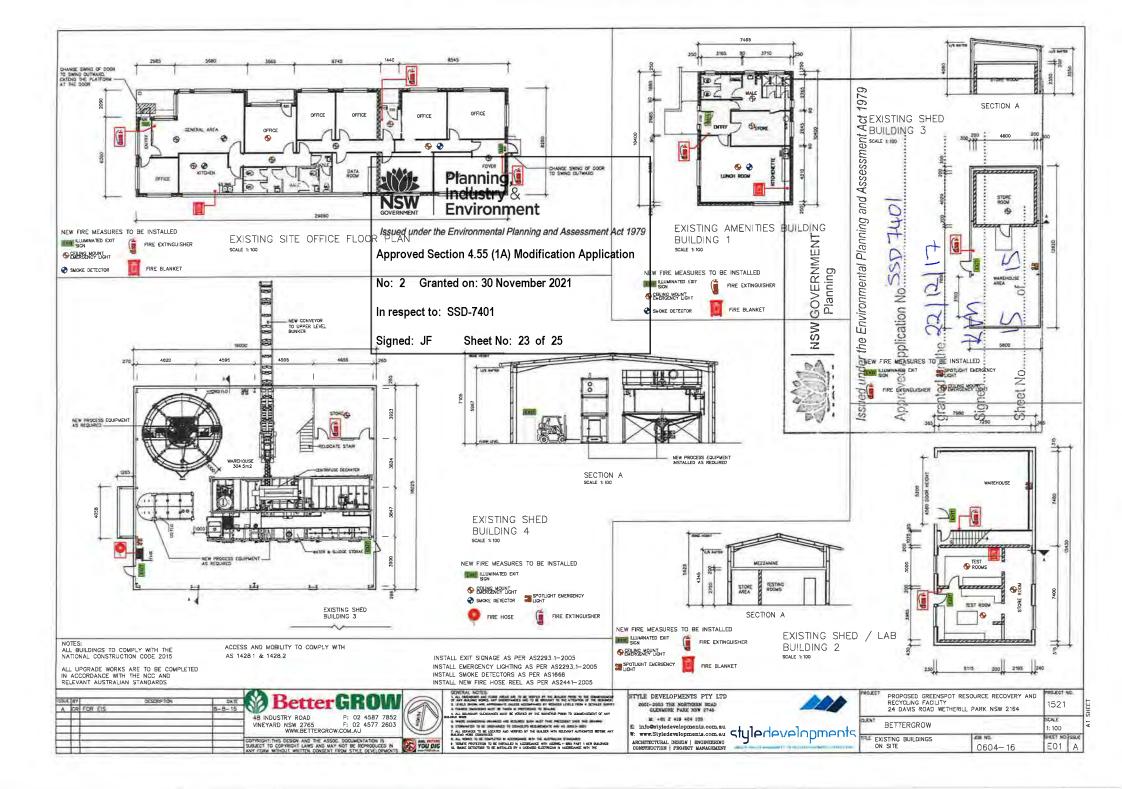


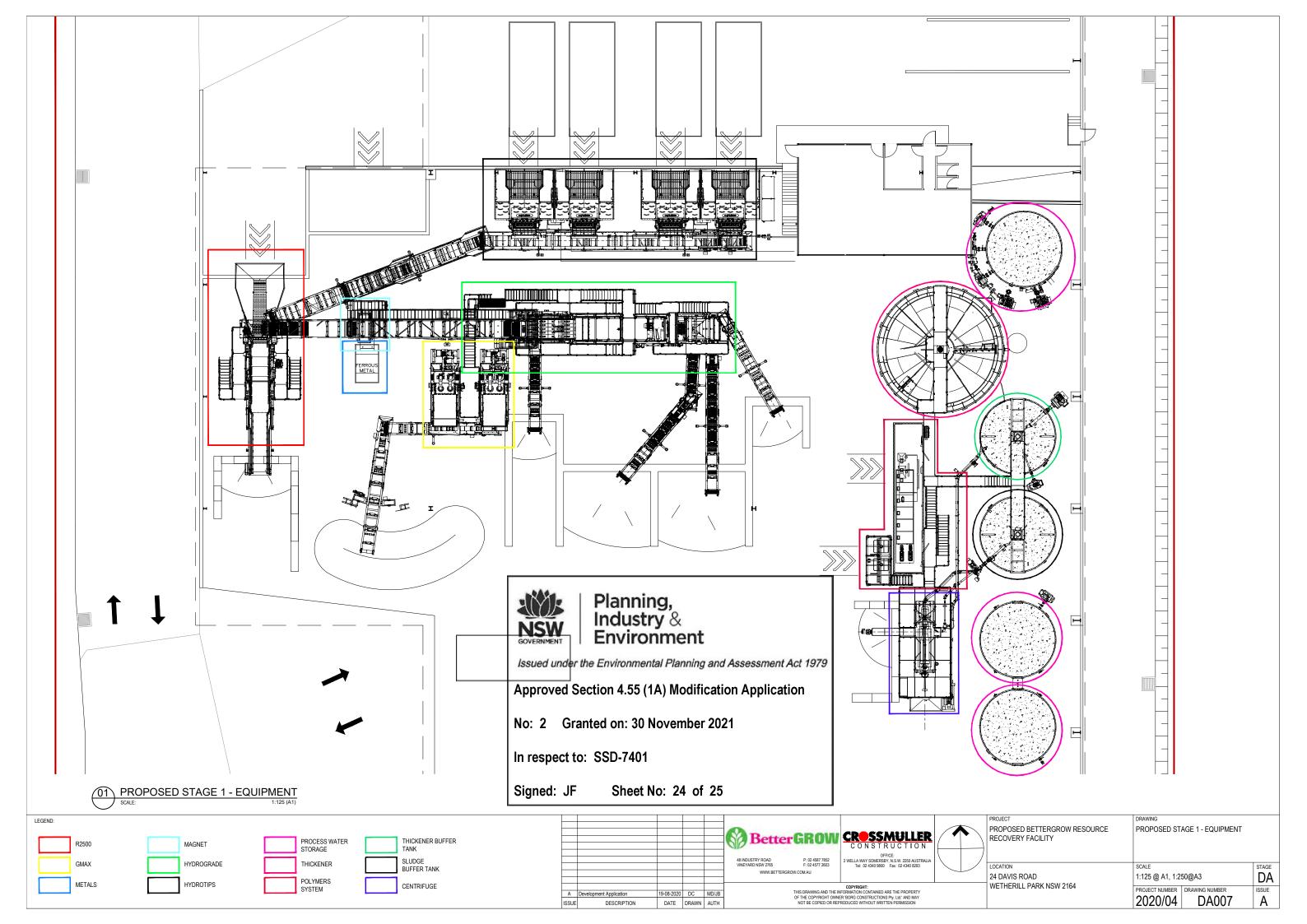


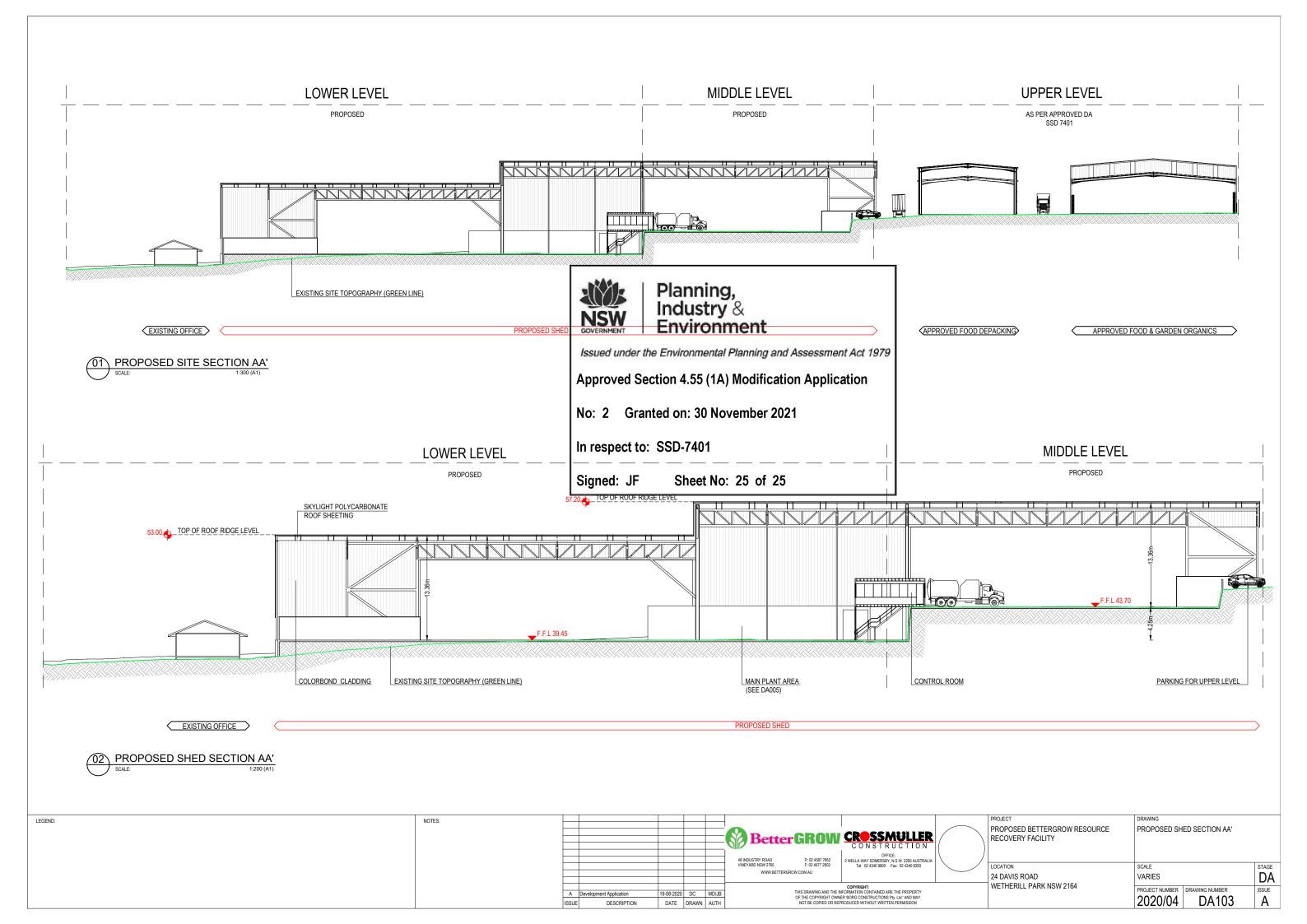












	Brad Deane Environmental Services
POSITION	Environmental Services
	Coordinator
DATE	21/02/2022
D	ATE



Attachment 2: SSD-7401 Consolidation Conditions of Consent

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:

Applicant:

Consent Authority:

Site:

Development:

SSD-7401

Bettergrow Pty Ltd

Minister for Planning

Lot 18 DP 249417, 24 Davis Road, Wetherill Park

The construction and operation of a resource recovery facility to process up to 160,000 tonnes per year of waste comprising of:

- 60,000 tpa of hydro-excavation, drill muds and fluids;
- 70,000 tpa of food and garden organics; and
- 30,000 tpa of packaged and bulk food and liquids.

The operation of a landscaping material supplies facility for the storage and sale of up to 40,000 tpa of landscaping supplies.

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 out with sand filter.

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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) General solid waste (non-	As defined in Part 3 Schedule 1 of the POEO Act As defined in Part 3 Schedule 1 of the POEO Act
putrescible)	
Heavy Vehicle Incident	Any vehicle with a gross vehicle mass of five tonnes or more
	A set of circumstances causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
kL	Kilolitre
Land Landscaping Materials Supplies	In general, the definition of land is consistent with the definition in the EP&A Act 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	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:
	 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; and
	 SSD-7401-Mod-2, prepared by Space Urban and dated 25 August 2021, as amended by the <i>Response to Submissions</i> prepared by Space Urban Pty Ltd and dated 29 October 2021 and <i>Response to Department of</i>
	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.
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 receival of product for the landscaping material supplies area
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

Dianning Coorston	Connetency of the Department (on newsings)	
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	
Тра	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, 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 receival 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.

- 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

- 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 Councils 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:
 - (a) detail the type and quantity of waste to be received during operation of the Development;
 - (b) include procedures for diversion of waste to other facilities during unexpected machinery breakdown; and
 - (c) details the requirements for non-conforming waste handling and removal.
- B13. The Applicant must:
 - (a) not commence operation until the Waste Management Plan is approved by the Planning Secretary; and
 - (b) 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:
 - (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) be implemented for the duration of construction works.
- 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;
 - (b) not commence construction until the CDWMP is approved by the Planning Secretary; and
 - (c) 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:
 - (a) all vehicles on site do not exceed a speed of 20 kilometres per hour;
 - (b) exposed surfaces and stockpiles are suppressed by regular watering;
 - (c) all trucks entering or leaving the site with loads have their loads covered;
 - (d) trucks associated with the Development do not track dirt onto the public road network; and
 - (e) public roads used by these trucks are kept clean.
- B19. Prior to the commencement of operations, the Applicant must:
 - (a) ensure the interior of the FGO and FLD building is designed to facilitate wash down and leachate capture; and
 - (b) seal all trafficable areas.
- B20. During operations, the Applicant must ensure that:
 - (a) all vehicles on site do not exceed a speed of 20 kilometres per hour;
 - (b) regular watering is conducted within the landscaping material supplies area to ensure dust impacts are minimised; and
 - (c) 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;
 - 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 supress 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 welldefined 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;
 - (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 six 35 kL 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 six 35 kL 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:
 - (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;
 - (e) prevent firewater and contaminated water from entering the stormwater system; and
 - (f) ensure all roof water runoff from all on site buildings is captured in the on site rainwater harvesting tanks.
 - (g) direct all sediment laden water from the landscaping material supplies area to a minimum 41 kL sediment trap and a minimum 27 kL humeceptor (or equivalent).
 - (h) ensure roof water run off from the FGO building, FLD building, administration and staff amenities buildings is captured and stored in one of the seven rainwater harvesting tanks, the seven rainwater tanks must have a combined volume of 120 kL.
- 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 sediment basin and bioretention basin prior to being released to Council's street kerb and gutter.

- B46. The Applicant must ensure the stormwater generated from the development is directed to the on site in-ground concrete pit and/or Humeceptor 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:

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

Table 1: Stormwater Reduction Targets

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;
 - (e) detail any trigger levels to ensure overflow of wastewater and leachate at the site does not occur;
 - (f) 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.
 - (g) 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 *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 AUSTROADS 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;
 - 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
	Monday to Friday	7 am to 6 pm
Demolition and construction	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		
FGO Facility	Monday to Sunday, 24 hours	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
 - (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

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.

DECOMISSIONING

- 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

- The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the C1 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;
 - describe the roles and responsibilities for all relevant employees involved in construction works associated (f) with the Development; and
 - (g) include the management plans required under Condition C2 of this consent.
- As part of the CEMP required under Condition C1 of this consent, the Applicant must include the following: C2. Construction and Demolition Waste Management Plan (Condition B14);
 - (a)
 - Flood Emergency Response Plan (see Condition B40); (b)
 - Erosion and Sediment Control Plan (see Condition B52); (c) Unexpected Finds Protocol (see Condition B71); and
 - (d)
 - Building Material Schedule and Landscape Plan (see Condition B72). (e)
- 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:
 - detail the FGO and FLD cleaning and maintenance regime; (f)
 - (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:
 - keep the local community and relevant agencies informed about the operation and environmental (i) performance of the Development;
 - receive, handle, respond to, and record complaints; (ii)
 - (iii) resolve any disputes that may arise;
 - respond to any non-compliance; and (iv)
 - (v) respond to emergencies.
 - include the following environmental management plans:
 - Waste Management Plan (Condition B12); (i)
 - Air Quality and Odour Management Plan (see Condition B24); (ii)
 - Water Management Plan (see Condition B49); (iii)
 - Emergency Response Plan that addresses flooding, chemical spills and fire water containment (see (iv) Condition B51 and B40);
 - Operational Traffic Management Plan (see Condition B55); and (v)
 - Conceptual Decommissioning Management Plan (see Condition B80). (vi)
- The Applicant must operate the Development in accordance with the OEMP approved by the Planning Secretary C5. (and as revised and approved by the Planning Secretary from time to time), unless otherwise agreed by the Planning Secretary.

Conditions Compliance Report

(j)

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

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

- 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:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL(s) (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - (e) 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:
 - (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition A2;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) 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;
 - (v) a complaint register updated on a monthly basis;
 - (vi) the annual reviews of the Development;
 - (vii) any independent environmental audit of the Development and the Applicant's response to the recommendations in any audit;
 - (viii) any other matter required by the Planning Secretary; and
 - (ix) keep this information up to date, to the satisfaction of the Planning Secretary.

APPENDIX A DEVELOPMENT LAYOUT PLANS

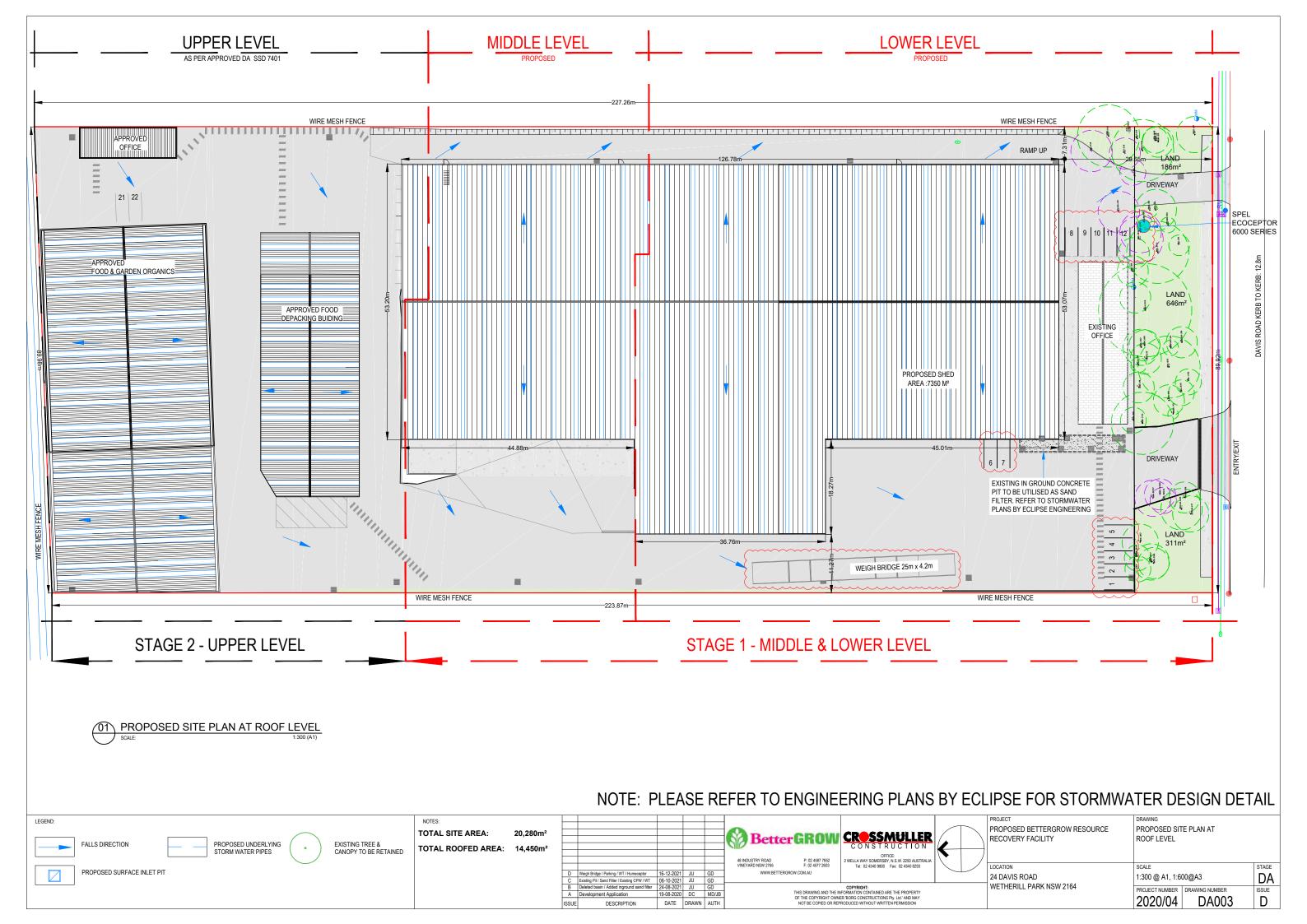
DOCUMENT	RTS	AUTHOR	Brad Deane
PROJECT	SSD-7401-MOD-3	POSITION	Environmental Services Coordinator
VERSION	1.0	DATE	21/02/2022

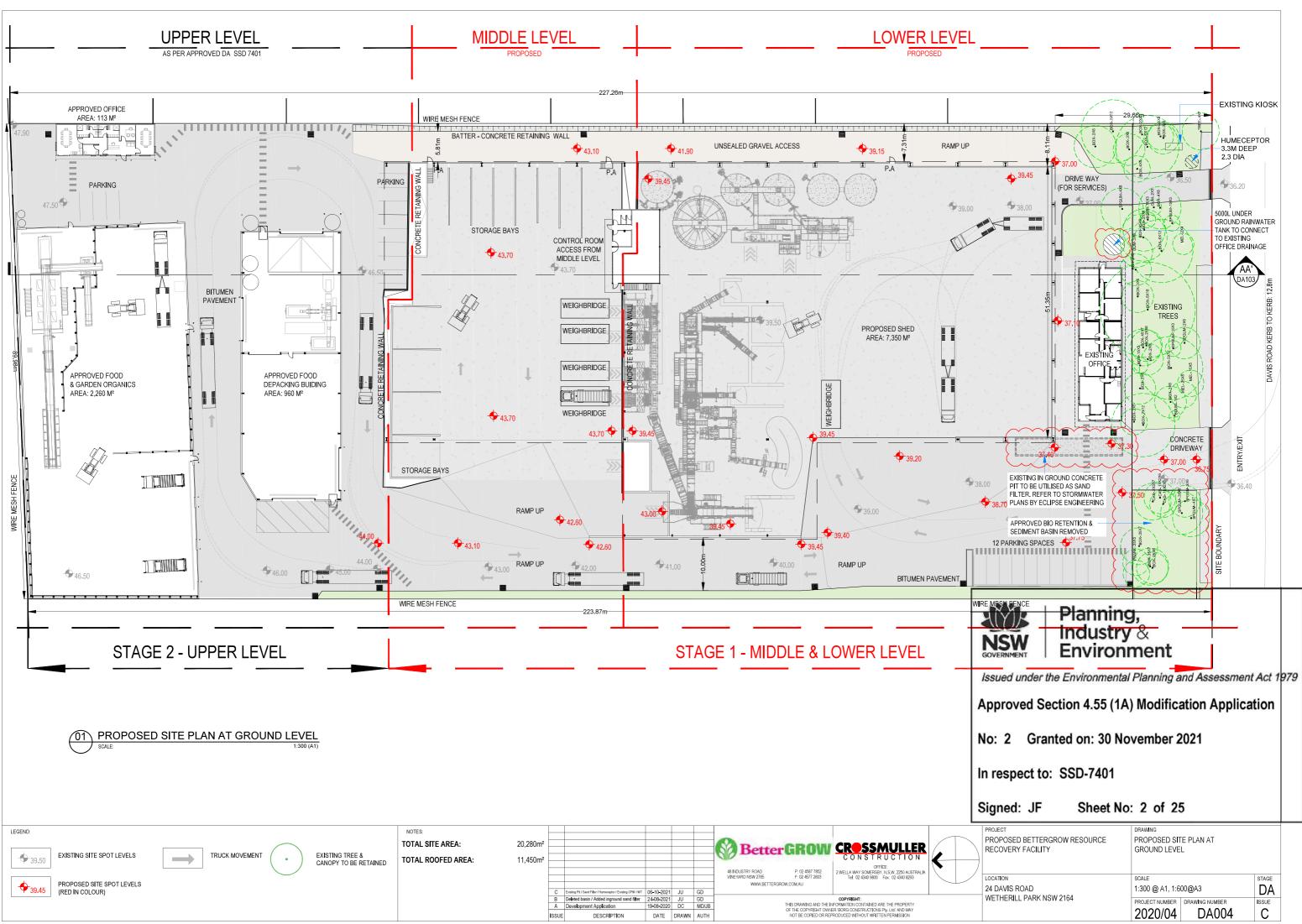


Attachment 3: SSD-7401-MOD-3 Proposed Plans

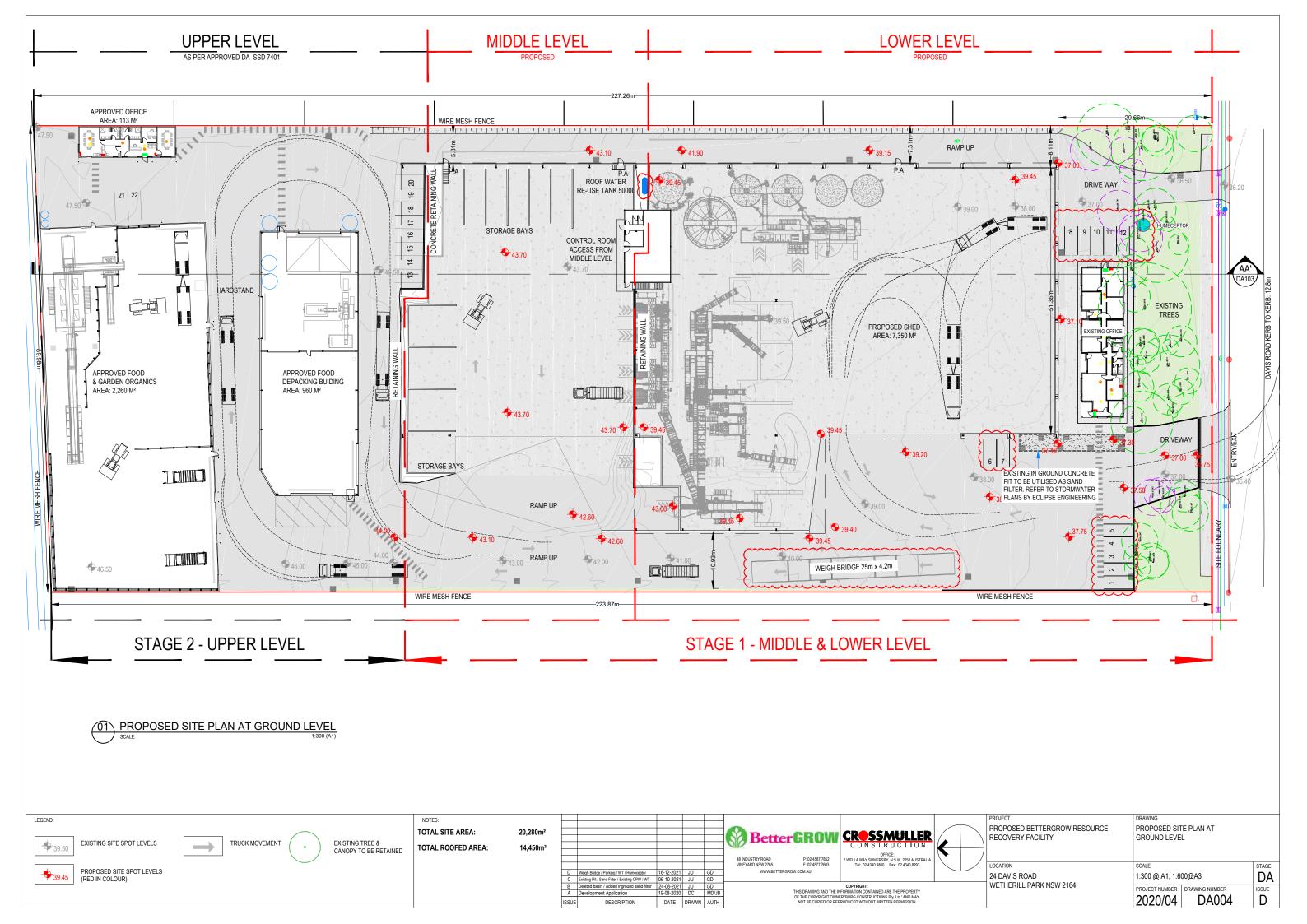
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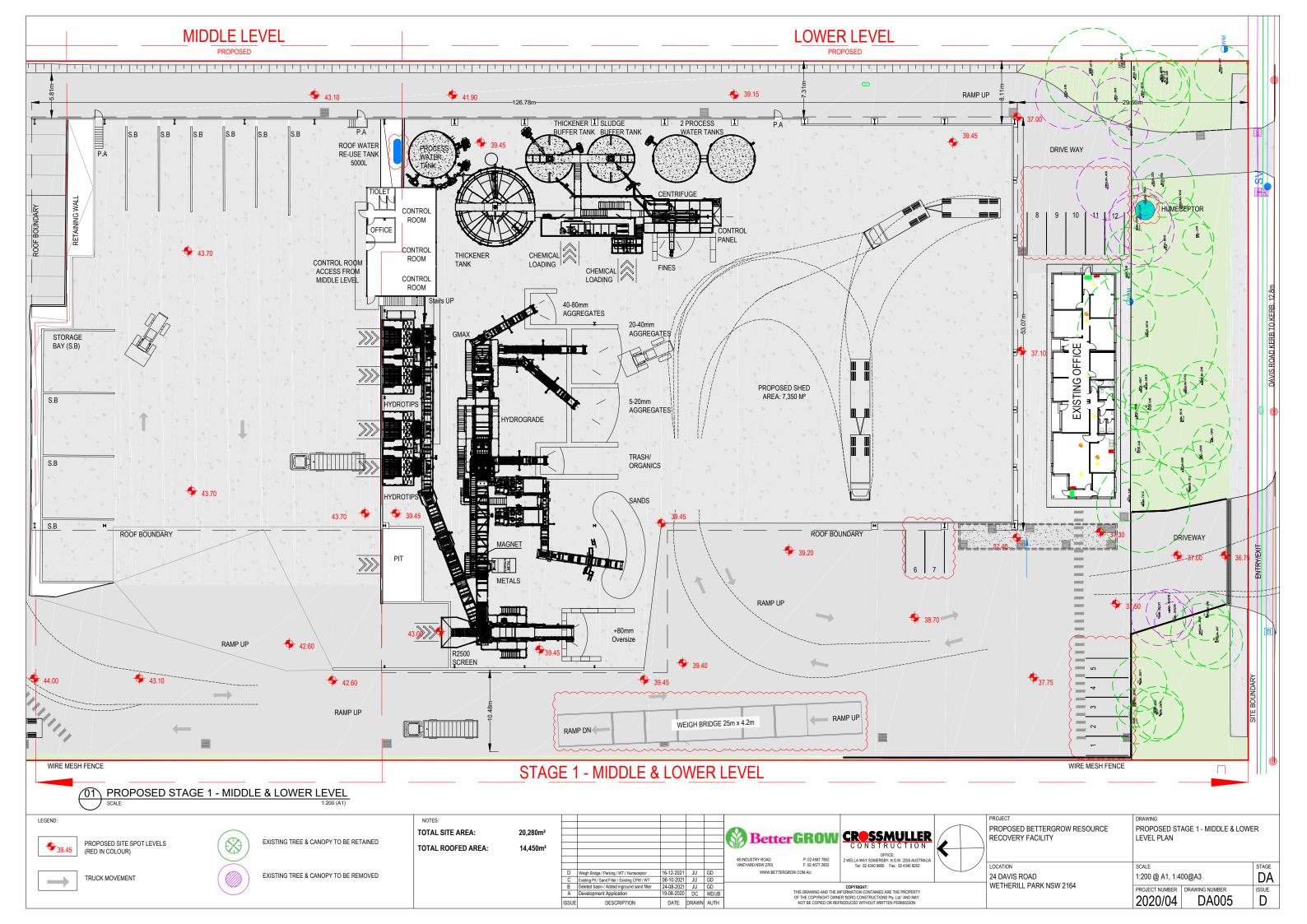


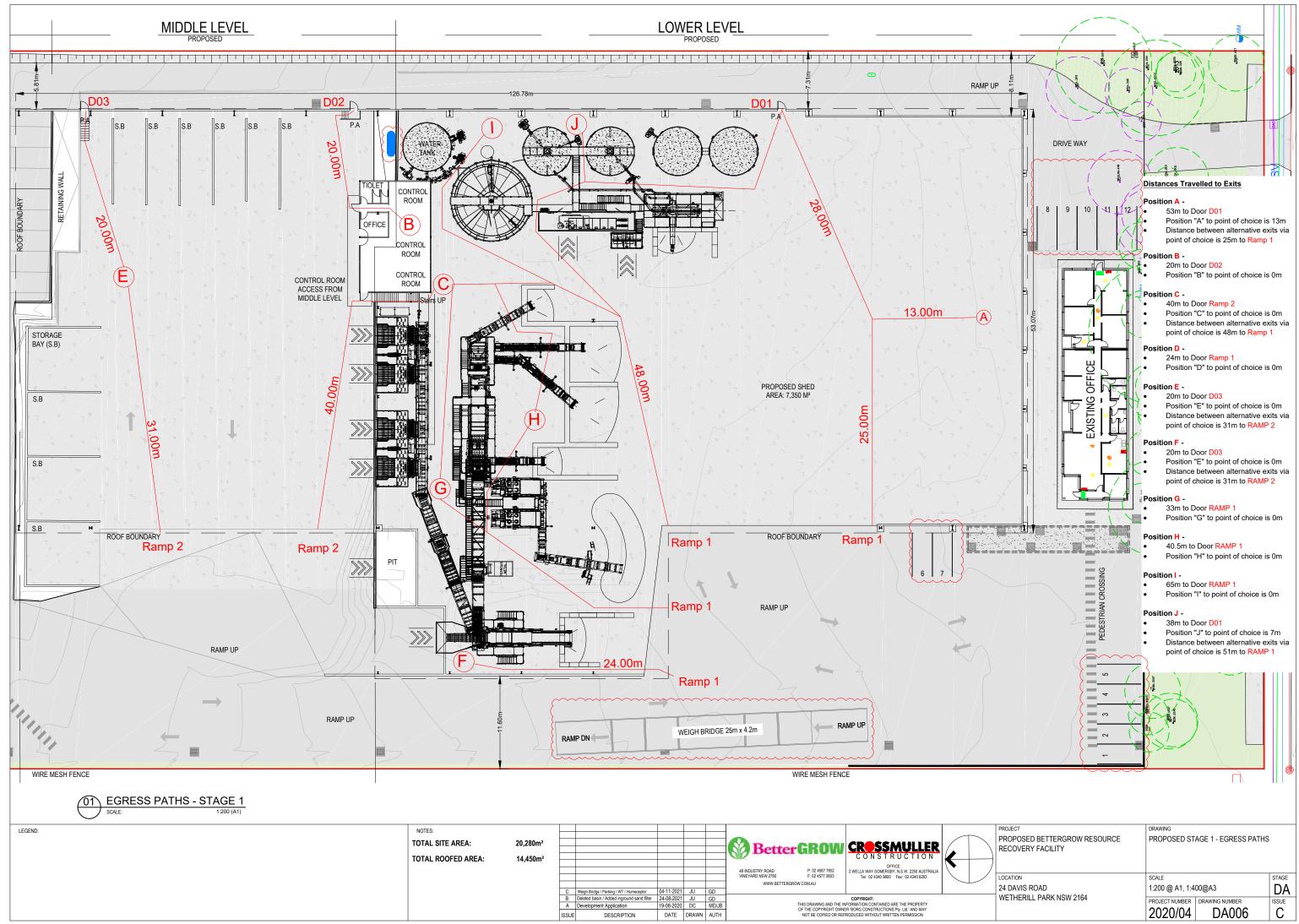




RECOVERY FACILITY	GROUND LEVE	L	
LOCATION	SCALE		STAGE
24 DAVIS ROAD WETHERILL PARK NSW 2164	1:300 @ A1, 1:600@A3		DA
WETHERILL PARK NSW 2104	PROJECT NUMBER	DRAWING NUMBER	ISSUE
	2020/04	DA004	С







LOCATION	SCALE		STAGE
24 DAVIS ROAD	1:200 @ A1, 1:400@A3		DA
WETHERILL PARK NSW 2164	PROJECT NUMBER	DRAWING NUMBER	ISSUE
	2020/04	DA006	С

