

PPSSSH- 117 - 43 BAY ROAD, TAREN POINT

DA22/0632

ASSESSMENT REPORT APPENDICES

Appendix A Draft Conditions of Consent

APPENDIX A – CONDITIONS

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the following approved plans:

Plan number	Reference	Prepared by	Date
DA03a	Stockpile Plan (ground floor plan)	Archi Spectrum	25.05.2022

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

2. Inconsistencies between development consents

In the event of any inconsistencies and to avoid conflict between this and previous development consents, this consent prevails but only as far as:

- Condition 4 from Development Consent DA#11268 is superseded as 60,000 tonnes of throughput per calendar year is permitted by this consent (Refer to Condition 3 in this consent).
- Condition 5 dot point 1 from Development Consent DA#11268 is amended to read as follows:
“Logging of total volumes of materials processed each day to ensure operations do not exceed an annual limit of 60,000 tonnes;”
- Condition 25 from Development Consent DA#11268 relating to noise levels in excess of 70dB(A) at the nearest receiver from the use of premises, building services, equipment, machinery and ancillary fittings is superseded by Conditions 15 and 16 in this consent.

All other conditions from Development Consent DA#1/1268 and DA19/0921 remain operable and are not superseded.

3. Maximum permitted throughput per year

This consent only authorises a maximum of 60,000 tonnes of material throughput per calendar year.

4. Maximum permitted material storage

This consent does not authorise the storage of more than 1,500 tonnes of material onsite at any one time.

5. Operational Plan of Management

A. The operation of the site must at all times operate in accordance with:

- the Environmental Management and Mitigation Measures table,
- all the recommendations contained in the Environmental Impact Statement prepared by Urban Perspectives dated June 2022,
- the air quality assessment report titled "Visy Resource Management Facility Air Quality Impact Assessment" prepared by Wilkinson Murray (Ref: RWDI#2190011) dated 28 April 2022, and
- the noise impacts assessment report titled "Visy Resource Management Facility Noise Impact Assessment" prepared by Wilkinson Murray (Ref: RDWI#2190011) dated 28 April 2022 submitted with the application except where modified by conditions in this consent.

B. Prior to the commencement of the operation of extended hours, the plan of management must be

amended to incorporate the additional measures and controls. A copy must be provided to council and copies must be kept onsite at all times and available for viewing should the need arise.

C. A sign must be installed on the vehicular entry at Bay Road and at the egress location at Alexander Avenue providing the contact details of the Visy Australia in the event that someone wants to contact the operator to raise a complaint or the like. The signs must be 1m x 1m in size and located at the site's entrance on Bay Road and either affixed to the roller door or the external wall of the building immediately adjacent to the egress.

6. Staggering of Staff

To avoid parking and vehicle manoeuvring conflict at the beginning and the end of working shifts, staff must have staggered arrival and departure times. Details must be included in the operational plan of management.

7. Waste Streams only permitted

This consent only authorises the receipt of fully commingled recyclable material, being:

- Paper and cardboard.
- Glass.
- Plastics.
- Metals.
- Source Separated materials.

No other waste streams are permitted to be received at any time.

Any putrescible waste disposed of at the site must be isolated and suitably disposed of as soon as practical to prevent odour generation and the like. Details must be included in the Operational Plan of Management.

8. Storage of Hazardous Waste

A(i) This consent permits the storage of only 4 tonnes of 'hazardous waste' onsite at any one time. In the circumstances of this application, 'hazardous waste' is defined and limited to as follows:

- electronic equipment
- gas bottles
- fibrous cement

The persons and/or entity having the benefit of this consent must not allow for the above hazardous wastes to build up and/or be stored onsite for more than a continual 14 day period.

A(ii) This consent permits the storage of 4 tonnes of soft plastics onsite at any one time in addition to the storage of 4 tonnes hazardous waste described in A(i) above.

The persons and/or entity having the benefit of this consent must not allow for soft plastics to build up and/or be stored onsite for more than a continual 14 day period.

A(iii) The storage of the wastes described in A(i) and (ii) above must be located above the 1% AEP flood level, located on bunded facilities and under the roofed area adjacent to the Shipping Containers.

B. Under no circumstance shall any other type of hazardous waste must be kept onsite. Hazardous waste is defined by the Protection of Environmental Operations Act 1997 viz:

'hazardous waste' means waste (other than special waste or liquid waste) that includes any of the following-

- (a) anything that is classified as-
 - (i) a substance of Class 1, 2, 5 or 8 within the meaning of the Transport of Dangerous Goods Code, or
 - (ii) a substance to which Division 4.1, 4.2, 4.3 or 6.1 of the Transport of Dangerous Goods Code applies,
- (b) containers, having previously contained-
 - (i) a substance of Class 1, 3, 4, 5 or 8 within the meaning of the Transport of Dangerous Goods Code, or
 - (ii) a substance to which Division 6.1 of the Transport of Dangerous Goods Code applies, from which residues have not been removed by washing or vacuuming,
- (c) coal tar or coal tar pitch waste (being the tarry residue from the heating, processing or burning of coal or coke) comprising more than 1% (by weight) of coal tar or coal tar pitch waste,
- (d) lead paint waste arising otherwise than from residential premises or educational or childcare institutions,
- (e) anything that is classified as hazardous waste pursuant to an EPA Gazettal notice,
- (f) anything that is classified as hazardous waste pursuant to the Waste Classification Guidelines,
- (g) a mixture of anything referred to in paragraphs (a)-(g).

B1. Lead-acid or nickel-cadmium batteries (being waste generated or separately collected by activities carried out for business, commercial or community services purposes) must be collected and disposed of each quarter.

C. This condition does not extend to the storage of the following onsite:

- petrochemicals (unleaded fuel [5L] and diesels fuel [2,200L]),
- oils (410L) ,
- anti-bacterial soaps (5L),
- paint (5L),
- weedkiller (5L) as identified in Section 6.4.1.1 and Table 6.22 from the Environmental Impact Statement that are specifically required to be kept onsite for operational and maintenance aspects of the facility.

9. Vermin and Litter Management

To ensure that the operation of the site has minimal offsite impacts in regard to litter and vermin impacts and as identified in the application, the following must be undertaken:

- all waste materials and recovered product handled and stored within buildings.
- recyclable waste materials received into designated receival bays only.
- recovered product stored in designated material storage areas only.
- waste residence time onsite typically less than 24 hours and up to 48 hours.
- routine housekeeping to ensure loose items of any waste are collected and contained.
- daily site inspection checklist including maintaining housekeeping standards. and
- rat and mice bait stations are placed throughout the facility and maintained by a vermin management service provider.
- Litter patrols must be undertaken at the end of each shift to ensure that all external areas of the buildings and immediately around the vehicular exit onto Alexander Avenue are free from scraps of paper, cardboard, glass fragments, food and/or other wind blow materials.

10. Provision of Bicycle parking

Prior to the commencement of extended hours of operation permitted by this consent, a Bicycle Parking Rack must be provided near the southern side of the office building. The rack must have the capacity to accommodate the parking/storage of 3 bicycles.

Bicycle parking facilities are to be installed in accordance with Australian Standard AS2890.3 Bicycle Parking Facilities (as amended), Austroad's Guide to Traffic Engineering Practice - Part 14 Bicycles and the Austroads Bicycle Parking Facilities: Guidelines for Design and Installation (AP-R527-16). The rack must not interfere with access into and out of any building, vehicle manoeuvring, parking and/or the like.

11. Shipping Containers

The shipping containers that are denoted as 'temporary' on the plan titled 'Stockpile Plan' prepared by Archi Spectrum (Drawing Number DA03a), dated 25.05.2022 are permitted to remain onsite and used for as permanent storage facilities.

This consent does not authorise additional shipping containers to be stored onsite without prior approval.

12. Bunding Certification

Prior to the commencement of the extended hours of operation or within 3 months from the date of this consent, whichever comes first, the persons or entity having the benefit of this consent must engage a suitably qualified and practicing surveyor to certify the bunding and crests that have been installed to ensure flood waters do not inundate the buildings have a height of RL2.45AHD.

If bunding and crests are below RL2.45AHD, the persons or entity having the benefit of this consent must undertake the necessary works to ensure compliance with the above.

13. Flood Procedures

In the event of a severe storm and/or flooding, all procedures and recommendations contained in the document titled 'Emergency Procedures - Flood or Severe Storm' prepared by Visy Australia Pty Ltd (Ref: VR Taren Point Emergency Management Plan - Attachment A5 - Issue A) dated 20 March 2021 must be

adhered to.

The Plan of Management must be amended to ensure the recommendations and procedures contained in the above document are included.

14. Prevention of Air Pollution

Air Pollutants / contaminants can be hazardous to human health as well as create a nuisance through odours and deposited dusts. Use of trucks and plant equipment to recover recyclables or to temporarily store them for transfer to another premise where they will be recovered can, if not appropriately managed and mitigated, generate high levels of air pollutants such as fine particulates PM2.5, PM10, deposited dusts and odours.

To manage and mitigate the impact of air pollutants / contaminants generated from activities at the site, an Air Quality Management Plan (AQMP) is required and must be applied at all times – (the AQMP can be integrated in the Operational Management Plan for the facility)

Air Quality Management Plan

A. Before Commencement

(a) An Air Quality Management Plan (AQMP) is required to be prepared by a suitably qualified air quality consultant to ensure that air pollutants / contaminants generated from site are managed appropriately and do not have an adverse impact on the environment, surrounding land uses and human health. It must include:

- a. Air quality standards and goals,
- b. Identify potential issues that may affect air quality and include any mitigation actions / measures necessary,
- c. Measures and improvements to site practices to reduce air emissions, where possible,
- d. Outline the tasks staff are required to do in response to complying with the AQMP.
- e. Any regular air quality monitoring required, or instances where air quality monitoring will be required, i.e. when new statutory standards come into effect.

B. Ongoing

(a) To ensure contaminants are not released into the atmosphere from the premises, the use of the building and any plant, equipment and fittings installed therein must be operated so as to meet the following requirements:

- i) Protection of the Environment Operations Act 1997
- ii) Protection of the Environment Operations (Clean Air) Regulation 2010
- iii) AS 1668 - Part 2 - 2012
- iv) AS 3666.1 - 2011
- v) AS 3666.2 - 2011
- vi) AS 3666.3 - 2011
- vii) Public Health Act - 2010
- viii) Public Health Act (Microbial Control) Regulation 2012.

- (b) The site Air Quality Management Plan (AQMP) required in (a) above must be complied with at all times.
- (c) The AQMP must be reviewed annually to ensure it is still appropriate.
- (d) The AQMP must be updated in accordance with any statutory changes, i.e.: applicable relevant NSW and/or National Air Quality Standards as soon as practicable after the new standards come into effect. Where there are statutory changes, an air quality monitoring event shall occur to ensure that emissions are still within standards. If emissions exceed new criteria, changes to site practices must be explored and implemented to reduce emissions below statutory standards.
- (e) The AQMP must be updated if and when changes to operating procedures are implemented.
- (f) Any reviews and changes to the AQMP must be undertaken by an appropriately qualified air quality consultant.
- (g) The AQMP and its associated documentation requirements must be made available to Council officers on request.

15. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Ongoing

All plant and equipment must be operated and maintained in accordance with the 'A' above.

16. Compliance with Noise Impact Assessment

To minimise the impact of the development on the surrounding residential and industrial receivers, all noise control measures outlined in Section 6 of the submitted Noise Impact Assessment prepared by RWDI Australia Pty Ltd, report number 2190011 dated 28 April 2022, must be complied with at all times the business is in operation.

These measures are:

- The MRF plant can operate during all periods (day, evening and night).
- The two roller doors located on the south side, close to the eastern wall, are to be shut during night-time (i.e. 10.00pm to 5.00am) operation when access to the eastern door is not required.

- Front end loader should only operate inside the warehouse (not outside the warehouse) during night-time (i.e. 10.00pm- 5.00am).

17. Acoustic Post Validation Report

A. Due to the marginal exceedances of the applicable night noise criteria detailed in *Table 4-9- Operational Noise Predictions (with MRF Operating)- Night (10pm-5am)* of the submitted Noise Impact Assessment prepared by RWDI Australia Pty Ltd, report number 2190011 dated 28 April 2022, certification must be provided to Council by a suitably qualified and practicing acoustic engineer **within 12 weeks of the commencement of increased operating hours** that the operational noise requirements specified in the Table above are being achieved. The report is to include post validation results.

B. Should any exceedance beyond what has been specified in the aforementioned report, then the persons and/or entity having the benefit of this consent must undertake necessary rectification works **within 28 days** of the issue of the post validation report.

C. After the completion of the necessary rectification works to address the non-permitted noise exceedance(s), a further validation report must be submitted **within 28 days** after the completion of the rectification works to certify that the works have addressed the issue(s).

18. Ongoing Acoustic Compliance

Receipt of noise complaints from the operation of the facility will result in the requirement for further acoustic assessment of the business operations to determine compliance with the NSW Noise Policy for Industry (NPfI). Exceedances of the applicable assessment criteria may result in further acoustic attenuation and operational measures being adopted and enforced.

19. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before commencement of extended hours

Prior to the commencement of extended hours of operation permitted by this consent, the persons(s) or entity having the benefit of this consent must consult with Sydney Water. This consultation allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development.

Please refer to the web site www.sydneywater.com.au.

Prior to the commencement of the extended hours, the persons having the benefit of this consent must submit a copy of the Compliance Certificate to Council to certify that the consultation has taken place.

Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

If Sydney Water require works to be undertaken, the works must be fully completed prior to the

commencement of the extended hours of operation.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

20. Industrial Activities Outside the Building

To preserve the amenity and to minimise the impacts on adjoining and nearby sensitive receptors, the site must be operated as follows having regard to noise generating activities:

Time (Weekdays – including public holidays falling on a weekday)	Internal Operations [MRF Plant operation, vehicle operation (trucks, FEL, forklift, etc. - moving, shifting, loading, unloading, etc.)]	Vehicle movement outside	Loading material outside	Trucks unloading material outside	Glass area roller doors (the two roller doors located on the south side, close to the eastern wall)	Other roller doors
6am to 10pm (Day)	<i>No restriction</i>	<i>No restriction</i>	<i>No restriction</i>	<i>Not permitted</i>	<i>No restriction</i>	<i>No restriction</i>
10pm to 6am (Night)	<i>No restriction</i>	<i>No restriction</i>	<i>Not permitted</i>	<i>Not permitted</i>	<i>Cannot be open for longer than 5 minutes in any hour while MRF Plant equipment is running.</i>	<i>No restriction</i>

21. Loading and Unloading

To preserve the amenity of the surrounding neighbourhood and to ensure the safety of the public, the loading and unloading of vehicles carrying waste materials to be recycled, equipment, machinery, plant and the like must be undertaken wholly within the site and not from any roads and/or public areas.

22. Hours of Operation

A. Occupation

The business may only operate between the following hours:

- i) Monday to Friday (including public holidays that fall on a weekday): 24 hours

The operation of the site during Monday to Friday inclusive must be undertaken in accordance with the following:

Shift	MRF Operation Times	TRF Operation Times
Shift 1 4am-12pm	<ul style="list-style-type: none">• 4am-5am (cleaning) .• 5am-11am (MRF) .• 11am-12pm (cleaning and maintenance)	<ul style="list-style-type: none">• 4am-12pm (receiving and loading)
Shift 12pm-8pm	<ul style="list-style-type: none">• 12pm-1pm (cleaning and maintenance) . .• 1pm-8pm (MRF)	<ul style="list-style-type: none">• 12pm-8pm (receiving and loading)
Shift 3 9pm-4am	<ul style="list-style-type: none">• 9pm-4am (MRF)	<ul style="list-style-type: none">• No TRF activities
Office	<ul style="list-style-type: none">• No restriction	

- ii) Saturday, Sunday: 6am to 4pm only.

The operation of the site during Saturday, Sunday and/or Public Holidays must be undertaken in accordance with the following:

Shift	MRF Operation Times	TRF Operation Times
Operation Shift 6am-4pm	<ul style="list-style-type: none">• 6am-2pm (MRF) . .• 2pm-4pm (cleaning)	<ul style="list-style-type: none">• 6am-2pm (loading out material)
Maintenance Shift 6am-4pm	<ul style="list-style-type: none">• 6am-4pm (maintenance and loading out material)	<ul style="list-style-type: none">• No TRF activities