

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION  
BY THE SOUTHERN REGIONAL PLANNING PANEL**

**DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979  
RA21/1002

**TO:**

PDC Lawyers & Town Planners  
PO Box 214  
WOLLONGONG NSW 2500

**being the applicant(s) for RA21/1002 relating to:**

Flatrock Road, MUNDAMIA - Lot 436 DP 808415

**APPROVED USE AND OR DEVELOPMENT:**

Integrated development to construct and operate a Materials Recycling Facility (MRF) with a processing capacity of up to 24,000 tonnes per annum of waste materials

**DETERMINATION DATE:**

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS:**

The conditions of consent and reasons for such conditions are set out as follows:

## PART A: GENERAL CONDITIONS

### 1. General

The consent relates to **Integrated development to construct and operate a Materials Recycling Facility (MRF) with a processing capacity of up to 24,000 tonnes per annum of waste materials** and as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Site Plan	Project No. DN200244 Drawing No. A001	MI Engineers	03/11/2022 (Revision C)
Stormwater Plan	Project No. DN200244 Drawing No. C200	MI Engineers	04/06/2021 (Revision C)
Ground Floor Plan	Project No. DN200244 Drawing No. A002	MI Engineers	03/11/2022 (Revision C)
Roof Plan	Project No. DN200244 Drawing No. A003	MI Engineers	03/11/2022 (Revision C)
Elevations	Project No. DN200244 Drawing No. A004 & A005	MI Engineers	03/11/2022 (Revision C)
Typical Cross Sections	Project No. DN200244 Drawing No. A020	MI Engineers	03/11/2022 (Revision C)
Linemarking & Signage Plan	Project No. DN200244 Drawing No. C260	MI Engineers	15/03/2022 (Revision A)
Statement of Environmental Effects	Reference No. P20-143	PDC Lawyers & Town Planners	05/11/2021
Integrated Water Cycle Management Strategy	Report No. DN200244.R01	MI Engineers	10/03/2021

Bushfire Risk Assessment Report	Reference No. S021424	SET Consultants Pty Ltd	20/05/2022
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*Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.*

**2. Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 2, Subdivision 1, *Environmental Planning and Assessment Regulation 2021*, as applicable.

**3. Occupation / Use**

The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security).

**4. Shoalhaven Water – Certificate of Compliance**

A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

An application for a Certificate of Compliance is to be made once the Development Consent has been granted.

**5. Habitat Modification, Removal and Management**

This consent does not permit removal or disturbance of native vegetation on the property, including but not limited to, canopy trees, understorey and groundcover vegetation.

**6. Air Quality Discharges**

The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the *Protection of the Environment Operations Act 1997* (POEO Act)).

The Applicant must install and operate equipment in line with best practice as specified in the environment protection licence applicable to the site.

**7. Bushfire Risk Assessment**

All recommendations outlined in the Bushfire Risk Assessment Report by SET Consultants Pty Ltd (Reference No. S021424, dated 20/05/2022) are to be implemented for the development.

## **PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS**

### **8. NSW Environment Protection Authority**

The conditions of the General Terms of Approval issued by the NSW Environment Protection Authority, Notice No: 1621579, dated 14 September 2022, as defining the Environmental Protection Licence 5877 (and its revisions), are included as conditions of this consent (as attached) and must be complied with.

## **PART C: PRIOR TO THE COMMENCEMENT OF WORKS**

### **9. Construction Certificate**

A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.

### **10. Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

### **11. Notice of Commencement**

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.

### **12. Toilet Facilities - Temporary**

Toilet facilities must be available or provided at the work site before works begin 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.

### **13. Run-off and Erosion Controls**

Prior to the commencement of site works, run-off and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

Note: all implemented measures must not cause water pollution as defined by the Protection of the Environment Operations Act (POEO Act).

**14. Tree and Vegetation Protection**

Prior to the commencement of any clearing works the following requirements must be met to the satisfaction of the Certifier:

- a) The developer must identify the extent of earthworks as shown on the approved plans. Where works occur adjacent to native vegetation or restoration areas, a temporary protective barrier or similar visible material must be installed and retained until all works are complete.
- b) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with *AS 4970: Protection of trees on development sites*.

**15. Meteorological Monitoring**

Prior to the commencement of any works, and for the life of the development, the applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:

- a) complies with the requirements in the latest version of the NSW Environment Protection Authority's *Approved Methods for Sampling of Air Pollutants in New South Wales* (DEC, 2007) (as may be updated or replaced from time to time); and
- b) is capable of continuous real-time measurement of atmospheric stability category determined by the sigma theta method in accordance with the *NSW Industrial Noise Policy* (EPA, 2000) (as may be updated or replaced from time to time).

The applicant must maintain the meteorological station to the satisfaction of the NSW Environment Protection Authority for the life of the development.

**16. Air Quality Management Plan**

Prior to the commencement of any works, the Applicant must prepare an Air Quality Management Plan (AQMP) with consideration of both particulate emissions and odour impacts. The Plan must:

- a) Be prepared by a suitably qualified and experienced person(s).
- b) Include contingencies strategies to reduce odour impacts.
- c) Establish a communications strategy so that affected neighbours are kept informed about the operation of the facility and are consulted about aspects of the operation likely to result in particulate emissions and odour.

**17. Operational Management Plan**

Prior to the commencement of works, an Operational Management Plan (OMP) prepared in accordance with the Statement of Environmental Effects by PDC Lawyers & Town Planners (Reference No. P20-143, dated 05/11/2021) must be submitted to Council for approval and include reference to the monitoring requirements under the existing Environmental Protection Licence for the subject site.

A report must be provided to Council annually to demonstrate compliance with the approved OMP to ensure adequate management and monitoring.

**18. Amended Waste Management Plan**

An amended Waste Management Plan (WMP) must be prepared in accordance with Chapter G7 of Shoalhaven Development Control Plan 2014. The WMP must be approved by Council or the Certifier prior to the commencement of works.

**PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**19. Soil and Water Management Plans (SWMP)**

Prior to the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.

All implemented measures must:

- a) not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO),
- b) be maintained at all times, and
- c) not be decommissioned until at least 70% revegetation cover has been established.

**20. Car Parking and Access Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The car parking and access design must comply with the following:

- a) Concept MRF building civil works plans by MI Engineers, as approved under this development consent.
- b) A minimum number of 25 passenger vehicle parking spaces must be provided onsite, including at least one (1) accessible space, compliant with AS2890.1 and AS2890.6.
- c) The passenger vehicle parking area is to be constructed in accordance with the following or as per d) below:
  - i) for light vehicular loading
  - ii) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate.
- d) The heavy vehicle access and manoeuvring area is to be constructed in accordance with the following:
  - i) with a concrete pavement designed and constructed for a minimum traffic loading of  $1 \times 10^6$  ESA, or
  - ii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of  $1 \times 10^6$  ESA. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details.
- e) Bordered in accordance with Council's Standard Drawings by:
  - i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed, or

- ii) a concrete edge strip (min. 150mm wide and 300mm deep).
- f) Signs and linemarking in accordance with the concept linemarking & signage plan by MI Engineers (Project No. DN200244, Drawing No. C260, Revision A, dated 15/03/2022) and additionally include linemarking to separate the passenger vehicle parking area from the heavy vehicle manoeuvring area.
- g) Heavy vehicle turning paths for the largest vehicle to expected enter/exit the site in accordance with AS2890.

## **21. Stormwater Drainage Design Standards (Urban)**

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with the concept stormwater drainage plan by MI Engineers (Project No. DN200244, Drawing No. C200, Revision C, dated 04/06/2021).
- d) The existing stormwater drainage system is to be upgraded or adjusted to suit the new works.
- e) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

## **22. Water Sensitive Urban Design (WSUD) Devices – Private Property**

Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's website.

## **23. WSUD Measures – Water Quality, Retention and Reuse**

Prior to the issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by the Certifier. Specifications can be found on Council's website.

The stormwater treatment, retention and reuse design must comply with the following:

- a) The concept stormwater drainage plan by MI Engineers (Project No. DN200244, Drawing No. C200, Revision C, dated 04/06/2021) and concept Integrated Water Cycle Management Strategy by MI Engineers (dated 10/03/2021).
- b) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated

using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance.

- c) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 6mm for increases in all impervious surfaces compared to the pre-development condition.

**24. Water Sensitive Urban Design Operation and Maintenance Manual**

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council's Development Manager prior to issue of the Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

**25. Water Sensitive Urban Design Checklists**

Compliance checklists are to be prepared by the WSUD Designers and submitted to Council's Development Manager prior to issue of the relevant Construction Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

**26. On-Site Detention**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Provided wholly above the 18.13% AEP storm event inundation level of any natural watercourse or water body.
- b) Designed such that stormwater runoff from the development for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.
- c) All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be permitted.
- d) Adequate scour protection at the outlet of the on-site detention basin, in accordance with Council's Engineering Design Specification.

**27. Site Filling Design Standards**

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

- a) The site must be regraded in accordance with the concept MRF building civil works plans by MI Engineers, as approved under this development consent, graded to have an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by the Certifier and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential



developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

## 28. Evidence

A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.

## 29. Local Infrastructure Contributions

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Project	Description	Calculation	Amount
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 74.6	\$10,854.30
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 74.6	\$15,879.36
CWMGMT3001	Contributions Management & Administration	\$605.06 * 74.6	\$2,673.37
			<b>\$29,407.03</b>

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

## 30. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the [Building and Construction Industry Long Service Payments Act 1986](#) and prescribed by the [Building and Construction Industry Long Service Payments Regulation 2017](#) must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

## 31. Hydraulic Engineering Details for Water, Sewer & Drainage

Prior to the issue of a Construction Certificate, an approval to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under Section 68 of the *Local Government Act 1993*. The application is to include hydraulic designed by a professional engineer (as defined by the National Construction Code) for water, sewerage and stormwater drainage for the development. The hydraulic detail must reference, without limitation, the following:

- The relevant National Construction Code such as - NCC 2019 Volume 1, 2 & 3 (as relevant) Amendment 1.
- Relevant Australian Standard/s and correct standard years.
- Must also reference the relevant AS 1170 suit of standards.
- List Signatory Qualification and Accreditation details.

- e) Must be National Engineers Register (NER) or NSW Fair Trading Registered Engineer.
- f) The charged line to the above ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm discharge pit connected to an approval disposal point to enable the line to be flushed. This is to prevent the line becoming blocked.

**32. Vegetation Management Plan**

Prior to the issue of a Construction Certificate, a Vegetation Management Plan (VMP) for the restoration of the disturbed areas on Lot 437 DP 808415 is to be prepared by a suitability qualified ecological consultant. The VMP is to include measures to restore and revegetate the disturbed areas and protect adjacent intact vegetation and threatened plants such as fencing, mulching, planting where appropriate, weeding and sediment and erosion control. The VMP is to include a schedule of works and performance targets. The VMP is to be submitted to Shoalhaven City Council, City Development, for approval prior to issue of the Construction Certificate.

**33. Shoalhaven Water – Prior to the Issue of a Construction Certificate**

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Issue of a Construction Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

**PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

NIL

**PART F: DURING WORKS**

**34. Maintenance of Site and Surrounds**

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
  - i) all vehicles entering or leaving the site must have their loads covered, and
  - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

**35. Waste Management Plan**

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

*Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).*

**36. Earthworks and Excavation**

- a) Approved earthworks (including any structural support or other related structure for the purposes of the development):
  - i) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
  - ii) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.
  - iii) That is fill brought to the site, must contain only virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 to the *Protection of the Environment Operations Act 1997 (POEO Act)*.

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.
  - iv) That is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- b) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-78544-2) published by Safe Work Australia in October 2018

**37. Lot Filling**

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill is completed in accordance with the approved filling specification.
- b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code) (as required).
- c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Occupation Certificate (where required).
- d) Any fill must:
  - i) have a maximum batter of 25% (1v:4h) at any location.
  - ii) not encroach onto adjoining land.
  - iii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.

- iv) be protected against erosion, with measures incorporated in the erosion and sediment control plan.

**38. Timing of works**

To protect adjoining bushland and riparian habitats, works involving soil disturbance must not take place during heavy rainfall periods, other than work necessary to stabilise the site.

**39. Wildlife Protection-During Works**

- a) If any wildlife enters the construction site during works, works must stop until the animal has safely vacated the site.
- b) If any wildlife is disoriented or is injured during construction works, works must stop immediately, and a consultant ecologist experienced in wildlife handling and rescue is to advise and responsibly rescue and relocate the animal(s).
- c) All trenches must be inspected for wildlife prior to backfilling.
- d) All vehicles and mechanical plant must be inspected for wildlife prior to operation.

**40. Noise**

The noise from all construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

**41. Aboriginal Objects Discovered During Excavation**

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#)

**42. Archaeology Discovered During Excavation**

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

**43. Asbestos Removal**

Asbestos removal must be carried out in accordance with AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5] and SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9] as applicable, by a person holding the relevant licence issued by SafeWork NSW.

A licence is not required to remove less than 10m<sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m<sup>2</sup>.

Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.

Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:

- a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.
- b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.

Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.

**44. Contamination – Unexpected Finds**

- a) If unexpected, contaminated soil and/or groundwater is encountered during any works:
  - i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
  - ii) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected, contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

*Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).*

## PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

### 45. Compliance

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security).

All conditions under Section 68 of the *Local Government Act 1993* will be required to be complied with.

### 46. Fire Safety

Prior to the issue of a partial or whole Occupation Certificate, a final fire safety certificate is to be issued to Council and Fire & Rescue NSW by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates—

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

### 47. Works as Executed Plans

Prior to the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
- b) Show compliance with the approved design plans of all road and drainage works
- c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- d) Show the extent, depth and final levels of filling.
- e) Show any retaining walls including footings and agricultural drainage lines.
- f) Show the location of all underground service conduits.
- g) Include all deviations from the approved Civil Engineering Plans.

### 48. Shoalhaven Water – Certificate of Compliance

Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.

If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

49. **Evidence of Compliance with Bushfire Measures**

Prior to the issue of Occupation Certificate, certification must be provided by a BPAD Level 3 accredited consultant to the satisfaction of the Certifier, that the bushfire measures referenced in the approved Bushfire Report (Condition 1) are satisfied.

**PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE**

NIL

**PART I: ONGOING USE OF THE DEVELOPMENT**

50. **Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater**

All excavation, backfilling and landscaping works must not result in:

- a) Any change to the overland stormwater flow path on the property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge.
- b) The redirection and/or concentration of stormwater flows onto neighbouring properties.

51. **Heavy Vehicles**

Heavy vehicle traffic generated by the development is not to use the road network during peak traffic hours as defined by the following:

- a) 8am – 10am, and
- b) 3:30pm – 5:30pm.

52. **Grasses when adjoining bushland**

In order to maintain the interface between disturbed areas and the remaining native vegetation, the area within the Asset Protection Zone/ development site must be managed for the life of the development as follows:

- a) No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of native plant communities by exotic perennial grasses*, must be sown.
- b) Where grass is required to be sown it must be native grasses.

53. **Lighting**

For the life of the development lighting should be designed in accordance with the principles from the National Light Pollution Guidelines for Wildlife (Australian Government 2020) including:

- a) only light the object or area intended,
- b) be close to the ground where possible,
- c) be directed downward away from tree canopies and shielded to avoid light spill into vegetation,
- d) have the lowest intensity lighting appropriate for the task.

**54. Fire Safety – Annual Statement**

A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An [application form](#) is available on Council's website.

*Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that an accredited practitioner – fire safety (APFS) has:*

- a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building
- b) inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 7 of Part 9 of the Environmental Planning and Assessment Regulation 2000

*Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.*

**55. Pollution Incident Response Management Plan**

The proponent must review the existing Pollution Incident Response Management Plan (PIRMP) for the premises and update it as required, by the NSW Environment Protection Authority and/or Council.

**56. Operational Management Plan**

Activities on the subject property must be in accordance with the approved Operational Management Plan (OMP). The owner and occupier must comply with the actions and requirements of the approved OMP. The annual report required by Condition 17, will be referred to in order to ascertain compliance with the OMP.

## **PART J: OTHER COUNCIL APPROVALS AND CONSENTS**

NIL

## **PART K: REASONS FOR CONDITIONS**

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

### **Statutory requirements**

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.



### **Public notification**

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

### **Suitability of the Site**

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

### **Impacts of the Development**

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

## **PART L: RIGHTS OF REVIEW AND APPEAL**

### **Determination under Environmental Planning and Assessment Act, 1979**

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

## **PART M: GENERAL ADVICE**

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

### **Scheduled Waste Facility**

The proponent should also be aware that, as this development application seeks to undertake scheduled waste activities other than composting, a waste levy liability and additional responsibilities may be applicable to the premises in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation). Prior to the licence being varied to permit the proposed changes to the facility, the proponent will need to negotiate an authorised amount with the NSW Environment Protection Authority to be included on the licence.

### **Disability Discrimination Act 1992**

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*.

### **Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

### **DBYD Enquiry - 'Dial Before You Dig'**

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

**SIGNED** on behalf of Shoalhaven City Council:



Our Ref: DOC22/794493

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Attention: Mr Andre Vernez  
By email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

14 September 2022

Dear Mr Dunshea

**Shoalhaven City Council – CNR-32853 - Proposed West Nowra Materials Recycling Facility – Flatrock Road, Mundamia**

I refer to the development application and accompanying information provided for the proposed Materials Recycling Facility (MRF) received by the Environment Protection Authority (EPA) on 10 December 2021 and subsequent information received on 13 April 2022, 18 July 2022 and 29 August 2022.

The EPA has determined that it is able to issue General Terms of Approval (GTAs) for this proposal. These GTAs are provided at Attachment A. The project will need to be carried out in accordance with the conditions of Environment Protection Licence Number 5877 for the West Nowra Recycling and Waste Facility. If the project is approved, Council will need to apply to the EPA to vary this licence to include the operation of the MRF, subject to these GTAs.

In assessing the proposal, the EPA has identified that the revised noise impact assessment titled "Acoustical Report – Proposed Materials Recycling Facility at Lot 435 Flatrock Road, Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022 did not adequately address the issues identified in EPA's previous correspondence dated 9 August 2022. These issues are outlined in Attachment B. To avoid any further delays in assessing and determining the proposal the EPA has included noise limits, monitoring, and reporting requirements in the GTAs.

In addition, the EPA has outlined several issues that will need to be addressed once the proposal is operational. These issues can also be found in Attachment C and include the following:

- Stormwater Management
- Construction and Demolition Waste Standards
- Pollution Incident Response Management Plan (PIRMP)

In providing these GTA's the EPA has been advised that there were no public submissions received in relation to the development application.

Phone 131 555  
Phone 02 9995 5555  
(from outside NSW)

TTY 133 677, then  
ask for 131 155

Locked Bag 5022  
PARRAMATTA  
NSW 2124

4 Parramatta Square  
12 Darcy Street  
PARRAMATTA  
NSW 2150

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
ABN 43 692 285 758

If you have any questions about this issue, please contact Tracey McAndrew on (02) 4224 4124.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'P' followed by a horizontal line.

**PETER BLOEM**  
**Manager Regulatory Operations**

## General Terms of Approval - Issued

Notice No: 1621579



Shoalhaven City Council  
PO BOX 42  
NOWRA NSW 2541

Attention: Andre Vernez

Notice Number 1621579  
Date 14-Sep-2022

**CNR-32853 - Shoalhaven City Council - Proposed Materials Recycling Facility - Flatrock Road, Mundamia - RA21/1002**

### **Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application and accompanying information provided for the proposed Materials Recycling Facility (MRF) received by the Environment Protection Authority (EPA) on 10 December 2021 and subsequent additional information received on 13 April 2022, 18 July 2022 and 29 August 2022.

EPA has reviewed the development application and has determined that it is able to issue General Terms of Approval for the project. The general terms of approval for this proposal are provided at Attachment A. The project must be carried out in accordance with Environment Protection Licence no. 5877 for the West Nowra Recycling and Waste Facility. If the project is approved, Council will need to apply to the EPA to vary this licence to include the operation of the MRF, subject to these GTAs.

In providing these GTAs the EPA has been advised that there were no public submissions received in relation to the development application.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Tracey McAndrew on (02) 4224 4124.

# General Terms of Approval - Issued

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Notice No: 1621579

Yours sincerely

A handwritten signature in blue ink, appearing to be 'P. Bloem', written over a dotted line.

**Peter Bloem**

**Manager**

**Environment Protection Authority**

(by Delegation)



# General Terms of Approval - Issued



Notice No: 1621579

## Attachment A:

### Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

#### **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 RA21/1002 submitted to Shoalhaven City Council on 10 December 2021.
  - the statement of environmental effects titled *Statement of Environmental Effects: Proposed Materials Recycling Facility (MRF) at: Flatrock Road, Mundamia - Lot 436 DP 808415, PDC REF: P20-143* prepared by PDC Lawyers and Town Planners and dated 5 November 2021 relating to the development and the associated plans and reports submitted with the application; and
  - all additional documents and plans supplied to the EPA in relation to the development, including:
    - The letter titled "RA21/1002 Response to Council's Request for Additional Information Lot 436 DP 808415 - Flatrock Road, Mundamia" prepared by PDC Lawyers and Town Planners and dated 29 March 2022 and associated supporting documentation
    - "Acoustical Report – Proposed Materials Recycling Facility at Lot 436 Flatrock Road Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 12 July 2022.
    - "Acoustical Report - Proposed Materials Recycling Facility at Lot 436 Flatrock Road Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022.

#### **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**

- P1.1** The following points referred to in the table below are identified in this licence for the purposes of noise monitoring of the emission of noise from the premises.

#### **Noise**

EPA Identification Point	Type of Monitoring Point	Location Description
39	Noise monitoring	Lot 1 DP837697 (43 Flatrock Road, Mundamia)
40	Noise monitoring	Lot 87 DP755952 (56 Stonegarth Road, Mundamia)

# General Terms of Approval - Issued



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## 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 connection with the carrying out of the development.

### L2. Waste

- L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### L3. Noise Limits

- L3.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)
	Day
	$L_{Aeq}(15 \text{ minute})$
All residential receivers	40

- L3.2** For the purposes of condition L3.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays

- L3.3** Noise enhancing meteorological conditions

- a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.



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

- a) The meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station nominated by the licensee and approved by the EPA.
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
  - i. Use of sigma-theta data (section D1.4).

## L3.5 To assess compliance:

- a) with the  $L_{Aeq}(15 \text{ minutes})$  or the  $L_{Amax}$  noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - (iv) at any other location identified in condition L3.1
- b) with the  $L_{Aeq}(15 \text{ minutes})$  or the  $L_{Amax}$  noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
  - (ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

**L3.6** A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

**NOTE to L3.5 and L3.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

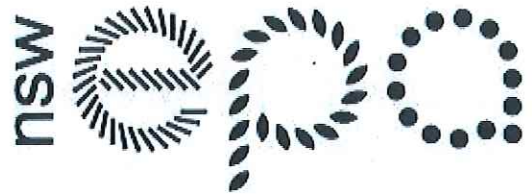
**L3.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L3.8** Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW*.

## L4. Hours of Operation

**L4.1** Activities at the materials recycling facility must only be conducted between 7am and 6pm Monday to Saturday, and between 8am and 6pm on Sundays and public holidays.

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## ***L5. Potentially offensive odour***

- L5.1** 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 any offensive odour from 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.

## **Operating conditions**

### ***O1. Dust***

- O1.1** All operations and activities occurring at the premises must be carried out in a manner that will minimise the 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 inspection, loading and unloading.
- O1.3** The licensee must ensure that no material, including sediment or oil is tracked from the premises.

### ***O2. Processes and management***

- O2.1** All wastewater collected from the processing building must be captured and directed to the leachate management system.

### ***O3. Waste Management***

- O3.1** All incoming waste must be unloaded within a fully enclosed building.
- O3.2** All unprocessed and processed waste must be stored within a fully enclosed building at all times.

## **Monitoring and Reporting Conditions**

### ***M1. Requirement to Monitor Noise***

- M1.1** Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:
- occur at each noise monitoring location in Condition P1.1;
  - occur annually in a reporting period;
  - occur during the day period as defined in the *Noise Policy for Industry* for a minimum of 1 hour.



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## ***Reporting conditions***

- 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.

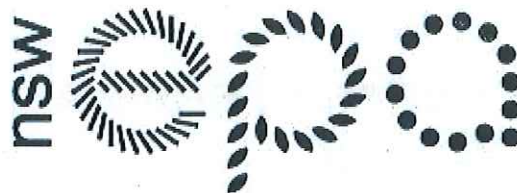
## ***R2. Noise Monitoring Report***

- R2.1** A noise compliance assessment report must be submitted to the EPA each year with the Annual Return. The assessment must be prepared by a competent person and include:
- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; 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 and L3.3.

## **Additions to Definition of Terms of the licence**

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Approved Methods for the Measurement and Analysis of Environmental Noise in NSW - the document entitled "*Approved Methods for the Measurement and Analysis of Environmental Noise in NSW*" published by the NSW Environment Protection Authority in January 2022.
- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.8.
  - $L_{Aeq}$  (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
  - $L_{AFmax}$  – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.

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## Attachment – Mandatory Conditions for all EPA licences

### Operating conditions

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

Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, 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.



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## 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
- b) 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,

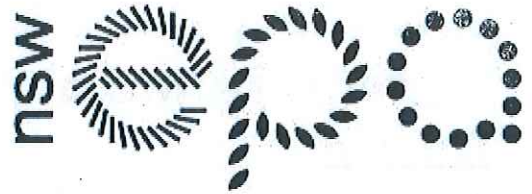
- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period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

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

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## ***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').

## ***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 immediately 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.

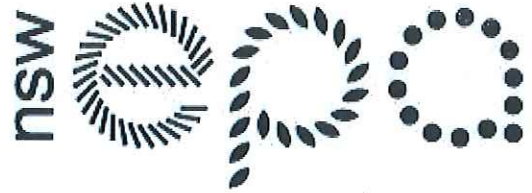
The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;

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- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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

A copy of this licence must be kept at the premises 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.





## **Attachment B:**

### **Noise Impact Assessment**

In assessing the proposal, the EPA considered the revised Noise Impact Assessment (NIA) titled "Acoustical Report – Proposed Materials Recycling Facility at Lot 435 Flatrock Road, Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022 did not adequately address the issues identified in EPA's previous correspondence dated 9 August 2022.

Whilst the revised NIA has provided responses to the EPA's previous comments, we consider that they have not satisfactorily responded to the assessment of annoying characteristics required by Noise Policy for Industry (NPfI) Fact Sheet C.

As per the EPA's previous comments, the assessment and application of annoying characteristics in Fact Sheet C is conducted at the receiver on the total noise level from the premises. This is a routine policy requirement however, the three Koikas Acoustics reports appear to have repeatedly not provided this assessment.

Page 28 of the Revised NIA states: "*The LCeq – LAeq for each measured source has been presented in the tables below.*" The EPA identified that Tables 3 and 4 in the Revised NIA contained a comparison of A-weighted and C-weighted source levels and an apparent tonality correction was done on measurements at distances up to 20m away. As stated previously, this is not in accordance with the NPfI and cannot be accepted.

Annoying characteristics are assessed at the receiver as it the outcome at the receiver location which is of interest in an NPfI assessment. Another reason why annoying characteristics are assessed at the receiver on the total noise, instead of for individual source levels is that low frequency noise is a function of distance. The further away from the source you get, the greater the difference between the C-weighted and A-weighted noise levels become. Therefore, it is incorrect for the Revised NIA to assert on page 28 that it is more conservative to assess annoying characteristics at the source.

The highest predicted noise level at receivers is within 1 dB of the Project Noise Trigger Levels (PNTL) so if a correction is applicable from Fact Sheet C, it would mean that the premises would then have a noise level above the PNTL which would require investigation of reasonable and feasible mitigation.

### **Off-site Road Traffic Noise**

The EPA still has reservations about the appropriateness of the assessment conducted and the response provided in the revised NIA did not fully satisfy the EPA that the potential impacts had been fully assessed and managed where practicable. The response in the Revised NIA did not provide the EPA with confidence that use of RLS 90 is appropriate in this case.

The EPA is aware of many different methods available for calculating road traffic noise, line sources and/or moving point sources which may be to be used to determine noise levels from moving vehicles.

Whilst the EPA does not regulate the off-site traffic noise, we recommend that Council consider conditions of consent commensurate with the risk of impact from road traffic noise on residential receivers on Flatrock Road.

## **Attachment C:**

### **Stormwater Management**

The Proposal includes the re-construction of an on-site sediment basin adjacent to the Materials Recycling Facility (MRF). The new basin is designed to overflow via an emergency overflow weir during excess flows. The overflow point will be required to be included on the Environment Protection Licence no. 5877 (the Licence) as a licensed discharge point and the EPA will consider including appropriate monitoring and discharge limits for this point.

On completion of construction of the basin the proponent must provide an as-constructed drawing showing the location of the overflow weir and GPS coordinates for inclusion on the Licence.

### **Construction and Demolition Waste Standards**

The proponent has stated that construction and demolition waste will be received at the MRF. There was limited information provided in the documentation on how this waste will be handled, processed and stored at the premises.

The proponent must ensure that they comply with Part 8A of the *Protection of the Environment Operations (Waste) Regulation 2014* (the Waste Regulation) which involves meeting the requirements of the *Standards for managing construction waste in NSW* (the C&D Standards) that can be found on the EPA website at the following address:

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/19p1542-standards-for-managing-construction-waste-in-nsw.pdf>

The C&D Standards include requirements for the inspection, sorting, mixing, storing and the transportation of construction and demolition waste at licensed waste facilities.

### **Pollution Incident Response Management Plan (PIRMP)**

The MRF will be included on the premises that forms part of the Licence which is required to have a PIRMP under Part 4 of the *Protection of the Environment Operations (General) Regulation 2021*. The proponent must review the existing PIRMP for the premises and update as required to include the operation and any potential environmental risks of the MRF.