

DRAFT CONDITIONS – DA-2009/1636

The integrated development application described below has been determined:

Description	Resource recovery centre
Location	Lot 2 DP 217590
	Lot 2 Jarvie Road, CRINGILA NSW 2502

The development proposed is integrated development and approval is required from the approval bodies listed below:

- A. A licence must be obtained pursuant to sections 43(a), 47 and 55/ sections 43(b), 48 and 55/ sections 43(d), 55 and 122 of the *Protection of the Environment Operations Act 1997* from the Department of Environment, Climate Change and Water (DECCW) prior to building work commencing.

Conditions which the Environment Protection Authority requires to be imposed as part of this Integrated Development Consent are located at Attachment A to this consent.

- B. A Controlled Activity Approval must be obtained under the *Water Management Act 2000* (WMA) from the NSW Office of Water prior to the commencement of any 'works'.

Conditions which the NSW Office of Water requires to be imposed as part of this Integrated Development Consent can be found as Attachment B to this consent.

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications	Subject to outcome of JRPP meeting
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General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.
- A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.
- Note:** The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

- 4 **Occupation Certificate**
A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 5 **Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 6 **Separate Consent Required for Advertising Signage**
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not “complying or exempt development”, under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.
- 7 **Use of area identified on the plan as ‘Wollongong Council Area’**
The northern part of the site, to the west of the proposed site office (labelled as ‘Wollongong Council Area’ on the plans) does not form part of this consent, a separate application is required for any proposed use of this area.
- 8 **Connection to Sydney Water and Electricity Supply**
The site is to be serviced by an on- site/pump out system, connection to a Sydney Water potable water supply, and connection to the overhead power supply within 5 years from the issue of an Occupation Certificate and/or operation of the site.

Prior to the Issue of the Construction Certificate

- 9 **Property/Licence Agreements**
Prior to the issue of the Construction Certificate, the applicant must enter into an appropriate licence arrangement with Council. An application for a licence must be made to Council’s Property Division for determination at least 50 days prior to the proposed commencement date of the use so that it may be advertised and assessed in accordance with the Local Government Act 1993.
- 10 **Overland Stormwater Flows**
Surface water interceptor drains/swales must be provided across the slopes uphill of the development site, to divert stormwater run-off to watercourse gullies within the constraints of the natural topography and the on site stormwater management system. Details of this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 11 **Stormwater Management System Details**
Final engineering details (including capacities) of the proposed stormwater management system including scour protection measures must be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 12 **Scour Protection**
All stormwater outlets and swales must incorporate appropriate scour/erosion protection measures to minimise the impact on downstream water quality. Final details of the proposed scour protection measures must be reflected on Construction Certificate plans and associated

documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

13 **Rainwater Collection tank Overflows**

All stormwater from rainwater storage tank overflows must be directed to watercourse gullies, swales within the constraints of the development site topography and the on site stormwater management system. Outlets must incorporate appropriate scour/erosion protection measures to minimise the impact on downstream water quality. Details of this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

14 **Stormwater Management System – Maintenance Schedule**

A maintenance schedule for the stormwater management system must be prepared by a suitably qualified consulting civil engineer. The maintenance schedule must specify intervals for periodic maintenance including the work required. The schedule must include all rainwater collection tanks, intercept drains, swales, bund walls, gross pollutant traps, sediment basins and water quality ponds. Details of this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

15 **Truck Movement Plan**

A truck movement plan is to be developed and include the routes identified in the 'traffic response' prepared by Bitzios Consulting dated 16.4.10. In addition to the elimination of the right turn from Springhill Road into Five Islands Road the truck Movement Plan is to include different travel routes for different sized vehicles as suggested within this report. This plan shall be submitted to Council for assessment and approval prior to the issue of the Construction Certificate.

16 **Operational Environmental Management Plan**

To ensure the environmental management, mitigation measures and monitoring of the site meets environmental best practice over time, prior to issue of the Construction Certificate, an Operational Environmental Management Plan (OEMP) that incorporates the requirements of the conditions of this development consent and the requirements of the Environment Protection Licence issued by the Department of Environment, Climate Change and Water shall be developed by a suitably qualified and experienced environmental consultant, or environmental consultancy and submitted to Council and the Department of Environment, Climate Change and Water (DECCW) for review.

The OEMP shall include, but not be limited to the following parameters:

- Air Quality (to include defining the windy weather conditions (eg trigger wind speeds, wind direction) when no crushing or processing activities will take place)
- Noise
- Traffic
- Water Quality/Water Quantity Management (to include management of the bunded areas and the management of spills and leaks)
- Waste Management (to include what must be done if asbestos containing materials are encountered on site)
- Site Security
- Green and Golden Bell Frog (to include any frog pond maintenance to be only carried out by person(s) inducted to the site and who have an awareness of the appearance and behaviour of green and golden bell frogs, as well as current practices to restrict the spread of chytrid fungus and weed control around the habitat ponds by hand only)
- Vegetation Management
- Employee/Contractor/Subcontractor Induction
- OHS Plan
- Site Compliance, Monitoring and Annual Reporting

- OEMP Review and Updating

- 17 Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian/New Zealand Standard AS/NZ 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate.
- 18 Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 19 Provision shall be made along the boundary of the property at the vehicular crossing/s to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 20 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 21 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 22 The development shall provide suitable light spillage mitigation measures within the development to mitigate against any adverse light spillage impacts upon surrounding properties. This requirement shall be reflected on the Construction Certificate plans. The implementation of the approved light spillage mitigation measures is required prior to the use or occupation of the development.

Prior to the Commencement of Works

23 Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- 23.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment. irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
- 23.2 notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

24 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- 24.1 stating that unauthorised entry to the work site is not permitted;
- 24.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 24.3 showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

25 **Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- 25.1 proposed ingress and egress points for vehicles to/from the construction site;
- 25.2 proposed protection of pedestrians, adjacent to the construction site;
- 25.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 25.4 proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- 25.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 25.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 25.7 proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. - "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- 25.8 proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- 25.9 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

26 **Asbestos Hazard Management Strategy**

The preparation of an appropriate hazard management strategy by an asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a NATA accredited hygienist and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

- 27 **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**
The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.

During Demolition, Excavation or Construction

- 28 **Road Occupancy Licence (ROL) from the RTA**
The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.
- 29 **Oil Separators for Bunded Machinery and Fuel Compound and the Machinery Storage Yard**
Oil separators shall be installed in the bunded machinery and fuel compound and the machinery storage yard.
- 30 **Compliance with Recommendations of the Air Quality Impact Assessment Report**
The mitigation measures contained in Section 5 of the report titled *Air Quality Impact Assessment for Proposed Resource Recovery Centre at Jarvie Road Cringila* prepared by PAEHolmes and dated 18 April 2010 shall be implemented and maintained, except where amended by other conditions of this consent.
- 31 **Construction of Noise Barrier**
The noise barrier for the crusher shall be constructed in accordance with Concept Layout Plan/Drainage Plan Drawing No. 07142.C01 Revision C prepared by Siteplus dated 15 December 2009 and Detail Sheet Drawing No. 07142.C05 Revision C prepared by Siteplus dated 15 December 2009.
- 32 **Internal Access Roads**
Internal access roads shall be constructed in such a way so they can be maintained in a manner that will minimise the generation of dust during the operational phase of the development.
- 33 **Control of Noxious and Environmental Weeds**
All noxious and environmental weeds within the lease area shall be controlled by recognised methods.
- 34 **No Adverse Run-off Impacts on Adjoining Properties**
The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.
- 35 **Re-direction or Treatment of Stormwater Run-off**
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.
- 36 **Redundant Crossings**
Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognized concrete contractor at the developer's expense.
- 37 **Temporary Road Closure(s)**
If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to six weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and

times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

38 **Prior approval from Council for any works in Road Reserve**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Regulation and Enforcement Division prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

39 **Restricted Hours of Work (not domestic residential scale)**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- 39.1 the variation in hours required;
- 39.2 the reason for that variation;
- 39.3 the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

40 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

41 The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

42 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

Operational Phases of the Development/Use of the Site

43 The site is to operate at all times in accordance with the General Terms of Approval (GTA's) issued by the Department of Environment, Climate Change and Water (DECCW) and are attached to this consent.

44 Access at all times to the site is via Five Islands Road only. At no time can the site be accessed via Jarvie Road.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.

- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.

Notes

- 1 This consent becomes effective and operates from the date shown as **"Endorsement Date"** on the front page of this notice. This consent will lapse unless development is commenced within five years from the endorsement date shown on this notice.
- 2 Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve months from the date of receipt of this notice.
- 3 The holder of a development consent that is being acted upon must also hold a current:
 - a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
- 4 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.
- 5 A Tree Management Order has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or are within 3 metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.
- 6 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 7 Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within 12 months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.
- 8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating native fauna prior to removal of trees and bushland.

Prolonged Rainfall Events

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

ATTACHMENT A – General Terms of Approval

Application for Development Consent DA-2009/1636 – The Recyclers NSW Pty Ltd – Proposed Resource Recovery Centre – Jarvie Rd, Cringila NSW 2502 – General Terms of Approval

THE PROPOSAL

Extract from Supplementary Report, dated 20 April 2010.

The Recyclers NSW develop and operate a Resource Recovery Centre with a maximum capacity of processing up to 70,000 tonnes per annum of construction and demolition wastes into secondary material for beneficial reuse. The facility will accept pre-sorted construction materials and limited demolition waste, consisting of concrete, recycled asphalt pavement, road base, bricks, pipes, timber, rocks, steel and top soil. The materials will be sorted, classified, appropriately processed and recycled on the site.

No general building wastes (eg: paint tins, plastics, packaging, gyprock, plaster or glass tc) and no putrescibles will be accepted on the site. No asbestos or other contaminated material will be accepted or handled on the site.

No emplacement of materials or long term storage of materials will occur on the site. All materials will be resold and leave the site. It is anticipated that there will be a high turnover of material on the site.

Recommendations/General Terms of Approval

General

1. The applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997*. Section 120 of the POEO Act prohibits the pollution of waters.
2. The applicant must comply with section 129 of the *Protection of the Environment Operations Act 1997*. Section 129 of the Act states that the licensee must not cause or permit the emission of any offensive odour from the premises.
3. Stormwater from all areas of the premises which has the potential to mobilise sediments and other material must be controlled and diverted through the appropriate erosion and sediment control/pollution control measures or devices.
4. The applicant must store all chemicals, fuels and oils used on site in an appropriately designed impervious bunded area that contains 110 per cent of the largest container contained within the bund. These bunds shall be designed and installed in accordance with requirements of all relevant Australian Standards, and/or DECCW's Environment Protection Manual Technical Bulletin Bunding and Spill Management.
5. Activities covered by this approval must be carried out between the following hours:
 - a) 0700 to 1700 Monday to Friday;
 - b) 0700 to 1300 Saturdays; and
 - c) at no time on Sundays or Public Holidays.

Specific

NOISE

The recommended general terms of approval for noise are provided below. The recommended conditions include noise limits that apply at all times at the nearest identified residential noise sensitive locations. The limits have been based on the noise levels contained within the report titled *Environmental Noise Impact – Proposed Resource Recovery Centre at Part of Lot 2 DP 217590 Jarvie Road, Cringila, NSW* (Noise Impact Assessment) prepared by Day Design Pty Ltd and dated 19 April 2010. The noise sensitive locations selected represent the nearest and most affected receivers impacted by the development.

1. Noise Limits

- 1.1. Noise generated at the premises must not exceed the noise limits presented in the table below. (Note that the noise limits apply to the noise contribution from the Resource Recovery Centre)

Table 1.1 - Noise Limits (dB(A)) - Operational

Location	Daytime LAeq(15 minute)
Location A	
Lot 1, Jarvie Road Cringila	46
Location B	
Residences 400 metres South- East of the Centre	40
Location D	
Residences 70 metres East of the Centre entrance, near Five Islands Road	45

- 1.2. For the purpose of Condition 1.1

- Daytime is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.

- 1.3. The noise limits set out in condition 1.1 apply under all meteorological conditions except for any one of the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level

- 1.4. For the purpose of condition 1.3:

- a) meteorological data to be used for determining meteorological conditions is the data recorded by a local meteorological weather station.

- 1.5. For the purposes of determining the noise generated at the premises:

- a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used.

b) The noise monitoring equipment used at a location must be placed in a position:

i. that is, where applicable:

- Approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
- Within 30 metres of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises;
- Within approximately 50 metres of the boundary of a National Park or Nature Reserve.

ii. that is:

- At the most affected point at a location where there is no dwelling at the location; or
- At the most affected point within an area at a location prescribed by conditions 1.5(b)(i) or 1.5(b)(ii)

1.6. A breach of these Noise Limits Conditions will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition 1.1 is detected:

- in an area at a location other than an area prescribed by condition 1.6; and/or
- at a point other than the most affected point at a location.

1.7. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

1.8. The applicant shall implement the recommendations provided in Section 7 – Noise Control Recommendations in the report titled *Environmental Noise Impact – Proposed Resource Recovery Centre at Part of Lot 2 DP 217590 Jarvie Road, Cringila NSW* (Report No. 3295 Rev B) dated 19 April 2010.

2. Construction Noise

2.1. A Construction Noise Management Plan (Protocol) shall be prepared and implemented by the Applicant.

The Protocol shall particularly address potential noise impact associated with construction works, and shall include but not necessarily be limited to:

- compliance standards;
- community consultation / notification;
- complaints handling monitoring/system;
- site contact person to follow up complaints;
- feasible and reasonable mitigation measures;
- the design/orientation of the proposed mitigation methods demonstrating best practice;
- construction times;
- contingency measures where noise complaints are received;

- monitoring methods and program.

3 Requirement to Monitor Noise

- 3.1. Prior to the commencement of operations, the applicant shall prepare, and have approved, a noise monitoring program, that shall include unattended and attended noise monitoring methods, to establish that the operational noise limits in condition 1.1 are being satisfied over the life of the project. The monitoring program shall include provisions for at least quarterly reporting of noise levels. The reports shall include corrective and preventative action where noise levels were established to exceed the limits in 1.1.

4 Requirement to monitor weather

- 4.1. A meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition 4.2.
- 4.2. For each monitoring point specified in the table below the applicant must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The applicant must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point xx

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	Mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

- 4.3. If the applicant can demonstrate that an existing local meteorological weather station is representative of the site's weather conditions and the data is readily accessible from such a weather station then DECCW will consider the need for conditions 4.1. and 4.2 of these General Terms of Approval.

FLORA AND FAUNA

5 Green & Golden Bell Frog Education & Response Protocol

- 5.1 The applicant must engage a suitably qualified ecological consultant to develop an education and response protocol to ensure that all staff and contractors are made aware of the Green and Golden Bell Frog (GGBF) and know who to contact should a GGBF be found on site during construction and/or operations.

AIR QUALITY

- 6.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- 6.2 All activities must be undertaken in a manner that minimises or prevents dust emissions from the site.
- 6.3 The water sprays must be operated at all times during the operation of the screening and crushing plant.

WASTE MANAGEMENT

7.1 The following wastes are permitted to be received at the premises:

- a. Building and demolition waste as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*;
- b. Asphalt waste as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*;
- c. Wood waste as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; and
- d. Virgin excavated natural material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.

7.2 The applicant must have in place and implement procedures to identify any waste not permitted by this approval and/or licence to be received and/or processed at the premises.

7.3 The applicant must implement a litter management program, which includes litter patrol to ensure that the local amenity is not degraded.

7.4 The DECCW will negotiate the following with the applicant when an application for an Environment Protection Licence is submitted to DECCW:

- a. The maximum total amount of unprocessed and processed wastes to be stored at the premises at any time; and
- b. The maximum allowable height of any stockpile of unprocessed or processed waste at the premises at any time.

Note: Condition 7.4 is not intended to limit the maximum capacity of processing approved by the development consent but is intended to prevent the accumulation of processed and unprocessed waste at the premises to minimise any potential environmental impact and limit any future liability should the operations be abandoned and/or prove unviable.

FINANCIAL ASSURANCE

8.1 In accordance with Part 9.4 of the *Protection of the Environment Operations Act 1997*, the applicant will be required to provide a financial assurance in the form of an unconditional and irrevocable bank guarantee to ensure the carrying out of all works and programs required by the environment protection licence, should it be issued.

8.2 The financial assurance shall be adjusted each financial year in line with the Consumer Price Index for the previous year.

- 8.3** The financial assurance must be maintained during the operation of the facility and thereafter until such time as the DECCW is satisfied the premises is environmentally secure.
- 8.4** The financial assurance must be replenished by the full amount claimed or realised if the DECCW has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.
- 8.5** The DECCW may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- 8.6** The applicant must provide to the DECCW the original counterpart guarantee within five working days of the issue of:
- a. the financial assurance required by condition 8.1, and
 - b. the adjusted financial assurance as required by condition 8.3 and 8.4.



**Office
of Water**

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2009/0267	File No:	9051666
Site Address	Lot 2 DP 217590, Jarvie Road, Cringila		
DA Number	DA-2009/1636		
LGA	Wollongong City Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-2009/1636 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>(ii) Landscape Plan</p> <p>(iii) Stormwater Management Plan.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan.</p>		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</p> <p>(i) Vegetation Management Plans</p> <p>(ii) Laying pipes and cables in watercourses</p> <p>(iii) Riparian Corridors</p> <p>(iv) In-stream works</p> <p>(v) Outlet structures</p> <p>(vi) Watercourse crossing.</p>		
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>		

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Number	Condition			
Rehabilitation and maintenance				
6	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.			
Reporting requirements				
7	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.			
Disposal				
8	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
Drainage and Stormwater				
9	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.			
10	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.			
Erosion control				
11	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
Excavation				
12	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
13	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.			
END OF CONDITIONS				