

## SCHEDULE 2

### CONDITIONS OF CONSENT

1. Development consent is granted for a waste management facility at 42 Heather St, Heatherbrae, Lot 423 DP 806140 as described in the Environmental Impact Statement (including appendices) prepared by Hazmat Services dated September 2013.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The amount of waste stored on site is restricted to the amount stated in the Environmental Impact Statement (250m³ or 402 pallets). Any proposed increase to this amount would require the submission of a new development application (or modification application, depending on the nature of the proposed change) and may also require a licence or permit to be issued by the EPA pursuant to the *Protection of the Environment Operations Act 1997*.
5. If a spill of hazardous waste occurs onsite in an unbunded area, Hunter Water **must** be notified immediately, to minimise any risk to Hunter Water customers.
6. The **following** mitigation measures are to be used on the site at all times.
  - a. **Waste Management**
    - Procedures for accepting, storing and sorting chemical wastes. These include:
      - Site Management Plan
      - Emergency Response Plan
      - Spill Management Plan
      - Waste Tracking Procedure
      - Procedures for handling specific waste streams
      - Transport of waste procedure
      - Industry best practice of recycling, processing, use as a fuel or disposal in land fill of waste streams in line with the *NSW Waste Avoidance and Resource Recovery Strategy 2007*.
      - Storage of chemical waste in accordance with *AS/NZS3833.2007 The storage and handling of dangerous goods in packages and intermediate bulk containers*.
  - b. **Surface water and soils**
    - The use of a neoprene drain seal to eliminate spillage from vehicle loading activities entering the stormwater system.

- The use of a gate valve on the last stormwater drain sump to isolate the sites drainage system from the off site drainage channel.
  - The use of drain wardens. These are an absorbent material fixed to the drain covers that absorb hydrocarbons and oil but allow water to pass.
  - The use of spill kits.
  - The use of procedures such as site management and spill management plans.
  - Conducting waste consolidation activities within the bunded warehouses.
  - Very little exposed soil on the site.
- c. Traffic and transport
- Limited number of vehicle movements.
  - All drivers carrying dangerous goods are licensed to do so.
  - All dangerous goods loads are packed in accordance with the Australian Dangerous Goods Code for Road and Railway Transport Version 7.
- d. Air quality
- Consolidation and decanting conducted inside the warehouses.
  - All wastes are covered with tarps.
  - All driveways are cleaned to minimise dust.
  - Minimising unnecessary vehicle movements.
- e. Noise
- The use of hand held and power tools inside the warehouses
  - Operation of the drum crusher inside Warehouse B
- f. Fire and incident management
- The use of a neoprene drain seal to eliminate spillage from vehicle loading activities entering the stormwater system.
  - The use of a gate valve on the last stormwater drain sump to isolate the sites drainage system from the off site drainage channel.
  - The use of drain wardens. These are an absorbent material fixed to the drain covers that absorb hydrocarbons and oil but allow water to pass.
  - The use of spill kits.
  - The use of procedures such as the site management and emergency response plans.
  - The storage of all wastes inside bunded and BCA compliant warehouses.
  - The presence of fire extinguishers meeting BCA and AS/NZS3833:2007 requirements.
7. The development has been granted an approval from NSW EPA dated 17 September 2013 under their relevant legislation. Where conditions are imposed by the authority the development shall comply with the general terms of approval.
8. Works and activities must be carried out in accordance with the proposal contained in the **development** application (and related license application submitted to the EPA) except as expressly provided by a condition of this **consent (and related EPA licence application)**. In this condition the reference to 'the licence application' includes reference to:

- a. the applications for any licences (including former pollution control approvals( which this licence replaces under the *Protection of the Environment Operations (Savings and Transitional) Regulation 1998*; and
  - b. the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.
- 9. The Proponent must comply with section 120 of the *Protection of the Environment Operations Act 1997*. Section 120 of the *Protection of the Environment Operations Act 1997* prohibits the pollution of waters.
- 10. The proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

The following wastes are approved to be accepted and stored on the Premises.

A100	Waste resulting from surface treatment of metals and plastics
A1300	Cyanides (inorganic)
B100	Acidic solutions or acids in solid form
C100	Basic solutions or bases in solid form
D110	Inorganic fluorine compounds excluding calcium fluoride
D120	Mercury; mercury compounds
D130	Arsenic; arsenic compounds
D140	Chromium compounds (hexavalent and trivalent)
D150	Cadmium; cadmium compounds
D160	Beryllium; beryllium compounds
D170	Antimony; antimony compounds
D180	Thallium; thallium compounds
D190	Copper compounds
D200	Cobalt compounds
D210	Nickel compounds
D220	Lead; lead compounds
D230	Zinc compounds
D240	Selenium; selenium compounds
D270	Vanadium compounds
D290	Barium compounds (excluding barium sulphate)
D300	Non toxic salts
D310	Boron compounds
D330	Inorganic sulfides
D340	Perchlorates
D350	Chlorates
D360	Phosphorus compounds excluding mineral phosphates
E100	Waste containing peroxides other than hydrogen peroxide
F100	Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish

F110	Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives
G100	Ethers
G110	Organic solvents excluding halogenated solvents
G150	Halogenated organic solvents
G160	Waste from the production, formulation and use of organic solvents
H100	Waste from the production, formulation and use of biocides and phytopharmaceuticals
H110	Organic phosphorus compounds
H170	Waste from manufacture, formulation and use of wood-preserving chemicals
J100	Waste mineral oils unfit for their original intended use
J120	Waste oil/water, hydrocarbons/water mixtures or emulsions
J160	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
M150	Phenols, phenol compounds including chlorophenols
M220	Isocyanate compounds
M250	Surface active agents (surfactants) containing principally organic constituents and which may contain metals and inorganic material
N100	Containers and drums that are contaminated with residues of waste referred to in Parts 1 or 2 of Schedule 1 of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>
N120	Soils contaminated with a substance or waste referred to in Parts 1 or 2 of Schedule 1 of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>
N190	Filter cake
R120	Waste pharmaceuticals, drugs and medicines
R140	Waste from the production and preparation of pharmaceutical products
T100	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
T120	Waste from the production, formulation and use of photographic chemicals and processing materials

General or Specific exempted waste:

Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*

11. All operations and activities occurring at the premises must be conducted in a manner that will not cause offensive noise beyond the boundary of the premises.
12. The Proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

13. The Proponent must comply with the conditions as specified in this licence or where no specific conditions are outlined in this license, the licensee must comply with the 'Chemical Control Order in Relation to Materials and Wastes Containing Polychlorinated Biphenyl, 1997'.
14. Licensed activities at the premises must be carried out in a competent manner.  
This includes:
  - a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - b) the treatment, storage, processing, transport and disposal of waste generated by the activity.
15. All plant and equipment installed at the premises or used in connection with the licensed activity:
  - a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.
16. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
17. The proponent shall install appropriate air pollution control systems to ensure that all air emissions including dust and particulates from the premises, plant and process are maintained at acceptable levels and these emissions are monitored correctly and regularly.
18. All waste at the premises must be classified in accordance with the EPA's *Waste Classifications Guidelines* 2008.
19. The proponent must ensure that waste identified for recycling is stored separately from other waste.
20. All processes including segregation, decanting, consolidation, bulking, compacting or treatment must be carried out wholly within the building and within a bunded area.
21. All container cleaning and ancillary processes must be carried out wholly within the building and within bunded area.
22. The proponent must ensure that all liquid materials including chemicals, fuels, oils and waste materials are stored under cover in a designated impervious bund that contains 110% of the volume of the largest container contained within the bund.
23. The bunded area (floor and walls) must be impervious to the liquid(s) handled or stored in the bunded area. The bunded area must not contain drain valves.

24. All wastes, tanks, drums and other containers containing materials likely to cause environmental harm must be under cover in a bunded area.
25. Any spills and leaks of wastes or others substances likely to cause environmental harm must be cleaned up immediately.
26. Dangerous goods:
  - a) Dangerous goods must not be stored along with incompatible goods; and
  - b) Dangerous goods Class 5.1 substances must not be stored in the same building with combustible liquids, flammable liquids or any fire risk substances.
27. The Proponent must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (eg spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the license, the licensee must develop an emergency response plan within three months of that date.
28. The proponent must ensure that stormwater from all the areas of the premises which has the potential to have waste or chemical spillage, including driveways must be controlled and diverted through appropriate pollution control measures or structures prior to discharge to the stormwater system.
29. The EPA may impose a financial assurance in respect of the Premises pursuant to part 9.4 *Protection of the Environment Operations Act 1997*.
30. Recommendations of the Building Code of Australia Assessment Report prepared by City Plan Services dated 27 August 2013 are to be implemented and a revised fire safety schedule is to be submitted to Council upon completion of the works. This work is to be completed **within one month of the issue of this consent**.

NOTE: The existing street hydrant is sufficient to serve this building and it is required to be maintained, and be clear and accessible at all times.

32. The hours of operation shall be between 7am and 5pm, Monday to Friday.
33. Where materials or goods are stored outside the building they **must** be screened from view from any public place and adjacent premises and **must** not encroach on the parking, vehicular manoeuvring or landscaped areas.
34. All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading dock/area.

35. No deliveries to the premises shall be made direct from a public place or street.
36. The development shall provide 8 on-site car parking spaces, including 1 disabled parking space, with the minimum dimensions of 5.5m x 2.5m. These spaces shall be separately accessible, clearly line-marked and adequately paved and drained in accordance with Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007.
37. All vehicles shall be able to enter and exit the site in a forward direction.
38. Landscaping on site is to be maintained in a reasonable and tidy condition at all times and is not to be used for storage or parking of vehicles.

#### **GENERAL ADVICES**

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) The proponent is required to prepare, test and implement a Pollution Incident Response Management Plan in accordance with Section 153 of the *Protection of the Environment Operations Act 1997*.
- c) Work Health and Safety legislation is to be complied with on the site.

#### **SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION**

Environmental Impact Statement prepared by Hazmat Services dated September 2013
Statement of Environmental Effects prepared by Hazmat Services date 20 June 2013
Proposed DA Revision Site Plan numbered 12-8/001 prepared by Hazmat Services dated 22/812