

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the development application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

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 25 November 2016

SCHEDULE A

| | |
|---------------------------|---|
| Application No.: | SSD 6525 |
| Applicant: | Boral Recycling Pty Ltd |
| Consent Authority: | Minister for Planning |
| Land: | Widemere Road, Wetherill Park (Lot 4001 DP 1173524) |
| Development: | Increase in processing capacity of an existing resource recovery facility to 1,000,000 tonnes per annum of non-putrescible construction and demolition waste. |

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DEFINITIONS

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| Additional Waste | Excavated natural material (ENM), tiles and masonry (including materials direct from manufacturer, such as seconds material), quarry products (greater than 20 mm) and wet concrete batching plant stirrer waste |
| Applicant | Boral Recycling Pty Ltd or anyone else entitled to act on this consent |
| Ancillary Operations | Any servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product |
| Construction | The construction of the re-aligned haul road |
| Controlled Discharge | As defined in the EPL |
| 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 |
| Department | Department of Planning and Environment |
| Development | The development that is approved by this development consent and as generally described in Schedule A |
| EIS | Environmental Impact Statement, titled Environmental Impact Statement - Widemere Recycling Facility, prepared by EMM dated 29 May 2015 |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPL | Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i> |
| Evening | The period from 6 pm to 10 pm |
| Expanded Operations | The point at which throughput exceeds 750,000 tonnes per annum of waste and receipt of additional waste streams occurs at the site |
| Feasible | Feasible relates to engineering considerations and what is practical to build. |
| Heavy vehicle | Any vehicle with a gross vehicle mass of 5 tonnes or more |
| Heritage | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement |
| Heritage Item | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> |
| Incident | An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent |
| Land | In general, the definition of land is consistent with the definition in the EP&A Act |
| Management and Mitigation Measures | The Applicant's management and mitigation measures contained in the EIS and included in Appendix 2 |
| 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 or to ecosystems that is not trivial |
| Minister | Minister for Planning, or delegate |
| Mitigation | Activities associated with reducing the impacts of the Development prior to or during those impacts occurring |
| Morning shoulder | The period from 6 am to 7 am on Monday to Saturday, and 7 am to 8 am on Sunday and Public Holidays |
| Night | The period from 10 pm to midnight on Monday to Saturday |
| OSD Monitoring and Management Plan | On-Site Stormwater Detention (OSD) Basin Surface Water Monitoring and Mitigation Plan, prepared by Cleanaway, dated 27 July 2016 |
| Operation | Any activity that results in the processing or intended processing of waste and includes ancillary operation |
| PCA | Principal Certifying Authority authorised under section 109D of the EP&A Act |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| RAP | Remedial Action Plan |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |
| RTS | Response to Submissions, titled Widemere Recycling Facility Response to Submissions, prepared by Boral Property Group, dated 10 December 2015. |
| Secretary | Secretary of the Department, or nominee |
| Site | Land referred to in Schedule 1 |
| Surface Water Management System | Means the open drains, swales and pipes that collect surface water runoff from the site to the sediment basins and sediment basins 1 and 2. |
| Surface Water Detention Basins | Sediment basins 1 and 2 (see Appendix 1) |
| tpa | Tonnes per annum |
| Waste | As defined under the POEO Act |

SCHEDULE B
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) EIS;
 - (b) RTS;
 - (c) Development layout plans and drawings in the EIS (see **Appendix 1**); and
 - (d) the Management and Mitigation Measures (see **Appendix 2**).
- B3. 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.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

LIMITS OF CONSENT

- B5. 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.
- B6. The Applicant shall not receive or process on the site more than 1,000,000 tonnes of waste (as expressly permitted by an EPL) per year.
- B7. The Applicant shall not cause, permit or allow any materials or waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- B8. Virgin excavated natural material (VENM), timber, metal, plastic, glass, paper and cardboard, tree cuttings and tree trunks) when mixed with inert waste may only comprise up to 20% by mass of all stockpiles on the site at any one time.
- B9. Stockpiles of permitted waste and recycled product shall not be more than twenty (20) metres above ground level.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B10. With the approval of the 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.
- B11. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall 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 shall be demonstrated.

EVIDENCE OF CONSULTATION

- B12. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the PCA for approval, where required;

- (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
- (c) 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 or any person acting on this development consent.

DISPUTE RESOLUTION

- B13. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- B14. The Applicant shall 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.

METEOROLOGICAL MONITORING

- B15. Within 3 months of the date of this consent, the Applicant shall ensure that there is a suitable meteorological station on the site that complies with the requirements in the latest version of the *Approved Methods for Sampling of Air Pollutants in New South Wales*. The meteorological station must be operated and maintained for the life of the Development.

UTILITIES AND SERVICES

- B16. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.

COMPLIANCE

- B17. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B18. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B19. The Secretary at any time may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Secretary and be submitted within such period as the Secretary may agree.
- B20. The Applicant shall meet the requirements of the Secretary in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under Condition B2. The Secretary may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Secretary may agree.

OPERATION OF PLANT AND EQUIPMENT

- B21. The Applicant shall 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.

DEVELOPMENT CONTRIBUTIONS

- B22. The Applicant must pay a levy of the percentage authorised by Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011, of the proposed cost of carrying out the development. The levy must be paid prior to the commencement of the expanded operations. A copy of the receipt for the payment must be submitted to the Department within two months of payment. The amount of the levy that is payable to Council, calculated as at the date of the grant of this development consent is \$1,641.12.

NOTIFICATION AND SURRENDER OF CONSENT

B23. Prior to the commencement of the expanded operations, the Applicant shall provide written notification in the manner prescribed by Clause 97 of the *Environmental Planning and Assessment Regulations 2000*, and surrender the following consent:

- (a) DA No. 21-1-2002-I granted by the Minister for Planning on 25 November 2002 for the construction and operation of a construction materials recycling facility.

SCHEDULE C
ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

WASTE MANAGEMENT

Waste Monitoring Program

- C1. The Applicant shall prepare a Waste Monitoring Program for the Development. This program must:
- (a) be prepared in consultation with the EPA by a suitably qualified and experienced expert within 3 months of the date of this consent;
 - (b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site.
 - (c) ensure that:
 - (i) all waste that are controlled under a tracking system have 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.
- C2. The Applicant shall carry out the Development in accordance with the Waste Monitoring Program approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

NOISE AND VIBRATION

Construction and Operation Hours

- C3. The Applicant shall comply with the construction and operation hours in Table 1 unless otherwise agreed to in writing by the Secretary.

Table 1: Hours of Construction and Operation

| Activity | Day | Hours |
|---------------------|--|---|
| Construction | Monday to Friday | 7 am to 6 pm |
| | Saturday | 8 am to 1 pm |
| | Sunday & Public Holidays | Nil |
| Operation | Processing, Reveal and Dispatch Activities: | |
| | Monday to Saturday | 6 am to midnight |
| | Sunday | 6 am to 6 pm (one Sunday per calendar month) |
| | Public Holidays | Nil |
| | Ancillary Operations: | |
| | Monday to Saturday | 6 am to midnight |
| | Sunday | 6 am to 6 pm |
| | Public Holidays | Nil |

Note: *Ancillary Operations means any servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product.*

- C4. The Applicant must keep a record of Sunday works as identified in **Table 1**.
- C5. Condition C3 does not apply to any activity that is required to be performed by police or other authorities for safety reasons; and/or if there is an on-site emergency that poses an immediate danger to personnel or equipment; and/or the operation or personnel or equipment is endangered. In such circumstances, prior notification shall be provided to the EPA and any affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operational Noise Limits

C6. The Applicant shall ensure noise from the operation does not exceed the limits in Table 2 below.

Table 2: Noise Limits (dB(A))

| Location | Noise Limits dB(A) | | | | Morning Shoulder (6am - 7am) |
|--|--------------------|-------------------------|------------------------|---------------|---------------------------------|
| | Day (7am - 6pm) | Evening (6pm - 10pm) | Night (10pm - 12am) | | |
| | LAeq (15min) | LAeq (15min) | LAeq (15min) | LFmax (15min) | LAeq (15min) |
| 71 Munro Street, Greystanes | 39 | 38 | 35 | 50 | 39 |
| 146 Daruga Avenue, Nelsons Ridge | 35 | 35 | 35 | 50 | 35 |
| Greystanes Estate - Future southern extent ¹ | 39 | 37 | 35 | 50 | 39 |

Note:

Note 1: Identified as Location R10 in Widemere Recycling Facility — Noise Impact Assessment (NIA) prepared by EMGA Mitchell McLennan (Ref J13127RP1 dated 27 April 2015).

Note 2: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Industrial Noise Policy.

Noise and Vibration Monitoring

C7. The Applicant shall carry out noise and/or vibration monitoring in accordance with any requirements in the EPL. This shall include verification that the facility is operating in accordance with the criteria outlined in Condition C6.

Vibration Criteria

C8. The Applicant shall ensure that vibration resulting from the development does not exceed the continuous or impulsive vibration criteria in the EPA's *Assessing Vibration: A Technical Guideline* (February 2006) at residential receivers.

Noise Mitigation

- C9. The Applicant shall:
- implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the development;
 - minimise the noise impacts of the development during adverse meteorological conditions;
 - maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
 - regularly assess any noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Noise Management

- C10. As part of the OEMP for the Development, required under Condition D2 of this consent, the Applicant shall prepare a Noise Management Plan. The Plan must:
- be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
 - be approved by the Secretary prior to the commencement of the expanded operations;
 - include up to date site plans;
 - identify all major sources of noise that may be emitted as a result of the operation of the Development;
 - specify the noise criteria as it applies to the particular activity;
 - include procedures for the monitoring of noise emissions from development, in accordance with any requirements of the EPL;
 - include protocols for the minimisation of noise emissions including deployment of the noise mitigation measures outlined in Condition C9;
 - describe the procedures to be undertaken if any non-compliance is detected; and
 - detail the mechanisms to consider and address cumulative noise impacts in the context of development in the Greystanes Estate / Widemere Area.

C11. The Applicant shall carry out the Development in accordance with the Noise Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

AIR QUALITY

Odour

C12. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Air Quality

C13. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.

C14. The Applicant shall carry out air quality monitoring in accordance with any requirements in the EPL.

C15. The Applicant shall ensure the development complies with any air quality limits in the EPL.

Air Quality Mitigation

C16. The Applicant shall:

- (a) operate the Development so that air emissions are minimised during all meteorological conditions;
- (b) implement best management practice, including all reasonable and feasible air emissions mitigation measures to minimise emissions from the Development, including but not limited to:
 - (i) limiting vehicle speed on-site to 30 kilometres per hour;
 - (ii) ensuring all loaded vehicles entering or leaving the site have their loads covered;
 - (iii) ensuring all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads; and
 - (iv) dust sprays through chemical suppressants, water sprays/misters.

Dust Management

C17. As part of the OEMP for the Development, required under Condition D2 of this consent, the Applicant shall prepare a Dust Management Plan. The Plan must:

- (a) be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
- (b) be approved by the Secretary prior to the commencement of the expanded operations;
- (c) identify all major sources of dust that may occur as result of the operation of the development;
- (d) describe the procedures to manage the emission of dust from the sources identified;
- (e) identify the locations where monitoring of dust emissions is to be undertaken;
- (f) describe the procedures for the monitoring of dust emissions from the development, in accordance with any requirements of the EPL;
- (g) provide protocols for regular maintenance of process equipment to minimise the potential for dust emissions;
- (h) detail the deployment of the mitigation measures identified in Condition C16; and
- (i) describe the procedures to be undertaken if any non-compliance is detected.

C18. The Applicant shall carry out the Development in accordance with the Dust Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Air Quality Audit

C19. The Applicant shall carry out an Air Quality Audit of the Development no later than six months after the commencement of the expanded operations. The audit must:

- (a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;

- (b) audit the Development whilst it is in operation;
- (c) include a summary of air emission related complaints and any actions that were carried out to address the complaints;
- (d) validate the Development against air quality and odour predictions in the EIS;
- (e) review design and management practices of the Development against industry best practice for air emissions; and
- (f) include an action plan that identifies and prioritises additional air and mitigation measures that may be necessary to reduce air emissions.

C20. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

C21. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Air Quality Audit.

SOIL AND WATER

Pollution of Waters

C22. The Development shall comply with Section 120 of the *POEO Act*, which prohibits the pollution of waters, except as expressly provided in an EPL.

C23. Any discharge or water quality criteria specified under the EPL must be complied with.

C24. Surface water must only be discharged from the location specified in the EPL.

C25. Discharges of turbidity and/or suspended solids to waters from discharge point identified in condition EPL is only permitted when the discharge occurs solely as a result of rainfall at the premises exceeding a total of 45 millilitres over any consecutive 5-day period.

C26. The Applicant shall undertake water quality monitoring at the discharge point and in accordance with the monitoring requirements described under this consent and the EPL.

Erosion and Sediment Control

C27. All soil and / or vegetation disturbed or removed from the site shall be disposed of to, or stored at, an appropriate location where it cannot be washed off the site.

C28. All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel-wash facility.

C29. The Applicant shall implement erosion and sediment control measures during construction in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guideline.

Bunding

C30. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded storage areas in accordance with the requirements of all relevant Australian Standards and the EPA's *Storing and Handling Liquids: Environmental Protection – Participants Manual 2007*

Site Drainage and Surface Water Management

C31. Within six months of the expanded operations, the Applicant shall provide certification from a suitably qualified engineer that the internal surfaces of the surface water detention basins have been maintained to the equivalent to, or better than, a clay liner with a permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm and whether any repairs are necessary. The documentation of the certification shall be provided to the EPA and Secretary.

- C32. Should the certification as per Condition C31 identify that repairs are required, these repairs shall be carried out within two months of the certification.
- C33. The Applicant shall maintain all surface water infrastructure to direct all surface water runoff to the site's surface water detention basins.
- C34. Only water contained in the site's secondary surface water detention basin (sediment basin 2 - as identified in **Appendix 1**) is permitted to be applied to land and stockpiles within the site. Spray from the application of this water must not drift beyond the boundary of the area to which it is applied.
- C35. The Applicant shall maintain the surface water detention basins on site with a minimum capacity to contain 45 millilitres of rainfall over any consecutive 5 day period. The capacity requirements of the sediment basins may be modified by the EPL.
- C36. The Applicant shall ensure that a visible marker is installed in each sediment retention basin in a position that shows the freeboard in the basin that equates to the volume required to contain all rainfall and runoff in the catchment from a 45 millilitre rainfall event over any consecutive 5 day period or as modified by the EPL.
- C37. The sediment basin liner shall be monitored every 3 years to ensure a clay liner of permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm is maintained.

Groundwater

- C38. Within six months of the commencement of the expanded operations. The Applicant shall conduct a Groundwater Monitoring Program. The program must:
- be carried out by a suitably qualified and experienced expert in consultation with the EPA and to the satisfaction of the Secretary;
 - assess the potential for leakage of the sediment basins to groundwater;
 - detail baseline data, groundwater levels and quality against the relevant criteria;
 - provide mitigation and contingency measures to prevent the sediment basins from leaking; and
 - identify further groundwater monitoring if required.
- C39. Within three months of the completion of the Groundwater Monitoring Program, the Applicant shall submit a copy of the Groundwater Monitoring Program as identified in Condition C38 to the Secretary and the EPA.
- C40. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Groundwater Monitoring Program.

Surface Water Mitigation and Monitoring Plan

- C41. Prior to any controlled discharges permitted under the EPL the Applicant must provide a Surface Water Mitigation and Monitoring Plan, the plan must:
- be prepared by a suitably qualified and experienced expert;
 - be approved by the Secretary in consultation with the EPA;
 - provide a description and map of the surface water processes and surface water management infrastructure;
 - outline the measures to control and manage surface water (including erosion and sedimentation) associated with the Development;
 - detail how water used for dust depression will be managed to ensure excessive run-off is not generated at the site;
 - consider the human health risks associated with the surface water reuse process at the site;
 - include details of the maintenance procedures of the sediment basins and surface water infrastructure;
 - describe the procedures for maintaining vegetation along surface water channels and detention systems, to minimise the potential for erosion;
 - provide details and outcomes of the water balance review and water quality characterisation as required by the EPL;

- (j) identify and justify practical measures that could be deployed at the site to minimise water pollution;
- (k) identify preferred mitigation measures along with timeframes for implementation;
- (l) establish an ongoing runoff discharge monitoring program to validate the proposed mitigation measures;
- (m) identify measures for managing pollutant exceedances;
- (n) identify contingency options to account for any mitigation measures that do not adequately address the site water pollution risks;
- (o) include a review and justify the flocculants and coagulants used on-site; and
- (p) conduct a review of the methods and chemicals used for pH adjustment in sediment basin.

C42. The Applicant shall carry out the Development in accordance with the Surface Water Mitigation and Monitoring Plan (including the implementation of mitigation measures) approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Water Quality Validation

C43. Within three months of implementing the Surface Water Mitigation and Monitoring Plan, the Applicant shall provide a Surface Water Validation Report, which shall:

- (a) be carried out by a suitably qualified and experienced expert;
- (b) be approved by the Secretary in consultation with the EPA;
- (c) detail the results of the Surface Water Mitigation and Monitoring Plan;
- (d) provide a characterisation of the water quality discharged in accordance with ANZECC (2000) assessment criteria;
- (e) ensure surface water is being managed in accordance the EPL;
- (f) provide an assessment of the effectiveness of implemented mitigation measures;
- (g) confirm that the site water balance including validation of the sediment pond storage and predicted discharge volume is consistent with the potential pollutant risks;
- (h) if necessary, propose additional mitigation measures to control and/or treat all pollutants that represent a risk of non-trivial harm; and
- (i) update the Surface Water Mitigation and Monitoring Plan to reflect any changes to the surface water management system.

C44. Any alterations to the surface water management system identified in the Surface Water Validation Report must be implemented prior to any further controlled discharges to the satisfaction of the Secretary.

C45. The Applicant must comply with any amended water quality criteria and discharge limits identified in the EPL.

Surface Water Audit

C46. The Applicant shall carry out an independent Surface Water Audit of the Development, in consultation with the EPA, following completion of the Surface Water Validation Report or as directed by the Secretary. The audit must:

- (a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
- (b) audit the Development whilst it is in operation;
- (c) validate the development against the Surface Water Mitigation and Monitoring Plan;
- (d) include a summary of any EPL water quality exceedances;
- (e) review design and management practices of the Development against industry best practice for surface water;
- (f) include an action plan that identifies and prioritises additional surface water mitigation measures and/or treatment options that may be necessary to reduce surface water impacts; and
- (g) provide a further program of monitoring to address water quality issues that may emerge over time.

- C47. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- C48. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Surface Water Audit.

CONTAMINATION

- C49. Prior to the commencement of construction of the realigned haul road as identified in Appendix 1, the Applicant shall prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated shall be disposed off-site, with the disposal location and results of testing submitted to the Secretary, prior to its removal from the site.
- C50. The Applicant shall implement the unexpected finds protocol developed under Condition C49 for the duration of construction works.

TRAFFIC AND PARKING

Parking

- C51. The Applicant shall maintain provision for 37 car parking spaces on the site. The spaces must conform to the relevant specifications in the latest version of Australian Standard 2890.1.
- C52. Accessible, visitor and service vehicle parking spaces must be clearly signposted and designated in accordance with the relevant Australian Standards.

Operating Conditions

- C53. The Applicant shall ensure that:
- (a) the Development does not result in any vehicles parking or queuing on the public road network;
 - (b) the realigned haul road (as identified in Appendix 1) is constructed and maintained in accordance with the relevant Australian Standards;
 - (c) all vehicles are wholly contained on site before being required to stop;
 - (d) all loading and unloading of heavy vehicles is carried out on-site, in particular, all materials when first received at the site shall be unloaded at the receivals area in the north of the site as identified in Appendix 1;
 - (e) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
 - (f) all heavy vehicles associated with the Development have their loads covered and do not track dirt onto public roads;
 - (g) all vehicles enter and leave the site in a forward direction; and
 - (h) all vehicles exiting the site, that have accessed unpaved areas, shall depart via a wheel-wash facility.

Driver Code of Conduct

- C54. The Applicant shall implement a Driver Code of Conduct for heavy vehicle drivers associated with the Development. The code must:
- (a) be submitted to and approved by the Secretary within 3 months of the commencement of the expanded operations;
 - (b) be distributed to all the drivers of heavy vehicles associated with the Development; and
 - (c) include provisions relating to:
 - (i) the approved haul routes;
 - (ii) the operating conditions;
 - (iii) the maintenance of engine noise and pollution control equipment; and
 - (iv) driving practices the minimise noise emissions on potentially affected residences.

HERITAGE

C55. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until consent in writing from the NSW Police and/or the OEH has been obtained.

VISUAL AMENITY

Lighting

C56. All external lighting associated with the Development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with Australian Standard AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting.

Signage

C57. The Applicant shall not install any advertising signs on site without the written consent of the Secretary.

FLORA AND FAUNA

C58. The Applicant shall:

- (a) avoid clearing the Swamp Oak Floodplain Forest EEC (with the exception of the 12 juvenile Swamp Oaks identified in the EIS) at the southern end of the site and ensure this stand is protected and maintained during construction and operation of the Development;
- (b) implement suitable measures to manage and prevent the spread of notifiable weeds on site as defined in the *Noxious Weeds Act 1993*; and
- (c) ensure landscaping along the eastern boundary of the site is maintained throughout the life of the Development.

SECURITY

C59. The Applicant shall:

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

HAZARDS AND RISK

C60. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

SCHEDULE D
ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- D1. The Applicant shall implement a Construction Environmental Management Plan during construction work for the Development. The Plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be submitted to and approved by the Secretary prior to the commencement of construction;
 - (c) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the realigned haul road (as identified in Appendix 1);
 - (d) describe all activities to be undertaken on the site during construction an outline all management practises and procedures;
 - (e) identify the statutory approvals that apply to the Development;
 - (f) describe of the roles and responsibilities for all relevant employees involved in construction; and
 - (g) include arrangements for complaints handling procedures during construction.

Operational Environmental Management Plan

- D2. The Applicant shall implement an Operational Environmental Management Plan for the Development. This plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be submitted to and approved by the Secretary prior to the commencement of the expanded operations;
 - (c) provide a strategic framework for environmental management of the Development;
 - (d) identify the statutory approvals that apply to the Development;
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (f) detail the commissioning period, including surface water monitoring and the deployment of mitigation measures;
 - (g) describe in general how the environmental performance of the Development would be monitored and managed;
 - (h) include the relevant plans listed in Schedule C;
 - (i) include a process for ongoing review and update of the OEMP (including documenting any changes to the development, surface water manage system and mitigation measures identified in the surface water mitigation and monitoring plan and any audits);
 - (j) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance; and
 - (v) respond to emergencies.

Management Plan Requirements

- D3. The Applicant shall ensure that the environmental management plans required under this consent are prepared in accordance with any relevant guidelines 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;
 - (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;
 - (iv) the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the Development;

- (ii) effectiveness of any management measures;
- (iii) a contingency plan to manage any unpredicted impacts and their consequences;
- (iv) a program to investigate and implement ways to improve the environmental performance of the Development over time;
- (d) 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; and
 - (v) a protocol for periodic review of the plan.

D4. The Secretary may waive some of the requirements in Condition D3 if they are unnecessary or unwarranted for particular management plans.

REPORTING

Incident Reporting

D5. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

D6. The Applicant shall 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.

INDEPENDENT ENVIRONMENTAL AUDIT

- D7. Within 1 year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
 - (c) include consultation with the relevant agencies;
 - (d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - (f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.
- D8. Within three months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

Annual Review

- D9. Within one year of the date of this consent, and every year thereafter, the Applicant shall review the environmental performance of the Development to the satisfaction of the 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.

Revision of Strategies, Plans and Programs

- D10. Within three months of the submission of an:
- (a) annual review under Condition D9 above;
 - (b) incident report under Condition D5 above;
 - (c) audit under Condition D7 above; or
 - (d) any modification to this consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

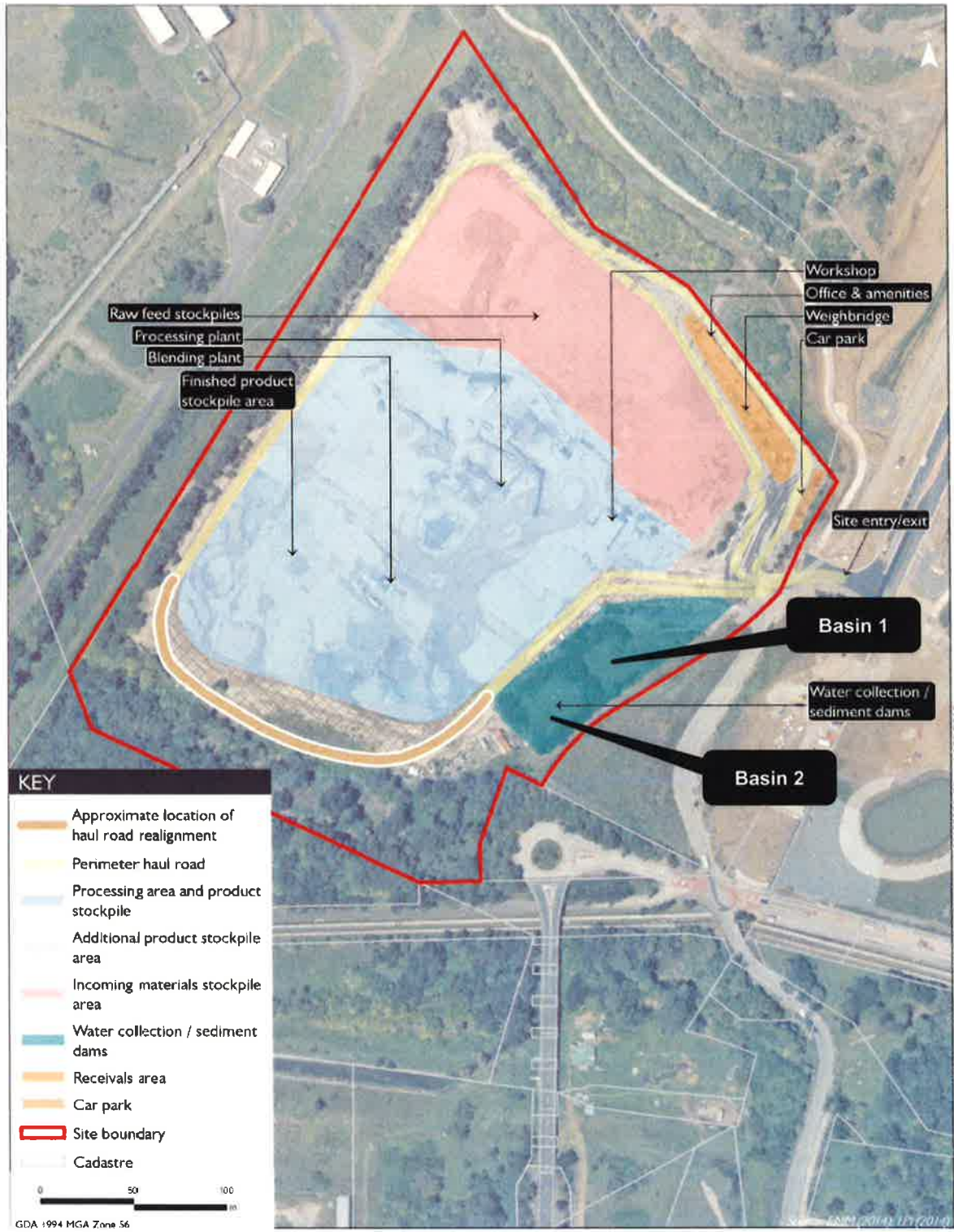
Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Development.

- D11. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

ACCESS TO INFORMATION

- D12. The Applicant shall:
- (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition D2;
 - (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 complaints register, updated on a monthly basis;
 - (vi) minutes of any community meetings held by the Applicant;
 - (vii) the annual reviews of the Development;
 - (viii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
 - (ix) any other matter required by the Secretary; and
 - (b) keep this information up to date and to the satisfaction of the Secretary.

APPENDIX 1 – SITE LAYOUT



APPENDIX 2 – MANAGEMENT AND MITIGATION MEASURES

| Management item | Mitigation measure | EIS section |
|-----------------------|--|------------------|
| Traffic and transport | Current operational procedures and the existing traffic management plan would be reviewed updated to reflect the changes to operations at the facility and as a result of the proposal. | 7.4 |
| Air quality | <p>The existing OEMP would be reviewed and updated to reflect proposed operations. The two dust deposition monitors located at the facility would be retained and would continue to monitor dust deposition in accordance with the EPL. Dust mitigation measures would continue to operation including:</p> <ul style="list-style-type: none"> • water cannons on stockpiles; • water cart on internal haul roads; • wheel wash at the southern and northern exits of the facility; • onsite speed limits; and • designed traffic routes. | 8.6 |
| Greenhouse gas | Boral would continue to implement procedures to ensure that onsite equipment is regularly maintained and serviced to maximum fuel efficiency, fuel consumption is be reduced by minimising vehicle kilometres travelled on site, and an ongoing review and implementation of energy efficiency measures are undertaken to reduce GHG emissions at the facility. | 8.6 |
| Waste management | Waste management during future operations would be consistent with current operations. The receivals protocol and quality control procedure would continue to be implemented across the facility. | 10.2.2 10.2.3 |
| Soils and water | <p>To mitigate the predicted impacts from the proposal, the following management measures are proposed:</p> <ul style="list-style-type: none"> • the sediment basins would retain their current total volume, which exceeds the volume of runoff generated by a 90th percentile, 5 day duration rainfall event; • the water levels in the basins would be monitored and adjusted to ensure adequate water is available to be reused on site; • water would be extracted from the basins during dry periods to maximise the stormwater storage capacity; • water quality in the basins would be actively managed to ensure discharges meet water quality objectives in the EPL; • including the use of flocculent reduce suspended solids and dosing to manage the pH; • water quality monitoring would continue to be undertaken on a daily basis during any discharges from the LDP in accordance with the EPL, and at approximately monthly intervals during periods where there are no discharges; • a 12 month monitoring program be undertaken to assess the risk posed by the potential (agreed with EPA) contaminants of concern in accordance with ANZECC (2000) assessment criteria and any additional management practices be implemented based upon its findings (and conducted annually in September or October); • a pollutant load estimate be undertaken on an annual basis with consideration to discharge volumes and discharge quality in order to monitor the performance of the basin in relation to pollutant loading to Prospect Creek; • the proposed realignment of the perimeter haul road would incorporate the following: | 11.5 |

| Management item | Mitigation measure | EIS section |
|-----------------|---|-------------|
| | <ul style="list-style-type: none"> – sediment laden water would be temporarily collected within two open sediment cleanout pits situated inline within the open drain adjacent to the roadway; – a sand bag would be used to trap sediment up gradient of the piped outlet of the open drain up gradient of Basin 1; – the sediment cleanout pits and open drain are would be regularly inspected and sediment would be cleaned out as required and redistributed into the recycling process stockpiles as often as is necessary to manage water quality within the basins; • the management of fuel spills would continue to be undertaken in accordance with the OEMP. <p>Boral would also investigate options for additional stormwater storage and/or water supply options. This could include (but not be limited to):</p> <ul style="list-style-type: none"> • opportunities to extract water from other local basins owned by Boral; and • opportunities to increase the capacity of the existing sediment basins with consideration to health and safety requirements, and if practical and feasible. | |
| Ecology | <p>The following measures should be implemented to minimise impacts to biodiversity during construction and operation:</p> <ul style="list-style-type: none"> • demarcation of the clearing limits using survey pegs to avoid overclearing of the Swamp Oak Floodplain Forest EEC; and • continued implementation of site sediment and erosion control measures to prevent runoff into native vegetation. | 12.4 |
| Heritage | <p>If any items of heritage significance are uncovered during the internal road realignment, work would cease immediately in the vicinity of the item(s) and the OEH would be contacted to ascertain the necessary actions.</p> | 13.4 |
| Visual | <p>The stockpile area located within the southern portion of the site would continue to be monitored to ensure that the height of the highest stockpile does not exceed 20 m.</p> | 14.3 |
| Socio-economic | <p>The continued management of operations under the proposal would be conducted to review traffic and transport, hazard and risk, visual, air quality and odour, and noise and vibration conditions at the facility in accordance with the EPL, OEMP and traffic management plans.</p> | 15.4 |