

## 2018SSW013: RECOMMENDED CONDITIONS OF CONSENT

### ATTACHMENT 1: Conditions of Approval

#### CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies:

#### A. THE DEVELOPMENT

##### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Rev	Date	Prepared By
Location Plan	P513-PDA-01	A	05/11/2018	PTI Architecture
Overall Site Plan	P513-PDA-03	A	05/11/2018	PTI Architecture
Site Plan Part A	P513-A-PDA-04	D	05/11/2018	PTI Architecture
Site Plan Part B	P513-A-PDA-05	D	05/11/2018	PTI Architecture
Section	P513-PDA-06	D	05/11/2018	PTI Architecture
Shed Elevations	P513-PDA-07	C	13/08/2018	PTI Architecture
Sediment Control Plan	D1-17-040	A	16/01/2019	TOP Consulting Group
Stormwater Pit Collection	D2-17-040	A	16/01/2019	TOP Consulting Group
Stormwater Plan	D3-17-040	A	16/01/2019	TOP Consulting Group
Roof Stormwater Plan	D4-17-040	A	16/01/2019	TOP Consulting Group
Leachate Collection Plan	D5-17-040	A	16/01/2019	TOP Consulting Group
Concrete Layout Plan	S1-17-040	A	16/01/2019	TOP Consulting Group

Report Name	Date	Reference	Prepared By
Environmental Impact Statement, including Appendices 1-13 (and revisions):	22/03/2018	1771127-EIS-Rev2	Benbow Environmental
1. Site Plans	<i>(see above)</i>		
2. Geotechnical Investigation, Preliminary Acid Sulfate Soils Assessment, Salinity Assessment, and Wastewater Assessment	December 2018	17/3905 A	STS Geo-Environmental
3. Stormwater Management Plan and Report	17/01/2019	2017/01	Ultramark

4. Traffic Impact Assessment Report	February 2018	17149r	Transport & Urban Planning
5. Waste Management Plan	February 2018	171127-WMP-Rev1	Benbow Environmental
6. Air Quality Impact Assessment	February 2018	171127-AQIA-Rev3	Benbow Environmental
7. Community Consultation Leaflet	February 2018	-	Benbow Environmental
8. Noise Impact Assessment	March 2018	171127-NIA-Rev3	Benbow Environmental
9. Flora & Fauna Survey and Impact Assessment	March 2018	55 Martin Road	Ecological Consultants Australia
10. Arboriculture Impact Assessment Report	13/03/2018	Revision B	Glenyss Laws
11. Preliminary Site Investigation	January 2018	18/0089	STS Geo-Environmental
12. Visual Impact Assessment	13/03/2018	P513	PTI Architecture
13. Landscaping Plan	December 2018	55 Martin Road	Ecological Consultants Australia
Construction Noise and Vibration Management Plan	December 2018	171127-02-CNVMP-Rev3	Benbow Environmental
Response to Submissions	18/07/2018	55 Martin Road	Claron Consulting
Response to Matters Raised	06/12/2018	55 Martin Road	Claron Consulting

### General Terms of Approval

- All the General Terms of Approval issued by NSW Environmental Protection Authority (EPA) shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 23 January 2019. A copy of the General Terms of Approval is attached to this decision notice.

### RMS Conditions

- The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

5. All vehicles are to enter and exit the site in a forward direction.
6. All vehicles are to be wholly contained within the site before being required to stop.

**Works at no cost to Council**

7. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

**Comply with EP&A Act**

8. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

**Prescribed condition**

9. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the *National Construction Code*. Compliance with the Performance Requirements can only be achieved by:
  - a) Complying with the Deemed to Satisfy Provisions, or
  - b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

**Provision of Services**

10. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

11. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
12. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
  - The requirements of the Telecommunications Act 1997:
    - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
    - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

13. Written approval must be gained from Transgrid stating they have reviewed the proposed engineering design plans and that they consent to the issue of a CC by the PCA.

#### **Fee Payments**

14. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

15. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

### **Substation**

16. Should an Electrical Substation be required and should this be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

### **Access**

17. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

### **Cladding**

18. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

### **On-Site Sewerage Management System**

19. An application for Approval to Install an On-site Sewage Management System pursuant to Section 68 of the *Local Government Act* is to be submitted to Council for consideration and approval. The application is to be accompanied by a Waste Water Report prepared by a suitably qualified consultant, specifications of the proposed system and NSW Health accreditation details of proposed system.

### **Recommendations of Acoustic Report**

20. The relevant recommendations provided within the Noise Impact Assessment for AMJ Demolition and Excavation 55 Martin Road, Badgerys Creek (Report no. 171127\_NIA\_Rev3) prepared by Benbow Environmental dated March 2018 and the Construction Noise and Vibration Management Plan 55 Martin Road Badgerys Creek (Report no. 171127-02\_CNVMP\_Rev3) prepared by Benbow Environmental dated December 2018 are to be complied with. This includes, but is not limited to:
  - A 2.1m colourbond fence to be constructed surrounding the perimeter of the site.
  - The front end loader is to have a sound power level of 97 dB (A) or lower.
  - Pedestrian doors are to be self-closing
  - Crusher/s, generator/s, screen/s and excavator/s are restricted to indoors only.
  - When either crusher or excavator is operating, one roller shutter door is to be open for only 3 minutes out of a 15 minute scenario.
  - Automated roller shutter doors be installed
  - Roller shutters selected should be for their acoustic performance with regards to minimising breakout noise and minimising noise generated from opening and closing operations
  - Mobile equipment regularly used onsite such as excavators and front end loaders are to be fitted with reversing lights or a white noise reversing alarm

### **Special Infrastructure Contribution**

21. The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

### **S138 Roads Act – Minor Works in the public road**

22. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
  - Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

### **S68 Local Government Act – Stormwater drainage works**

23. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the *Local Government Act*, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for easement relocation.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice.

### **On-Site Detention**

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by T.O.P Consulting Group Pty Ltd, reference number 17-040, revision A, dated 16/01/2019.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

25. Subject to a detailed hydraulic assessment; detail onsite detention must be provided in accordance with Council's Onsite Detention (OSD) Policy and Construction Specification and to Council's satisfaction. Details are to be included with any application for a Construction Certificate. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

### **Water Quality**

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

### **Water Pollution Control Measures**

27. Detailed specifications, floor and section plans for the proposal shall be submitted to the Principal Certifying Authority for review and approval prior to the issue of a Construction Certificate. The plans to be submitted with the application for the Construction Certificate shall make provision for the following:
  - Trafficable bunds shall be installed at the entry and exits of the batching house building, storage facilities and wash bays to contain all substances and prevent ingress of stormwater, and
  - The location of spill kits, stormwater pits and stormwater drainage infrastructure.

### **Traffic Management Plan**

28. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.

The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

## **Traffic**

29. Detail design drawings of access driveways, parking facilities and any required road improvements will have to be submitted to Traffic and Transport Section for review and endorse. The designs which will also include swept path analysis will have to be in accordance with Council's and Austroads design guidelines and should take into account heavy vehicles. Line marking and signage to be incorporated with the road design for the development.
30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
31. The developer shall provide an appropriate level of lighting to the vehicular entry and exit location.
32. The access driveway along Martin Road must be designed to cater for heavy rigid vehicles in accordance with AS 2890.2 – 2002.

## **Construction Environmental Management Plan**

33. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:
  - a) Asbestos Management Plan;
  - b) Project Contact Information;
  - c) Site Security Details;
  - d) Timing and Sequencing Information;
  - e) Site Soil and Water Management Plan;
  - f) Noise and Vibration Control Plan;
  - g) Dust Control Plan;
  - h) Air Monitoring;
  - i) Odour Control Plan;
  - j) Health and Safety Plan;
  - k) Waste Management Plan;
  - l) Incident management Contingency; and
  - m) Unexpected Finds Protocol.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

## **Retaining walls on Boundaries**

34. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

#### **No loading on easements**

35. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence.

#### **Dilapidation report**

36. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Martin Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 100m either side of the development.

### **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

#### **Construction Certificates**

37. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
38. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
  - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
  - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
  - d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
  - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

### **Notification/Principal Certifying Authority**

39. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
40. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
  - (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
  - (b) The notice shall be given seven (7) days prior to the commencement of work.

### **Notification**

41. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Notification of Service Providers**

42. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

### **Dial Before You Dig**

43. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### **Sediment & Erosion Control**

44. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997*

and Landcom's publication "*Managing Urban Stormwater – Soils and Construction (2004)*" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

## **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

### **Building work**

45. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the *Environmental Planning & Assessment Act 1979* and Clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
46. The *Principal Certifying Authority* (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.
47. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

48. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

### **Signage**

49. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
  - a) the name, address and telephone number of the principal certifying authority for the work,
  - b) 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
  - c) unauthorised entry to the premises is prohibited.

### **Excavation**

50. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation,
  - b) where necessary, underpin the adjoining premises to prevent any such damage, and
  - c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
  - d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

### **Toilet facilities**

51. Toilet facilities must be available or provided at the work site and must 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 on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c) be a temporary chemical closet approved under the *Local Government Act 1993*.

### **Craning and Hoardings**

52. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
53. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

### **Security Fence**

54. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Refuse Disposal**

55. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

### **Aboriginal Cultural Heritage – Staff and Contractors**

56. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW *National Parks and Wildlife Act 1974* and the NSW *Heritage Act 1977*. They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

### **Aboriginal Cultural Heritage – Unexpected Finds**

57. As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

### **Skeletal Remains**

58. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

### **Hours of Construction Work and Deliveries**

59. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Sediment**

60. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Removal of dangerous/hazardous waste**

61. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements

### **Car Parking Areas**

62. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

### **Traffic Management**

63. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
64. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>
65. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

### **Vegetation**

66. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
67. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.

68. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
69. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

### **Landscaping Works**

70. Planting is to be carried out generally in accordance with the Council approved landscaping proposal with reference to planting locations/ planting densities and general landscaping site management. Species chosen for planting shall be consistent with naturally occurring species of the surrounding area ie Cumberland Plain Bushland species. All landscaping work is to be overseen by a suitably qualified expert holding appropriate qualifications in bush regenerations and horticulture.

### **Imported Fill**

71. Filling material must be limited to the following:
  - a) Virgin excavated natural material (VENM)
  - b) Excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or
  - c) Material subject to a Resource Recovery Exemption under Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

72. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
  - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.

### **Unidentified contamination**

73. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

74. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
75. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
76. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Water quality**

77. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

### **Pollution Control**

78. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.
79. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

### **Erosion and sediment control**

80. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
81. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
82. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

83. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

#### **Construction noise and vibration management plan**

84. The recommendations provided in the Construction Noise and Vibration Management Plan 55 Martin Road Badgerys Creek (Report no. 171127-02\_CNVMP\_Rev3) prepared by Benbow Environmental dated December 2018 are to be implemented and complied with throughout the construction phase.

### **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

#### **Certificates**

85. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifier. A single and complete Fire Safety Certificate certifying the operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.
86. Details of *critical* stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
87. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained for submission to the PCA prior to issue of Occupation Certificate
88. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

#### **Environmental Protection Licence**

89. A Construction Certificate shall not be issued for any part of the development until an Environment Protection Licence (EPL) is issued by the NSW Environment Protection Authority and a copy of the EPL has been provided to Council.

#### **Landscaping**

90. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

### **Recommendations of Acoustic Report**

91. A Compliance Certificate or other documentation deemed suitable demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:
- a) The building has been constructed to meet the relevant noise criteria's in accordance with the approved acoustic report; and
  - b) All relevant recommendations within the approved acoustic report have been adopted.

### **Noise Management**

92. A Noise Management Plan and complaints handling procedure shall be prepared for the industry in consultation with a suitably qualified and experienced acoustic consultant. The Noise Management Plan is to incorporate the additional management practices as per the approved Noise Impact Assessment and Construction Noise and Vibration Management Plan, which include but are not limited to:

- Prohibition of extended periods of revving/idling
- Minimisation of the use of truck exhaust brakes onsite
- Low onsite speed limits
- Preventative maintenance program for onsite vehicles
- Vehicles waiting to be loaded and unloaded shall be parked onsite with their engines off
- Regularly train workers and contractors to use equipment in ways that minimise noise
- Avoid the use of radios, stereos and speakers
- Use of quieter equipment
- Monitor vehicle movements to ensure recommended practices are being implemented
- Appropriate complaints procedure
- The front end loader is to have a sound power level of 97 dB (A) or lower.
- Pedestrian doors are to be self-closing
- Crusher/s, generator/s, screen/s and excavator/s are restricted to indoors only.
- When either crusher or excavator is operating, one roller shutter door is to be open for only 3 minutes out of a 15minute scenario.
- Automated roller shutter doors be installed
- Roller shutters selected should be for their acoustic performance with regards to minimising breakout noise and minimising noise generated from opening and closing operations
- Mobile equipment regularly used onsite such as excavators and front end loaders are to be fitted with reversing lights or a white noise reversing alarm

### **On-Site Sewerage Management System**

93. Prior to the issue of any OC an Approval to operate for the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act.

### **Liverpool City Council clearance – Roads Act/ Local Government Act**

94. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

### **Works as executed – General**

95. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

### **Stormwater Compliance**

96. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
  - c) Overland flowpath works
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to be undertaken have been satisfactorily completed.
  - Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

### **Restriction as to User and Positive Covenant**

97. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
- a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
  - c) Overland flowpath works

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

### **Rectification of Damage**

98. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Martin Road and Lawson Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Dilapidation Report**

99. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

### **Directional signage**

100. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

### **Bonds**

101. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of an Occupation Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

## **G. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises:**

### **Occupational Health & Safety**

102. Within 3 months of the commencement of the activity, Occupational Noise, Health, Air Quality, and Hygiene Assessments shall be completed and submitted for approval. The assessments shall be prepared in accordance with the *Work Health and Safety Act (2011)*, the *Work Health and Safety Regulation (2017)*, and *AS/NZS 1269.1:2005 (Occupational noise management—Measurement and assessment of noise emission and exposure)*, and should include an assessment of, but not limited to, the following:

- Inhalable Dust
- Respirable Dust
- Silica
- Asbestos
- Noise

103. The proposed operation of the resource recovery facility shall thereafter be conducted in accordance with the approved Occupational, Noise, Health, Air Quality and Hygiene Assessments.

## **Waste**

104. All waste soils and material(s), liquid and solid, to be removed from the site, excluding materials that can be recycled or reused in accordance with a Resource Recovery Order and/or exemption, must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

## **Car Parking/Loading**

105. A total of 13 off street car parking spaces must be provided in accordance with Council's relevant development control plan. 2 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
106. All parking areas shown on the approved plans must be used solely for this purpose.
107. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

## **Environment Protection License**

108. The use of the premises shall operate in accordance with the Environment Protection License issued by the NSW EPA.

## **EPA General terms of Approval**

109. The facility shall operate in accordance with the General terms of Approval (Notice No. 1565173) issued by the NSW EPA. This includes, but is not limited to:
- Noise limits of 42 dB(A) (LAeq, 15minute) during the day at 40 & 65 Martin Road, 75 & 55 Lawson Road.
  - Noise Monitoring Report within 60 days of the commencement of operation
  - Use of water sprinklers and/or mist sprays in the enclosed building and outside undercover storage area so that no visible dust leaves the premises
  - Development of an Air Quality Management Plan.

### **Bunding**

110. All work and storage areas where chemical spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater.

All bunded areas shall be graded to a blind sump or sewer to facilitate collection and disposal of wastewater in accordance with Sydney Water's requirements. All bunded areas shall be suitably treated to prevent ingress of stormwater.

### **Air Quality**

111. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

### **Lighting**

112. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

### **Noise – Silent Alarm System**

113. Any alarm installed on the site is to be "silent back to base" type.

### **Offensive Noise – Acoustic Report**

114. The proposed use of the premises and/or machinery equipment must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant, and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented. The assessment is to obtain relevant background readings for the approved Noise Impact Assessment.

### **Hours of Operation**

115. The hours of operation of the premises are limited to:
- Construction activities (including, but not limited to, chipping / mulching / crushing / grinding)
    - o Monday to Friday 7:00am to 6:00pm
    - o Saturdays 8:00am to 1:00pm
    - o At no time on Sundays or Public Holidays
  - Operational activities
    - o Monday to Friday 7:00am to 6:00pm
    - o Saturdays 8:00am to 5:00pm
    - o At no time on Sundays or Public Holidays

### **Storage of flammable and combustible liquids**

116. Flammable and combustible liquids shall be stored in accordance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids.

### **Landscaping**

117. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

### **Industrial Use**

118. The premises must not be used for the display or sale of goods to the public (i.e., a shop).

## **H. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- e) “DIAL BEFORE YOU DIG” DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to

the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

f) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- g) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- h) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- i) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

## ATTACHMENT 2: NSW EPA General Terms of Approval

Protection of the Environment Operations Act 1997

### General Terms of Approval - Issued



Notice No: 1565173

#### ATTACHMENT A – GENERAL TERMS OF APPROVAL

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 DA-263/2018 submitted to Liverpool City Council;
  - the environmental impact statement titled "Environmental Impact Statement, Resource Recovery Facility, 55 Martin Road, Badgerys Creek" dated 22 March 2018 and prepared by Benbow Environmental; and
  - all additional documents supplied to the EPA in relation to the development, including the letter dated 18 July 2018 prepared by Claron Consulting Pty Ltd and the letter dated 17 January 2019 prepared by Ultramark Pty Ltd.

#### Waste

2. The amount of waste received at the Premises cannot exceed 95,000 tonnes in any 12 month period.
3. The types of waste permitted to be received at the premises include:

Code	Waste	Description	Activity	Other Limits
NA	Building & demolition waste	As defined in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	
NA	Virgin excavated natural material	As defined in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	
NA	Garden waste	As defined in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	No more than 2,000 tonnes may be received in any 12 month period.  No more than 30 tonnes permitted onsite at any one time.

4. All waste handling, loading, unloading and processing must be undertaken inside a fully enclosed building.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1565173

5. All waste storage must occur in designated bays that are covered with a permanent awning. *Note: The Air Quality Impact Assessment dated February 2018 states, "A Colorbond skillion roof to cover the five (5) stockpile bins" will be installed.*
6. Putrescible waste must not be received or processed at the Premises.

### Air quality

7. Water sprinklers and/or misting sprays in the enclosed building must be utilised at all times when plant is operational.
8. Water sprinklers and/or misting sprays must be installed in the outside undercover storage area and operated to prevent dust generation and wind erosion of stored material.
9. Crushing and screening must not be undertaken when any doors, including the roller doors, are open with the exception of one roller door permitted to be open for 3 minutes out of a 15 minute period to permit ingress or egress of a truck.
10. The crushing machine must be operated with a sprinkler system.
11. All roads and carparking areas at the Premises must be sealed with concrete or asphalt.
12. All operating, storage, unloading and loading areas must be sealed with concrete or asphalt.
13. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the Premises.
14. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.
15. The licensee must ensure no visible dust leaves the Premises.
16. The licensee must ensure that no material including sediment is tracked from the Premises.
17. Air Quality Management Plan: The proponent must develop and implement an air quality management plan prior to the commencement of project operations. The air quality management plan must include both proactive and reactive management measures. As a minimum, the air quality management plan must include the following parts:
  - Key performance indicator(s);
  - Monitoring method(s);
  - Location, frequency and duration of monitoring;
  - Record keeping;
  - Response mechanisms; and
  - Compliance reporting.

#### Management measures must include:

- a protocol for managing unsuitable material, including contaminated material, setting out the method for storage, the maximum amount stored at any one time, the maximum time for storage, and the measures to ensure these limits are met; and
- a protocol for ensuring odour emissions from green waste stored on-site is minimised including limits on the amount stored, the length of time material is stored, and the means for meeting these limits.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1565173

### Water

18. Stormwater and leachate management at the Premises should be undertaken in accordance with the "Stormwater Water Management Plan & Report" dated 17 January 2019 and prepared by Ultramark Pty Ltd.
19. Leachate (whether treated or untreated) at the Premises may not be used for dust suppression without written permission from the NSW EPA.

### Hours of operation

20. Construction works must only be undertaken:
  - a. between the hours of 7:00am and 6:00pm Monday to Friday;
  - b. between the hours of 8:00am and 1:00pm on Saturdays; and
  - c. at no time on Sundays or public holidays.
21. Operational activities at the Premises may only be carried out between the following hours:
  - a. 7:00am to 6:00pm Monday to Friday;
  - b. between the hours of 7:00am and 5:00pm on Saturdays; and
  - c. At no time on Sundays or public holidays.

### Noise

22. All the noise control measures set out in section 7.3 of the report titled, "Noise Impact Assessment for AMJ Demolition and Exavation, 55 Martin Road, Badgerys Creek" dated 22 March 2018 prepared by Benbow Environmental must be implemented at the facility.
23. All doors, including the roller doors, must be closed while the crushing/sorting/screening plant is operating and trucks are being loaded and unloaded, with the exception of one roller door permitted to be open for 3 minutes out of a 15 minute period to permit ingress or egress of a truck.
24. The following conditions related to noise as set out below must be complied with.

L6.1 Noise generated at the premises must not exceed the noise limits in the Table below.

**TABLE 1 - NOISE LIMITS IN dB(A)**

Location	Lot and DP number	NOISE LIMITS dB(A)
		Day LAeq (15 minute)
40 Martin Road, Badgerys Creek	Lot 7 DP 226448	42

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1565173

<i>65 Martin Road, Badgerys Creek</i>	Lot 36 DP 3050	42
<i>75 Lawson Road, Badgerys Creek</i>	Lot 5 DP 3050	42
<i>55 Lawson Road, Badgerys Creek</i>	Lot 1 DP 1084967	42

L6.2 For the purposes of condition L6.1:

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

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 0.5 metres/second at 10 metres above ground level.

L6.4 For the purposes of condition L6.3:

Data recorded by a Bureau of Meteorology meteorological station at Badgerys Creek must be used to determine meteorological conditions.

L6.5 To determine compliance:

- a) with the Leq(15 minute) noise limits in condition L6.1, 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 the noise limits in condition L6.1, 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 condition L6.5(a).

L6.6 A non-compliance of condition L6.1 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 L6.5(a) and L6.5(b); and/or
- at a point other than the most affected point at a location.

L6.7 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

### M8 Requirement to Monitor Noise

M8.1 Compliance with Condition L6.1 must be assessed by attended noise monitoring in accordance with condition L6.5:

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1565173

- a) at each one of the locations listed in Condition L6.1;
- b) occur at the time of commencement of typical processing activity;
- c) occur during the day as defined in the Noise Policy for Industry for a minimum of
  - 30 minutes of duration in the day period for typical processing activity.

### Reporting Conditions

#### **R4 Noise Monitoring Report**

A noise compliance assessment report must be submitted to the EPA within 60 days of the commencement of operation. 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 L6.1; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1.

### Definition of Terms

- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017."
- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.7.