

MODIFIED CONSENT RELATES TO:

Modifications approved under DA No. 523/2014 (Part 3) DAM0118/2024 (PPSSTH-449) are:

- Extension of operating hours for the Food Organics and Garden Organics (FOGO) facility through a 1-year trial.
- Modification to condition A3 which refers to the approved suite of plans and documents,
- Modification to condition A7 with regard to the revised General Terms of Approval issued by the Environment Protection Authority
- Inclusion of the EPA's revised GTA's dated 4.03.2025.

The conditions of consent are set out as follows:

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more parts than one. All conditions must be complied with.

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate & PCA Notification *Environmental Planning & Assessment Act 1979 Section 81A*

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- appoint a Principal Certifying Authority.

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans *Modified under DA 523/2014 (Part 3) DAM0118/2024*

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp except as modified by conditions of this consent.

Name of Plan (approved under)	Prepared By	Drawing No./Revision	Drawing Date
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Development Application No. 523/2014 (Part 3) DAM0118/2024
Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckleys Road Dunmore

Name of Plan (approved under)	Prepared By	Drawing No./Revision	Drawing Date
Site Plan (DA 523/2014 (Part 2))	Recycling Design Technologies	QRE1625-SP-01 Rev G	07.02.2017
Demolition Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0003 Issue C	17.12.2014
Transfer Facility Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0010 & A0011 Issue C	17.12.2014
Staff Office & Facilities Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0014 & A0015 Issue C	17.12.2014
Staff Office Carpark Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0021 Issue B	17.12.2014
Revolve Centre Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0016 & A0017 Issue B	17.12.2014
Pretreatment Building Plan (DA 523/2014 (Part 2))	DRAArchitects	Project # 16042 Drawing no. A11 & A12 Rev 4	17.02.2017
Bio filter Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0018 Issue B	17.12.2014
Weighbridge Station Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0020 Issue B	17.12.2014
Landscape Design (EIS SCC DRRR Appendix G, pages 1-10)	Hyder Consulting Pty Ltd	-	18.12.2014
Signage Plan	Urbis	SD1168 Drawing no. SP01 Issue 1001 Rev A	16.12.2014
Table 10.1 Revised - Mitigation Measures	Hyder Consulting Pty Ltd	-	Revised 19.06.2015
Table 6-1 <i>Modified Mitigation Measures</i> under the Modification Report for the organics processing facility (DA 523/2014 (Part 2))	Arcadis	Revision 3	10.11.2016
Dunmore resource recovery redevelopment organics processing facility Modification Report (DA 523/2014 (Part 2))	Arcadis	Revision 3	10.11.2016
Amended Stormwater Concept Management Plan (DA 523/2014 (Part 2))	Arcadis Australia Pacific Pty Ltd	No plan reference information	Undated Received date 16.02.2017
Construction Waste Management Plan (EIS SCC DRRR Appendix I, pages 4-9)	Hyder Consulting Pty Ltd	-	18.12.2014

Development Application No. 523/2014 (Part 3) DAM0118/2024
Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckley's Road Dunmore

Name of Plan (approved under)	Prepared By	Drawing No./Revision	Drawing Date
Environmental Impact Statement SCC DRRR	Hyder Consulting Pty Ltd		
Office Building Plan (DA 523/2014 (Part 2))	NALG Group	A-01	17.02.2017
Shellharbour FOGO Odour Assessment (DA 523/2014 (Part 3) DAM0118/2024)	SLR Consulting Australia	SLR Reference No. 610.031958-L01-v1.0- 20240822	22.08.2024
Shellharbour FOGO – Addendum to the Odour Assessment (August 2024) (DA 523/2014 (Part 3) DAM0118/2024)	SLR Consulting Australia	SLR Reference No. 610.031958-L02-v0.1- 20241220	20.12.2024
Re.Group Dunmore – Noise Impact Assessment (DA 523/2014 (Part 3) DAM0118/2024)	SoundIn	Report No. 17247 – Version 1.1	07.02.2025

A4 Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

A5 Easements

Structures must not encroach onto any easement.

A6 NSW Office of Water

The development must comply with the advice of the NSW Office of Water, as contained in their letter dated 16 June 2015, consisting of one (1) page, and as attached to this Notice of Determination. Additional licences and approvals may be required under the *Water Act 1912* and the *Water Management Act 2000*.

A7 NSW Environmental Protection Authority Modified under DA 523/2014 (Part 3) DAM0118/2024

The development must comply with the General Terms of Approval and advice of the NSW Environmental Protection Authority, as contained in their letter dated 07 May 2015 (Reference: EF15/798, Notice no. 1527988), consisting of seven (7) pages, and as attached to this Notice of Determination.

The recommended conditions of consent, A, B and C on page 6, are to be taken as conditions of this development consent.

This development consent includes the construction of an organics processing facility which will include the receiving, processing, treatment and composting of food waste.

The modifications approved under this consent (Part 2) will require variations made to Environment Protection Licence No.12903 (the Licence) which may include changes to

discharge and monitoring requirements. Council will need to submit an application to the Environment Protection Authority to seek approval to vary the Licence.

The modifications approved under this consent (Part 3 – DAM0118/2024) include approval for a 1-year trial period of extended operating hours at the Food Organics and Garden Organics processing facility, subject to the Recommended Conditions of Approval 'Organics facility hours of operation' dated 4th of March 2025. This recommended condition is taken to be a condition of this development consent, and supersedes the hours of operation stated in Item 2 on Page 3 of the original Environmental Protection Authority's General Terms of Approval (Notice No. 1527988, dated 7th of May 2015) to the extent of any inconsistencies.

A8 Works Excluded from Consent

No reconfiguration works of the vehicular access point on Buckleys Road form part of this development consent.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Initial Geotechnical Report

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers shall be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. recommended structure footing types and founding depths,
- g. requirement for subsurface drainage lines, and
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

B2 Soil and Water Management Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan (SWMP). The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials,
- e. control surface water flows through the development construction site on a manner that:
 - i. diverts clean run-off around disturbed areas
 - ii. minimises slope gradient and flow distance within disturbed areas
 - iii. ensures surface run-off occurs at non-erodible velocities
 - iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping),
- g. specifies measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures, and
- j. including measures to prevent the tracking of sediment off the site.

B3 Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with Dunmore Resource Recovery Development Surface Water Assessment prepared by Hyder Consulting Pty Ltd on 17.12.2014, and Stormwater Concept Management Plan prepared by Hyder Consulting on 19.03.2015,
- b. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- c. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- d. show that overflow drainage paths are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- e. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- f. drainage and all drainage infrastructure must be wholly contained within the subject property, and
- g. be to the satisfaction of the Certifying Authority.

B4 Stormwater Discharge to Natural Watercourse

Stormwater discharge point to the natural watercourse must be protected against erosion.

Details are to be submitted and be to the satisfaction to the Certifying Authority prior to the release of the Construction Certificate.

B5 Car Parking Spaces - Dimensions

All car parking spaces must have minimum dimensions and access aisle widths in accordance with the approved plans. The car spaces for people with a disability must be designed in accordance with AS 2890.6 (or subsequent amendments). Details to be provided on plans submitted with the Construction Certificate application.

B6 Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

B7 Landscape Plan Required

Two copies of a landscape plan prepared by a landscape architect must be submitted with the Construction Certificate application. The Certifying Authority must be satisfied that the landscape plan has been prepared in accordance with the approved concept landscape design referred to on condition A3, with Shellharbour City Council's *Development Control Plan* and the following requirements:

- a. The use of the plant species *Crinum pedunculatum* must be limited. Additional planting of *Doryanthes excelsa* shall be incorporated into the proposed plant selection. *Crinum pedunculatum* attracts a caterpillar that devours these plants which detracts from the visual amenity of the landscape.
- b. Landscape along Buckleys Road must include at least 5 trees that will reach heights on maturity similar to the existing trees that are proposed for removal.
- c. Any removal of perimeter trees along the north and south eastern boundaries must be replaced with tree species selected from the surrounding vegetation communities. The intent of this requirement is to maintain screening of the existing and proposed development. This measure is to also be included in the Site Management Plan (SMP).
- d. The plan must identify all trees and vegetation to be retained and to be removed. This includes trees identified as Swamp Oak Fringing Forest in proximity to the proposed windrow composting area.

B8 Protection of Trees on Site

Existing site trees to be retained that are in proximity to the proposed works must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree,

- b. have a minimum height of 1.5m, and
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

B9 Acid Sulfate Soils

An Acid Sulfate Soil Management Plan (ASSMP) must be provided to the Certifying Authority prior to the issue of the Construction Certificate. The Plan must be prepared in accordance with the *NSW Acid Sulfate Soil Manual 1998*. The ASSMP may form part of the Construction Environmental Management Plan (CEMP) to be prepared for the site.

In the event that acid sulfate soils are encountered, the ASSMP must be activated to address and minimise any adverse impacts of acid sulfate soils on site.

B10 Construction Environmental Management Plan

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan must be prepared and must incorporate the environmental mitigation measures as revised dated 19 June 2015 referred to in condition A3.

B11 External Materials & Colours

The external material/s and colour/s selected for the roof and external cladding of the buildings that exceed 9m in height must be non-reflective or have low-reflectivity and have a colour that will provide a neutral appearance the surrounding backdrop. Details to be submitted with the Construction Certificate application.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

C2 Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

C3 Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,

- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in civil engineering.

C4 Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

Council records indicate that acid sulfate soils may be present in this area. The engineer's design must make specific reference to acid sulfate soils as a consideration.

C4 Protection Fencing

The site tree protection fencing must be installed prior to works commencing.

C5 NSW Environmental Protection Authority Approval to Licence

New Condition – DA No. 523/2014 (Part 2)

Prior to the commencement of works the applicant must seek approval for all variations required by the New South Wales Environment Protection Authority (EPA) to the existing Environmental Protection Licence No. 12903 for the approved development.

PART D - DURING DEMOLITION & CONSTRUCTION WORKS

D1 Hours of Work During Demolition and Construction Work

Noise generating activities, including excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 6pm Mondays to Fridays
- 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays.

D2 Maintenance of Soil and Water Management Plan (SWMP)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D3 Endeavour Energy Assets

No stockpiling of excess materials or site sheds are permitted in the easement areas.

Access to the existing electricity infrastructure on and adjacent to the site must be maintained at all times. The intent of this is to ensure that electricity supply to the community is not interrupted.

As the proposed development will involve work near electricity infrastructure, workers run the risk of an electric shock and causing damage to plant and equipment. Workers, including contractors, in the vicinity of the easement areas should be informed of associated risks and work safety practices. Safety training resources can be downloaded from Endeavour Energy's website

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw+homepage/communitynav/safety/safety+brochure>

D4 Acid Sulfate Soils Management Plan

Works must comply with the Acid Sulfate Soil Management Plan.

D5 Demolition - WorkCover, AS 2601 & Work Health & Safety Act 2011

Demolition work must:

- a. be carried out in accordance with the requirements of the WorkCover Authority of New South Wales,
- b. be carried out in accordance with the *Work Health & Safety Act 2011*,
- c. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos, and
- d. be carried out in accordance with the provisions of AS 2601- 2001: *The Demolition of Structures* (or subsequent edition/s).

D6 Building Height - Survey Certification

The building must not exceed the height shown on the approved plans.

A report from a registered surveyor must be provided to the Certifying Authority on completion of the roof frame, prior to covering the roof, certifying that the height of the building is in accordance with the approved plans.

Building refers to the transfer facility building and the organics building.

D7 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

D8 Signage

When the new entry signage structure is installed, the existing entry sign must be removed at this time.

When the new directional signage is installed, the existing wall signage on the Revolve Centre building must be removed at this time.

D9 Protection Fencing

The tree protection fencing must be maintained intact at all times throughout the period of demolition and building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

PART E - PRIOR TO OCCUPATION

E1 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

E2 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

E3 Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Certifying Authority by a registered surveyor certifying compliance of all drainage works 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. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

E4 Completion of Landscape Works

Landscape works must be carried out in accordance with the approved Landscape Plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in **writing before any changes are made.**

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

E5 Environmental Management Plan

Modified Condition – DA No. 523/2014 (Part 2)

Prior to the issue of an Occupation Certificate a Site Management Plan must be prepared to include the environmental mitigation measures as detailed in the Environmental Impact Statement (EIS) and Modification Report referred to in condition A3. The site management plan must also include operational odour management provisions for the leachate system.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The storage of goods on the site which exceed the quantities listed in Table 1 – Screening Method To Be Used of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines) is prohibited.

Furthermore the development is prohibited from transporting to and from the site any dangerous goods which exceed the quantities listed in Table 2 – Transporting Screening Thresholds of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines).

G2 Perimeter Vegetation

The removal of any perimeter vegetation along the north east and south east boundaries must be re-established with suitable screening species.

Development Application No. 523/2014 (Part 3) DAM0118/2024
Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckleys Road Dunmore



Department of
Primary Industries
Office of Water

Contact: Keti Nikolovski
Phone: 02 4224 9738
Fax: 02 4224 9740
Email: keti.nikolovski@dpi.nsw.gov.au

The General Manager
Shellharbour City Council
PO Box 155
SHELLHARBOUR CITY CENTRE NSW 2529

Our ref: 10 ERM2015/0127
File No: 9059366
Your Ref: DA 523/2014

Attention: Tim Collins

16 June 2015

Dear Tim

**Re: Integrated Development – 44 & 58 Buckleys Road, Dunmore –
Dunmore Resource Recovery Redevelopment – Relocation of existing leachate ponds**

I refer to the Memorandum of 2 June 2015 from Hyder Consulting Pty Ltd in response to the NSW Office of Water's (NOW) request for further information.

The NOW acknowledges Hyder's advice provided by Environmental Earth Sciences that it is **unlikely** groundwater will be intercepted as a result of the proposed works.

Should groundwater be intercepted during the course of the subject works, the interim position by NOW for the regulation of aquifer interference activities is as follows :

- **Temporary dewatering (take of water for up to 12 months)**
 - Where the take of water is less than 3ML per year – **exempt** from obtaining approval from NOW;
 - Where the take of water is greater than 3ML per year – a Part 5 licence is required under the *Water Act 1912*.
- **Ongoing take (longer than 12 months)**
 - The ongoing take of water (continuing take from a groundwater source and/or a connected surface water source) by an aquifer interference activity will require a water access licence and approval under the *Water Management Act 2000* (WMA).

Please direct any questions regarding this correspondence to Keti Nikolovski, keti.nikolovski@dpi.nsw.gov.au.

Yours sincerely

Keti Nikolovski
Water Regulation Officer
Water Regulation Group | Sydney & South Coast
NSW Department of Primary Industries | NSW Office of Water

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2520

Attention: Mr Grant Meredith

Notice Number 1527988
File Number EF15/798
Date 07-May-2015

Dear Sir

Dunmore Resource Recovery Facility Redevelopment - DA523/2014
Buckleys Road, Dunmore

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the redevelopment of the Dunmore Resource Recovery Facility received by the Environment Protection Authority (EPA) on 15 January 2015.

On 25 February 2015, the EPA wrote to Council requiring further information in relation to the proposal. Council has since provided the additional information.

The EPA has completed its review of the information provided and has determined that it is able to vary the existing environment protection licence to allow the proposal to proceed, subject to a number of proposed licence conditions. These proposed licence conditions are provided in attachment A, and are to be read in addition to the conditions currently included in environment protection licence no. 12903. The EPA has also provided some general comments in attachment B that Council may wish to consider when drafting the conditions of consent.

Please note that the proposed licence conditions relate to the development as proposed in the documents and information currently provided to the 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 the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



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If you have any questions, or wish to discuss this matter further please contact Megan Whelan on (02) 4224 4109.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cate Woods', written over a dotted line.

Cate Woods

A/Manager Regional Waste Compliance

Waste & Resources - Waste Management

(by Delegation)

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

ATTACHMENT A: General Terms of Approval

Integrated Development Application - Dunmore Resource Recovery Facility Redevelopment
DA523/2014 - Buckleys Road, Dunmore

1. Information supplied to the EPA

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

- a) the development application DA523/2014 submitted to Shellharbour City Council on 17 December 2014;
- b) "Environmental Impact Statement - Dunmore Resource Recovery Redevelopment, Hyder Consulting, December 2014"; and
- c) all additional documents supplied to the EPA in relation to the development, including the "Response to Additional Information Request, Hyder Consulting, 19 March 2015".

2. Hours of operation

- All construction work at the premises must only be conducted between:
 - a) 7am and 6pm weekdays; and
 - b) 8am to 1pm on Saturday
- Activities at the premises, other than construction work, may only be conducted between:
 - a) 7.30am and 4.00pm weekdays;
 - b) 8.00am and 4.00pm weekends and Public Holidays; and
 - c) Closed Christmas Day and Good Friday

3. Dust

- Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- Vehicles leaving the premises must not track materials onto external surfaces.

4. Air Quality Management Plan

- For all dust and odour emission sources at the site the licensee must prepare an air quality management plan that includes, but is not limited to:
 - Key performance indicator(s);
 - Monitoring method(s);
 - Location, frequency and duration of monitoring;
 - Record keeping;
 - Response mechanisms; and

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



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- *Compliance reporting.*
- The air quality management plan must be implemented prior to the commencement of works to redevelop the facility.

5. Assessment of Biofilter

Within the first six months of operation, the licensee must undertake an assessment of odour from the bio-filter under usual operating conditions. A report detailing the results of the assessment must be submitted to the EPA by the end of the first six months of operation. If the operation is to continue, the bio-filter must perform at least to the standard assumed in the Environmental Impact Statement.

6. Waste

- The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Virgin Excavated Natural Material	As defined in Schedule 1 of the POEO Act, in force from time to time	Waste Storage, Resource Recovery	NA
NA	Building and Demolition Waste		Waste Storage, Resource Recovery	
NA	Garden Waste		Waste Storage, Resource Recovery, Composting	
NA	Wood Waste		Waste Storage, Resource Recovery, Composting	
NA	Food Waste		Waste Storage, Resource Recovery, Composting	
NA	General Solid Waste (non-putrescible)		Waste Storage	
NA	Asbestos Waste		Waste Storage	
NA	Waste Tyres		Waste Storage	

- The quantity of waste composted at the premises must not exceed 50,000 tonnes per annum.
- The quantity of waste processed at the premises must not exceed 50,000 tonnes per annum.
- The height of any stockpile on the premises must not exceed 6 metres.
- Stockpiles of waste, waste derived substances and/or recovered substances (including stockpiled substances already processed or partially processed) must not exceed the following limits at any time:
 - Processed and unprocessed garden waste and wood waste - 10,000 tonnes;
 - Unprocessed and processed building and demolition waste - 15,000 tonnes;
 - Virgin excavated natural material (VENM) - 5000 tonnes; and
 - Metal - 500 tonnes.

7. Meteorological Monitoring

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- The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identifi- cation no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	<u>Meteorological Monitoring</u>		<u>To be determined</u>

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

POINT 1

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4

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General Terms of Approval - Issued



Notice No: 1527988

ATTACHMENT B: EPA General Comments

Integrated Development Application - Dunmore Resource Recovery Facility Redevelopment DA523/2014 - Buckleys Road, Dunmore

The EPA provides the following general comments in relation to the proposal:

Conditions of Consent

The EPA recommends that Council consider including the following in the conditions of consent:

A. Environment Protection Licence Variation

Prior to undertaking any works not permitted by environment protection licence no. 12903, the applicant must submit an application to the Environment Protection Authority and be issued with a licence variation.

B. Stormwater/sediment control - Construction Phase

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*.

C. Stormwater/sediment control - Operation Phase

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook*.

Waste Types

The EPA notes that the applicant proposes to receive, process, and compost food waste at the resource recovery facility. The EPA has included food waste in the waste table that forms part of the general terms of approval, but advises that it can only be added to the environment protection licence if it is included in the development consent.

Premises Details

The EPA notes that the premises details referred to in the proposal include Lot 1 DP 419907. This parcel of land is not currently included in the area covered by environment protection licence no. 12903. If the applicant intends to operate on this parcel of land, it must be included in the development consent, and the applicant must submit a licence variation application to the EPA, together with a map indicating the proposed new premises boundary.

Meteorological Monitoring

Conducting meteorological monitoring at the site would assist with appropriate dust suppression and odour management. The EPA recommends that a meteorological monitoring station be installed at the site, and has included this in the above General Terms of Approval. However, the EPA recognises that the station may be better placed on

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



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the Landfill site under environment protection licence no. 5984. The applicant may contact the EPA to discuss the proposed licence condition.

Waste Regulation

There have been some recent changes to Environment Protection Legislation in NSW that will affect the applicant, whether or not the proposal goes ahead. Under the *Protection of the Environment (Waste) Regulation 2014*, a levy liability will apply to all EPA-licensed waste facilities. Each of these facilities will also be required to install a weighbridge to accurately record waste movements. For more information about the changes, see the EPA's website: <http://www.epa.nsw.gov.au/wasteregulation/wastechanges.htm>.

**EPA Recommended Conditions of Approval – Organics Facility hours of operation
(revised operating hours)**

Added under DA 523/2014 (Part 3) DAM0118/2024



DOC25/185044

The Chief Executive Officer
Shellharbour City Council
PO BOX 155
Shellharbour NSW 2529
Via Email: Jacob.lia@shellharbour.nsw.gov.au & council@shellharbour.nsw.gov.au

Attention: Mr Jacob Lia

Revised Response to Modification Application for Development Consent (DA523/2014)

Dear Mr Lia

I am writing in response to your request for the Environment Protection Authority (EPA) to comment on the application to modify Development Consent DA 523/2014 (CNR-74888) at 44 Buckleys Road, Dunmore. The EPA currently regulates these premises through Environment Protection Licence (licence) number 12903.

The EPA provided the General Terms of Approval (GTA) issued on 7 May 2015 in Notice number 1527988 which were included in Development Consent DA 523/2014. This application seeks to modify conditions imposed in accordance with these GTAs: Hours of Operation.

On 11 November 2024 the EPA provided a response to this application (EPA Ref. DOC24/872367-5). The EPA has revised this position following subsequent operational changes at the Premises. Further changes are also pending.

In re-assessing this application, the EPA has:

a) reviewed the documents:

- *Re.Group Dunmore FOGO - Statement of Environmental Effects (3)* - ARCADIS – August 2024
- *Shellharbour FOGO Odour Assessment* – SLR Consulting Australia – 22 August 2024
- *Re.Group Dunmore* – SoundIN – 19 August 2024

b) considered the environmental performance including:

- the community odour complaints attributable to the organics processing facility, including the reduction in odour complaints in 2025,
- the ongoing poor management practices at the facility,
- the recent and proposed infrastructure and procedural upgrades and management system improvements, which are or will be listed in the licence.

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

Phone:
131 555
Email:
info@epa.nsw.gov.au
Website:
epa.nsw.gov.au

Visit:
6 Parramatta Square
10 Darcy Street
Parramatta NSW 2150
Mail:
Locked Bag 5022
Parramatta NSW 2124





While no proposed improved infrastructure is proposed as part of this application, the EPA are currently finalising licence changes, in consultation with Council and the contractor, which will require improved operational practices at the premises.

Trial

Considering:

- recent surface repair / reinstatement works undertaken at the Premises
- current negotiations on a draft licence variation, and
- improved odour performance in 2025 (0 in February 2025).

the EPA are willing to support a one-year trial of extended operation following the issuing of an updated version of EPL 12903 as proposed by the EPA.

The attached recommended conditions of approval permit the trial of the additional hours following the issue of the varied licence with new operational conditions.

The EPA is happy to meet with Council further to discuss this matter if necessary.

Please contact Fergus Cowan if you wish to discuss this matter further on 02 4224 4132 or via email at fergus.cowan@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fergus Cowan'.

4 March 2025

FERGUS COWAN
OPERATIONS OFFICER

Attachment: Recommended Conditions of Approval

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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Recommended Conditions of Approval

Organics facility hours of operation

1. The organics processing facility may operate between:

Day	Hours of Operation
Monday to Friday	External operations: 7.30am to 4pm Internal operations: 7.30am to 4pm
Saturday, Sunday and public holidays (excluding Christmas Day and Good Friday)	External operations: 8am to 4pm Internal operations: 8am to 4pm

2. Between 11 April 2025 and 11 April 2026, the organics processing facility may operate with the extended operating hours, as a trial, as detailed below. The trial is subject to draft Notice of Variation of Licence no.12903 (Notice. 1645821) being issued by the EPA and the following parameters (a) and b)) being met throughout the trial period:

- a) Compliance with all conditions of Environment Protection Licence number 12903, including completion of Pollution Reduction Programs; and
- b) Good odour performance (no to minimal odour impacts reported by the surrounding community).

Day	Hours of Operation
Monday to Friday	External operations: 7am to 6pm Internal operations: 6am to 6pm
Saturday, Sunday and public holidays (excluding Christmas Day and Good Friday)	External operations: 7am to 4pm Internal operations: 6am to 6pm

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REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes – Project Specific

ANP1 Compliance with *Building Code of Australia*

Council has not carried out a detailed assessment of this application with regard to compliance with the *Building Code of Australia*.

The Principal Certifying Authority, prior to determining the Construction Certificate application, must assess compliance with the *Building Code of Australia* and all related standards and legislation.

ANP2 Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

ANP3 Landscape Inspection Fee

If Council is appointed the Principal Certifying Authority, landscaping will be inspected. An inspection fee will be charged in accordance with Council's *Fees and Charges*.

ANP4 Sydney Water Information

Sydney Water has produced a Land Development Manual. The manual outlines the process for getting a Section 73 Certificate in a single, easy to read document. The manual is available from the [Land Development](#) page in the Plumbing, Building & Developing section of the Sydney Water website.

Advisory Notes – General

AN1 Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

It is recommended that you discuss with your Principal Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

AN2 Erection of Signs

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal

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Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckleys Road Dunmore

contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

AN3 WorkCover Authority

The requirements of WorkCover Authority must be satisfied at all times.

AN4 Obstacle Height Limitation - Airport

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

AN5 Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non compliance

AN6 Lapsing of Development Consent

In accordance with section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

AN7 Right to Appeal

If you are dissatisfied with this decision, section 97 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

AN8 Review of Determination

If you are dissatisfied with this decision, section 82A of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

AN9 To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation **unless and until** the **written** authorisation of Council is received by way of an amended consent.

AN10 Prescribed Payment System Tax Obligations

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

AN11 Dial Before You Dig

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

AN12 Telecommunications Act 1997 (Commonwealth)

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

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under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

AN13 Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au. Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd
PO Box 6507
SILVERWATER NSW 2128

Attention: Land Services Department

END OF CONDITIONS