

## APPENDIX A

### Draft Recommended Conditions of Consent

#### Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

#### Reason for the Imposition of Conditions

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
  - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
  - (iii) The protection, provision, and co-ordination of communication and utility services;
  - (iv) The provision of land for public purposes;
  - (v) The provision and co-ordination of community services and facilities;
  - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - (vii) Ecologically Sustainable Development; and
  - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

#### 1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance

with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - a. the name and licence number of the principal contractor, and
    - b. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - a. the name of the owner-builder, and
    - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

## 2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

- (a) Plans Reference:

Plans prepared by: Umwelt			
Name of Plan	File Name	Issue	Date
Figure 1 – AWT Facility – Site Plan	3142_025.dgn	-	20140204

Figure 2.3 – Site Access	3142_030.dgn	-	20140530
Figure 5.3 – Stage 2 Soil and Water Management Plan	R01/3142_023_A3.dgn	-	20140603

Plans prepared by: AP Business and Technology Consultancy; Project Number:			
Name of Plan	Drawing Number	Revision	Date
Main Structures – Floor Plan and Sections	201_016_101_S	4	-
Main Structures – Roof Layout and Elevations	201_016_101_E	4	-
Administration and Education Building – Typical Layout	201_016_106	1	20 October 2013

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments made by Council on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents, and
- (iii) Any conditions contained in this consent.

### 3. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

**Note:** If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

### 4. Occupation Certificate

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

### 5. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation

Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

## **6. Works Under this Consent**

Construction works included in this consent include:

- stormwater drainage and leachate dam excavation and construction;
- construction of weighbridge, office, and education centre buildings and site fencing;
- concrete works including those required for the kerbside organics receival building;
- construction of the tunnel and bio-filter structures;
- construction of product storage bays;
- construction of internal road network and carparking areas;
- process equipment installation duct works, hydraulic works and electrical works;
- plant commissioning and start up,
- operation of the alternate waste treatment facility – composting facility, in accordance with the conditions of this consent.

This development consent does not include clearing of the site, earthworks or retaining of the earthworks.

## **7. Environment Protection Authority Requirements**

The Environment Protection Authority (EPA) has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The person entitled to the benefit of the consent shall make a separate application to EPA to obtain this licence.

The appropriate proponent shall apply for an environment protection licence application pursuant to Schedule 1 of the Protection of the Environment Operations Act 1997 ("POEO Act").

When submitting the licence application the proponent shall ensure a proposed surface water-monitoring program with appropriate upstream, discharge and downstream monitoring points accompanies it. The EPA considers it appropriate that a surface water monitoring program be developed by the proponent for the purposes to ensure that the water quality is not being impacted by the development and complies with the development proposal.

The EPA will require the proponent to prepare, test and implement a Pollution Incident Response Management Plan in accordance with Section 153A of the POEO Act.

## **8. Environment Protection Authority General Terms of Approval**

### **Administrative conditions**

## **A1. Information supplied to the EPA**

**A1.1** Except as expressly provided by these general terms of approval. works and activities must be carried out in accordance with the proposal contained in:

- the development application 1940/2013 submitted to Lake Macquarie City Council on 20 December 2013;
- environmental impact statement Awaba Alternative Waste Treatment Facility - Stage 2 (Report No 3142/R01/FINAL) prepared by Umwelt dated December 2013; and
- all additional documents supplied to the EPA in relation to the development, including:
  - Response to request for additional information, Umwelt 6 June 2014
  - Information for EPA relating to Awaba AWT air quality assessment, SKM 7 May 2014.

## **A2. Fit and Proper Person**

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## **Discharges to Air and Water and Applications to land**

### **P1. Location of monitoring /discharge points and areas**

**P1.1** The following points referred to in the table are identified in this licence for the purposes of the meteorological monitoring.

<b>EPA Identification No.</b>	<b>Type of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location of Description</b>
1	Meteorological Monitoring	N/A	To be specified – within property boundaries
2	Leachate quality	Leachate quality	Leachate Dam
3	Surface Water		To be determined

## **Limit conditions**

### **L1. Pollution of waters**

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

**L 1.2** All leachate and stormwater is to be managed solely within the site.

### **L2. Waste**

- L2.1** The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any Waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Waste	Description	Activity	Other Limits
General solid waste (putrescible)	As defined in Schedule 1 of the POEO Act, in force from time to time.	Resource recovery Composting Waste Storage and Waste Processing	The quantity of general solid waste (non-putrescible) and/or general solid waste (putrescible) received at the premises must not exceed 30,000 tonnes per year.
General solid waste (non-putrescible)	As defined in Schedule 1 of the POEO Act, in force from time to time	Resource recovery Composting Waste storage Waste Processing	The quantity of general solid waste (non-putrescible) and/or general solid waste (putrescible) received at the premises must not exceed 30,000 tonnes per year.

### L3. Noise limits

- L3.1** Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Figure 1.3 Receiver Locations provided in the Environmental Assessment - Noise Impact Assessment for the Awaba Alternative Waste Treatment Facility - Stage 2 (Report No. 3142/R02/FINAL) dated December 2013.

**Noise Limits in dB(A)**

Locality	Location	Day	Evening and Night
		LAeq (15 minute)	LAeq (15 minute)
R1	34 Correa Court, Toronto West	35	35
R2 & R11	Leisure Life Village	38	35
R3	Toronto Seven Day Adventist Church	40 Internal When-in-use	N/A

R4	Toronto Seven Day Adventist Church	35 Internal When-in-use	N/A
R8	12 Sydney Street, Awaba	35	35
R8	78 Nomad Road, Toronto	36	35

**L3.1(A)** Hours of operation of the Tunnel Composting are permitted on a twenty-four hourly (24 hour) basis. Public access for green waste drop off and product sales are permitted 7:30am to 4:30pm Monday to Saturday, otherwise 8:00am to 4:00pm. Operation of plant and equipment is permitted between 7:00am to 5:30pm Monday to Friday, otherwise 8:00am to 5:30pm. All other activities are permitted 7:00am to 5:30pm on any day.

For the purpose of condition L3.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

**L3.2** Construction activity is permitted between the hours of 7:00am to 6:00pm Monday to Friday and Saturday 8:00am to 1:00pm, with no construction activity on Sundays and Public Holidays. Respite periods shall be implemented to address any noise complaint(s) associated with any construction noise including any loud construction works.

**L3.3** The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following: Wind speeds greater than 3 metres/second at 10 metres above ground level; or

- (a) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- (b) Stability category G temperature inversion conditions.

**L3.4** For the purposes of condition L3.3:

- (a) Data recorded by the meteorological station identified as EPA Identification Point 1 must be used to determine meteorological conditions; and
- (b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

**L3.5** To determine compliance:

- (a) with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or

- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- (b) with any LA 1 (1 minute) noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- (c) with the noise limits in condition L3.1, the noise measurement equipment must be located:
- 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 L3.5(a) or L3.5(b).

**L3.6** A non-compliance of condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L3.5(a) and L3.5(b); and/or
- at a point other than the most affected point at a location.

**L3.7** 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.

#### **L4 General odour condition**

**L4.1** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises 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 a licence directed at minimising odour.

No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

### **Operating conditions**

#### **O1. Dust**

**O1.1** The premises must be maintained in a condition, which minimises or prevents the emissions of dust from the premises.

Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission of dust from the premises.



- O1.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**O2. Stormwater/sediment control – Operation Phase**

- O2.1** A Construction and Management Plan incorporating site sediment and erosion controls must be prepared for the development and implemented. All sediment and erosion controls detailed in the Construction and Management Plan must be in accordance with the guidelines set out in Managing Urban Stormwater Soils and Construction Volume 1 (Landcom 2004) and Volume 2C Unsealed Roads (Department of Environment and Climate Change (DECC) 2008).
- O2.2** All surface water controls must be installed and implemented in accordance with the Soil and Water Management Plan as detailed in the environmental impact statement Awaba Alternative Waste Treatment Facility - Stage 2 (Report No. 3142/R01/FINAL) prepared by Umwelt dated December 2013.

**O3. Emergency response**

- O3.1** The Licensee must prepare and implement a Fire Management Strategy to prevent the combustion of compost. The strategy must comply with DEC Environment Guidelines: Composting and Related Organics Processing Facilities, 2004.

**O4. Processes and management**

- O4.1** The licensee must ensure that any general solid waste (non-putrescible) and/or (putrescible) received for processing, storage or resource recovery at the premises is assessed and classified in accordance with the DECC Waste Classification Guidelines as in force from time to time.
- O4.2** The licensee must have a leachate barrier system to the leachate containment dam that meets the minimum design requirements of Section 5.4 of the DEC document Environmental Guidelines: Composting and Related Organics Processing Facilities (2004) including having a liner with a permeability of not greater than  $1 \times 10^{-9}$  m/s.

**O5. Waste management**

- O5.1** The licensee must implement procedures to detect any waste at the premises, which are not permitted by this licence to be received at the premises ("non-conforming wastes"). Non-conforming wastes must be removed from the premises as soon as possible and taken to another premise, which can lawfully accept such wastes.
- O5.2** For outdoor areas where compost products or organic outputs are stored the licensee must have a leachate barrier system that is in the form of clay or modified soil liner (or equivalent) consisting of a least 600mm of compacted clay with an in-situ permeability (K) of less than  $10^{-7}$  m/s.

**Monitoring and recording conditions**

**M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licensee must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least four years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

## **M2 Monitoring Conditions**

**M2.1** The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M2.2.

**M2.2** For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

### **Point 1**

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

## **M3 Requirement to Monitor Noise**

**M3.1** To assess compliance with Condition L3.1, attended noise monitoring must be undertaken in accordance with Conditions L3.5 and:

- (a) at each one of the locations listed in Condition L3.1;
- (b) occur 6 monthly in a reporting period;
- (c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of: .
  - 1.5 hours during the day;

- 30 minutes during the evening; and
  - 1 hour during the night.
- (d) occur for three consecutive operating days.

### **Reporting conditions**

#### **R1 Annual Returns**

- R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees, apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

#### **R2 Noise Monitoring Report**

- R2.1** A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the six monthly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- (a) an assessment of compliance with noise limits presented in Condition L3.1; and
  - (b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1.

### **Special Conditions**

#### **E1. Air Quality Management Plan**

- E1.1** Prior to commencement of operations, the proponent must prepare an air quality management plan for the facility.
- E1.2** For all odour emission sources at the site the air quality management plan must include, but is not limited to:
- Key performance indicators);
  - Monitoring method(s);
  - Location, frequency and duration of monitoring;
  - Record keeping;
  - Response mechanisms; and
  - Compliance reporting.
- E1.3** The air quality management plan must be implemented prior to the commencement of stockpiling and composting activities at the site.
- E1.4 Odour Audit**

By nine months, the proponent must submit an odour audit report to the EPA's Manager Regional Waste Compliance.

The odour audit report must address the following:

- (a) A summary of any odour complaints received and actions taken to reduce odour emissions where complaints are verified;
- (b) Benchmark the design and management practices at the premises against industry best practice for minimising odour emissions. This should include, but not be limited to, management of fugitive emissions from receipt hall deliveries, green waste management, leachate dams, bio filter management and open windrow areas.
- (c) Using the results of (a) and (b), if it is identified that there are reasonable and feasible additional odour mitigation measures the report must include:
  - Proposed mitigation works and/or management practices to ensure that odour is minimised as far as is practicable; and
  - A timetable for the implementation of these works.

### **Mandatory Conditions for all EPA licences**

#### **Administrative conditions**

##### **Other activities**

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Composting
- Resource Recovery
- Waste Processing
- Waste Storage

#### **Operating conditions**

##### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

- This includes:
  - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### **Maintenance of plant and equipment**

- All plant and equipment installed at the premises or used in connection with the licensed activity:
  - must be maintained in a proper and efficient condition; and
  - must be operated in a proper and efficient manner.

#### **Monitoring and recording conditions**

## **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

## **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## **Reporting conditions**

### **Annual Return documents**

#### **What documents must an Annual Return contain?**

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance;
- and a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### **Period covered by Annual Return**

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
  - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- in relation to the revocation of the licence - the date from which notice revoking the licence operates.

### **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### **Notification where actual load cannot be calculated**

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
  - the assessable pollutants for which the actual load could not be calculated; and
  - the relevant circumstances that were beyond the control of the licensee.

### **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
  - the cause, time and duration of the event;
  - the type, volume and concentration of every pollutant discharged as a result of the event;
  - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
  - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
  - any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The

licensee must provide such further details to the EPA within the time specified in the request.

### **General conditions**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

## **9. Mine Subsidence Board General Terms of Approval**

The Mine Subsidence Board issued its conditional approval of the development on 30 April 2014 with the following conditions:

- 1) Submit a final “*Subsidence Impact Statement*” prior to commencement of detailed design for the Board’s acceptance.
- 2) Submit a final design for the Boards approval prior to commencement of construction, incorporating the design measured identified in the final “*Subsidence Impact Statement*”. This shall include certification by a qualified structural engineer to the effect that the improvements will remain “safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable” taking into consideration the mine subsidence parameters;
  - (a) Maximum vertical subsidence: 1100mm.
  - (b) Maximum ground strain: 2mm/m (tensile) and 4mm/m (compressive)
  - (c) Maximum tilt: 11mm/m.
  - (d) Maximum radius of curvature: 5km (Hog) and 2.5km (sag).
- 3) Demonstrate there are no geological anomalies such as faults that are likely to cause mine subsidence strains, tilts or curvature in excess of the design parameters.
- 4) Ensure there is an appropriate allowance for the combined impacts of mien subsidence, differential settlement, reactive soils and other loadings.
- 5) The vertical surface of buried concrete structures greater than 30m in length shall be lined with a void filler of appropriate thickness to eliminate the transfer of horizontal ground stains or otherwise where appropriate for other structures.
- 6) The design of drainage structures including pipes, gutters and wet areas shall incorporate an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements.



- 7) All services and equipment shall be designed for the effects of mine subsidence. For pipes this may necessitate flexible joints, flexible bedding surround and flexible building connections / penetrations.
- 8) All services and equipment shall be located to facilitate ease of repair and replacement. Services under structures are to be minimised or otherwise routed to the nearest perimeter line.
- 9) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best proactive guidelines with additional provision for mine subsidence.
- 10) Ensure there is suitable provision for articulation jointing in structural elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations.
- 11) Ensure there is suitable provision for isolation / expansion joints between the building slabs and connecting structures.
- 12) Roads and pavement areas are to be designed as a flexible pavement, which may include a gravel, bitumen or asphalt surface course. If concrete is required, it shall be designed so any damage will be of a slight classification. Concrete design would include articulation jointing with expansion and crack control joints or sacrificial sections where appropriate.
- 13) Establish permanent survey marks to AHD so the tunnel structure can be monitored should settlement occur. Base data is to be established following installation and a further set of readings taken after 12 months. These details shall be forwarded to the Board.
- 14) Upon completion of construction, submit work-as-executed drawings certified by a qualified structural engineer stating that construction was in accordance with the final design approved by the Board. Submit evidence in support of the certification.

This approval is current for two years.

MSB notes that the conditional approval is issued in the knowledge that mining is proposed beneath the area.

## **10. Roads and Maritime Requirements**

Prior to the commencement of operations of the Awaba Alternative Waste Treatment Facility the road works outlined in Condition 33 of the Project Approval 10\_0139 dated 14 September 2013 for the adjacent Awaba Waste Management Facility Expansion Project (10\_0139) shall be completed to the satisfaction of Roads and Maritime.

A Construction Traffic Management Plan (CTMP), including Vehicle Movement Plan, shall be prepared for the construction phase of the development. The CTMP shall be prepared with the intention of having minimal impact on the operation of the road network. The CTMP shall be submitted to Roads and Maritime Services for review and acceptance prior to any construction activities occurring on site.

Roads and Maritime Services reserve the right to review the construction Traffic Management Plan at any stage and require changes in the interests of maintaining road safety and network efficiency on the classified road network.

All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council and shall be to Council requirements.

## **11. NSW Rural Fire Service Requirements**

### Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

- In recognition that an unreliable reticulated water supply exists, a 40000 litre water supply shall be provided for fire fighting purposes.
- A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- The water tank if located above ground shall be of a non-combustible material.
- Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- All associated fittings to the tank shall be non-combustible.
- Pumps are to be shielded from the direct impacts of bush fire.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
  - a) markers must be fixed in a suitable location so as to be highly visible; and
  - b) markers should be positioned adjacent to the most appropriate access for the static water supply.

## **12. Ausgrid Requirements**

### Existing Electricity Easements

Two 132, 000 volt power lines and one 11kV power line, and associated power poles are positioned over the land. The power lines are covered by electricity

easements on the property title, Lot 372 and Lot 373 DP 723259. These assets are part of Ausgrid's Transmission network and are accessed by Ausgrid for routine maintenance and/or emergencies via a right of carriageway.

Advanced consultation with Ausgrid is required regarding any plans to upgrade power supply, proposed changes to access for the power lines or should there be a requirement to complete any type of works within the existing electricity easement.

All works associated with the subject development, and any works required to the existing infrastructure, such as, but not limited to, any relocation of Ausgrid infrastructure, shall be undertaken at full cost to the developer and at no cost to Ausgrid or Council and shall be to Ausgrid requirements.

### **13. Acoustic Certification**

The recommendations contained in the acoustic report prepared by Umwelt project number 3142/R02/FINAL dated December 2013 shall be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

### **14. Construction Environmental Management Plan**

A construction environmental management plan (CEMP) shall be prepared and implemented for the proposed works. The CEMP shall detail appropriate mitigation measures for a range of construction activities and shall include but not be limited to the following:

- erosion and sediment control;
- slope stability, uncovering of contamination or contaminated materials;
- acid sulfate or saline soils;
- spill management, dust suppression;
- construction noise and vibration;
- waste management; including
  - types and amounts of waste likely to be generated;

- waste storage issues;
  - methods of transport and disposal of wastes;
  - opportunities for waste reduction, re-use of materials and recycling, and
  - requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.
- construction traffic management plan (CTMP), including vehicle routes, truck numbers, hours of operation, access and parking arrangements, signage requirements to warn road and landfill users of temporarily changed traffic conditions and the like;
- air quality and dust management / mitigation procedures;
- noise and vibration management / mitigation procedures prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009b), operation of plant and machinery in a quiet and efficient manner and the inclusion of a noise and vibration complaints register and the management of complaints;
- Fire Management Plan to address the risks at the site, including the availability of fire-fighting equipment, controls on green waste stockpiles (including location and volume), smoking on the site, use of open flames and emergency procedures;
- hazard control measures for other hazards, including land slip, accidental spills, significant contamination, illegal entry to the site, vandalism, mine subsidence, flooding and the like, and
- any other matter relevant to this site or the proposed works.

The air quality and dust management / mitigation procedures shall include:

- Procedures for controlling and managing dust at the site;
- Compliance with emission concentration limits outlined in the Protection of the Environment Operations (Clean Air) Regulation 2010;
- Roles, responsibilities and reporting requirements;
- An outline of the dust control inspection regime;
- Potential contingency measures for dust control where standard measures are deemed ineffective;
- Conduct regular visual inspections of weather conditions and dust levels during works;
- All vehicles on site should be confined to a designated route with an enforced speed limit;
- Number of trips and trip distances should be minimised where possible;
- Movement and removal of materials from the site should be planned and coordinated to avoid unnecessary trips;
- Utilisation of wheel wash facility to prevent soils from leaving the site;

- Dirt that has been tracked onto sealed roads should be cleaned as soon as practicable;
- If trucks are required to carry excess spoil from the site they should be covered and tailgates should be effectively sealed prior to leaving the site;
- When conditions are excessively dusty and windy a water truck (for water spraying of haulage routes and spoil stockpiles) should be used;
- Use of a water cart to dampen surfaces prior to grading/scraping during earthworks;
- Limit vegetation clearance, topsoil stripping and excavation during periods of high winds;
- Limit the clearing of vegetation and topsoil to the designated footprint required for Stage 2 construction works;
- Avoid unnecessary vegetation clearing so that wind erosion from exposed ground is minimised;
- Minimise the number of stockpiles on site and the number of work faces on stockpiles; and
- When material is removed or added to a stockpile, the area should be compacted to promote particle cohesion.

The CEMP shall be prepared and approved by Council prior to any works commencing on the site. The requirements of the CEMP shall be implemented at the site at all times.

## **15. Traffic Noise Management Strategy**

A Traffic Noise Management Strategy (TNMS) shall be developed, for the purposes of construction and operational noise impacts. The TNMS shall be prepared and submitted to Council for approval prior to issue of the first construction certificate for the development. The TNMS shall address improved operation transport, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that includes but are not necessarily limited to the following:

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
- best noise practice in the selection and maintenance of vehicle fleets;
- movement scheduling where practicable to reduce impacts during sensitive times of the day (trucking shall be contained to day operations only);
- communication and management strategies for non-licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;

- a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimization procedures) and assesses the implementation and improvement of the TNMS;
- specific procedures to minimize impacts at identified sensitive areas, and
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimization procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

## **16. Cultural Heritage Management Plan**

All works shall comply with the Cultural Heritage Management Plan (CHMP) prepared for the site and the proposed works. The CHMP shall be prepared in consultation via a workshop with all Registered Aboriginal Parties, including Biraban Local Aboriginal Land Council, Awabakal Traditional Owners Aboriginal Corporation and Awabakal Descendants Traditional Owners Aboriginal Corporation, and shall be submitted to Council's Development Planner (Heritage Focus) for approval prior to any works, including vegetation removal or earthworks, commencing on site.

The CHMP shall be prepared in accordance with the relevant Office of Environment and Heritage Guidelines. The CHMP shall include:

- procedures for ongoing Aboriginal consultation and involvement;
- procedures for excavations within 50 metres to 100 metres of the unnamed creek and isolated find (Awaba AWT IF-1);
- management of all Aboriginal cultural heritage values associated with the works area and surrounds;
- the responsibilities of all stakeholders;
- details of all proposed mitigation and management strategies of all sites, including any additional investigation processes, salvage activities, monitoring or the like;
- procedures for identification and management of previously unrecorded sites,
- corrective action procedures in the event that non-compliance with the CHMP is identified.

The CHMP shall be implemented for the clearing, earthworks and construction phase of the proposed works.

No works shall occur within 50 metres of the isolated find (Awaba AWT IF-1). No works shall occur within 50 metres of the creek line, which runs north south along the eastern boundary of the site and is partly located within the north eastern portion of the proposed works area.

Works shall cease immediately in the event that any bone or stone artefacts, discrete distributions of shell or any other objects of potential cultural

association are uncovered during earthmoving or other activities, in accordance with the *National Parks and Wildlife Act 1974*, “stop work” provisions.

## **17. Protection of Aboriginal Cultural Heritage**

Temporary barrier fencing shall be erected 50 metres from the isolated find (Awaba AWT IF-1) and 50 metres from the creek line, which runs north south along the eastern boundary of the site and is partly located within the north eastern portion of the proposed works area. The temporary barrier fencing shall be in the form of star pickets with high visibility PVC fencing and shall be clearly sign posted as a “No Go Area” or “Exclusion Zone”. The temporary fencing shall be installed prior to any works commencing on site, including clearing, earthworks or the like. The temporary fencing shall remain in place until all works under this consent are completed and during construction works for the waste management facility.

Permanent fencing shall be erected 50 metres from the isolated find (Awaba AWT IF-1) and 50 metres from the creek line, which runs north south along the eastern boundary of the site and is partly located within the north eastern portion of the proposed works area. The permanent fencing shall be in the form of pickets with high-tension wire. The permanent fencing shall remain in place for the long-term operation of the waste management facility.

Site inductions shall be provided to all personnel working within the site, such that they are made aware of the “No Go Areas” or “Exclusion Zones”.

## **18. Top Soil Removal Contained on Site**

All top soils removed by any excavation works shall be retained within the confines of the development footprint and shall not be transported off the construction site due to the possible inclusions of Awabakal and Biraban cultural heritage within the soil.

## **19. Erosion and Sediment Control Plan**

Prior to the issue of the first Construction Certificate and prior to any works commencing onsite including, but not limited to, demolition or vegetation clearing, whichever occurs first the final Soil and Water Management Plan (SWMP) shall be submitted to and approved by Council’s Erosion and Sediment Control Officer: The SWMP shall include and comply with the following:

- (a) all information required for area of disturbance associated with the development in accordance with Section 2.1.11 (Erosion Prevention and Sediment Control) of DCP 1;
- (b) show erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition / vegetation removal, prior to bulk earthworks, during construction, prior to revegetation, landscaping or building;
- (c) assessment of the onsite soil types including distribution, sediment type, and erosion hazard,

- (d) calculations for the sizing of sediment traps (including excavated basins and temporary traps);
- (e) details on the treatment of sediment-laden water captured in any sediment traps prior to its release from the site to meet Council's nominated water quality criteria for Total Suspended Solids (TSS) of less than 50mg/L, including proposed flocculants/coagulants and rates, and release site location for treated water;
- (f) all erosion and sediment control measures shall be appropriate for the sediment type at the site;
- (g) prior to the release off site of any water (including, but not limited to, ground water, overland flow or rain water) captured onsite, the water shall be tested to ensure its TSS level is less than or equal to 50mg/L. A sample of the water shall be retained onsite for inspection by Council or the Private Certifier. The sample shall be at least 250ml and kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container;
- (h) aluminium based products are not permitted to be used, for erosion and sediment control, without prior written approval from an appropriate LMCC officer;
- (i) captured water may be removed from site using other methods including, but not limited to, directly into a holding tank on a vacuum or sucker truck. It shall be deposited at an approved waste management facility;
- (j) clear separation of clean and dirty water;
- (k) temporary and permanent dust suppression measures on disturbed areas adequate for area of disturbance;
- (l) Inspection, maintenance and removal schedules for all erosion and sediment control measures; and
- (m) a Statement of Compliance to be submitted with the plan, stating that:
  - the plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
  - the plan complies with the requirements for the area of disturbance as set out in DCP 1 and points a-m above;
  - the plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of TSS; and
  - that all erosion and sediment control measures are in accordance with the latest version of *Managing Urban Stormwater – Soils and Construction, Landcom, (2004)* or other currently recognized industry standard for erosion and sediment control for Australian conditions.

## 20. Section 68 Approval

Approval for on-site wastewater treatment shall be obtained through a section 68 Local Government Act 1993 approval, from Council, prior to the issue of the first Construction Certificate for the development.



## **21. Category 2 Landscaping**

Native landscaping including groundcovers, grasses, shrubs and small shade canopy trees shall be implemented in areas dedicated to landscaping as nominated on Layout Plan for Administration & Education Building Revision 1 dated 20 October 2013.

Landscaping of the above recommended planting shall conform to landscaping and typical planting densities 'once mature' comprising shrubs at a minimum one plant/m<sup>2</sup> and groundcovers/low planting at a minimum of two plants/m<sup>2</sup> pending species selected within all nominated areas dedicated to planting.

A hard garden retaining edge (timber or concrete edge) to all garden bed areas adjoining lawn or pathway surfaces shall be implemented and all landscaping to be covered with minimum 75mm mulch to aid plant establishment. Feature shade trees adjoining parking areas shall be planted at minimum, 75L pot size. Wheelstops to AS2890 must be implemented to parking spaces fronting path and disabled access.

At the completion of landscape works, a Landscape Compliance Report shall be submitted to the Principal Certifying Authority prior to Occupation Certificate that establishes satisfactory completion of the landscaping works approved by this consent.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of Lake Macquarie City Council Development Control Plan 1.

## **22. Dial Before You Dig**

Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



## **23. Building Waste**

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

#### **24. Site Amenities**

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an approved on-site effluent disposal system under the Local Government Act 1993, or
- (c) be a temporary chemical closet.

#### **25. Noise - Construction Sites**

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

##### **Approved Construction Times**

The approved hours for construction of this development are –

Monday to Friday – 7:00am to 6:00pm.

Saturday – 8:00am to 1:00pm.

No construction work shall take place on Sundays or Public Holidays.

##### **Construction Periods in Excess of 26 Weeks**

A Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

Operational times may be amended with the prior written advice of Council's General Manager or delegate.

#### **26. Construction Site Vibration**

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

**27. Restriction of Site Access to Prevent Unauthorised Filling**

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

**28. Management of Site - Erosion Prevention and Sediment Control**

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Section 2.1.11 of Lake Macquarie City Council Development Control Plan 1* as soon as practical, and no later than the timeframes specified in *Managing Urban Stormwater: Soils and Construction "The Blue Book" 4<sup>th</sup> Edition, Landcom, 2004*.

**29. Topsoil and Stockpiles of Materials**

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

**30. Removal, Management and Transportation of Fill**

All excavated fill material that is to be removed from the site shall only be distributed to:

- (a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

### **31. Dust Suppression**

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

### **32. Stormwater Disposal - Stormwater Detention and Harvesting**

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the stormwater strategy identified in the EIS and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines).

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (e) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- (f) A Works As Executed Plan is to be submitted to the Principal Certifying Authority that shows any changes (in different colour) to the approved Construction Certificate plans and endorsed by a registered surveyor.
- (g) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b), (c) and (d) as shown above. Note: This may be shown on the Works As Executed Plan.

Engineering certification shall be provided that shows that all drainage works have been carried out in accordance with the approved plans before the issue of any Occupation Certificate.

### **33. Car Parking and Allocation of Spaces**

A total of 14 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Employee	10
Visitors	3
Disabled car spaces	1

The car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used for any other use.

The required visitor car parking spaces shall be clearly marked and signposted for the sole use by visitors.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

#### **34. Parking Areas and Access Ways**

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan 1, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890.

Areas of the site that will be used by vehicles and which are not proposed to be constructed of concrete or bitumen, shall be finished in a crushed rock or gravel surface that will not generate dust. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

#### **35. Fencing**

Prior to issue of the occupation certificate the site shall be fenced with security fencing to secure the site. Fencing shall consist of open style palisade or chain mesh fencing. Fencing shall not be of light colouring and shall be mid to dark shades.

#### **36. External Material**

External cladding materials, including roof and wall materials shall be finished in colours in the mid to dark green range to blend with the natural environment.

External cladding materials such as roofs, walls and windows shall have low-reflective properties.

**37. Accessible Amenities**

Amenities provided within the facility shall include accessible amenities to accommodate people with a disability. The amenities and access to the amenities and all public areas shall comply with the relevant Australian Standard. Details shall be provided with the Construction Certificate.

**38. Fix Damage Caused by Construction Works**

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

**39. Maximum Capacity**

The maximum capacity of the alternate waste treatment facility shall not exceed 30,000 tonnes per annum.

**40. Waste Sources**

The alternate waste treatment facility shall only receive and process kerbside organic materials and green waste drop off material. The kerbside organic collection shall comprise green waste and food waste. The facility shall not receive, collect or treat sewage.

**41. Noise – Ongoing Operation of Machinery, Plant and Equipment**

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

**42. Noise - Sleep Arousal**

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Office of Environment and Heritage sleep arousal

criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

#### **43. Emissions**

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

#### **General Terms of Approval**

The following approval bodies have given general terms of approval in relation to the development:

- Mine Subsidence Board
- Environment Protection Authority