



Department of
Infrastructure, Planning and Natural Resources

Our Ref: S01/01687

29 September 2003

Mr Malcolm Perrins
Redox Chemicals Pty Ltd
Locked Bag 60
WETHERILL PARK NSW 2164

Dear Mr Perrins,

**Chemical Storage and Distribution Facility, Lot 171 Swettenham Road, Minto,
Campbelltown LGA – Notice of Determination**
DA No: 367-11-2002-i

I am writing to let you know that the Minister for Infrastructure and Planning, the Hon Craig Knowles MP, determined to approve the above development on 16 September 2003, subject to conditions. I have enclosed a copy of the instrument of consent for your information.

I have also attached an information sheet that details those matters required to be notified under the *Environmental Planning and Assessment Act 1979* (the Act).

If you have any questions or require clarification in relation to this matter, please contact me on 9762 8130.

Yours sincerely

Caitlin Bennett
Environmental Planning Officer
Major Development Assessment

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<i>Title and reference number of the development.</i>	Chemical Storage and Distribution Facility – DA No. 367-11-2002-i
<i>Name of Applicant.</i>	Redox Chemicals Pty Ltd
<i>The date on which consent has been granted or refused?</i>	Consent granted on 16 September 2003
<i>Was consent subject to conditions?</i>	Yes
<i>Reasons for the imposition of conditions.</i>	To minimise hazard, traffic and water quality impacts, and to provide for the long-term monitoring, management and auditing of the development.
<i>The date from which the consent operates.</i>	The date of this letter.
<i>The date from which the consent lapses.</i>	If the Applicant has not physically commenced work permitted by the consent within 5 years of the consent becoming operative (refer above), the consent will lapse.
<i>The class of Buildings under the <u>Building Code of Australia</u> which will be erected as part of the development.</i>	Class 5 – Office Buildings, Warehouse Office Class 8 – Warehouses Class 10a – Roofed decanting area/tank farm
<i>Was a public inquiry under s.119 of the EP&A Act held?</i>	Yes.
<i>Which NSW Government Agencies gave General Terms of Approval as part of the consent?</i>	Environment Protection Authority Campbelltown City Council Department of Infrastructure, Planning and Natural Resources (formerly Department of Land and Water Conservation)
<i>Does the EP&A Act give rights of appeal to the applicant?</i>	As a Commission of Inquiry was held for the proposed development under section 119 of the Act there are no appeal rights to the Land and Environment Court for the Applicant under section 97 of the <i>Environmental Planning and Assessment Act, 1979</i> (the Act).
<i>Does the EP&A Act give rights of appeal to an objector?</i>	No. Under Section 89A of the Act, any person who made a written objection to the development during the submission period has no right of appeal under section 98 of the Act as a Commission of Inquiry was held for the proposed development under section 119 of the Act.
<i>Where can I inspect the conditions of consent?</i>	Department's head office and website – www.dipnr.nsw.gov.au (Assessing development proposals / notices of consent) and Campbelltown City Council

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT
PURSUANT TO SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act") determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the development;
- b) ensure effective on-going environmental and safety management and monitoring;
- c) minimise potential safety impacts associated with the development; and
- d) implement the recommendations of the Commission of Inquiry into all environmental aspects of the development.


Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

16/9

2003

File No. S01/01687

SCHEDULE 1

Application made by: Redox Chemicals Pty Ltd ("the Applicant");

To: The Minister administering the *Environmental Planning and Assessment Act 1979* (at the time of lodgement, the Minister for Planning);

In respect of: Land described as Lot 171 DP 878463, Swettenham Road, Minto, Campbelltown local government area.

For the following: Construction and operation of a chemical storage and distribution centre and associated infrastructure ("the development"), as described in *Environmental Impact Statement: Greenfield Development for Major Storage and Distribution Centre, Redox Chemicals Pty Limited* (two volumes) prepared by Dick Benbow & Associates Pty Limited and dated October 2002;

Development Application: Integrated DA No. 367-11-2002-i, lodged with the Department of Planning on 1 November 2002, accompanied by *Environmental Impact Statement: Greenfield Development for Major Storage and Distribution Centre*,

Redox Chemicals Pty Limited (two volumes) prepared by Dick Benbow & Associates Pty Limited and dated October 2002;

State Significant Development

Under Section 76A(7) of the Act, the development is classified as State Significant development by virtue of it being a development to which *State Environmental Planning Policy No. 34 – Major-Employment Generating Industrial Development* applies.

Commission of Inquiry

The development was subject to a Commission of Inquiry under section 119 of the *Environmental Planning and Assessment Act 1979*. The primary session of the Inquiry was held on Wednesday 12 March 2003. The reply session of the Inquiry was held on Thursday 8 May 2003. The Commissioner's recommendations following the Inquiry are detailed in *Report to the Honourable Craig Knowles MP, Minister for Infrastructure and Planning, Minister for Natural Resources – Proposed Chemical Storage and Distribution Facility, Campbelltown City*, dated June 2003.

Operation of Consent

Pursuant to section 83(1)(b)(i) of the *Environmental Planning and Assessment Act 1979*, this consent operates from the date endorsed on the consent because the development is a "designated development" for which a Commission of Inquiry has been held.

Lapse of Consent

Pursuant to section 95(1) of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to lapse five years from the date from which it operates, unless the use of any land, building or work the subject of the consent is physically commenced before the date on which the consent would otherwise lapse.

Appeal Rights

Because a Commission of Inquiry was held for the proposed development there are no appeal rights to the Land and Environment Court for the Applicant under section 97 of the *Environmental Planning and Assessment Act 1979* or for third-party objectors under section 98 of that Act.

BCA Classification:

Office Buildings, Warehouse Office – Class 5
Warehouse – Class 7b
Roofed decanting area/tank farm – Class 10a

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Redox Chemicals Pty Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>
Council	Campbelltown City Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies, the scope of which is described in the documents listed under condition 1.2 of this consent
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
DSNR	former NSW Department of Sustainable Natural Resources (part of the Department of Infrastructure, Planning and Natural Resources at the time of determination of this consent)
dust	any solid material that may become suspended in air
EIS	<i>Environmental Impact Statement: Greenfield Development for Major Storage and Distribution Centre, Redox Chemicals Pty Limited</i> (two volumes) prepared by Dick Benbow & Associates Pty Limited and dated October 2002
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Minister	the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> , or delegate
operation	any activity required for, or associated with, the receipt, warehousing, handling, decanting, packaging or redistribution of dangerous and non-dangerous goods at, on or from the site
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
site	the land to which this consent applies
site preparation	those works required to be undertaken on the site prior to the commencement of construction, and not including construction or operation
Stage 1	Construction and use of the Administration Building (Building A), Transport Office (Building G), Building B, Building C, Building D, Building J, Decanting Area (Area "K"), and associated infrastructure
Stage 2	Construction and use of Building E
Stage 3	Construction and use of Building I
Stage 4	Construction and use of Building H and Tank Farm and Drumming Facility (Building "F").

1. GENERAL

Obligation to Minimise Harm to the Environment

1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and where relevant, the decommissioning of the development.

Scope of Development

1.2 ¹The Applicant shall carry out the development generally in accordance with:

- a) Development Application No. 367-11-2002-i, lodged with the Department of Planning on 1 November 2002;
- b) *Environmental Impact Statement: Greenfield Development for Major Storage and Distribution Centre, Redox Chemicals Pty Limited* (two volumes) prepared by Dick Benbow & Associates Pty Limited and dated October 2002;
- c) additional information in relation to the location of boom gates, with attached drawing (project no. P1045, job no. 1169-02, sheet no. A01, issue A), supplied by letter from Dick Benbow & Associates Pty Limited to the Department, dated 17 December 2002 (ref: 11106let21);
- d) additional information, titled *Request for Information Response for Redox Chemicals Pty Ltd Proposed Chemical Storage and Distribution Facility, Minto DA No.367-11-2002-i*, in relation to noise, traffic and hazards, supplied by letter from Dick Benbow & Associates Pty Limited to the Department and EPA, and dated February 2003;
- e) additional information, titled *Request for Information Response for Redox Chemicals Pty Ltd DA No. 367-11-2002-i – Submission B*, in relation to air quality, supplied by letter from Dick Benbow & Associates Pty Limited to the Department and EPA, and dated February 2003;
- f) additional information, titled *Request for Information Response for Redox Chemicals Pty Ltd DA No. 367-11-2002-i – Submission C*, in relation to transport and drainage, supplied by letter from Dick Benbow & Associates Pty Limited to the Department and DSNR, dated February 2003;
- g) *Outline Submission to Commission of Inquiry – Redox Chemicals Pty Ltd – Proposed Chemical Storage and Distribution Facility, Minto DA 367-11-2002-i*, prepared by Dick Benbow & Associates Pty Limited, and dated February 2003;
- h) additional information, titled *Questions from PlanningNSW – Outstanding Issues*, supplied by Dick Benbow & Associates Pty Limited to the Department (not dated), in relation to erosion control, accompanied by Plan 57206EC (plan dated March 2003);
- i) additional information supplied by letter from Dick Benbow & Associates Pty Limited to the Department, in relation to questions arising from the primary session of the Commission of Inquiry, and dated 10 April 2003 (ref: 12175let21);
- j) additional information supplied by facsimile from Dick Benbow & Associates Pty Limited to the EPA., providing responses to questions raised by the EPA during the Commission of Inquiry, and dated 17 April 2003 (ref: RB/12175fax45);
- k) additional information supplied by facsimile from Dick Benbow & Associates Pty Limited to the EPA, providing attachments to responses to questions raised by the EPA during the Commission of Inquiry, and dated 17 April 2003 (ref: RB/12175fax44);
- l) additional information supplied by facsimile from Dick Benbow & Associates Pty Limited to the EPA, providing information omitted in responses to questions raised by the EPA during the Commission of Inquiry, and dated 29 April 2003 (ref: RB/12175fax48);
- m) *Commission of Inquiry – Session in Reply – Redox Chemicals Pty Ltd – Proposed Chemical Storage and Distribution Facility DA 367-11-2002-i*, prepared by Dick Benbow & Associates Pty Limited and dated May 2003;

¹ Incorporates an EPA General Term of Approval (A1.1)
NSW Government

- n) plans accompanying the development application, with drawing numbers: A01-Issue C, A02-Issue B, A03-Issue C, A04-Issue C, A05-Issue C, A06-Issue C, A07-Issue C, A08-Issue C and A09-Issue B;
- o) drawings provided to the EPA in relation to stormwater concept plan for the operational site, with reference numbers 1169-02 Sheet 1 (Revision C) and 1169-02 Sheet 2 (Revision C); and
- p) the conditions of this consent.

1.3 In the event of an inconsistency between:

- a) the conditions of this consent and any document listed from condition 1.2a) to 1.2o) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.2a) to 1.2o) inclusive, and any other document listed from condition 1.2a) to 1.2o) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Provision of Documents

- 1.4 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.
- 1.5 Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements shall only be combined with the prior agreement of the Director-General of Infrastructure, Planning and Natural Resources and the Director-General (or equivalent) of the other relevant party.

Note: the purpose of conditions 1.4 and 1.5 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent. At the time of granting this consent, an "appropriate electronic format" for submission to the Director-General and the Department is portable document format (pdf).

Statutory Requirements

- 1.6 ²The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Dispute Resolution

- 1.7 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

² Incorporates a DSNR General Term of Approval (1)
 NSW Government
 Department of Infrastructure, Planning and Natural Resources

2. COMPLIANCE

- 2.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 2.2 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.
- 2.3 Prior to each of the events listed from a) to c) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event.
 - a) commencement of any physical works on the land the subject of this consent;
 - b) commencement of construction of stages 1, 2, 3 and 4 of the development respectively; and
 - c) commencement of operation of stages 1, 2, 3 and 4 of the development, respectively.
- 2.4 Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may require.
- 2.5 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may require.

3. CONSTRUCTION AND PART 4A CERTIFICATION

- 3.1 In relation to the construction and occupation of the development, the Applicant shall provide the Director-General and Council with the following:
 - a) written notification of the appointment of a Principal Certifying Authority to be received at least two working days prior to the commencement of construction;
 - b) copies of all Construction Certificates issued for the development;
 - c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - d) copies of all Occupation Certificates issued for the development; and
 - e) written notification of the intention to occupy the development, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.
- 3.2 Prior to the commencement of any construction associated with the development, the Applicant shall erect at least one sign at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
 - a) the name, address and telephone number of the Principal Certifying Authority;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works, and shall be removed as soon as practicable after the conclusion of the construction works.

4. ENVIRONMENTAL PERFORMANCE

Hazards and Risk Impacts

- 4.1 For each of the dangerous goods classes (as defined by the Australian Dangerous Goods Code) and materials listed in the table below, the Applicant shall not permit the materials listed as "prohibited" to be received, stored or handled on the site. To avoid any doubt, the Applicant shall only permit the materials listed as "permitted" to be received, stored or handled on the site. This condition does not apply to those materials that may be associated with office, laboratory, construction, maintenance or vehicular/ equipment components (including forklifts) of the development, and are not purchased and sold as part of the principal commercial operations of the development.

Dangerous Goods Class	Prohibited	Permitted
Class 1	All	None
Class 2	All	None
Class 3	Packaging group I Subclass 6.1	Packaging groups II and III (unless otherwise prohibited)
Class 4	All	None
Class 5	All except those listed as permitted	Solids of class 5.1, packaging group III
Class 6	Subclass 3 All Class 6.2	All Class 6.1 (unless other, but not class 6.1 with subclass 3)
Class 7	All	None
Class 8	None	All
Class 9	None	All
Non-dangerous goods	None	All

- 4.2 The Applicant shall only permit non-dangerous goods, and dangerous goods of class 8 to be stored or handled in bulk on the site.
- 4.3 Prior to any dangerous goods being brought to the site, the Applicant shall demonstrate to the satisfaction of the Director-General that it has a system in place to track the quantities and locations of dangerous goods on the site at all times.

Bunding and Spill Management

- 4.4 The Applicant shall ensure that all bunding installed at the development site is constructed strictly in accordance with:
- all relevant Australian Standards;
 - a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

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

Pre-Construction Studies

- 4.5 At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under a) to c) below. Construction, other than preliminary works, shall not commence until approval has been given by the Director-General, and with respect to the Fire Safety Study, approval has also been given by the Commissioner of the NSW Fire Brigades.

- a) A **Fire Safety Study** shall be prepared for the development. This study shall cover all aspects detailed in 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*. The study shall also be submitted for approval to the NSW Fire Brigades. This study must include, but does not necessarily be limited to, the following:
 - i) Identification and consideration of possible fire incidents on the site;
 - ii) demonstration that the adopted fire safety measures (both infrastructure and management) are adequate and appropriate;
 - iii) consideration of the adequate provision of fire-fighting water in the event of a fire incident, and the site's capacity to contain contaminated fire-fighting water that may be generated.
- b) A **Final Hazard Analysis** (FHA) for the development. The analysis shall be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis*. The FHA shall include, but not necessarily be limited to, the following:
 - i) a table of all dangerous goods on the site with their storage location, maximum pack size, maximum on-site storage quantity and dangerous goods class. A similar table shall be included for those dangerous goods to be decanted on site and shall include initial and final pack sizes;
 - ii) details of the roof structure of warehouse B to demonstrate that it will be constructed to ensure that rocketing drum (in the event of a fire) will be contained within Warehouse B.
 - iii) calculated concentrations of toxics at the site boundary and at distances beyond to the nearest sensitive or residential zoned land for all credible scenarios. Where the concentrations are likely to cause irritation, injury or fatality, the frequencies and risk levels shall be developed and risk reduction measures suggested.
- c) A **Construction Safety Study** for the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.7 – Construction Safety Study Guidelines*.

Pre-Commissioning Studies

- 4.6 No later than two months prior to the commencement of commissioning of the development, or within a period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out a) to c) below. Commissioning of the development shall not commence until approval has been given by the Director-General.
- a) A **Transport of Hazardous Materials** study for the development. The study shall address the arrangements covering the transport of hazardous materials including the details of routes to be used for the movement of vehicles carrying hazardous materials to or from the development. The study shall be carried out in accordance with the Department's draft *Route Selection* guidelines. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.
 - b) A comprehensive **Emergency Plan** for the development. The Plan shall include detailed emergency procedures for the development, particularly the procedures to be followed to ensure the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.1 – Industry Emergency Planning Guidelines*. The Emergency Plan shall include, but not necessarily limited to the following:
 - i) specific procedures for spill management and external security risks (such as unauthorised access to the site, theft of dangerous goods and bomb threats); and
 - ii) details of equipment available on site for dealing with emergencies.

- c) A comprehensive **Safety Management System** for the development covering all operations on-site and associated transport activities involving hazardous materials. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.9 – Safety Management*. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request.

- 4.7 Prior to the commencement of construction, the Applicant shall submit to the Director-General a **Security Management Plan** for the development. The Plan shall detail the specific security infrastructure to be installed at the site, including the operation of the security gates and video surveillance, procedures and protocols for tracking dangerous goods and a general program for identifying potential external risks and ensuring the security of the site. The Plan shall be prepared in consultation with Council, and with reference to the matters detailed in the Department's document *Crime Prevention and the Assessment of Development Applications*.

Traffic and Transport

Community Enhancement Program

- 4.8 Prior to the commencement of operation of the development or within such time as otherwise agreed by the Director-General, the Applicant shall negotiate an agreed outcome with Council for an appropriate level of contribution (financial or in-kind) and as applicable, towards mitigating any cumulative social and/or community impacts as the result of the proposed development

Should such negotiated outcome not be reached, either the Applicant or Council may refer the matter to the Minister for determination, despite the provisions of condition 1.7 of this consent. The Minister's determination of the matter shall be final and binding on all parties, and shall take into consideration any submission made by either party in relation to an estimate of a contribution based on the principles of nexus and reasonableness as to relevant cumulative social and/or community impacts

Site Access, Internal Roads and Parking

- 4.9 The Applicant shall ensure that all heavy vehicles access the site in a forward direction via the Holmes Road entrance and not via the Swettenham Road entrance. This condition does not apply during an emergency on the site and/ or under direction from a relevant authority (including the police and emergency services).
- 4.10 The Applicant shall develop and implement, in consultation with Council, a road hierarchy for heavy vehicles travelling to and from the site, with the Holmes Road, Ben Lomond Road, Airs Road, Rose Payten Drive, Campbelltown Road, and M5 Motorway forming the principal route to and from the site. The Applicant shall submit details of the road hierarchy for the approval of the Director-General prior to the commencement of operations on the site.
- 4.11 Prior to the commencement of operations, the Applicant shall submit for the Director-General's approval a **Transport Code of Conduct** for the development that outlines the management of traffic impacts associated with the development and minimum requirements for the movement of heavy vehicles to and from the site. The Code shall address the requirements of Council and shall include, but not necessarily be limited to:
- i) restrictions to routes, where relevant;
 - ii) restrictions to the hours of transport operations to avoid travelling through built-up areas late at night or at times of high traffic flows in those areas;
 - iii) minimum requirements for vehicle maintenance to address noise and exhaust emissions; and
 - iv) load coverage requirements.

- 4.12 Prior to the commencement of any transport to the site involving B-double vehicles, the Applicant shall demonstrate to the satisfaction of the Director-General that the B-double reclassification of Holmes Road has been approved by the RTA in association with Council.
- 4.13 The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.
- 4.14 The Applicant shall design and construct all internal road works, including associated parking facilities and loading bays:
- in accordance with the relevant RTA and Council standards and codes, and Australian Standards including *AS 2890.1-1993* and *AS 2890.2-1989*;
 - with clearly marked visitor, disabled, ambulance and service vehicle parking areas; and
 - with signage to demarcate all vehicle movements within the site.

Road Works

- 4.15 ³The Applicant shall ensure that the deceleration lane at Swettenham Road entrance is designed in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works* and that the land is constructed to the satisfaction of Council. The Applicant shall submit detailed engineering plans of the deceleration lane for the approval of Council prior to the commencement of any construction activities associated with Stage 1 of the development.
- 4.16 ⁴The Applicant shall ensure that a compensatory pedestrian footpath is designed and constructed to the satisfaction of Council. The pedestrian footpath shall be within the site boundaries along the length of the Swettenham Road deceleration lane. This footpath shall be dedicated to Council as a Public Road prior to the commencement of operations on the site.

Noise Impacts

Construction Noise

- 4.17 ⁵The Applicant shall ensure that all site preparation and construction activities associated with the development do not exceed the criteria at the nominated locations specified in Table 1. For the purpose of this condition, construction noise shall be determined at the locations under the conditions specified for operational noise, as provided in conditions 4.21 and 4.22 of this consent.

Table 1 – Construction Noise Criteria

Locations	Day
	L _{Aeq} (15 minute) (dB(A))
St Andrews Residences	46
Minto Residences	46

- 4.18 ⁶The Applicant shall ensure that site preparation and construction activities associated with the development do not exceed 62 dB(A)(L_{Aeq}(15 minute)) at the New Generation Childcare Centre, 30 Swettenham Road, St Andrews, during normal operating hours and/or occupation of the Childcare Centre.

³ Incorporates Campbelltown Council General Term of Approval (35)

⁴ Incorporates Campbelltown Council General Term of Approval (36)

⁵ Incorporates EPA General Terms of Approval (E1.1)

⁶ Incorporates EPA General Term of Approval (E1.1)

4.19 ⁷The Applicant shall only undertake noisy site preparation works and noisy construction activities (including transportation of fill and spoil) associated with the development, between the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 8:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

For the purpose of this condition, “noisy” is any activity that may be audible at a residential receptor. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or to avoid the loss of life, property or damage to the environment.

4.20 ⁸The hours of site preparation works and construction activities specified under condition 4.17 of this consent may be varied with the prior written approval of the Director-General. Any request to alter the hours of site preparation works or construction activities specified under condition 4.17 shall be:

- a) considered on a case-by-case basis;
- b) accompanied by details of the nature and need for activities to be conducted during the varied site preparation and construction hours;
- c) details of how potentially affected members of the community will be consulted and informed of the proposed varied site preparation and construction hours; and
- d) accompanied by written evidence of the EPA's agreement with the proposed variation in construction times, after providing any information necessary for the EPA to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Operation Noise

4.21 ⁹The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:

- a) wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); or
- b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2 ms⁻¹ (measured at 10 metres above ground level).

Table 2 - Maximum Allowable Noise Contribution

Location	Day	Evening	Night	
	7:00am to 6:00pm Monday to Saturday 8:00am to 6:00pm Sundays and Public Holidays	6:00pm to 10:00pm on any day	10:00pm to 7:00am Monday to Saturday 10:00pm to 8:00am Sundays and Public Holidays	
	L _{Aeq} (15 minute) (dB(A))	L _{Aeq} (15 minute) (dB(A))	L _{Aeq} (15 minute) (dB(A))	L _{A1} (1 minute) (dB(A))
St Andrews residences	36	36	36	50
Minto residences	36	36	36	50
Childcare Centre, 30 Swettenham Road	44	N/A	N/A	N/A

⁷ Incorporates EPA General Terms of Approval (E1.2 and E.13)

⁸ Incorporates EPA General Term of Approval (E1.3)

⁹ Incorporates EPA General Terms of Approval (L6.1, L6.2 and L6.5)

Measurement of Noise Impacts

- 4.22 ¹⁰For the purpose of assessment of noise contributions specified under condition 4.21 of this consent, noise from development shall be
- measured at the most affected point on or within the residential boundary to determine compliance with $L_{Aeq(15\text{ minute})}$ noise limits; or
 - measured at 1 metre from the dwelling façade to determine compliance with $L_{A1(1\text{ minute})}$ noise limits.

Soil and Water Impacts

- 4.23 ¹¹Except as may be expressly provided by an Environment Protection Licence for the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Soil, Contamination and Geotechnics

- 4.24 ¹²The Applicant shall ensure that all materials displaced during site preparation and construction works are stabilised or relocated and made secure so that these materials will not detrimentally affect any watercourse or riparian area.
- 4.25 Prior to the commencement of any site preparation or construction work on the site, the Applicant shall submit for the approval of the Director-General, a geotechnical assessment of the site to confirm the geotechnical suitability and long-term stability of the site. The geotechnical assessment shall be prepared by a suitably qualified person(s), and shall detail any additional measures that shall be implemented to ensure long-term stability, if required.
- 4.26 Prior to the commencement of any site preparation or construction work on the site, the Applicant shall submit for the approval of the Director-General, a contamination review of the site to confirm the presence, or otherwise, of any contamination on the site, and to demonstrate that any contamination on the site is not inconsistent with the development. The contamination review shall be prepared by a suitably qualified person(s), and shall detail any additional measures that shall be implemented to address contamination, if identified, and if required.
- 4.27 Depending on the outcome of the investigations required by condition 4.26, the Director-General may require the Applicant to prepare and implement a Soil Contamination Protocol to manage soil contamination during site preparation and construction works. The Protocol shall be submitted for the approval of the Director-General prior to the commencement of any works that may disturb contaminated soils and shall include procedures to adequately respond to any occurrences of contaminated soil disturbed during site preparation and construction works.

Bow Bowing Canal and Riparian Zone

- 4.28 ¹³The Applicant shall establish and maintain a riparian zone, consisting of local native plant species, in the area between the development and the watercourse within the property boundary. The zone shall be designed to ensure bed and bank stability of this area, and to prevent any sedimentation and water quality impacts on Bow Bowing Canal resulting from the development. The riparian zone shall be designed and constructed to meet the requirements of Department and shall be addressed as part of the Vegetation Construction Environmental Management Plan (condition 7.2d)).

¹⁰ Incorporates EPA General Terms of Approval (L6.3 and L6.4)

¹¹ Incorporates EPA General Term of Approval (L1.1)

¹² Incorporates DSNR General Term of Approval (9)

¹³ Incorporates DSNR General Term of Approval (12)

4.29 ¹⁴The Applicant shall maintain the riparian zone, as required by condition 4.28, for a period of at least two years after final planting. Every six months during that period the Applicant shall submit to the satisfaction of the Department, a status detailing the progress of implementation of the Vegetation Construction Environmental Management Plan (condition 7.2d)).

4.30 ¹⁵The Applicant shall design and construct any stormwater outlet structure located within 40 metres of Bow Bowing Canal to ensure that the structure that does not compromise the stability or function of the riparian zone. The design of any outlet structure within the riparian zone, including pipelines and spillways, shall be in accordance with the Department's guideline *Stormwater Outlet Structures to Streams* and shall be approved by the Director-General prior to the commencement of any construction works within the riparian zone.

Waste Generation and Management

4.31 ¹⁶The Applicant shall not receive waste at the site for storage, treatment, processing or reprocessing, and shall not dispose of waste generated by the development on the site, except as may be expressly permitted by an Environment Protection Licence for the development under the *Protection of the Environment Operations Act 1997*.

Note: This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*

4.32 ¹⁷Except as provided by any Environment Protection Licence issued for the development, the Applicant shall ensure that only the following hazardous and/or industrial and/or Group A waste listed below are generated and/or stored at the site:

- i) acidic solutions or acids in solid form;
- ii) basic solution or bases in solid form;
- iii) non-toxic salts;
- iv) zinc compounds;
- v) waste oil/water, hydrocarbons/water mixtures or emulsions;
- vi) containers that are contaminated with residues of substances referred to in the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure list of hazardous, industrial and liquid waste codes;
- vii) surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials;
- viii) boron compounds;
- ix) cadmium, cadmium compounds;
- x) chromium compounds (hexavalent and trivalent);
- xi) cobalt compounds;
- xii) copper compounds;
- xiii) ethers;
- xiv) phenols, phenol compounds including chlorophenols;
- xv) phosphorus compounds excluding mineral phosphates;
- xvi) selenium, selenium compounds;
- xvii) waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and whose effects on human health and/or the environment are not known;
- xviii) fire debris and fire washwaters;
- xix) halogenated organic solvents;

¹⁴ Incorporates DSNR General Term of Approval (23 & 24)

¹⁵ Incorporates DSNR General Term of Approval (28)

¹⁶ Incorporates EPA General Term of Approval (L5.1)

¹⁷ Incorporates EPA General Term of Approval (L5.3)

- xx) inorganic fluorine compounds excluding calcium fluoride;
- xxi) inorganic sulfides;
- xxii) isocyanate compounds;
- xxiii) lead, lead compounds;
- xxiv) nickel compounds;
- xxv) organic phosphorous compounds;
- xxvi) organic solvents excluding halogenated solvents; and
- xxvii) waste mineral oils unfit for their original intended use.

4.33 ¹⁸The quantity of hazardous and/or industrial and/or Group A waste generated at the site per year shall not exceed 100 tonnes.

4.34 ¹⁹The quantity of hazardous and/or industrial and/or Group A waste stored at the site shall not exceed 50 tonnes at any one time.

Air Quality Impacts

Odour

4.35 ²⁰The Applicant shall design, construct, operate and maintain the development to prevent the emission of any offensive odour from the site that is attributable to the operation of the development. For the purpose of this condition, "offensive odour" has the same meaning as defined under the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the *Protection of the Environment Operations Act 1997* provides that the Applicant must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant Environment Protection Licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of the Licence directed at minimising odour.

Acetic Acid Scrubber

4.36 ²¹The Applicant shall design, construct, commission and operate the acetic acid scrubber to ensure that the emissions from the scrubber meet the requirements specified in the Environment Protection Licence issued for the development under the *Protection of the Environment Operations Act 1997*.

4.37 ²²Prior to the commencement of decanting activities involving acetic acid on the site, the Applicant shall submit to the Director-General and the EPA the manufacturer's performance guarantee and the detailed final design of the acetic acid scrubber. The guarantee shall be accompanied by an air quality assessment to predict the performance of the scrubber and to confirm that the final design of the scrubber is capable of achieve relevant ambient air quality criteria. The air quality assessment shall be undertaken in accordance with the EPA's *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW* (2001). Commencement of acetic acid decanting activities at the site shall not commence until the Director-General has approved the manufacturer's performance guarantee and air quality assessment, in consultation with the EPA.

¹⁸ Incorporates EPA General Term of Approval (L5.4)

¹⁹ Incorporates EPA General Term of Approval (L5.5)

²⁰ Incorporates EPA General Term of Approval (O1.1)

²¹ Incorporate EPA General Term of Approval (L3)

²² Incorporates EPA General Term of Approval (E4.2 & E4.3)

Dust Emissions

- 4.38 ²³The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises dust emissions from the site. All activities undertaken on the site shall be carried out in a manner that minimises the generation of dust, and emission of dust from the site, including wind-blown and traffic-generated dust.

Visual Amenity Impacts

- 4.39 The Applicant shall prepare an external design panel indicating the proposed external design finishes, material and configuration, in consultation with Council. The Applicant shall submit the design panel to the Director-General for approval prior to the commencement of the construction.
- 4.40 The Applicant shall ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting must be the minimum level of illumination necessary and shall comply with *AS4282(INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*.
- 4.41 This consent does not permit the display of any advertisement, or the erection of any advertising structure, on the site. This condition does not apply to any advertisement or structure that cannot be seen from the nearest public place, nor any signage specified elsewhere in this consent (refer to condition 3.2).

Note: the Applicant may seek development consent from Council for the erection of advertising structures.

5. ENVIRONMENTAL MONITORING AND AUDITING

- 5.1 ²⁴The Applicant shall undertake all monitoring, including recording and reporting of monitoring results, as required under this consent and as may be specified in an Environment Protection Licence for the development.

Transport Auditing

- 5.2 Within 90 days of commissioning each stage of the development, and then as may be required by the Director-General, the Applicant shall commission an independent **Transport Audit** of the development. This Audit shall:
- be undertaken by a suitability qualified and experienced person, approved by the Director-General prior to the commencement of the Audit;
 - assess whether the heavy vehicles associated with the development are complying with the measures detailed in Traffic Management Plan (condition 7.5(b)) and as required by this consent; and,
 - if any non-compliance is detected, identify what additional measures will be implemented to ensure compliance.

The Applicant may, with the prior approval of the Director-General, utilise Global Positioning System technology as an alternative to the monitoring requirements set out above. In gaining this approval, the Applicant shall demonstrate to the Director-General the suitability of this technology and subsequent data analysis in fulfilling the requirements of this condition.

²³ Incorporate EPA General Terms of Approval (O2.1)

²⁴ Incorporates EPA General Terms of Approval (M1.1, M1.2 and M1.3)

- 5.3 Within 28 days of conducting the Audit referred to under condition 5.2 of this consent, the Applicant shall provide the Director-General and Council with a copy of the Transport Audit report. If the Audit identifies any non-compliance with the Transport Management Plan for the site or any conditions imposed under this consent, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Noise Monitoring and Auditing

Construction Noise

- 5.4 ²⁵Within one month of the commencement of construction activities associated with each stage of the development, the Applicant shall submit to the Director-General and the EPA a **Construction Noise Audit** to demonstrate compliance with the construction noise limits specified in conditions 4.17 and 4.18 of this consent. The Audit shall be prepared by a suitably qualified acoustic consultant, approved by the Director-General prior to the commencement of the Audit. Should the Audit indicate that construction activities are above the set noise criteria, the report shall identify additional measures to be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.
- 5.5 The Applicant may seek the Director-General's approval, in consultation with the EPA, to dispense with the requirement to undertake a Construction Noise Audit for stage 2, 3 and/ or 4 of the development. In seeking the Director-General's approval, the Applicant must demonstrate that:
- based on the Construction Noise Audit for stage 1, and the relevant Operational Noise Audits required under condition 5.6, that construction of stage 2, 3 and/ or 4 of the development, as relevant, will not generate a significant off-site noise impact;
 - no exceedances of construction noise criteria were experienced during construction of stage 1 of the development,
 - no community complaints were received in relation to noise generated from construction of stage 1 of the development; and
 - appropriate mechanisms are in place to monitor and manage noise during construction of stage 2, 3 and/ or 4 of the development, as relevant, and to respond to any community complaints that may be received in relation to noise during the construction of that stage(s).

Operational Noise

- 5.6 ²⁶Within 90 days of the commencement of operation of each stage of the development, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall conduct an **Operational Noise Audit** of its operations. This Audit shall:
- be undertaken by a suitably qualified and experienced person;
 - assess whether the development is complying with the intrusive and amenity noise criteria; and, if any non-compliance is detected; and
 - identify what additional measures could be implemented to ensure compliance.
- 5.7 Within 28 days of conducting the Audit referred to under condition 5.6 of this consent, the Applicant shall provide the Director-General and EPA with a copy of the Noise Audit report. If the Audit identifies any non-compliance with the noise limits imposed under this consent, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures

²⁵ Incorporates EPA General Term of Approval (E2.1)

²⁶ Incorporates EPA General Term of Approval (E2.2)

would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Stormwater Quality Monitoring

- 5.8 Prior to the commencement of operations at the site, the Applicant shall submit for the approval of the Director-General, in consultation with Council, a Stormwater Quality Monitoring Program. This Program shall form part of the Stormwater Operational Environmental Management Plan required by condition 7.5(c). The Program shall include, but not necessarily be limited to:
- a) identification of contaminants to be tested, including those required under the Clean Water Regulation (Class R Classification);
 - b) monitoring frequencies; and
 - c) methodologies for stormwater quality monitoring.

The Stormwater Quality Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development.

Air Quality Monitoring and Auditing

Acetic Acid Scrubber

- 5.9 ²⁷The Applicant shall periodically determine the pollutant concentrations discharged from the acetic acid scrubber, as established a part of the air quality performance confirmation required under condition 4.37 of this consent and at the frequency indicated in the Table 3. All monitoring shall be carried out strictly in accordance with *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (NSW EPA, 2001).

Table 3 – Pollutant and Parameter Monitoring (Air)

Pollutant	Units of Measures	Frequency	Method
Acetic Acid	mg/m ³	Quarterly	As determined by the EPA

- 5.10 Within 90 days of commencing acetic acid decanting activities at the site, and during a period in which the decanting area is operating under design loads and normal operating conditions, the Applicant shall conduct an **Air Quality Audit** of its operations to confirm the air emission performance of the acetic acid scrubber. The program shall include, but not necessarily be limited to:
- (i) point source emission sampling and analysis subject to the requirements listed under condition 5.9;
 - (ii) a comprehensive air quality impact assessment, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2001);
 - (iii) a comparison of the results of the air quality impact assessment required under ii) above, and the predicted air quality impacts detailed in the documents listed under condition 4.36 of this consent;
 - (iv) a comparison of the results of the air quality impact assessment required under ii) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001); and
 - (v) details of any entries in the Complaints Register (condition 0 of this consent) relating to air quality impacts.

²⁷ Incorporates EPA General Term of Approval (M1)
 NSW Government
 Department of Infrastructure, Planning and Natural Resources

5.11 Within 28 days of conducting the Audit referred to under condition 5.10 of this consent, the Applicant shall provide the Director-General and EPA with a copy of the Air Quality Audit report. If the Audit identifies any non-compliance with the relevant air emission limits imposed on the development, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Independent Hazard Auditing

5.12 Twelve months after the commencement of operation of Stage 1 of the development, or within such period otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit.

Further Hazard Audits shall be undertaken every three years or within 12 months of commissioning Stages 2, 3 and 4 of the development (whichever is the lesser), or as otherwise directed by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*, and shall include a review of the site safety management system and a review of all entries made in the incident register since the previous audit.

Independent Environmental Auditing

5.13 Twelve months after the commencement of operations of each stage of the development, and every three years thereafter, or as otherwise agreed or required by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General, the EPA and Council within one month of the completion of the Audit. The Audit shall:

- a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
- b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
- c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and
- d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

The Director-General may require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require.

Note: if the preparation and submission of a Hazard Audit Report and an Environmental Audit Report are required at the same time, the requirements of condition 5.12 and 5.13 of this consent may be satisfied with a single report prepared by a single independent person or team approved by the Director-General.

6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 6.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

Complaints Procedure

- 6.2 Prior to the commencement of construction of the development, the Applicant shall ensure that the following are available for community complaints:
- a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of construction of each stage of the development, through a medium approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist. The telephone number, the postal address and the email address shall be maintained throughout the life of the development.

- 6.3 The Applicant shall record details of all complaints received through the means listed under condition 6.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Community Communication Strategy

- 6.4 Prior to the commencement of operations at the site, the Applicant shall prepare and implement a Community Communication Strategy for the development. This strategy shall be designed to enable the Applicant to respond to any community enquiries and to provide mechanisms to inform the local community as to the nature and operational environmental performance of the facility. The Strategy shall be prepared in consultation with Council and shall include, but does not necessarily be limited to:
- a) mechanisms through which the Applicant can report to the local community on the operations of the development and its environmental and safety performance;
 - b) mechanisms through which the community can provide feedback to the Applicant in relation to the environmental and safety management of the development; and
 - c) mechanisms through which the Applicant can respond to any enquires or feedback from the community in relation to the environmental and safety performance and the nature of operations at the development.

The Strategy shall be approved by the Director-General prior to the commencement of any operations at the site.

7. ENVIRONMENTAL MANAGEMENT

Environmental Representative

7.1 Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s). The Applicant shall employ the Environmental Representative(s) on a full-time basis during the construction, commissioning and operation of the development. The Environmental Representative shall be:

- a) the primary contact point in relation to the environmental performance of the development;
- b) responsible for all Management Plans and Monitoring Programs required under this consent;
- c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
- d) responsible for receiving and responding to complaints in accordance with condition 0 of this consent; and
- e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

7.2 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the site preparation and construction activities during each stage of the development. The Plan shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during site preparation and construction activities, including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Applicant is required to fulfil during site preparation and construction activities of the development, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and control noise emissions during construction, commissioning and demolition;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during site preparation and construction activities;
 - iii) measures to monitor and manage traffic impacts resulting from road works and general construction activities;
 - iv) measures to monitor and manage dust emissions;
 - v) measures to establish and maintain a riparian zone to minimise water quality impacts for the life of the development;
 - vi) measures to minimise the generation of construction waste, and to manage any waste in an acceptable and appropriate manner;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
- e) the Management Plans listed under condition 7.3 of this consent; and

- f) complaints handling procedures during construction and demolition.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any site preparation and construction works associated with the development, or within such period otherwise agreed by the Director-General. Site preparation and construction works associated with any stage of the development shall not commence until written approval has been received from the Director-General for that stage.

7.3 As part of the Construction Environmental Management Plan for the development, required under condition 7.2 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) ²⁸A **Noise Management Plan** to detail to outline measures to minimise and mitigate noise impacts on surrounding land uses as a result of the construction of the development. The Plan shall be prepared in consultation with Council, and shall be submitted to the EPA prior to the commencement of any construction activities. The Plan shall include, but not necessarily be limited to:
- (i) identification of construction noise criteria for each relevant receiver;
 - (ii) identification of general activities that will be carried out and associated noise sources;
 - (iii) assessment of construction noise impacts at the relevant receivers;
 - (iv) procedures for notifying residents of construction activities likely to affect their noise amenity, and procedures for receiving and responding to construction noise complaints;
 - (v) details of overall management methods and procedures that would be implemented to control noise from the construction stage to achieve the set construction noise criteria;
 - (vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and if any non-compliance is detected,
 - (vii) a description of what procedures would be followed to ensure compliance.
- b) ²⁹a **Transport Management Plan** to detail measures to ensure road works and construction activities are undertaken in a manner that does not adversely impact on the performance and safety of local roads. The Plan shall be prepared in consultation with Council, and shall include, but not necessarily be limited to:
- (i) details of construction volumes, peak delivery times and length of each construction period;
 - (ii) measures to be implemented to adequately mitigate the impact on the performance and safety of the surrounding network, particularly Swettenham Road during the construction of the deceleration lane. Reference should be made to *AS 1742-1985* in the preparation of these measures;
 - (iii) provide for the monitoring of the performance of the implemented measures and details of any additional measures that would be implemented should any non-compliance be detected.

²⁸ Incorporates an EPA General Term of Approval (E1.4)

²⁹ Incorporates Campbelltown Council General Term of Approval (47 & 48)

- c) ³⁰an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during site preparation and construction works associated with the development. The Plan shall be approved by DSNR and submitted to the EPA prior to the commencement of any construction or site preparation activities. The Plan shall include, but not necessarily be limited to:
- i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* (1998), the Department's guideline *Stormwater Outlet Structures to Streams* and any relevant Council guideline;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction and demolition works associated with the development; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- d) ³¹A **Vegetation Management Plan** to detail measures to establish, rehabilitate and maintain a designated riparian zone in order to minimise erosion and sedimentation during construction and operational stages of development. The Plan shall be approved by DSNR prior to the commencement of any construction or site preparation works, and shall be prepared in accordance with the Department's guideline *How to Prepare a Vegetation Management Plan*. The plan shall include, but not necessarily be limited to:
- i) description of the existing conditions of the riparian zone, and a vegetation plan detailing the proposed rehabilitation or establishment of vegetation within the zone;
 - ii) maximisation of flora species endemic to the locality in landscaping the zone;
 - iii) outline of the performance criteria for the established riparian zone;
 - iv) details of the maintenance program to ensure the effective management of the zone and vegetation;
 - v) description of the monitoring program to evaluate the performance of the zone and the need for additional vegetation; and should any deficiencies or non-compliance be detected,
 - vi) details of any additional management measures that would be implemented to address any performance deficiencies or non-compliance.

³⁰ Incorporates DSNR General Term of Approval (30-32) and EPA General Term of Approval (E5.1)

³¹ Incorporates a DSNR General Term of Approval

Operation Environmental Management Plan

7.4 The Applicant shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:

- i) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of phase 1 of the development, including all consents, licences, approvals and consultations;
- ii) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
- iii) overall environmental policies and principles to be applied to the operation of the development;
- iv) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- v) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- vi) the Management Plans listed under condition 7.5 of this consent;
- vii) the environmental monitoring requirements outlined under conditions 5.8 and 5.9 of this consent, inclusive.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of stage 1 of the development, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

7.5 As part of the Operation Environmental Management Plan for the development, required under condition 7.4 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) a **Noise Management Plan** to outline measures to manage noise impacts associated with the operation of the development. The Plan shall be submitted to the EPA and shall address the requirements of Council. The Plan shall include, but not necessarily be limited to:
 - i) identification of the potential sources of noise during the site operations;
 - ii) specification of the noise criteria for these operations;
 - iii) a detailed description of what actions and measures would be implemented to ensure that operations would comply with specified noise criteria; and
 - iv) a description of how the effectiveness of actions and measures would be monitored over time; and
 - v) if any non-compliance is detected what procedures would be followed to ensure compliance;
- b) ³²a **Transport Management Plan** to outline measures to ensure minimal amenity impacts on the locality through the appropriate management of heavy vehicles accessing and departing the development. The Plan shall be submitted to the EPA and prepared in consultation with Council. The Plan shall include, but not necessarily be limited to:
 - i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements, including those required by condition 4.9 and condition 4.12;
 - ii) consideration of all possibilities for reducing the required daily heavy vehicle movements and movements during peak or night-time periods;
 - iii) procedures for monitoring the effectiveness and suitability of these measures, particularly the periodic and random monitoring of heavy vehicle routes; and
 - iv) details of additional measures that would be implemented should be non-compliance be detected.

³² Incorporates EPA General Term of Approval (E3.1)
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- c) ³³a **Stormwater Management Plan** to outline measures to mitigate impacts of stormwater run-off from and within the premises. This plan shall be submitted to the EPA, and prepared in consultation with Council. This plan shall include, but not necessarily be limited to:
- (i) details of all relevant stormwater control infrastructure and how that infrastructure minimise stormwater peak flows and peak pollutant concentrations;
 - (ii) procedures for the installation and maintenance of gross pollutant traps to screen stormwater from the site;
 - (iii) a demonstration of consistency with the stormwater management plan for the catchment and any relevant stormwater guidelines prepared by Council;
 - (iv) details of the monitoring program, as required by condition 5.8, to monitor stormwater flows from the site to meet discharge requirements for Class C (Controlled) Waters under the *Clean Water Regulations*; and
 - (v) details of contingency measures that would be followed to ensure the protection of Bow Bowling Canal, should an accident or emergency occur at the site.
- d) a **Waste Management Plan** to outline measures to ensure the appropriate handling, storage and disposal of wastes generated during operations at the site. The plan shall be prepared in consultation with Council, and shall include, but not necessarily be limited to:
- (i) identification of the types and quantities of waste that would be generated during operations, and the areas in which waste will be stored prior to removal;
 - (ii) standards and performance measures for dealing with this waste;
 - (iii) a detailed description of how this waste would be reused, recycled and, if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines on the *Assessment, Classification and Management of Liquid and Non-Liquid Waste*;
 - (iv) a description of how the effectiveness of these actions and measures would be monitored over time; and
 - (v) a description of what procedures would be followed to ensure compliance if any non-compliance is detected.
- e) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:
- i) details of all landscaping to be undertaken on the site with specific reference to revegetation along the riparian zone (condition 4.28);
 - ii) maximisation of flora species endemic to the locality in landscaping the site;
 - iii) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state.

7.6 At least one month prior to the operation of Stage 2, Stage 3 and Stage 4 of the development, the Applicant shall update and submit for the approval of the Director-General, the Operation Environmental Management Plan referred to under condition 7.4 of this consent. Operation of Stage 2, Stage 3 and Stage 4, respectively, shall not commence until the Director-General has approved the updated Plans.

³³ Incorporates EPA General Term of Approval (E5.2)
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8. ENVIRONMENTAL REPORTING

Incident Reporting

- 8.1 The Applicant shall notify the EPA and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Applicant shall provide written details ("written report") of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.
- 8.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may require.

Note: Condition 8.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

Annual Performance Reporting

- 8.3 The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 7.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this consent;
 - b) a copy of the Complaints Register (refer to condition 0 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
 - c) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1.2 of this consent;
 - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the development. The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the Director-General may require.