

Development Consent – Industry

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

- prevent, minimise, 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
Compliance, Industry and Key Sites

Sydney

10 July,

2019

File: OBJ15/08180

SCHEDULE 1

Application Number:	SSD 7038
Applicant:	Boral Recycling (NSW/ACT) Pty Ltd
Consent Authority:	Minister for Planning
Site:	Egret Street, Kooragang Island (Lot 12 in DP 1032146)
Development:	The staged expansion and increase in the processing capacity of an existing resource recovery facility to 350,000 tonnes per year of general solid waste (non-putrescible) with a maximum storage capacity of 144,000 tonnes at any one time.

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DEFINITIONS

Applicant	Boral Recycling (NSW/ACT) Pty Ltd or any person carrying out any development to which this consent applies
ANZECC (2000)	Australian and New Zealand Guidelines for Fresh and Marine Water Quality, prepared by Australian and New Zealand Environment and Conservation Council 2000
BCA	Building Code of Australia
Carriageway	The Port of Newcastle managed land, known as Lot 2 in DP 1195449 and consists of the Egret Street roadway and a widened verge containing trees, an unused service road and a portion of the accessway to the site
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The carrying out of works for the purpose of the development, including bulk earthworks and other infrastructure permitted by this consent.
Council	Newcastle 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
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
DOI	NSW Department of Industry
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising resource recovery of waste, as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>Materials Recycling Facility Expansion</i> prepared by Environmental Property Services dated December 2015, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW 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 POEO Act
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i>
FRNSW	Fire and Rescue NSW
General solid waste (non-putrescible)	As defined in the <i>Protection of the Environment Operations Act 1997</i>
Incident	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
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Maintenance	Repair and/or maintenance of the weighbridge, weighbridge office, internal roads, haulage roads, internal drainage and machinery
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MHF	Major Hazardous Facility
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The receipt, removal or processing of general solid waste (non-putrescible).
Origin Energy site	As shown in the plans at Appendix 1 of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PON	Port of Newcastle
Reasonable	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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
RRF	Resource Recovery Facility
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1.
Stage 1 construction	The carrying out of works within the area shown as Stage 1 on the plans at Appendix 1 of this consent, for the purpose of the development, including bulk earthworks and other infrastructure as identified in the EIS
Stage 2 construction	The carrying out of works within the area shown as Stage 2 on the plans at Appendix 1 of this consent, for the purpose of the development, including bulk earthworks and other infrastructure as identified in the EIS
Stage 1 operation	The point at which the site can receive and process more than 130,000 tonnes per year and up to 350,000 tonnes per year of general solid waste (non-putrescible) and can store up to 100,000 tonnes of general solid waste (non-putrescible) at any one time, within the area shown as Stage 1 on the plans at Appendix 1 of this consent
Stage 2 operation	The point at which the site can store up to 144,000 tonnes of general solid waste (non-putrescible) waste at any one time within the area shown as Stage 2 in the plans at Appendix 1.
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The only type of waste permitted to be received or processed on the premises is waste classified as general solid waste (non-putrescible).
- A7. The Applicant must not:
- (a) receive or process more than 350,000 tonnes of waste per year; and
 - (b) store more than 144,000 tonnes of waste at any one time.
- A8. Despite Condition A7(a), the Applicant must not receive or process on-site more than 130,000 tonnes of waste per year until Stage 1 construction is complete and the Planning Secretary has approved the commencement of Stage 1 operations.
- A9. Despite Condition A7(b), the Applicant must not store more than 100,000 tonnes of waste at any one time until Stage 2 construction is complete and the Planning Secretary has approved the commencement of Stage 2 operations.
- A10. Stockpiles of processed and/or unprocessed waste on site must not be more than 15 metres in height when measured from the finished ground level of the site.

NOTIFICATION OF COMMENCEMENT

- A11. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation;
 - (c) cessation of operations; and
 - (d) decommissioning.
- A12. If the construction or operation or decommissioning of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A13. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent No. 01/2716 dated 20 February 2003 and issued by Newcastle City Council in accordance with the EP&A Regulation.
- A14. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A13, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

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

EVIDENCE OF CONSULTATION

- A15. 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.

REQUEST FOR INFORMATION

- A16. The Applicant must retain all weighbridge records as required by the POEO (Waste) Regulation and for the life of the Development. The weighbridge records must be made immediately available on request by the Secretary and/or the EPA.
- A17. The Applicant must retain waste classification records for all wastes received on the site and waste disposed from the site for the life of the Development. The waste classification records must be made immediately available on request by the EPA and/or the Secretary.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A18. 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).
- A19. 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.
- A20. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A21. Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure.
- A22. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

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

STRUCTURAL ADEQUACY

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

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

COMPLIANCE

A25. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONTRIBUTIONS TO COUNCIL

A26. Prior to the commencement of Stage 2 construction a payment of a levy of 0.5 % of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

OPERATION OF PLANT AND EQUIPMENT

A27. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

A28. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

A29. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

A30. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

WORKS AS EXECUTED PLANS

A31. Prior to the commencement of Stage 2 operations, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

APPLICABILITY OF GUIDELINES

A32. 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.

A33. 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.

MODIFICATION OF CONSENT

A34. Prior to the commencement of Stage 2 construction, in order for the development to proceed in a coordinated and orderly manner and to avoid potential conflict with this consent, the Applicant must modify development consent 12/94 (described in **Table 1**) issued by Newcastle City Council, pursuant to Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1997* and Clause 97 of the *Environmental Planning and Assessment Regulation 2000*. The modification of the consent to amend the approved development plans and provide for the necessary works to be carried out to ensure the LP gas storage and distribution terminal has sufficient manoeuvring area to enable heavy vehicles to enter and leave the site in a forward direction.

Table 1: Development Consent to be Modified

Determination Date	DA Number	Details
21 April 1994	DA12/94	Establish a LP Gas storage and distribution terminal

ADVISORY NOTES

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

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

WASTE MANAGEMENT

Statutory Requirements

- B1. 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 facility that may lawfully accept the waste.
- B2. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

Waste Management Plan

- B3. Prior to the commencement of Stage 1 operations, the Applicant must prepare a Waste Management Plan (WMP) for the development, to the satisfaction of the Planning Secretary. The WMP must form part of the OEMP required by condition C5 and be prepared in accordance with condition C1. The WMP must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, the *Protection of the Environment Operations (Waste) Regulation, 2014* (Waste Regulation) and the *EPA's Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014)
 - (c) include details of the waste stockpile limits in the raw feed and finished product storage areas;
 - (d) include procedures for ensuring no build-up of waste will occur in the raw feed waste stockpile area during unexpected machinery breakdown;
 - (e) detail the materials to be reused or recycled, either on or off-site; and
 - (f) detail the requirements for non-conforming waste handling and removal.
- B4. The Applicant must:
- (a) not commence operations until the WMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the WMP approved by the Planning Secretary.

Waste Monitoring Program

- B5. From the commencement of Stage 1 operations, the Applicant must implement a Waste Monitoring Program for the development. The program must:
- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - (b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site;
 - (c) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
 - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

Receipt, Storage and Handling of Waste

- B6. The Applicant must ensure that the waste screening and inspection protocols operate in a manner which does not cause trucks to queue onto the carriageway except with the express consent of the PON.
- B7. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- B8. The Applicant must only receive waste on site that is authorised for receipt by an EPL.
- B9. The Applicant must not process cardboard, plastic, garden and/or wood waste received at the site.
- B10. The Applicant must separate and store all cardboard, plastic and garden and/or wood waste received at the site in a skip bin(s) for removal off site.
- B11. The Applicant must provide details of the allocated heavy vehicle and source of wastes received on the site to the EPA and the Planning Secretary when requested.

Pests, Vermin and Noxious Weed Management

- B12. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and

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

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

SOILS, WATER QUALITY AND HYDROLOGY

Surface Water Characterisation Plan

- B13. Prior to the commencement of Stage 1 construction, the Applicant must prepare a Surface Water Characterisation Plan (SWCP) to the satisfaction of the Planning Secretary. The SWCP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with the EPA;
 - (c) identify all the potential pollutants of concern which may be present in the sediment basin and in surface water generated and/or discharged from the site;
 - (d) water sampling and reference to all relevant existing data for all identified potential pollutants of concern in the sediment basin and in surface waters generated and/or discharged from the site, including but not limited to:
 - (i) a full suite of metals, polycyclic aromatic hydrocarbons (PAHs) and Total Recoverable Hydrocarbons (TRHs); and
 - (ii) any other potential pollutants such as current or proposed treatment chemical residuals.
 - (e) sufficient sampling to capture the full variability of water quality at the site, including average or typical through to worst case scenarios, guided by protocols to ensure that sampling events are triggered by the full range of operational processes that would materially impact water quality, and be linked to ongoing implementation of mitigation measures;
 - (f) an assessment of the potential impact of discharges on receiving waters, based on the surface water characterisation and with reference to ANZECC (2000) assessment criteria for freshwater and marine ecosystems (the ANZECC (2000) toxicant decision tree can be used to refine the default trigger values (see Section 3.4.3.2 "Decision tree for applying the guideline trigger values");
 - (g) specify the analytical limits of reporting used for any existing and new data that is being assessed; and
 - (i) compare that limit of reporting to the relevant ANZECC (2000) assessment criteria for freshwater and marine ecosystems; and
 - (ii) where the limit of reporting does not provide a suitable basis for assessing risk of water pollution, propose alternative options to characterise the risk, including more sensitive laboratory testing or risk mitigation options.
 - (h) consider the human health risks associated with the proposed surface water reuse process at the site.

Note: The level of reporting for concentrations of pollutants should be sensitive enough to detect pollutants at levels related to their environmental risk and ANZECC (2000) toxicant trigger value (where available) while having regard to the best available analytical practical quantification limits using available technology.

Sampling and analysis for the characterisation must be in accordance with the Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2004).

- B14. The Applicant must not commence Stage 1 construction until the SWCP required by condition B13 is approved by the Planning Secretary.

Surface Water Mitigation and Monitoring Plan

- B15. Prior to the commencement of Stage 1 construction and Stage 2 construction, the Applicant must prepare a Surface Water Mitigation and Monitoring Plan (SWMMP) to the satisfaction of the Planning Secretary. The SWMMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with the EPA;
 - (c) be based on the results of the SWCP identified in condition B13, and investigate all practical mitigation and management measures to prevent stormwater and groundwater contamination including covering or sealing of the waste stockpile storage and processing areas;
 - (d) identify contingency options to account for any mitigation measures that do not adequately address the site water pollution risks; and
 - (e) update the SWMMP to reflect any changes to the surface water management system.

- B16. The Applicant must:

- (a) not commence Stage 1 or Stage 2 construction until the SWMMP required by condition B15 is approved by the Planning Secretary;
- (b) not commence Stage 1 operation or Stage 2 operation until the approved management and mitigation measures have been installed and implemented; and
- (c) implement the most recent version of the SWMMP approved by the Planning Secretary for the duration of the development.

Surface Water Quality Validation

- B17. Within six months of the commencement of Stage 1 operations and Stage 2 operations and following the implementation of the management measures required by SWMMP (condition B15), the Applicant must provide a Surface Water Quality Validation Report (SWQVR) to the satisfaction of the Secretary. The SWQVR must:
- (a) be carried out by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with the EPA;
 - (c) collect a minimum of four surface water samples from the sediment basin and in surface water generated and/or discharged from the site;
 - (d) characterise the surface water data (samples) in the sediment basin and in surface water generated and/or discharged from the site and detail the potential impact of discharges on receiving surface waters with reference to ANZECC (2000) assessment criteria;
 - (e) compare the results with the surface water characterisation in the SWCP (condition B13);
 - (f) ensure surface water is being managed in accordance with the EPL;
 - (g) provide an assessment of the effectiveness of implemented mitigation measures;
 - (h) if necessary, provide additional mitigation measures to control and/or treat all pollutants to ensure the ANZECC (2000) assessment criteria can be met for further storage; and
 - (i) update the SWMMP to reflect any changes to the surface water management system.
- B18. Any alterations to the surface water management system identified in the SWQVR required by condition B17 must be implemented within six months of submission of the SWQVR to the satisfaction of the Planning Secretary.

Groundwater Monitoring Program

- B19. Within three months of the commencement of Stage 1 operations, the Applicant must conduct a Groundwater Monitoring Program (GMP) to the satisfaction of the Planning Secretary. The program must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation in consultation with EPA and Department of Industry (DOI);
 - (c) include, but not limited to:
 - (i) baseline data on groundwater levels and quality;
 - (ii) a program to monitor groundwater levels and quality;
 - (iii) consideration of the human health risks associated with the use of groundwater;
 - (iv) impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - (v) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.
- B20. Within three months of the completion of the GMP, the Applicant must submit a copy of the GMP as identified in condition B19 to the Planning Secretary, the EPA and DOI.
- B21. The Applicant must not use groundwater at the site until:
- (a) the necessary water licences for the Development under the *Water Act 1912* and/or the *Water Management Act 2000* are obtained;
 - (b) the findings of the GMP as required by condition B19 has determined the groundwater is fit for purpose; and
 - (c) written approval has been granted by the Planning Secretary.

Note: Licences are required for groundwater bores, excavations that may intercept groundwater, dewatering activities and extraction or interception of surface water

Stormwater Management System

- B22. Prior to the commencement of Stage 1 and Stage 2 construction works the Applicant must design, install and operate a stormwater management system (SMS) for the development. The SMS must:

- (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be designed in accordance with the management and mitigation measures identified in condition B16;
 - (c) be in accordance with the EIS and the plans at Appendix 1 of this consent;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B23. Prior to the commencement of Stage 1 and Stage 2 operations, works-as-executed drawings signed by a registered surveyor must be submitted to the certifying authority demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.
- B24. The surface water management system must be operated and maintained for the duration of the Development.
- B25. The Applicant must maintain the vegetated bunds around the northern and western boundaries of the site to prevent runoff for the duration of the Development.

Discharge Limits

- B26. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Erosion and Sediment Control

- B27. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

CONTAMINATION

- B28. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

TRAFFIC AND ACCESS

Parking

- B29. Prior to the commencement of Stage 1 operations, the Applicant must provide 11 parking spaces within the site (including one accessible space) for staff and visitors to ensure that the traffic associated with the Development does not utilise the carriageway and Egret Street. Parking areas must be constructed in accordance with the latest version of the Australian Standard 2890. All parking associated with the Development must be contained on site.
- B30. Parking is only permitted within designated parking spaces.
- B31. The Applicant must update all site plans prior to the commencement of Stage 1 operations to include the 11 parking spaces.

Operating Conditions

- B32. 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 *Parking Facilities Off-street Car Parking* and AS 2890.2 *Parking Facilities Off-street Commercial Vehicle facilities*;
 - (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) vehicles no larger than 19.6 m (truck and dog vehicle) are permitted to access the site;
 - (d) the development does not result in any vehicles queuing or parking on the carriageway and Egret Street; except with the express consent of the PON;
 - (e) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (f) all vehicles are wholly contained on site before being required to stop;
 - (g) all loading and unloading of waste is carried out on-site;
 - (h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and

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

Operational Traffic Management Plan

- B33. Prior to the commencement of Stage 1 operations, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and be prepared in accordance with condition C1. The OTMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Port of Newcastle (PON);
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency including:
 - (i) ensuring no queuing or parking of vehicles occur in the carriageway (except with the express consent of the PON), Egret Street or the surrounding road network; and
 - (ii) redirecting incoming trucks to prevent traffic build-up and queuing in the carriageway (except with the express consent of the PON) and Egret Street;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) ensure truck drivers use specified haul routes;
 - (ii) ensure trucks drivers when exiting the site use Ravens Street and Curlew Street to access Cormorant Road;
 - (iii) minimise the impacts on the local and regional road network;
 - (iv) minimise conflicts with other road users;
 - (v) minimise road traffic noise;
 - (vi) include a program to monitor the effectiveness of these measures.
- B34. The Applicant must:
- (a) not commence Stage 1 operation until the OTMP required by condition B33 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the operational life of the Development.

AIR QUALITY

Dust Minimisation

- B35. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B36. The Applicant must ensure that:
- (a) all on-site carparking areas are sealed with concrete and asphalt;
 - (b) water sprinklers at the stacker above the processed stockpile and transfer points must be utilised at all times when the plant is operational;
 - (c) exposed surfaces and stockpiles are suppressed by regular watering;
 - (d) sealed roads are swept regularly;
 - (e) maintain the seal on the main access road from the wheelwash and weighbridge;
 - (f) a water cart will remain onsite for use on manoeuvring areas in hot and dry weather;
 - (g) all trucks entering or leaving the site with loads have their loads covered;
 - (h) trucks associated with the development do not track dirt onto the public road network;
 - (i) public roads used by these trucks are kept clean; and
 - (j) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B37. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Air Quality Management Plan

- B38. Prior to the commencement of Stage 1 and Stage 2 operations, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and be prepared in accordance with condition C1. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;

- (b) detail and rank all emissions from all sources of the development, including particulate emissions;
- (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
- (d) identify the control measures that that will be implemented for each emission source; and
- (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.

B39. The Applicant must:

- (a) not commence operation until the AQMP required by condition B38 is approved by the Planning Secretary; and
- (b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the development.

Odour Management

B40. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

HAZARDS AND RISK

B41. Prior to the commencement of Stage 2 construction, the Applicant must consult with Origin Energy with regards to the design, construction and operation of the proposed emergency egress structure for the Origin Energy site as shown in the plans at Appendix 1 of this consent. Structures include and are not limited to ramps, roads and gates and must be designed in accordance with all relevant standards and codes to ensure the integrity of any bund located under these structures is maintained.

B42. Prior to the commencement of Stage 2 operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan must be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, '*Emergency Planning*'. The plan must also be prepared in consultation with Origin Energy, ensuring that the plan and emergency procedures for the Development include but not be limited to:

- (a) covering incidents or emergencies from the Origin Energy site which may pose impacts to the development;
- (b) egress of any person or vehicle from the Origin Energy site via the emergency access as shown in the plans at Appendix 1 of this consent, while ensuring sufficient access within the development during incidents or emergencies from the Origin Energy site; and
- (c) consistency with the *Origin Energy Facility Emergency Plan* required under Chapter 9 of the *Work Health and Safety Regulation 2017*.

B43. The Applicant must ensure that the development area does not encroach into areas originating from the Origin Energy site which are classified as hazardous areas under AS 60079: '*Explosive Atmospheres*' and the *Work Health and Safety Regulation 2017* at all times.

B44. One month prior to the commencement of Stage 2 operation, the Applicant must submit to the Planning Secretary, a Compliance Report detailing compliance with conditions B41, B42 and B43. The report must also include the consultation outcomes with Origin Energy with regards to compliance with conditions B41, B42 and B43.

Dangerous Goods

B45. The Applicant must ensure that dangerous goods quantities within the development or transported to and from the development is kept below the screening threshold quantities listed in the Department of Planning's "Hazardous and Offensive Development Guidelines Applying SEPP 33" (January 2011) at all times.

B46. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

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

B47. In the event of an inconsistency between the requirements listed from B55 above, the most stringent requirement prevails to the extent of the inconsistency.

NOISE

Hours of Work

B48. 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

Activity	Day	Time
Stage 1 and Stage 2 construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Stage 1 and Stage 2 operation	Monday to Saturday	24 hours
	Sunday	6 am to 6 pm Maintenance Only

B49. Works outside of the hours identified in condition B48 may be undertaken in the following circumstances:

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

Construction Noise Limits

B50. 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 Appendix 2.

Operational Noise Limits

B51. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits as specified in the EPL for the site.

B52. The Applicant must:

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

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B53. If any item or object of Aboriginal heritage significance is identified on site:

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

B54. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

VISUAL AMENITY

Lighting

B55. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 – '*Control of the Obtrusive Effects of Outdoor Lighting*' (Standards Australia, 1997); and

- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- B56. All signage and fencing must be erected in accordance with the development plans included in the EIS.
- B57. The Applicant must maintain a fenceline at the boundary of the Origin Energy site as shown in the plans at Appendix 1 of this consent.

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

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (b) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Erosion and Sediment Control Plan (see condition B27); and
 - (b) Unexpected Finds Protocol (see condition B28).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:

- (i) Waste Management Plan (see condition B3);
- (ii) Operational Traffic Management Plan (see condition B33); and
- (iii) Air Quality Management Plan (see condition B38).

C7. The Applicant must:

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C16;
- (b) the submission of an incident report under condition C11;
- (c) the submission of an Independent Audit under condition C19;
- (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,

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

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

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C11. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the Development (including the Development application number and the name of the Development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

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

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

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

Compliance Reporting

C15. No later than six weeks before the date notified for the commencement of Stage 1 and Stage 2 operations a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

C16. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C17. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least seven days before this is done.

Independent Audit

C18. No later than four weeks before the date notified for the commencement of Stage 1 and Stage 2 operation an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.

C19. Independent Audits of the Development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Department under condition C18 of this consent; and
- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

- C20. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C19 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least seven days before this is done.

Monitoring and Environmental Audits

- C21. 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

- C22. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the Development if the construction, operation or decommissioning of the Development is to be staged;
 - (v) 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;
 - (vi) 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;
 - (vii) a summary of the current stage and progress of the Development;
 - (viii) contact details to enquire about the Development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the Development;
 - (xi) audit reports prepared as part of any Independent Audit of the Development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

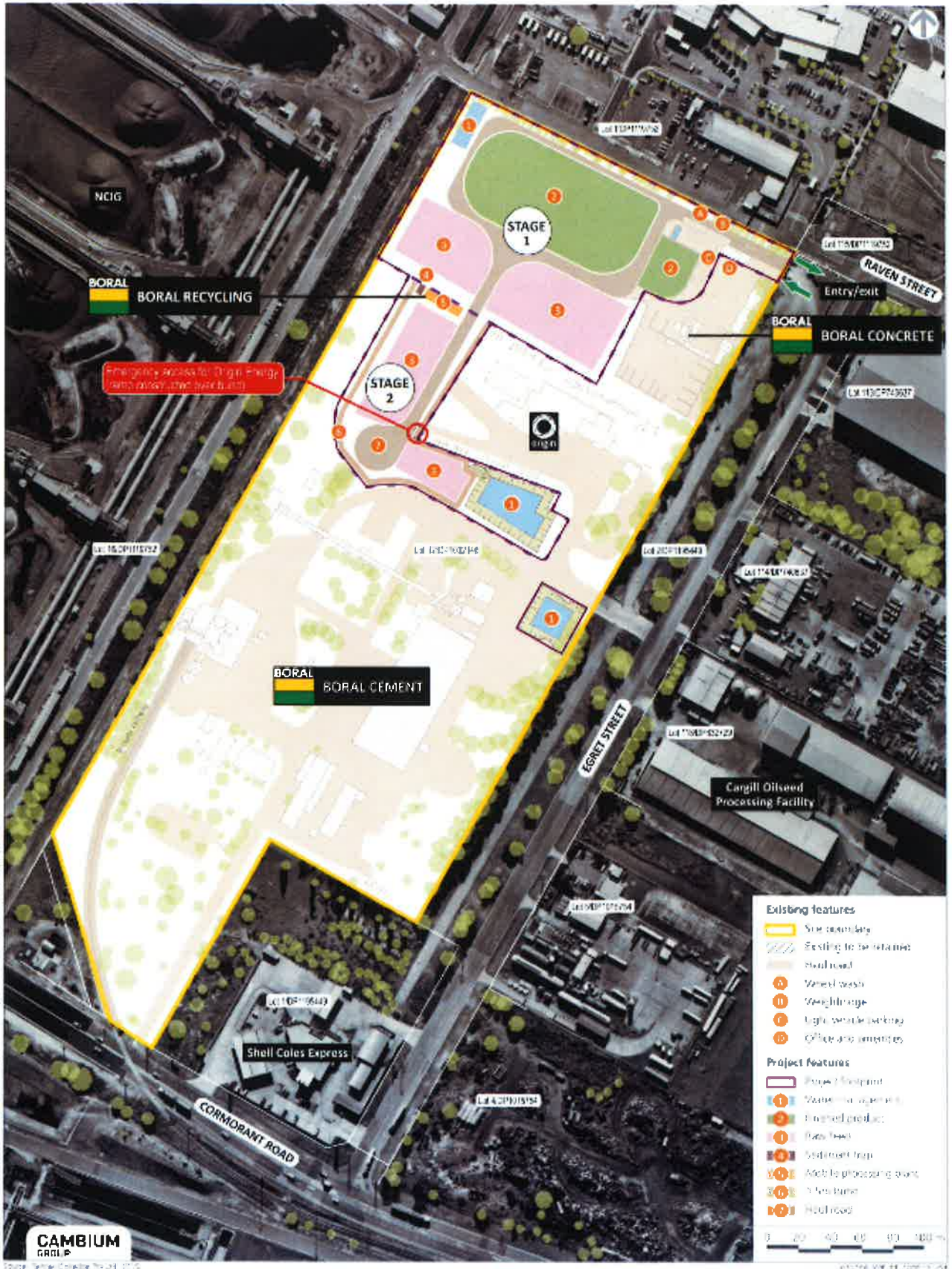


Figure 1: Site Plan with Staging

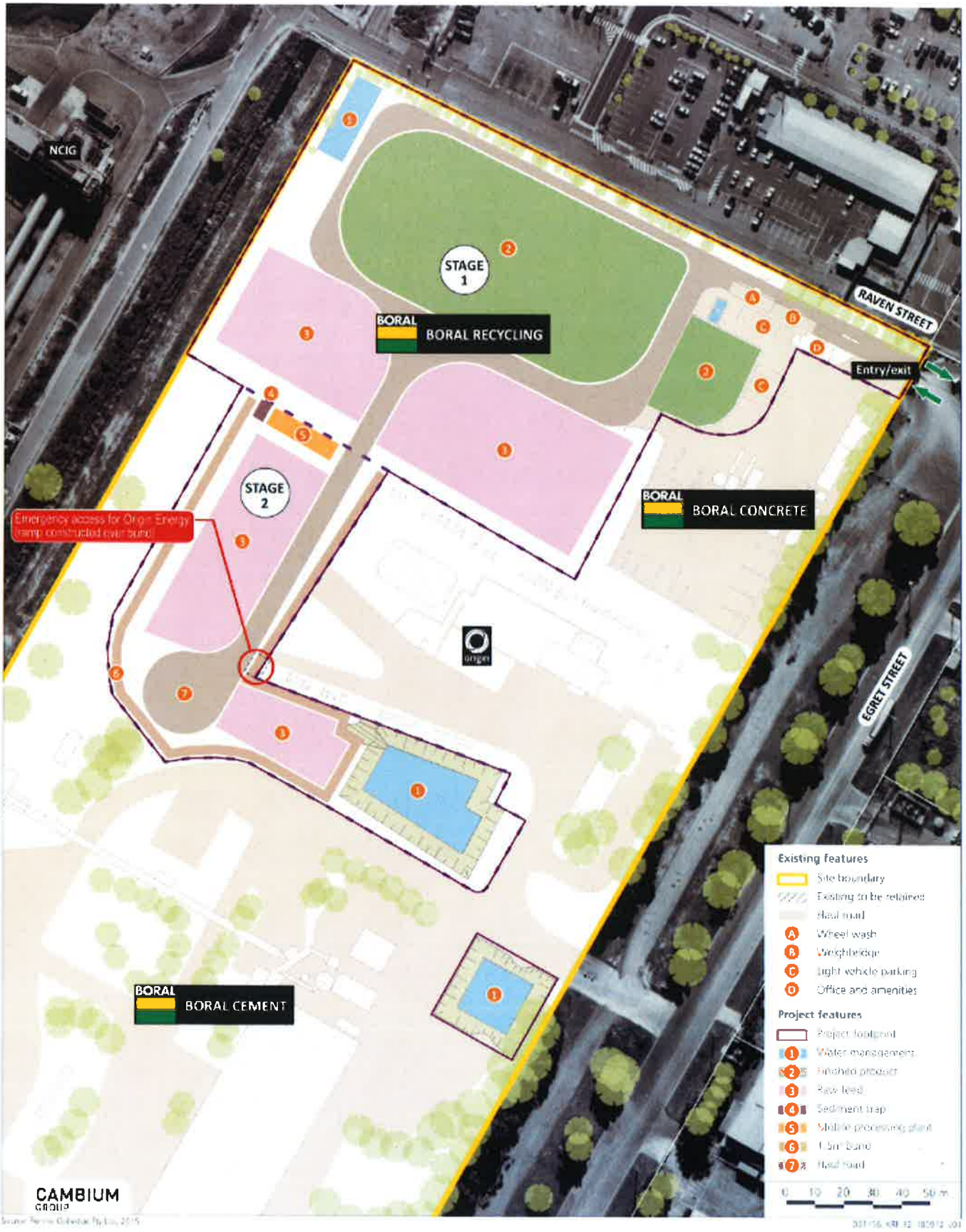


Figure 2: General Arrangements with Staging

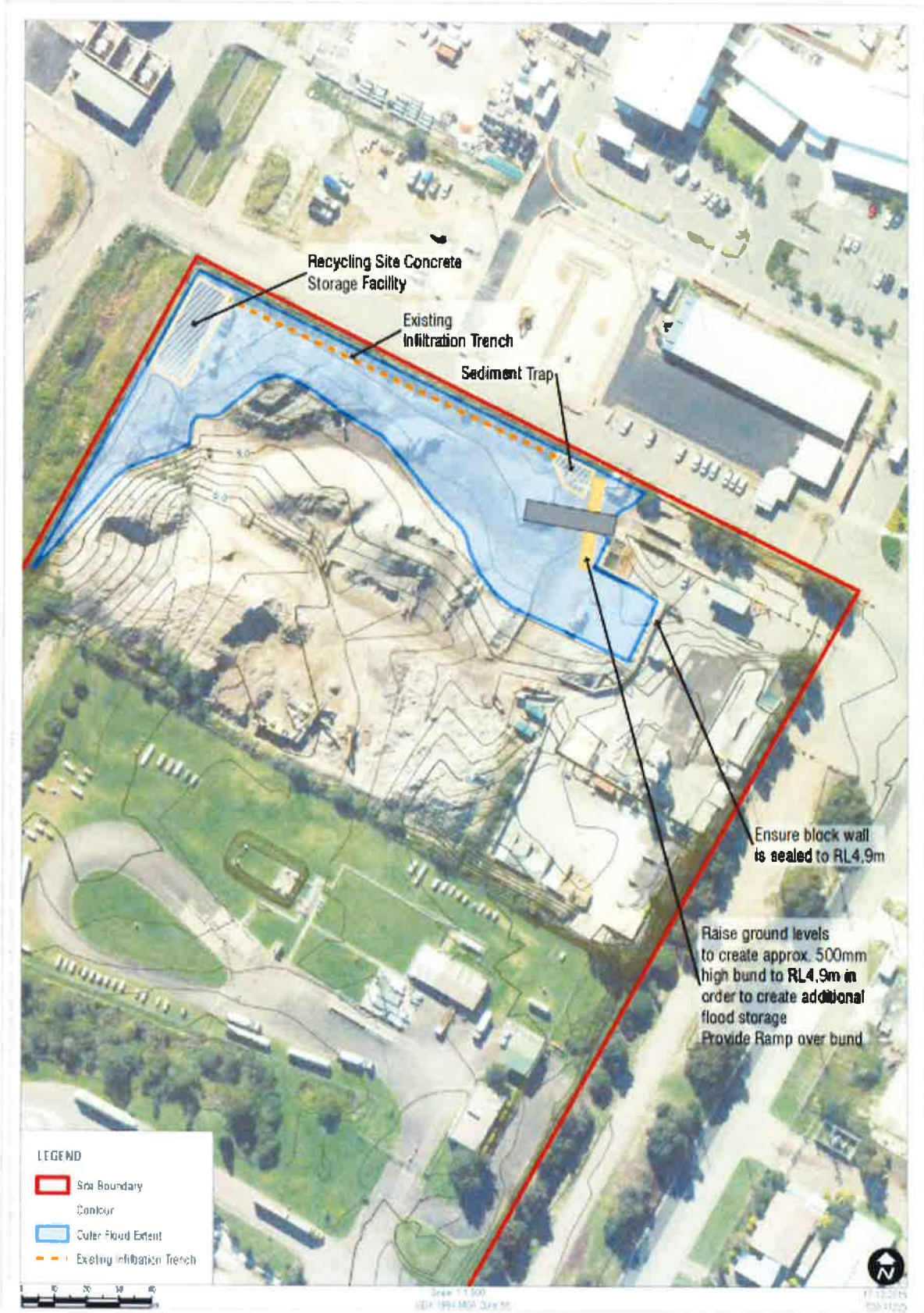
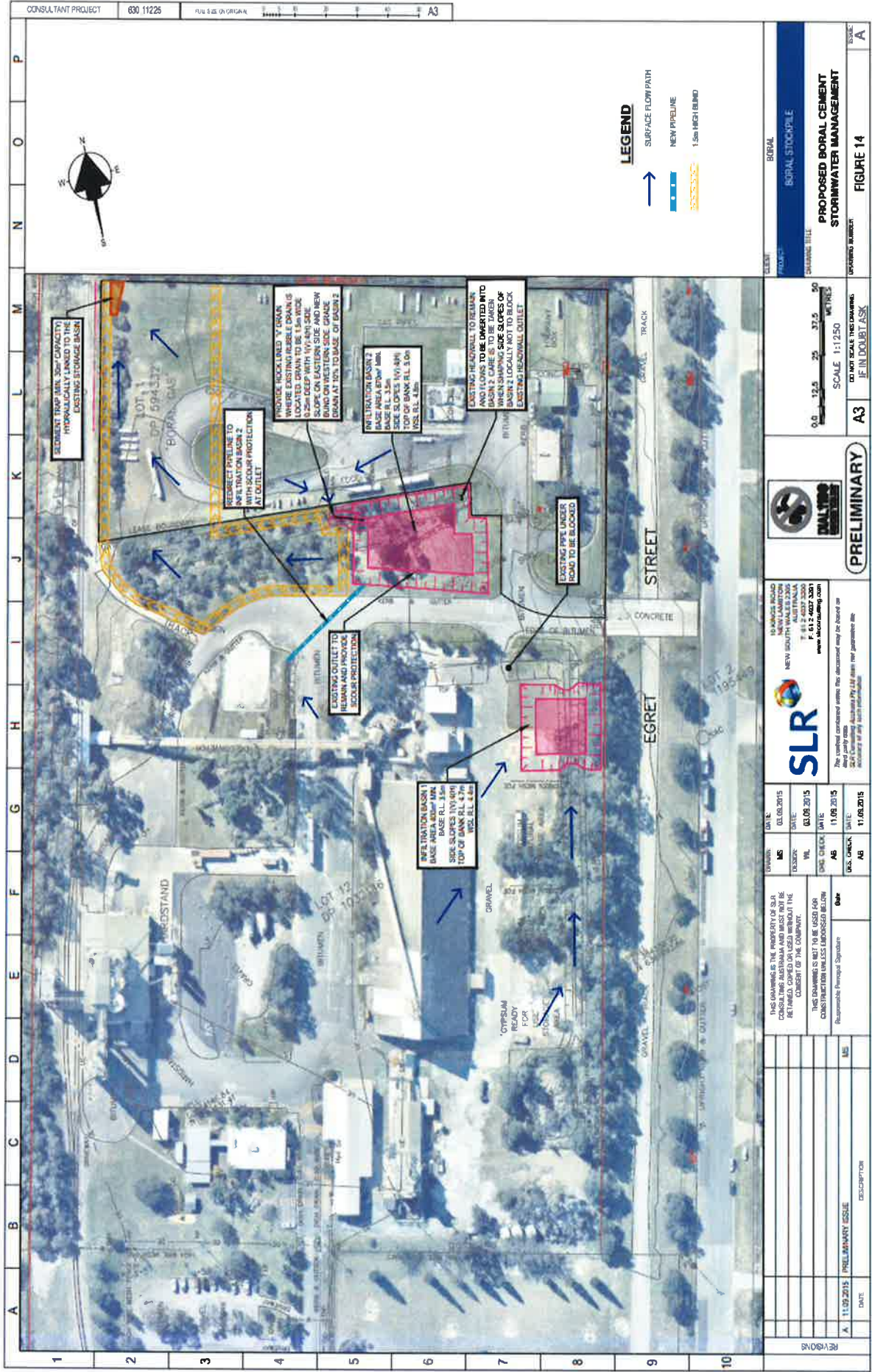


Figure 3: RRF Stormwater Management



LEGEND
 SURFACE FLOW PATH
 NEW PIPELINE
 1.5m HIGH BERM

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Figure 5: Boral Cement Stormwater System
 Expansion of the Kooragang Island RRF (SSD 7038)

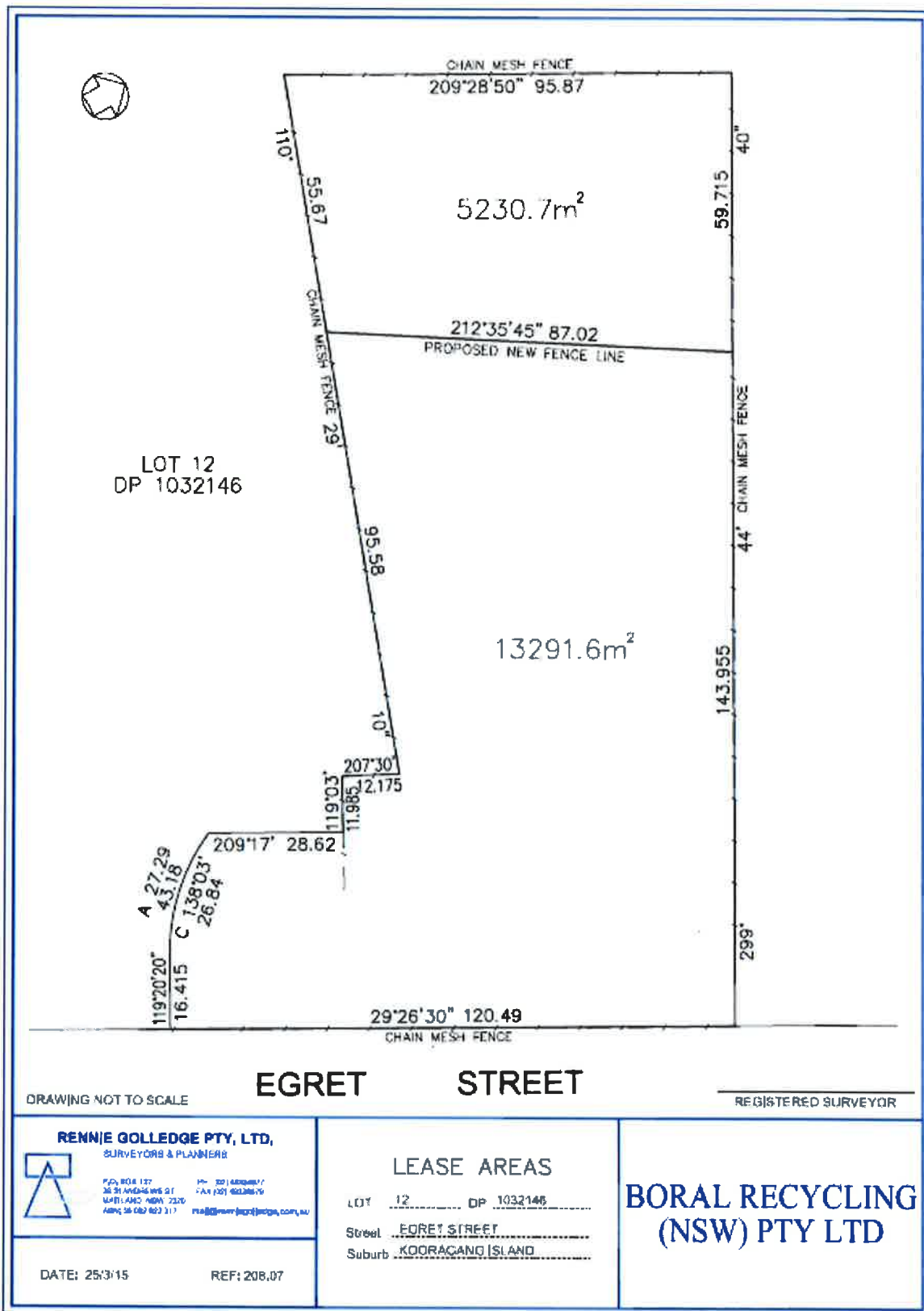


Figure 6: The Fenceline at the Origin Energy Site

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

KOORAGANG RECYCLING FACILITY - SUMMARY OF MITIGATION MEASURES

Waste Management	<ul style="list-style-type: none"> • Adhere to Boral Inspection and Receivals Protocol, 2018. • Conduct raw material testing in accordance with the NSW EPA's Recovered Aggregate Order 2014, which includes testing for 8 heavy metals, electrical conductivity, and foreign material. • Maintain waste screening '2 point inspection' procedure • Load weighing and docket procedure. • Product testing for asbestos contamination.
Dust	<ul style="list-style-type: none"> • Area water sprinklers will be activated in dry weather as required. • Stacker above processed stockpile and transfer points will be fitted with water sprays. • Maintenance of compacted internal roadways and stockpile pads. • Maintenance of seal on the main access road from the wheel wash and weighbridge. • Sealed roads will be regularly swept. • A water cart will remain on site for use on manoeuvring areas in hot and dry weather.
Traffic	<ul style="list-style-type: none"> • Staff car parks repainted compliant with AS 2890.1 and AS 2890.6.
Water Management (subject to outcomes of the SWCA & SWMMP)	<ul style="list-style-type: none"> • Two new infiltration basins will be built to capture and treat runoff from 100 year ARI storms. • Ground levels near the weighbridge will be raised to 4.9 mAHD. • Northern and western perimeter bunds will be maintained. • Water quality in the concrete lined storage dam will be monitored against public health risk management criteria (DEC, 2006) and the adopted Ecological Groundwater Investigation Levels criteria. If the water quality exceeds these criteria, water of a suitable quality will be added for dilution. • A sediment trap will be built in the north of the site. • Spear point bore GW053226 will be re-licensed. • A Process Water Management plan will be prepared post-approval to manage the safe use of groundwater in the process water circuit.
SEPP 33	<ul style="list-style-type: none"> • No storage of hazardous materials as defined in the Australian Dangerous Goods Code or NSW Planning Storage and Handling of Dangerous Goods Code of Practice 2005. • Development of an Emergency Response Plan. • Mobile plant and vehicles to be fitted with fire extinguishers. • The existing Environment Protection Licence 11968 will be maintained and modified as required. • Securely fence the facility.
Greenhouse Gases	<ul style="list-style-type: none"> • Consider Green House Gas emissions when selecting diesel and electrically powered plant, machinery and lighting.
Visual Amenity	<ul style="list-style-type: none"> • Maintain shrubs along Egret Street. • Silo painted in subdued colours. • Stockpiles maximum height of 15 m above constructed ground level.
Heritage	<ul style="list-style-type: none"> • Apply chance find protocols. If any skeletal material is uncovered, cease work within 50 m and contact the NSW Police and NSW Coroner's Office. If the remains prove to be Aboriginal, consult with a heritage consultant, relevant Aboriginal groups and relevant State Government Agency.
Socio-economic Environment	<ul style="list-style-type: none"> • No specific additional mitigation measures are required to manage socio-economic aspects of the Project. The proposed mitigation measures for waste management, greenhouse gas abatement, noise, traffic, air quality, visual amenity, heritage, and risk management will directly mitigate potential socio-economic aspects.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the Development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.

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.