

## Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney

31 August 2022

File: EF19/12607

### SCHEDULE 1

**Application Number:**

SSD-8304

**Applicant:**

DGL Group Limited

**Consent Authority:**

Minister for Planning

**Site:**

201 Five Islands Road, Unanderra

Lot 3 DP 259921

**Development:**

Continued processing and recycling of up to 36,000 tonnes per annum (tpa) of used lead acid batteries at the existing Battery Recycling Plant;

and

Construction and operation of a Liquid Waste Treatment Plant to treat up to 56,500 tpa of liquid wastes.

***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.***

# CONSOLIDATED CONSENT

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## DEFINITIONS

<b>Applicant</b>	DGL Group Limited, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Wollongong City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	<p>The development as described in Schedule 1, the EIS and Response to Submissions. The definition of the development has different meanings in different parts of this consent:</p> <ul style="list-style-type: none"> <li>In Part B of this consent development means - the Liquid Waste Treatment Plant (LWTP) for treatment of up to 56,500 tonnes per annum (tpa) of liquid wastes, comprising 48,000 tpa of internal wastewater from the existing Battery Recycling Plant (BRP) and 8,500 tpa of new liquid waste from external sources; or</li> <li>In Part C of this consent development means - the existing BRP for the processing 36,000 tpa of used lead acid batteries (ULAB) on-site</li> </ul>
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group of the Department
<b>EIS (LWTP)</b>	The Environmental Impact Statement titled Proposed LWTP, prepared by Planning Plus Pty Ltd dated June 2021, submitted with the application for consent for the LWTP development
<b>EIS (BRP)</b>	<ul style="list-style-type: none"> <li>The Environmental Impact Statement (EIS) prepared by Balance Research and Development and dated 3 October 2003 (DA2003/1718/A), the Integrated Development Application D1718/03 prepared by Hydromet Corporation Limited and further information received in relation to the EIS for the BRP</li> <li>The Environmental Impact Statement (EIS) no 3543A prepared by Hydromet Corporation dated 5 November 2003 (DA2003/1718), the Integrated Development Application D1966/03 prepared by Hydromet Corporation Limited and further information received in relation to the EIS for the BRP</li> </ul>
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act

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<b>Evening</b>	The period from 6 pm to 10 pm
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of the Liquid Waste Treatment Plant and continued use of the Battery Recycling Plant as described in the EIS and RTS
<b>Overall development</b>	Meaning operations and uses on the broader site, being both the LWTP and the BRP
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the LWTP development under the EP&A Act and includes the document titled Response to Submissions, prepared by Planning Plus Pty Ltd and dated December 2021 and Response to Submissions, prepared by Planning Plus Pty Ltd and dated 22 March 2022
<b>SEE (BRP)</b>	Statement of Environmental Effects (SEE) number 06338-2 (DA2007/1572), prepared by Site Plus Pty Ltd dated October 2007, submitted with the application for consent for the development and further information received in relation to the SEE for the BRP
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>ULAB</b>	Used lead acid battery
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A OVERALL DEVELOPMENT, ALL USES ON THE SITE

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The overall development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the LWTP EIS and Response to Submissions;
  - (d) in accordance with the BTP EIS and Response to Submissions SEE and Responses to Further Information Requests;
  - (e) in accordance with the Development Layout in Appendix 1; and
  - (f) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c)**Error! Reference source not found.** or A2(f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the Liquid Waste Treatment Plan (LWTP) operations have physically commenced on the land to which the consent applies before that date.

##### Processing Capacity

- A6. The Applicant must not process more than 56,500 tonnes per annum (tpa) of industrial liquid waste, comprising:
- (a) liquid waste from external sources of 8,500 tpa; and
  - (b) Battery Recycling Plant internal wastewater stream of 48,000 tpa.
- A7. The Applicant must not process more than 36,000 tpa of used lead acid batteries (ULAB).
- A8. This consent does not include the decommissioning or demolition of the existing Wastewater Treatment Plant located within Building B.

##### General

- A9. The operation of the site must be consistent with the site's Environment Protection Licence (EPL) 5874.

#### NOTIFICATION OF COMMENCEMENT

- A10. The date of commencement of each of the following phases of the overall development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
  - (b) operation;
  - (c) cessation of operations; and

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(d) decommissioning.

A11. If the construction or operation or decommissioning of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

## SURRENDER OF EXISTING CONSENTS OR APPROVALS

A12. Within 12 months of the date of commencement of operation of the LWTP to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the following existing development consents, in accordance with the EP&A Regulation:

- i. dated 19 August 2004 (DA-2003/1718) Upgrade to Lead Acid Battery Draining Facility;
- ii. dated 24 February 2006 (DA-2003/1718/A) for the modification to the Lead Acid Battery draining and upgrading process (LABDU) - Modification to reposition approved storage building to adjoin existing storage Building F; and
- iii. dated 11 February 2008 (DA-2007/1572) increase in annual lead acid battery process up to a maximum of 36,000 tpa.

A13. Upon the commencement of operation of the LWTP to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A12, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

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

## EVIDENCE OF CONSULTATION

A14. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A15. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A16. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A17. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

## DEMOLITION

A18. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## STRUCTURAL ADEQUACY

A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Note:**

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

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## COMPLIANCE

- A20. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## OPERATION OF PLANT AND EQUIPMENT

- A21. All plant and equipment used on site, or to monitor the performance of the overall development, must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## EXTERNAL WALLS AND CLADDING

- A22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A23. Prior to the issuing of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A24. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## UTILITIES AND SERVICES

- A25. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A26. Before the commencement of operation of the LWTP, 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*.

## WORK AS EXECUTED PLANS

- A27. Before the issuing of the commencement of operation for the LWTP, work-as-executed drawings signed by a registered surveyor demonstrating that the finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## TRAFFIC AND ACCESS

### Parking

- A28. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the overall development does not utilise public and residential streets or public parking facilities.

### Operating Conditions

- A29. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and *AS 2890.6:2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the overall development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on-site;
  - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and



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- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### Traffic

- A30. The Applicant must limit daily overall development traffic volumes to a maximum of 43 light vehicles and 17 heavy vehicles.

### SOILS, WATER QUALITY AND HYDROLOGY

#### Flood Management

- A31. Prior to the commencement of construction of the LWTP the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP and OEMP required by conditions D2 and D5 and must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
  - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
  - (c) include details of:
    - (i) the flood emergency responses for construction and all on-site operations;
    - (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.
- A32. The Applicant must:
- (a) not commence construction until the Flood Emergency Response Plan required by condition A31 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

### AIR QUALITY

#### Dust Minimisation

- A33. The Applicant must take all reasonable steps to minimise dust generated during all onsite works and operations.

#### Air Quality Discharges

- A34. The Applicant must install and operate equipment in line with best practice to ensure that the overall development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.
- A35. The exit of the Rotary Kiln Dryer Stack must be a minimum of 20 metres above ground level.
- A36. The exit of the LWTP Scrubber Stack must be a minimum of 20 metres above ground level, and discharge at a minimum velocity of 15 m/s.

#### Air Quality Management Plan

- A37. Prior to the commencement of operation of the LWTP, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition D5. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
  - (c) describe how the acid scrubbing system for the BRP removes acid mist;
  - (d) describe how the discharge points for the rotary kiln dryer cyclone and liquid waste treatment (LWTP) scrubber are designed to allow air emission testing (stack testing) to be undertaken having consideration for the requirements outlined in *Australian Standard AS4323.1 Stationary source emissions – Selection of sampling positions*;
  - (e) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - (f) identify the control measures that will be implemented for each emission source; and
  - (g) nominate the following for each of the proposed controls:



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

A38. The Applicant must:

- (a) not commence operation until the Air Quality Management Plan required by condition A37 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

### Post-commissioning air sampling

A39. Within 60 days of the commissioning of the LWTP, the Applicant must undertake post-commissioning sampling. The post-commissioning air emissions sampling must be undertaken by a suitably qualified person and must verify the emission performance of the rotary kiln dryer cyclone and the LWTP scrubber.

### Odour Management

A40. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

### Odour Audit

A41. The Applicant must carry out an Odour Audit of the overall development no later than six months after the commencement of operation of the LWTP. Division 9.4 of Part 9 of the EP&A Act applies to this audit which is for the purpose of auditing the overall development against the odour impact predictions of the overall development. 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) audit the development in full operation;
- (c) include a summary of odour complaints and any actions that were carried out to address the complaints;
- (d) assess the operation against odour impact predictions in the EIS;
- (e) review design and management practices in the development against industry best practice for odour management; and
- (f) include an action plan that identifies and prioritises any odour mitigation measures that may be necessary to reduce odour emissions.

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

A42. Within six months of commissioning of the Odour Audit required by Condition A41 **Error! Reference source not found.**, 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.

## NOISE

### Operational Noise Limits

A43. The Applicant must ensure that noise generated by operation of the overall development does not exceed the noise limits in **Error! Reference source not found.**

**Table 1** Noise Limits (dB(A))

Location	Day	Evening	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)
All residential receivers	46	43	36

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**Note** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

## WATER

### Discharge Limits

A44. The overall development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

## HAZARDS AND RISKS

### Pre-construction

A45. At least one month prior to the commencement of construction of the LWTP development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (d) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

- (a) A **Fire Safety Study** for the overall development. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW for approval.
- (b) A **Hazard and Operability Study** for the overall development, chaired by a qualified person, independent of the development, approved by the Planning Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.
- (c) A **Final Hazard Analysis** of the overall development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.

### Pre-commissioning

A46. The Applicant must develop and implement the plans and systems set out under subsections (a) to (c) below. No later than two months prior to the commencement of commissioning of the LWTP, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.

- (a) a comprehensive Emergency Plan and detailed emergency procedures for the overall development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
- (b) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

### Pre-startup

A47. One month prior to the commencement of operation of the LWTP, the Applicant must submit to the Planning Secretary, a Pre-Startup Compliance Report detailing compliance with conditions A45 and A46 of this consent, including:

- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
- (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
- (c) responses to any requirement imposed by the Planning Secretary under condition A2(b).

### Post-startup

A48. Three months after the commencement of operation of the LWTP, the Applicant must submit to the Planning Secretary, a Post-Startup Compliance Report verifying that:

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- (a) the Emergency Plan required under condition A46(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the Safety Management System required under condition A46(b) has been fully implemented and that records required by the system are being kept.

### Hazard Audit

- A49. Within twelve months after the commencement of operation of the LWTP and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development and within one month of each audit submit a report to the satisfaction of the Secretary for approval. The audits must:
- (a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
  - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*; and
  - (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.
- A50. Within one month of completing each audit carried out in accordance with condition A49, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

### Further Requirements

- A51. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions A48(a) to A48(b) inclusive, within such time as the Planning Secretary may agree.
- A52. In the event of an inconsistency between the requirements of conditions A48(a) and A48(b), the most stringent requirement must prevail to the extent of the inconsistency.
- A53. 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) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.

### Bunding

- A54. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

### VISUAL AMENITY

#### Lighting

- A55. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); 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.

### EMERGENCY SERVICES

- A56. Prior to commencement of operation of the LWTP, the Applicant must prepare an Emergency Services Information Package (ESIP) in accordance with the Fire and Rescue NSW 'Fire Safety Guideline – Emergency Services Information Package and tactical fire plans.' and ensure the ESIP is readily accessible to emergency service organisations at all times.

### WASTE MANAGEMENT

#### Operating Conditions

- A57. Prior to the operation of the LWTP, in consultation with Council, the Applicant must prepare a design of the waste storage area for the development or have endorsement to utilise an existing waste storage area on-site. The waste storage area must be secured and maintained at all times.

## CONSOLIDATED CONSENT

- A58. The Applicant must not cause, permit or allow any materials or waste (as defined by the POEO Act) 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 EPL 5874.
- A59. All waste processing must be undertaken in an enclosed processing building and within designated areas. All material handling is to occur within bunded areas.
- A60. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a waste management facility or premises lawfully permitted to accept the waste.
- A61. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

### APPLICABILITY OF GUIDELINES

- A62. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A63. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### ADVISORY NOTES

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

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## PART B LIQUID WASTE TREATMENT PLANT

### SOILS, WATER QUALITY AND HYDROLOGY

#### Erosion and Sediment Control

- B1. Prior to the commencement of any construction or other surface disturbance associated with the LWTP, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition D2.

#### Flood Requirements - Building E

- ~~B2. All floor levels of the LWTP in Building E must be no lower than the 1% Annual Exceedance Probability flood plus 0.50 m of freeboard (RL 10.34 m AHD).~~
- B2 All floor levels of the LWTP in Building E must be no lower than the 1% Annual Exceedance Probability flood (RL 9.84 m AHD).
- B3. Any structures in the LWTP, Building E, below the 1% Annual Exceedance Probability plus 0.50 m of freeboard (RL 10.34 m AHD) must be constructed from flood compatible building components.
- B4. Building E must be capable of withstanding flooding. This can be achieved either through a new continuous and impermeable wall around Building E to act as a bund, or through use of the existing reinforced concrete wall around Building E. Bund walls must:
- (a) be continuous around the perimeter of the building; and
  - (b) be impermeable; and
  - (c) be a minimum top of wall level of RL 10.43 m AHD; and
  - (d) be capable of withstanding the forces of floodwater, debris and buoyancy up to and including RL 10.43 m AHD.
- B5. A survey report must be obtained by a registered surveyor, verifying that each floor and top of bund wall levels required under Condition B4 are met. The survey must be completed after the formwork has been completed and prior to the pouring of concrete for the respective level.
- B6. Building E must comply with the following:
- (a) power service (metering) equipment, power outlets and switches must be located above RL 10.34 metres AHD or are capable of disconnection by a single plug and socket assembly.
  - (b) an area must be provided within the building to store materials above the 1% AEP flood level plus 0.5m (freeboard), being above a level of RL 10.34 m AHD. Once operational, all materials which may cause pollution or be potentially hazardous during a flood must be stored within the bunded building area.
  - (c) any redirection or treatment of run-off must not adversely affect any other property
  - (d) be undertaken generally in accordance with the report titled 'DGL Group Limited Proposed Liquid Waste Treatment Plant Flood Risk Management Study' prepared by SitePlus (Reference 16151, Revision 3, dated August 2021).

### AIR QUALITY

#### Dust Minimisation

- B7. During construction of the LWTP, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### NOISE

#### Hours of Work

- B8. The Applicant must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the Planning Secretary.

**Table 2** Hours of Work

# CONSOLIDATED CONSENT

Activity	Day	Time
Demolition and Construction LWTP	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation LWTP	Monday – Sunday	24 hours

- B9. Works outside of the hours identified in condition B8 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
  - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

## Construction Noise Limits

- B10. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

## CONTAMINATION

### Unexpected Finds

- B11. Prior to the commencement of construction of the LWTP, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition D2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

## Asbestos

- B12. The Applicant must ensure that any asbestos encountered during the demolition and construction works of the LWTP is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- Work Health and Safety Regulation 2017*;
  - SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - Protection of the Environment Operations (Waste) Regulation 2014*.

## TRAFFIC AND ACCESS

### Construction Traffic Management Plan

- B13. Prior to the commencement of construction of the LWTP, the Applicant must prepare a Construction Traffic Management Plan (CTMP) to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition D2 and must:
- be prepared by a suitably qualified and experienced person(s);
  - be prepared in consultation with Council;
  - detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - detail heavy vehicle routes, access and parking arrangements;
  - include a Driver Code of Conduct to:
    - minimise the impacts of earthworks and construction on the local and regional road network;
    - minimise conflicts with other road users;
    - minimise road traffic noise; and
    - ensure truck drivers use specified routes;
  - include a program to monitor the effectiveness of these measures; and
  - if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.



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B14. The Applicant must:

- (a) not commence construction of the LWTP until the CTMP required by condition B13 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

### Heavy / Service Vehicles Management

B15. The Applicant must:

- (a) not permit vehicles over 20 metres departing the LWTP to exit the site onto Five Islands Road; and
- (b) ensure heavy vehicle for the LWTP use the routes detailed in Section 5.4 of the Traffic Impact Study, prepared by Bitzios Consulting (reference P3793.006R) and dated 2 June 2021.

### WASTE MANAGEMENT

#### Construction and Demolition Waste Management

B16. Prior to the commencement of construction of the LWTP, the Applicant must prepare a Construction and Demolition Waste Management Plan to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition D2 and 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.

B17. The Applicant must:

- (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Planning Secretary.
- (b) implement the most recent version of the Construction and Demolition Waste Management Plan approved by the Planning Secretary.

#### Waste Management Plan

B18. Prior to the commencement of operation of the LWTP, the Applicant must prepare a Waste Management Plan to the satisfaction of the Planning Secretary. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition D5. The Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Appendix 2.

B19. The Applicant must:

- (a) not commence operation until the Waste Management Plan is approved by the Planning Secretary;
- (b) implement the most recent version of the Waste Management Plan approved by the Planning Secretary.



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## PART C BATTERY RECYCLING PLANT

### NOISE

#### Hours of Work

- C1. The Applicant must comply with the hours detailed in Table 3, unless otherwise agreed in writing by the Planning Secretary.

**Table 3** Hours of Work

Activity	Day	Time
Operation - BRP	Monday – Sunday	24 hours

- C2. Works outside of the hours identified in condition C1 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

### WASTE MANAGEMENT

#### Operating Conditions

- C3. All contaminated water must be collected, neutralised and directed to storage tanks for reuse.
- C4. Wash down from trucks and battery containers and machinery involved in the shredding process must be collected, neutralised and directed to storage tanks for reuse.

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## PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING - OVERALL DEVELOPMENT, ALL USES ON THE SITE

### MANAGEMENT PLAN REQUIREMENTS

- D1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (h) a protocol for periodic review of the plan.

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

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- D2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the LWTP development in accordance with the requirements of condition D1 and to the satisfaction of the Planning Secretary.
- D3. As part of the CEMP required under condition D2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition B13);
  - (b) Erosion and Sediment Control Plan;
  - (c) Construction and Demolition Waste Management Plan (see condition B16); and
  - (d) Unexpected Finds Protocol (see condition B11).
- D4. The Applicant must:
- (a) not commence construction of the LWTP until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the LWTP in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- D5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the overall development in accordance with the requirements of condition D1 and to the satisfaction of the Planning Secretary.
- D6. As part of the OEMP required under condition D5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;

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- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
  - (i) Air Quality Management Plan (see condition A37);
  - (ii) Heavy Vehicle Management Plan (see Condition B15);
  - (iii) Waste Management Plan LWTP (see condition B18);
  - (iv) Flood Emergency Response (see condition A31);
  - (v) Odour Audit (see condition A41); and
  - (vi) Unexpected contamination procedure (see condition B11).

D7. The Applicant must:

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

## OPERATIONAL COMPLAINTS HANDLING PROTOCOL

D8. Prior to the commencement of operation of the LWTP, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the overall development. The OCHP must:

- (a) detail how complaints would be received by the Applicant;
- (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
- (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint
- (d) be submitted to the Planning Secretary upon request.

**Note:** *Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.*

D9. The Applicant must:

- (a) not commence operation of the LWTP until the OCHP under condition D8 is submitted to the Planning Secretary; and
- (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of the overall development.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

D10. Within three months of:

- (a) the submission of a Compliance Report under condition D16;
- (b) the submission of an incident report under condition D12;
- (c) the submission of an Independent Audit under condition D18;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.

D11. If necessary to either improve the environmental performance of the overall development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition D10, or such other timing as agreed by the Planning Secretary.

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

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

D12. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the

## CONSOLIDATED CONSENT

incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

### Non-Compliance Notification

- D13. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- D14. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D15. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- D16. Within six months after the commencement of operation of the LWTP, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- D17. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

### Independent Audit

- D18. Within one year of the commencement of operation of the LWTP, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- D19. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D18 of this consent;
  - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

### Monitoring and Environmental Audits

- D20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

### ACCESS TO INFORMATION

- D21. At least 48 hours before the commencement of construction of the LWTP and for the life of the overall development, the Applicant must:

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





Figure 1: Site Plan

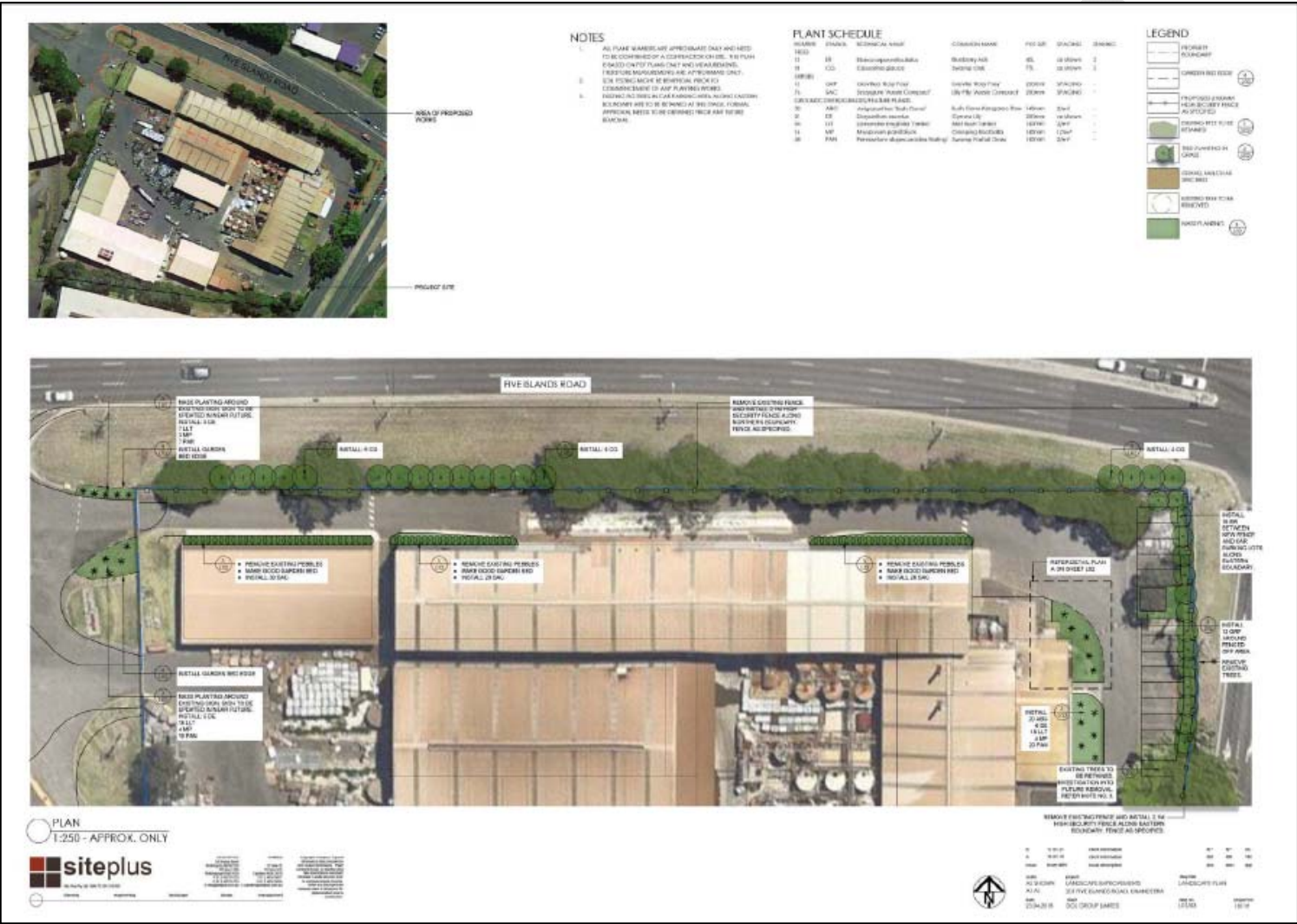


Figure 2: Landscaping Plan





**Figure 2: Project setting and receptor locations**

**Figure 3: Location of receivers**

For Information

<b>1. Statutory Commitment</b>	<p>1.1 The Proponent will ensure that all statutory approvals, licences and permits are obtained and maintained for the whole site. Copies of all relevant environmental planning approvals, licences and permits will be available on site at all times.</p> <p>1.2 Consider applying to surrender any existing planning consents once consent has been provided for this State Significant Development (SSD 8304) application and prior to operations commencing on the site. This commitment will satisfy DPIE's preference for the operation of the whole DGL site to be covered by a single, modern development consent.</p>
<b>2. Project Compliance</b>	<p>2.1 The Proponent will establish a LWTP Project specific induction program for employees, contractors and sub-contractors which will incorporate responsibilities under relevant statutory licences, permits and environmental approvals.</p> <p>2.2 The Proponent will ensure that employees, contractors and sub-contractors are inducted in the LWTP Project induction program prior to commencing work on the site.</p>
<b>3. Environmental Management and Reporting</b>	<p>3.1 The Proponent will prepare and implement a suite of Environmental Management Plan (EMP) documents for the construction (CEMP) and operational (OEMP) phase of the Project including where relevant:</p> <ul style="list-style-type: none"> <li>• Soil and Water Management Plan (SWMP)</li> <li>• Stormwater Management Plan (STMP)</li> <li>• Acid Sulfate Soil Management Plan (ASSMP)</li> <li>• Site Management Plan (SMP)</li> <li>• Hazardous Substance Management Plan (HSMP)</li> <li>• Spill Management Plan (SpMP)</li> <li>• Emergency Response Plan (ERP)</li> <li>• Traffic Management Plan (TMP)</li> <li>• Noise and Vibration Management Plan (NVMP)</li> <li>• Air Quality Management Plan (AQMP)</li> <li>• Safety Management Plan (SFMP)</li> <li>• Waste Management Plan (WMP)</li> <li>• Unexpected Finds Protocol (UFP)</li> </ul>
<b>4. Air Quality/Greenhouse</b>	<p>4.1 The Air Quality Impact &amp; Greenhouse Gas Assessment prepared by Todoroski Air Sciences found the Project can operate without causing any</p>

<b>Gas</b>	<p>significant air quality impact at sensitive receptors in the surrounding environment and would comply with the relevant air quality criteria. Nevertheless, the Proponent will apply appropriate air quality mitigation and management measures to its operations to ensure it minimises the potential occurrence of excessive air emissions from the site including the following:</p> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• The whole site , including trafficable areas are sealed.</li> <li>• Yard area is kept clean, any incidental spills to be cleaned immediately.</li> <li>• Regular sweeping and/or hosing of hardstand areas.</li> <li>• Conduct visual checks for air emissions (dust) beyond the boundary.</li> <li>• Engines of on-site vehicles and plant to be switched off when not in use.</li> <li>• Vehicles and plant are to be fitted with pollution reduction devices where practicable.</li> <li>• Vehicles to be maintained and serviced according to manufacturer's specifications.</li> </ul> <p><u>Plant &amp; Equipment</u></p> <ul style="list-style-type: none"> <li>• Wet scrubbers to be regularly serviced and maintained.</li> <li>• Dust extraction systems to be regularly serviced and maintained.</li> <li>• Daily inspections of plant and equipment to ensure optimal operations.</li> <li>• Annual emission testing to ensure control equipment operate within manufacturer's specifications.</li> </ul> <p><u>Materials Storage</u></p> <ul style="list-style-type: none"> <li>• Water sprays to be used when excessive dust is generated.</li> <li>• Materials to be stored in designed storage areas.</li> </ul> <p><u>Hauling Activities</u></p> <ul style="list-style-type: none"> <li>• Sealed driving surfaces on the site to be cleaned and/or watered down regularly.</li> <li>• Vehicles are to abide by site speed limits.</li> <li>• Vehicle loads to be covered when transporting material on and off site.</li> <li>• The access driveway to the site is checked regularly and any dust, material or mud tracked onto the road to be cleaned immediately.</li> </ul> <p><u>Incident &amp; Complaints Management</u></p> <ul style="list-style-type: none"> <li>• Record all air/dust incidents and breaches.</li> <li>• Complaints are logged and investigated.</li> </ul> <p>4.2 The LWTP Project will be undertaken in a manner that minimises air emissions from the site during construction and operation, including wind-blown and traffic generated dust (fugitive dust).</p> <p>4.3 The Proponent commits to utilising various mitigation measures to minimise the overall generation of greenhouse gas emissions as follows:</p> <ul style="list-style-type: none"> <li>• Monitor the consumption of fuel and regularly maintain diesel powered equipment to ensure operational efficiency.</li> <li>• Turning diesel equipment off when not in use for extended periods.</li> <li>• Minimise double handling of material and using efficient transport routes.</li> <li>• Monitor the total site electricity consumption and investigate avenues to minimise power consumption.</li> <li>• Provide energy awareness programs for staff and contractors.</li> <li>• Minimise the production of waste generated on-site.</li> </ul>
<b>5. Hydrology &amp; Water Quality</b>	<p><u>Flooding</u></p> <p>5.1 A Site Emergency Response Plan will be developed for the site as it is below the PMF flood level. This Plan will include flood evacuation plans to ensure the safety of occupants during extreme flood events.</p> <p><u>Stormwater Management/Water Balance</u></p> <p>5.2 The Proponent will implement a comprehensive Stormwater Management Scheme on site consisting of the installation of four (4) new 138kL storage</p>



	<p>tanks (totalling approx. 554kL) on site to capture clean roof water for reuse in plant processes, landscaped areas and dust suppression on site and the incorporation of a splitter pit to the existing First Flush System to ensure contaminated water is not discharged off site.</p> <p><u>First Flush System</u></p> <p>5.3 The Proponent will ensure that the First Flush System primary equipment and infrastructure is maintained and the Operational Procedure for the First Flush System is followed at all times to appropriately manage surface water arising from rain fall events or firefighting incidents at the site.</p>
<b>6. Noise &amp; Vibration</b>	<p>6.1 The Noise Impact Assessment found that the site will continue to operate in accordance with the existing EPL and will meet the noise limits for the site as outlined in the current Conditions of Consent. With the introduction of the LWTP The results indicate that the noise levels would be well within the applicable noise criteria at any sensitive receiver in the surrounding environment, and that no sleep disturbance, road traffic and construction noise impacts are likely to arise. No additional operational controls or mitigation measures beyond those already in operation at the site need to be applied to manage the potential for noise impacts from the proposed LWTP and the existing BRP.</p> <p>The Proponent commits to maintaining the site's existing noise mitigation and management measures which include:</p> <ul style="list-style-type: none"> <li>• Keep roller doors closed on all buildings where practicable.</li> <li>• Truck engines to be switched off when not in use for extended periods.</li> <li>• Record all noise incidents and breaches.</li> <li>• Complaints are logged and investigated.</li> </ul> <p>6.2 The Proponent will prepare and implement an Operational Noise and Vibration Management Plan (ONVMP) as part of the OEMP, prior to the commencement of the operation of the LWTP.</p> <p>6.3 The Proponent will undertake an additional noise impact assessment, if it is found, after detailed design and operations planning, that the final operational scenario for the LWTP differs significantly from that used for modelling purposes in the Noise Impact Assessment prepared by Todoroski Air Sciences.</p>
<b>7. Soil Contamination and Groundwater</b>	<p>7.1 Due to the history of industrial activities and filling on the site the Proponent will prepare and implement a Site Management Plan (SMP) prior to commencement of construction of the LWTP to manage excavation works and to address the following:</p> <ul style="list-style-type: none"> <li>• Contamination "hotspots" based on visual observations and soil sample analysis if required.</li> <li>• Appropriate management of potential contamination including selected excavation, characterisation and disposal.</li> <li>• Soil assessment for waste classification or resource recovery for any excess construction spoil generated during construction that requires off site disposal or reuse.</li> <li>• Development of a groundwater monitoring program (including background monitoring and operational monitoring) to be conducted on site in accordance with the approved Conditions of Consent.</li> </ul> <p>7.2 An Unexpected Finds Protocol (UFP) will be included in the EMP to inform the requirements for contractors and site personal during future sub surface works at the site, in the event contamination is encountered during construction.</p> <p>7.3 The Proponent commits to sealing of the 5000m<sup>2</sup> of operational space to prevent any potential for further ingress of contaminants into the soil profile.</p>

	<p>7.4 The Proponent commits to undertaking additional groundwater monitoring at the site to confirm the flow regimes and assess if groundwater conditions at the site are within the range of background values for the wider area.</p>
<b>8. Waste</b>	<p>8.1 The Proponent will prepare and implement a Waste Management Plan (WMP) as part of the OEMP in accordance with the relevant NSW and Commonwealth Regulations and Guidelines. The WMP will ensure:</p> <ul style="list-style-type: none"> <li>• Appropriate measures to avoid, reuse or recycle waste streams in accordance with the NSW Waste Avoidance and Resource Recovery Strategy 2014 – 2021.</li> <li>• Any other wastes will be classified in accordance with EPA Waste Guidelines and disposed of appropriately at a licensed waste receiving facility.</li> <li>• Appropriate general and hazardous waste identification, handling, storage, transportation, disposal and monitoring measures on site at all times.</li> </ul> <p>8.2 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.</p> <p>8.3 The Proponent will liaise with Sydney Water to negotiate any required trade waste agreement for the long-term management of wastewater from the LWTP.</p>
<b>9. Traffic</b>	<p>9.1 The Proponent commits to a review of current operational procedures and a Traffic Management Plan (TMP) will be implemented as part of the OEMP to reflect the changes to the operations at the facility as a result of the proposed LWTP. The TMP will address work practices on site, designated haulage routes to and from the site, Driver Code of Conduct, hours of operation, amongst other measures.</p> <p>9.2 An Onsite Traffic Management Plan will be developed and implemented including the restriction of traffic through the work area to heavy vehicle and forklift access only. As such, signage and line marking improvements are to be implemented to improve safety and allow for light vehicle ingress and egress to occur via the northern internal road.</p>
<b>10. Potential Hazards</b>	<p>10.1 The Proponent will review its Emergency Management Plan (EMP), Incident Management Protocols and Emergency Response Measures as part of the development of the LWTP and the OEMP for the site.</p> <p>10.2 The existing Safety Management Measures, including the Lead Risk Work Management System on site will be updated for the LWTP and consistently followed on site.</p> <p>10.3 The Proponent will prepare and implement a Hazardous Substance Management Plan (HSMP) as part of the OEMP that will outline appropriate measures to prevent and respond to spills and incidents.</p> <p>10.4 All employees and contractors will be made aware and trained in emergency response measures as part of their induction prior to working on the site.</p> <p>10.5 The Proponent will undertake a review of its cleaning practises on site and implement improved and more regular cleaning practises in all buildings and the yard area on the site.</p>
<b>11. Landscape and Visual Amenity</b>	<p>11.1 The Proponent will ensure that the Landscape Plan includes appropriate site specific measures and controls to mitigate potential visual impacts on the immediate and local landscape including:</p>

	<ul style="list-style-type: none"> <li>• Selection of suitable robust plant species to substantially screen the site, once established, and ameliorate the visual appearance of the site from public areas.</li> <li>• Measures to improve the appearance of the site and improve the amenity of the area and minimise visual impact when viewed from adjacent premises.</li> </ul>
<b>12.Socio-economic</b>	12.1 The continued management of operations at the DGL site would be conducted with regular reviews of air quality, noise and vibration conditions, traffic and transport, surface water management and hazard ,risk and safety in accordance with the EPL, OEMP and conditions of consent to ensure positive social , environmental and economic outcomes.
<b>13. Consultation</b>	13.1 The Proponent commits to ongoing consultation with relevant stakeholders and the community in accordance with their stakeholder consultation strategy.



**WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D12 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.

**INCIDENT REPORT REQUIREMENTS**

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.