

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

**DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979  
RA20/1001

**TO:**

Soilco Pty Ltd  
PO Box 199  
UNANDERRA NSW 2526

**being the applicant(s) for RA20/1001 relating to:**

135 Wogamia Rd, LONGREACH - Lot 2 DP 865094

**APPROVED USE AND OR DEVELOPMENT:**

Designated and Integrated development to continue with and increase the current operations of a quarrying and composting facility (waste or resource management facility) to import up to 98,000 tonnes per annum (tpa) of materials to undertake the following activities:

- Receipt, processing, composting and storage of up to 78,000 tpa of waste material, such as food waste, organics, manure and biosolids.
- Receipt, processing, storage and blending of up to 20,000 tpa of Virgin Excavated Natural Material (VENM).
- Receipt and processing of drilling mud (15,000 tpa). The combined total of imported VENM and drilling muds is not to exceed 20,000 tpa.
- Construct and operate new infrastructure to support the increased operations.
- Continued quarrying of up to 15,000 tpa of sands and soils.

**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 a waste or resource management facility, to continue with and increase the current operations of a quarrying and composting facility to import up to 98,000 tonnes per annum (tpa) of materials to undertake the following activities:

- Receipt, processing, composting and storage of up to 78,000 tpa of waste material, such as food waste, organics, manure and biosolids.
- Receipt, processing, storage and blending of up to 20,000 tpa of Virgin Excavated Natural Material (VENM).
- Receipt and processing of drilling mud (15,000 tpa). The combined total of imported VENM and drilling muds is not to exceed 20,000 tpa.
- Construct and operate new infrastructure to support the increased operations.
- Continued quarrying of up to 15,000 tpa of sands and soils.

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
Proposed Site Layout Plan	-	SOILCO Pty Ltd	04/06/2021
General Site Layout Plan	Job No. TW20003 Drawing No. C-101	Talis Consultants	15/04/2020 (Revision A)
Concept road widening plans	Reference No. TC21005	Talis Consultants	10/03/2021, 12/03/2021 & 10/05/2021 (Revision A & B)
Proposed Amenities Building Plan and Elevations	Job No. 2104 Drawing No. 2100 & 4000	Stuart Mason Designs	18/06/2021 (Revision 04)
Proposed Amenities Building Floor Plan	Reference No. 63tcq 723 Soilco	Leased Portable Buildings NSW Pty Ltd	-
Environmental Impact Statement – Wogamia Quarry and Composting Facility	-	SOILCO Pty Ltd	03/11/2020 (Version 3)
Environmental Noise Impact Assessment Report	Reference No. 1903014E-R	Harwood Acoustics	29/10/2020 (Revision A)
Odour and Dust Assessment Report	Project No. 0503963	ERM Australia Pacific Pty Ltd	29/10/2020 (Revision R4)

Traffic Impact Report	Reference No. CRPT- 19010305.01B	Jones Nicholson Pty Ltd	28/05/2019 (Revision B)
Arboricultural Impact Assessment Report	-	Tree Management Strategies	18/05/2021

*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 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

## 3. **Occupation / Use**

The development must not be occupied or used before an Occupation Certificate has been issued by the 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. **Surrender of Consent**

Prior to the commencement of the use, the person having benefit of this consent must surrender the consent relating to DA95/3205 (as modified) for "Sand and soil quarry and processing, stockpiling, distribution of sand, soil and associated materials and composting of materials" by submitting an application for [Surrender of Consent or Existing Use Right – Voluntary Application](#) to Council in accordance with the *Environmental Planning and Assessment Regulation 2000*.

## 5. **Native Vegetation and Habitat**

The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans.

## 6. **Crown Land**

No approval is granted as part of this consent to:

- a) Encroach upon the adjacent Crown land;
- b) Remove any vegetation from the adjacent and adjoining Crown land;
- c) Stockpile materials, equipment or machinery on the adjacent or adjoining Crown land,
- d) Use the adjacent and adjoining Crown land as access;
- e) Direct stormwater discharges, septic or contaminated waste on the adjacent and adjoining Crown land; or

- f) Use the adjacent and adjoining Crown land as effluent management zones or as asset protection zones.

**7. Amenities Building and Awning**

No approval is granted as part of this consent for the construction of any building or structure other than the referenced amenities building and awning to be attached to the existing site office.

**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, Reference No: 1599328, dated 1 December 2020, are included as conditions of this consent (as attached) and must be complied with.

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

**9. Design Approvals and Completion of Works**

Prior to the commencement of increased production on the site as approved by this consent or within 12 months from the date of this consent (whichever occurs first), certified engineering design plans and specifications for upgrades to Wogamia Road and Longreach Road must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor in accordance with this consent, Council's Engineering Design and Construction Specifications, and approved by Council.

The approved works must be completed to the satisfaction of Council before the increased production and importation of material for composting to the site can commence or within 12 months from the date of this consent (whichever occurs first).

**10. Air Quality and Odour Management Plan**

Prior to the commencement of increased production on the site as approved by this consent, the proponent must prepare, implement and maintain (in consultation with a recognised odour control specialist) an Air Quality and Odour Management Plan describing measures to minimise odour impacts associated with the operation.

The Plan must include, but not necessarily be limited to:

- a) objectives and targets;
- b) key performance indicators;
- c) identification of all sources of odour associated with the operation;
- d) a detailed description of the odour mitigation methods and management practices to ensure offensive odour impacts do not occur off-site. Mitigation and management measures identified in Section 9 of the Odour and Dust Assessment Report by ERM Australia Pacific Pty Ltd (Project No. 0503963, Revision R4, dated 29/10/2020).
- e) benchmarking of the plant design and management practices at the premises against industry best practice for minimising odour emissions;

- f) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all sources of odour associated with the operation;
- g) location, frequency and duration of monitoring;
- h) details of proposed contingency measures should odour impacts occur;
- i) a communications strategy for handling potential odour complaints that includes recording, investigating, reporting and actioning;
- j) system and performance review for continuous improvement
- k) an odour complaints register must document investigations undertaken to identify the cause(s) of odour and action(s) to rectify the complaints.

11. The development must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures and any best practice or contingency measures identified in the Air Quality and Odour Management Plan as not currently implemented at the site.

#### 12. **Traffic Noise Management Strategy**

A Traffic Noise Management Strategy (TNMS) must be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

- a) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
- b) best noise practice in the selection and maintenance of vehicle fleets;
- c) movement scheduling where practicable to reduce impacts during sensitive times of the day;
- d) communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;
- e) a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;
- f) specific procedures for drivers to minimise impacts at identified sensitive receivers;
- g) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

#### 13. **Environmental Management Plan**

Prior to the commencement of works, an Environmental Management Plan prepared in accordance with the Environmental Impact Statement – Wogamia Quarry and Composting Facility by SOILCO Pty Ltd (Version 3, dated 03/11/2020) must be submitted to Council's Senior Environmental Health Officer for approval and include:

- a) Noise controls and attenuation measures as recommended by the Environmental Noise Impact Assessment Report by Harwood Acoustics (Reference No. 1903014E-R, Revision A, dated 29/10/2020).

- b) Dust and odour suppression management as recommended by the Odour and Dust Assessment Report by ERM Australia Pacific Pty Ltd (Project No. 0503963, Revision R4, dated 29/10/2020).

#### 14. **Construction Traffic Management Plan**

Prior to the commencement of works within the road reserve, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Ongoing management of heavy vehicles accessing the development site during road construction activities
- b) Stabilised site construction access location
- c) Proposed haulage routes for delivery of materials to the site
- d) Proposed haulage routes for spoil disposal from the site
- e) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
- f) Parking arrangements for construction employees and contractors
- g) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- h) Loading / unloading areas
- i) Requirements for construction or work zones
- j) Pedestrian and cyclist safety
- k) Speed zone restrictions.

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

Prior to the commencement of site works, run-off and erosion controls must be implemented 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.

#### 16. **Existing Infrastructure**

Prior to the commencement of works in the road reserve, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

**17. Erosion and Sediment Control Plan (ESCP)**

Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004. The Erosion and Sediment Control Plan (ESCP) associated with the external road works must be submitted to and approved by Council.

All implemented measures must:

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

**18. Road Design Standards Rural – Existing**

Prior to the commencement of works in the road reserve, certified road design engineering plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The road design must comply with the following:

- a) The existing road pavement on Wogamia Road must be upgraded to a bitumen sealed standard within the road reserve from the intersection of Longreach Road to the access point of the site, generally in accordance with the concept road widening plans by Talis Consultants (Job No. TC21005, Revision A & B, dated 10/03/2021, 12/03/2021 & 10/05/2021).
  - i) The seal must be generally 6m wide, with widening to 7m where site conditions allow and as shown on the approved concept plans.
  - ii) The pavement and seal must be designed to an industrial standard to cater for the anticipated heavy vehicle traffic, in accordance with Council's Engineering Design Specifications - Section D2 - Flexible Pavement Design having a compacted pavement depth of 200mm minimum, subject to geotechnical testing.
  - iii) Where the 6m road width cannot be achieved due to existing culverts, the plans should demonstrate the maximum achievable road width between the existing culverts, and include commentary on safe sight distance/stopping/passing opportunities at the constricted locations to demonstrate ongoing heavy vehicle management. Where the constricted areas are considered safe by Council, local narrowing at the culverts is permissible.
  - iv) Where the road widening between Ch. 450-730 results in the road carriageway being brought closer to existing power poles, the widening should be provided on the opposite side of the road to the power poles, with suitable tapers to transition between the alignments. Where this is not possible due to existing vegetation or other constraints, the plans should demonstrate the maximum achievable road width without reducing clearance to the poles and include commentary on safe sight distance/stopping/passing opportunities at the constricted locations to demonstrate ongoing heavy vehicle management. Where the constricted areas are considered safe by Council, local narrowing at the power pole locations is permissible.
  - v) Where road widening encroaches upon or requires adjustment to any existing batters, the slope must be certified as safe by a professional Geotechnical Engineer (as defined in the National Construction Code). Where the slopes are identified as unsafe, recommendations for stabilisation by the Geotechnical Engineer must be submitted to Council for approval prior to implementation.

- b) The intersection of Longreach Road and Wogamia Road must be upgraded as required by DS13/1445 (being a modification to DA95/3205), generally in accordance with the civil design plans by Jones Nicholson Pty Ltd (Reference No. 17010086, Amendment A, dated 24/11/2017), with the following amendments:
- i) Realignment of Pit A01 to be relocated to the bottom of the proposed batter with shaping/grading of the surrounding landscape to ensure increased pit efficiency.
  - ii) The gravel shoulder is to be tapered to join with the proposed widening works to Wogamia Road.
  - iii) The pavement and seal must be designed to an industrial standard to cater for the anticipated heavy vehicle traffic, in accordance with Council's Engineering Design Specifications - Section D2 - Flexible Pavement Design having a compacted pavement depth of 200mm minimum, subject to geotechnical testing.

These works must be completed to the satisfaction of Council before the increased production and importation of material for composting to the site can commence or within 12 months from the date of this consent (whichever occurs first).

**19. Tree Removal**

Prior to the commencement of any works, a tree removal plan must be submitted to Council for approval, confirming the location of the individual trees and native vegetation to be removed within the property and any adjacent trees to be retained and protected.

20. Prior to the commencement of any works, all trees to be removed for the proposed works, including road widening works and works within the property, are to be clearly identified onsite using flagging tape.

**21. Tree and Vegetation Protection**

Prior to the commencement of any works, the dripline (outer edge of the leaf canopy) surrounding trees to be retained must be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance to roots, or soil build-up around the base of the tree during and after clearing works in accordance with *AS 4970: Protection of trees on development sites*.

All trees identified as being retained in the Arboricultural Impact Assessment by Tree Management Strategies (dated 18 May 2021) are to be protected with temporary barrier fencing during any adjacent works.

**22. Landscape Plan**

Prior to the commencement of any works, a landscape plan prepared by a suitably qualified landscape professional is to be submitted to Council for approval showing the locations and species to be used in the offset tree planting. The trees to be planted are local native species from the native vegetation community that would have occurred at the site.

**23. Roadkill Monitoring Plan**

Prior to the commencement of any works, a roadkill monitoring plan for Wogamia Road and the southern end of Longreach Road is to be prepared by a suitably qualified person and submitted to Council for approval. The plan is to include regular monitoring and recording of all roadkill, regular

reporting of data to Council, signage including recommended reduced speed limits between dusk and dawn and signage to report roadkill incidents, adaptive mitigation measures and triggers for the adaptive mitigation including significant increase in roadkill incidents or impact to Threatened species.

The plan is to be implemented for a minimum period of three (3) years from the completion of road works approved by this consent.

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

### 24. 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.

### 25. 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	\$138.13 * 0.11	\$15.19
CWFIRE2002	Shoalhaven Fire Control Centre	\$202.07 * 0.11	\$22.23
CWMGMT3001	Contributions Management & Administration	\$574.39 * 0.11	\$3.74
			<b>\$41.16</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.

### 26. 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.

### 27. 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 (as attached) 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.

28. **Section 68 Application**

Prior to the issue of a Construction Certificate, an application 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*.

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

NIL

**PART F: DURING WORKS**

29. **Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Friday, 7.00am and 1.00pm on Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

30. **Excavation**

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.

31. **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.

32. **Aboriginal Objects Discovered During Excavation**

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

All excavation or disturbance of the area must stop immediately.

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.

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).

The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

33. **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:

All work must stop immediately in that area.

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).

In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

#### **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.
- 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 erosion and sediment control 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. Tree Removal**

To rescue any fauna using the vegetation to be removed and protect adjacent native vegetation to be retained, all clearing works are to be guided and supervised on site by a suitably qualified environmental consultant with wildlife handling experience.

- 36. All trees and native vegetation are to be retained and protected unless they are shown as being removed on the approved tree removal plan or as specified as requiring removal in the approved Arboricultural Impact Assessment Report.
- 37. Trees to be cleared must be felled into the development area carefully so as not to damage trees or vegetation to be retained in or beyond the development footprint. Tree removal must not damage surrounding trees and native understory to be retained. The removal of trees is not to leave any areas of bare soil that could result in erosion, establishment of weed or sediment runoff into adjacent waterways.
- 38. Fenced areas around the dripline of trees and all areas of native vegetation to be retained must be managed as exclusion zones during works. No storage of materials, tools, machinery, waste, disposal of liquid waste or washing of tools or equipment is to occur within areas of native vegetation to be retained. There is to be no additional clearing for materials storage or site access.

39. No sediment, waste or materials from the development are to enter adjacent waterways during construction.
40. Works (including tree removal and construction works) adjacent to the rock cliff and crevices on the northern side of Wogamia Road are to be restricted to outside of the summer months (being November-February) to avoid disturbing any Threatened microbats that may be breeding during that time.

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

### **41. 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 (as attached).

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.

### **42. Damage to Public Assets**

Prior to the issue of an Occupation Certificate, any infrastructure within the road reserve, along the frontage of the subject site, or in proximity, which has been damaged as a result of construction works, must be repaired by the developer to the satisfaction of Council.

### **43. Landscaping Compliance**

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plan.

### **44. Upgrading of Flood Bund Wall**

Prior to the issue of an Occupation Certificate, the upgrading of the existing flood bund wall, the subject of DA15/1259, must be completed and certification from a qualified structural engineer provided to Council, along with a bund inspection and maintenance program.

### **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).

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

NIL

## PART I: ONGOING USE OF THE DEVELOPMENT

### 46. Hours of Operation – Reviewable Conditions

Hours of operation of the quarry and stockpile processing operations are limited to:

- a) 6:00am to 6:00pm Monday to Friday; and
- b) 6:00am to 4:00pm on Saturdays.

The only operations permitted on Sundays and Public Holidays are limited to the turning of windrows and composting stockpiles. These operations are limited to a maximum of 25 Sundays or Public Holidays between the hours of 9:00am and 4:00pm. In this regard, a record is to be kept of all such operations on Sundays and Public Holidays and such records are to be available for inspection by Council staff on request. A copy of these records is required to be submitted as part of the Environmental Management Plan as required by Condition 13 of this consent.

This condition is imposed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 for a period of 12 months after which the hours are to revert to the existing reduced hours approved as part of DA95/3205 (as modified) unless otherwise applied for. Council may review this condition at any time.

*Note: An application for review or appeal under Part 8 of the Act may be made in relation to a decision to change this condition.*

### 47. Hours of operation of truck haulage to and from the site associated with the quarry, processing and distribution activities are limited to 6:00am to 6:00pm Monday to Friday, and 6:00am to 4:00pm on Saturdays.

Furthermore, substantially reduced truck movements, that is a maximum of 20 heavy vehicle movements per week, are permitted between 6:00pm and 10:00pm Monday to Saturday and 8:00am to 6:00pm Sunday and Public Holidays. A maximum of a further five (5) may be between 10:00pm and 6:00am but none between 10:00pm and 8:00am on a Saturday evening or the night preceding a Public Holiday. In this regard, a record is to be kept of all such vehicle movements within these hours and such a record is to be provided to Council every three (3) months.

This condition is imposed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 for a period of 12 months after which the hours are to revert to the existing reduced hours approved as part of DA95/3205 (as modified) unless otherwise applied for. Council may review this condition at any time.

*Note: An application for review or appeal under Part 8 of the Act may be made in relation to a decision to change this condition.*

### 48. Review Period – Intersection Works

A 12-month review period from the date of this consent will apply during which traffic volume monitoring on Wogamia Road can be undertaken by an independent consultant or Council, to determine the adequacy of the intersection upgrades as approved under DS13/1445 (being a modification to DA95/3205). Where actual traffic counts warrant additional upgrades as required under AUSTROADS guidelines, additional upgrade works must be undertaken to comply. Design plans for any additional upgrade works must be submitted to and approved by Council with the works to be completed within 12 months of the end of the review period.

**49. Dilapidation Report – Condition of Wogamia Road**

Every 12 months commencing from the date of the commencement of increased production on the site as approved by this consent, a report is to be provided by a competent person to Council detailing the condition of Wogamia Road from the site up to and including the intersection with Longreach Road.

The report is to detail any remedial action to be undertaken to upgrade deteriorated portions and the time period in which to commence and complete the works as specified in the report. All repairs must be completed by the operator at their cost.

**50. Traffic Impact Report – Compliance**

The number of annual heavy vehicle movements to and from the site must not exceed the rates identified within the Traffic Impact Report by Jones Nicholson Pty Ltd (Reference No. CRPT-19010305.01B, Revision B, dated 28/05/2019). Weighbridge records to confirm the compliance with the limit on heavy vehicle movements must be retained and provided to Council every three (3) months.

**51. 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.

**52. Environmental Management Plan**

Activities on the subject property must be in accordance with the approved Environmental Management Plan (EMP). The owner and occupier must comply with the actions and requirements of the approved EMP.

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

There must be no removal or disturbance of indigenous vegetation on the property, including canopy trees, understorey, and groundcover vegetation, without the prior written consent of the Council or as specified in an approved consent.

## **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).

### **Submissions**

Any submissions received during the public notification period are available on [DA Tracking](#)

### **Community views**

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

### **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.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only 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.

### Use of drilling mud wastewater in composting process

The NSW Environment Protection Authority notes that the proponent is proposing to use wastewater from the dewatering of drilling mud in the composting process. The NSW Environment Protection Authority has included requirements to ensure this wastewater can be stored appropriately so it can be sampled, held prior to reuse and, if required, removed from the premises for lawful disposal. In addition the proponent is reminded that prior to this wastewater being added to the composting process they will need to apply for a specific Resource Recovery Order for the output material under Clause 93 of the Waste Regulation.

### Consultation on updated air impact assessment

It is essential to confirm that the owners and occupiers at receptor R1 are aware of the revised air modelling results. The NSW Environment Protection Authority requests that the proponent discuss and present the results of the updated modelling with the residents at receptor R1. The proponent must provide written evidence of the following:

- a) The owners and occupiers of this property (receptor identified as R1 in the Odour and dust impact assessment) has received and reviewed the updated air quality and odour impact assessment. Whilst the results are similar to those previously presented, it should be noted that a results analysis has now been included. This analysis shows additional information that can help better understand the level of risk related to the modelling as well as the times and hours during the day when the predicted odours will be above the adopted criterion at each assessed receptor.
- b) Apart from stating that the owners and occupiers of this property (R1) support the proposed operations, demonstrates that there is a negotiated agreement with regard to acceptable odour performance (from the proposed operations) between the receptor (R1) and the proponent.

### 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:

**THIS NOTICE ONLY APPLIES WHERE AN OPERATIONAL  
DEVELOPMENT CONSENT HAS BEEN GRANTED**

**SHOALHAVEN WATER**

(A Group of Shoalhaven City Council)

**DEVELOPMENT APPLICATION NOTICE**

(This Notice is given under Section 306 of the Water Management Act 2000)

Applicant's Name	<b>David Schumacher, SOILCO</b>
Applicant's Address	<b>PO BOX 199 UNANDERRA NSW 2526</b>
Development Type	<b>Increasing Capacity of Waste and Resource Management Facility</b>
Stage	-
House No.	-
LOT No.	<b>Part Lot 2</b>
DP	<b>865094</b>
Section	-
Parish	-
Street	<b>Wogamia Road</b>
Location/Town	<b>LONGREACH</b>
File No.	<b>RA20/1001</b>
Date Completed	<b>19-07-2021</b>

- The notes, conditions/requirements (including fees/charges) listed on subsequent page/s are based on the Development Application referral or written application for a Certificate of Compliance, submitted to Shoalhaven Water on: 23-7-2020.

***Please note:- Contributions/fees/charges payable will be those applicable at the time of payment and in accordance with Council's then current Management Plan (List of Council's Fees of Charges and Rentals).***

- Any alterations whatsoever to the development will require review of the conditions/requirements listed and may require subsequent amendment.
- If staging of the development is to occur application for amended conditions/requirements will be required in writing to Shoalhaven Water.
- Where conditions stated on this NOTICE under "PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE" are required to be complied with no construction works are to commence without written consent from Shoalhaven Water.
- The applicant must certify the completion of all the following conditions/requirements prior to the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000.

- **Documentation/receipts/etc supporting each claim against the conditions/requirements listed in this Notice are to be submitted with this Notice to enable determination by the Water Supply Authority prior to the granting of a Certificate of Compliance.**

All development inquiries in relation to the provided development application notice to be directed through the appropriate council email [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

- **For further information please contact Shoalhaven Water.**

### **How the Water Development Notice Works**

The Notice is made up of different parts and will need to be submitted as the development progresses, generally the parts are:

- Prior to demolition,
- Prior to issue of Construction Certificate,
- Prior to commencement of construction works,
- During construction of works,
- Prior to “issue of Occupation Certificate” or “release of Subdivision Certificate” or “issue of licence to operate”.

As you complete each condition you initial and date the ‘Applicant Certification’ column for each part. You must keep all relevant documentation together with the Notice. This may include:

- Receipts of payments (eg, Section 64 Charges, contribution to meter fees, pressure sewer unit fees, building over sewer checking fee, etc),
- Documents and infrastructure plans approved by Shoalhaven Water (eg, Pressure Sewer Site Plan, Water and/or Sewer Main Plans, etc),
- Documents (eg, water meter sizing calculations, sewer sizing calculations, etc).

### **The relevant information must accompany the Notice when submitted for sign off by Shoalhaven Water.**

You must submit the Notice to Shoalhaven Water when:

- You require a Construction Certificate or a Subdivision Works Certificate,
- Specified by the Notice to do so,
- You require an Occupation Certificate, Subdivision Certificate or a licence to operate the development (eg, caravan park).

Shoalhaven Water shall process those conditions under the heading “PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE” or ‘PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE’ for the granting of a Construction Certificate or Subdivision Works Certificate and notify the authority issuing the Construction Certificate or Subdivision Works Certificate.

Under Section 307 of the Water Management Act 2000, Shoalhaven Water must grant Certificate of Compliance once it is satisfied that all requirements as listed on the Water Development Notice have been complied with. Where the development is staged then a separate Certificate of Compliance shall be issued for each stage.

Should there be any further information or clarification required please contact Shoalhaven Water as follow:

**Phone: 02 4429 3547**

**Email: [swdevelopment@shoalhaven.gov.au](mailto:swdevelopment@shoalhaven.gov.au)**

No	Conditions/Requirements	(Please Initial & Date)	
		Applicant's Certification	S/Water's Confirmation
<b>PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE</b>  <p><b>When all conditions under this heading have been completed and signed off under the column headed "Applicant's Certification" by the applicant, then please submit the Notice to Shoalhaven Water via the following email address to be processed:</b>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <p><b>When all conditions are accepted &amp; signed off by Shoalhaven Water and the Certifier is notified by Shoalhaven Water a Construction Certificate may then be granted.</b></p>			
1	<p>Applicant shall submit in writing to Shoalhaven Water the name and contact details of the certifying authority for matters relating to the issue of a Construction Certificate.</p> <p>Name of Certifier: _____</p> <p>Contact Person: _____</p> <p>Contact Email: _____</p> <p>Contact Phone: _____</p>		
2	<p>Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of <b>\$303,587.86 (2021/22)</b> is payable for this application and is based on <b>46.152 ETs</b>.</p> <p>However, Council resolved on 3-9-2013 to allow concession to the calculated loading for all types of developments (MIN13.864).</p> <p><b>Therefore, a concessional Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0003) of \$148,504.93 (2021/22) is payable for this application.</b></p> <p><i>The applicant is advised that after the 30 June 2022 the Council resolution (MIN13.864) may <b>NOT</b> apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p> <p><b>Applicant/developer shall email Shoalhaven Water requesting an invoice be prepared and issued for payment of Section 64 Charges (when payment is to be made) via:</b>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p> <p><b>The applicant is advised that a further reduction (by way of REFUND) for the Section 64 Contribution that have been paid may be applicable subject to compliance with Council's Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments</b></p>		

	policy POL20/22 and where this part of the policy continues to apply. <b>OPTIONAL FOR DEVELOPMENTS ABOVE 2.0ETs</b>				
	Amount	Date	Receipt No.		
3	<p>The property is currently served by an existing metered service. Our records indicate that the metered service is located within Lot 6 DP 606051.</p> <p>The water service and meter for the development shall be sized by a suitably qualified person and is subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water for assessment &amp; determination.</p> <p><i>You can lodge your calculations to Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>				
4	<p>A qualified and certified person shall undertake a survey for a backflow device for site containment and the results of the survey shall be lodged with Shoalhaven Water. Please contact Shoalhaven Water Regulatory Unit, (02) 4429 3125, for further information.</p> <p><i>You can lodge your backflow survey to Shoalhaven Water via the following email address:</i>  <a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a></p>				
5	<p>The proposal indicates that road works are planned for the development. The existing DN100 AC water main (which is located within an Easement for Water Supply) and the entry road intersect.</p> <p>The applicant shall ensure that adequate cover over the existing DN100 AC main exists in accordance with Shoalhaven Water's Water Specification. A copy of the supplement is available on Shoalhaven Water's website.</p> <p><i>You can lodge your information for cover to Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>				
6	<p>Where adequate cover is found not to exist over the existing DN100 AC water main then plans shall be prepared to lower or protect the water main.</p> <p>All plans and specifications for proposed water supply works are to be submitted to and approved by Shoalhaven Water.</p> <p>Works are to be designed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1 and</li> <li>- Shoalhaven Water's Supplement to the code.</li> </ul> <p>The supplement document is available via Shoalhaven</p>				

	<p>Water's web site under Publications &amp; Forms.</p> <p><i>You can lodge your design plan with Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
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<p><b>PRIOR TO ISSUE OF OCCUPATION CERTIFICATE</b></p> <p><b>All conditions listed under this heading are to be completed prior to lodging the completed Notice for the processing and granting of a Certificate of Compliance. Please sign off each condition under the column headed "Applicant's Certification".</b></p>			
7	<p>Where approved water supply design has been granted then water reticulation works are to be constructed in accordance with:</p> <ul style="list-style-type: none"> <li>- Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1, and</li> <li>- Shoalhaven Water's Supplement to the code, and</li> <li>- Shoalhaven Water Approval document and plans.</li> </ul> <p>The supplement document is available via Shoalhaven Water's web site under Publications &amp; Forms.</p> <p><i>You can lodge your request for an inspection with Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		
8	<p>If required per the accepted backflow survey an approved backflow prevention device (as approved by Shoalhaven Water) shall be fitted by the developer, tested, and registered with Shoalhaven Water.</p> <p>Please contact Shoalhaven Water Regulatory Unit via:  (02) 4429 3125 OR  <a href="mailto:swregulatory@shoalhaven.nsw.gov.au">swregulatory@shoalhaven.nsw.gov.au</a></p> <p>for further information and to organise an inspection (where necessary).</p> <p>Please note that inspection fee/s will apply. For further information on fees please refer to Council's Fees and Charges via:  <a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a></p>		
9	<p>Satisfy all conditions, complete this Notice and submit (including lodgement of all documentation/receipts etc) to Shoalhaven Water.</p> <p><i>You can lodge your completed Notice to Shoalhaven Water via the following email address:</i>  <a href="mailto:swdevelopment@shoalhaven.nsw.gov.au">swdevelopment@shoalhaven.nsw.gov.au</a></p>		

## ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions and the provision of metered water services.**
- All non-strata and non-residential properties (**incl. dual occupancies**) will be levied water and wastewater availability charges (where applicable) based on the size and number of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Construction Certificate and/or Certificate of Compliance is requested.**
- If it is contemplated to Strata subdivide the property in the future it is recommended that the internal water lines within the property be arranged such that multiple metering (one meter per dwelling/unit/villa) can be easily installed at the time of subdivision.
- Properties are categorised, and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**
- **All works are at the developer's expense unless specified otherwise in writing.**

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's  
Name  
(Please Print)

Applicant's  
Signature

Date

/ /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer

Date

/ /

# General Terms of Approval - Issued

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Notice No: 1599328

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

Attention: Mr Andre Vernez

Notice Number 1599328

Date 01-Dec-2020

## **RA20/1001 - Proposed receipt of additional waste types, expansion and increase in throughput Soilco Pty Limited Composting Facility - 135 Wogamia Road, Longreach**

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

I am writing to you about Shoalhaven City Council's (Council) request for General Terms of Approval (GTAs) for development application no. RA20/1001 for the proposed receipt of additional waste types, and increase in throughput and expansion of Soilco Pty Limited's (Soilco) composting facility located at 135 Wogamia Road, Longreach (the Premises) received by the Environment Protection Authority (EPA) on 23 July 2020. The EPA reviewed the initial application and requested additional information. We received the additional information on 18 November 2020 and have now reviewed all information provided.

### **General Terms of Approval provided in Attachment A**

The EPA has determined that it is able to vary the existing Environment Protection Licence No. 11542 (licence) to permit the proposal, subject to a number of conditions. The proponent will need to make a separate application to vary the existing licence for the facility.

These GTAs 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 proponent 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 GTAs need to be modified in light of the changes.

The GTAs for this proposal are provided at Attachment A. If Council grants development consent for this proposal these conditions should be incorporated into the consent. The existing licence for the Premises includes numerous mandatory conditions which will remain on the licence if Council grants development consent for this proposal.

# General Terms of Approval - Issued



Notice No: 1599328

## 1. Proposed consent conditions for consideration

In assessing the proposal, the EPA has also identified a number of environmental issues that Council may wish to consider including as conditions of consent:

### **Air**

- a. The proponent must prepare, implement and maintain (in consultation with a recognised odour control specialist) an Air Quality and Odour Management Plan describing measures to minimise odour impacts associated with the operation. The Plan must include, but not necessarily be limited to:
  - objectives and targets;
  - key performance indicators;
  - identification of all sources of odour associated with the operation;
  - a detailed description of the odour mitigation methods and management practices to ensure offensive odour impacts do not occur off-site. Mitigation and management measures identified in Section 9 of the *Revised Odour and Dust Assessment, Wogamia Composting and Manufacturing Facility (CMF), ERM Australia Pacific Pty Ltd., October 2020*.
  - benchmarking of the plant design and management practices at the premises against industry best practice for minimising odour emissions;
  - a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all sources of odour associated with the operation;
  - location, frequency and duration of monitoring;
  - details of proposed contingency measures should odour impacts occur;
  - a communications strategy for handling potential odour complaints that includes recording, investigating, reporting and actioning;
  - system and performance review for continuous improvement
  - an odour complaints register must document investigations undertaken to identify the cause(s) of odour and action(s) to rectify the complaints.
- b. The development must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures and, any best practice or contingency measures identified in the Air Quality and Odour Management Plan as not currently implemented at the site.

### **Noise**

- c. A Traffic Noise Management Strategy (TNMS) must be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:
  - driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
  - best noise practice in the selection and maintenance of vehicle fleets;
  - movement scheduling where practicable to reduce impacts during sensitive times of the day;
  - communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;
  - a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;

# General Terms of Approval - Issued



Notice No: 1599328

- specific procedures for drivers to minimise impacts at identified sensitive receivers;
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

## 2. 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 EPA to be included on the licence.

## 3. 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.

## 4. Use of drilling mud wastewater in composting process

The EPA notes that the proponent is proposing to use wastewater from the dewatering of drilling mud in the composting process. The EPA has included requirements to ensure this wastewater can be stored appropriately so it can be sampled, held prior to reuse and, if required, removed from the premises for lawful disposal. In addition the proponent is reminded that prior to this wastewater being added to the composting process they will need to apply for a specific Resource Recovery Order for the output material under Clause 93 of the Waste Regulation.

## 5. Consultation on updated air impact assessment

It is essential to confirm that the owners and occupiers at receptor R1 are aware of the revised air modelling results. The EPA requests that the proponent discuss and present the results of the updated modelling with the residents at receptor R1. If the residents still support the proposed operations, the proponent must provide written evidence of the following:

- The owners and occupiers of this property (receptor identified as R1 in the Odour and dust impact assessment) has received and reviewed the updated air quality and odour impact assessment. Whilst the results are similar to those previously presented, it should be noted that a results analysis has now been included. This analysis shows additional information that can help better understand the level of risk related to the modelling as well as the times and hours during the day when the predicted odours will be above the adopted criterion at each assessed receptor.
- Apart from stating that the owners and occupiers of this property (R1) support the proposed operations, demonstrates that there is a negotiated agreement with regard to acceptable odour performance (from the proposed operations) between the receptor (R1) and the proponent.

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

Yours sincerely

# General Terms of Approval - Issued

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Notice No: 1599328

A handwritten signature in blue ink, appearing to read 'M. Whelan'.

.....  
**MEGAN WHELAN**

**Unit Head Regulatory Operations**

**Environment Protection Authority**

(by Delegation)

# General Terms of Approval - Issued



Notice No: 1599328

## **Attachment A - General Terms of Approval - Specific licence conditions for RA20/1001**

### **Administrative conditions**

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

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

- o the development application RA20/1001 submitted to Shoalhaven City Council on xx July 2020;
- o *Environmental Impact Statement - Wogamia Quarry & Composting Facility - 135 Wogamia Road, Longreach NSW 2540 - Version 3 - November 2020*, prepared by Soilco Pty Limited and dated 12 November 2020; and
- o all additional documents supplied to the EPA in relation to the development.

#### **A2 What the licence authorises and regulates**

A2.1 The licence authorises the carrying out scheduled activities listed below at the licensed premises. The activities are listed according to their scheduled activity, classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Composting	Composting	>50,000 T annual capacity to receive organics
Waste Processing (non-thermal treatment)	Non-thermal treatment of liquid waste	Any processing capacity
Waste Storage	Waste storage - other types of waste	> 0 T stored
Resource Recovery	Recovery of general waste	>0 T recovered

### **Limit conditions**

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

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

#### **L2 Waste**

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

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

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

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The storage of waste permitted to be received at the premises is subject to the limits or conditions, if any, referred to in the column titled "Other Limits" in the table below.

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

	Waste	Description	Activity	Other Limits
NA	Food Waste	As defined in Schedule 1 of the Act, as in force from time to time	Composting Waste Storage Resource Recovery	
NA	Processed fibrous organics	As defined in Table 3 of "Environmental Guidelines: Composting and related organics processing facilities" (DEC, 2004)	Composting Waste Storage Resource Recovery	
NA	Natural organic fibrous materials	As defined in Schedule 1 of the POEO Act	Composting Waste Storage Resource Recovery	
NA	Manure	As defined in Schedule 1 of the Act, as in force from time to time	Composting Waste Storage Resource Recovery	The total combined quantity of manure and biosolids received at the premises must not exceed 5,000 tonnes in any 12 month period.
NA	Wood Waste	As defined in Schedule 1 of the Act, as in force from time to time	Composting Waste Storage Resource Recovery	
NA	Garden Waste	As defined in Schedule 1 of the Act, as in force from time to time	Composting Waste Storage Resource Recovery	
NA	Biosolids	As defined in Schedule 1 of the Act, as in force from time to time	Composting Waste Storage Resource Recovery	The total combined quantity of manure and biosolids received at the premises must not exceed 5,000 tonnes in any 12 month period.
NA	General solid waste (non-putrescible)	This waste type is limited to only compostable packaging as defined in AS4736-2006	Composting Waste Storage Resource Recovery	
NA	Virgin Excavated Natural Material (VENM)	As defined in Schedule 1 of the Act, as in force from time to time	Resource Recovery Waste storage	The total combined quantity of VENM and drilling mud received at the premises must not exceed 20,000

# General Terms of Approval - Issued



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				tonnes in any 12 month period.
NA	Drilling mud	As defined in "The treated drilling mud order 2014" issued under Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014	Waste storage Waste processing (non-thermal treatment)	The total combined quantity of VENM and drilling mud received at the premises must not exceed 20,000 tonnes in any 12 month period.

L2.2 The total quantity of waste received at the premises must not exceed 98,000 tonnes on any twelve month period.

L2.3 Notwithstanding conditions L2.1 and L2.2, the total combined quantity of the following wastes received at the premises must not exceed 78,000 tonnes in any twelve month period:

- o Food waste
- o Garden waste
- o Wood waste
- o Processed fibrous organics
- o Natural organic fibrous materials
- o Manure
- o Biosolids

## L3 Hours of Construction

L3.1 All construction work at the premises must only be conducted during the following hours:

- o 7am - 6pm Monday to Friday.
- o 8am - 1pm Saturdays

L3.2 Construction work must not be undertaken on Sundays and public holidays.

## L4 Noise

L4.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

The locations referred to in the table below are indicated by *Figure 1. Location Plan – 135 Wogamia Road, Longreach* of the updated Environmental Noise Impact Assessment (by Harwood Acoustics ref: 1903014E-R, dated 29 October 2020)

Location	Noise Limits in dB(A)				
	Morning Shoulder	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
81 Wogamia Road, Longreach	35	35	35	35	52

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(Lot 5, DP 589582)

L4.2 For the purposes of condition L4.1:

- a) Morning Shoulder means the period from 6am to 7am Monday to Saturday and the period from 6am to 8am Sunday and public holidays.
- b) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- c) Evening means the period from 6pm to 10pm.
- d) Night means the period from 10pm to 6am Monday to Saturday and the period from 10pm to 6am Sunday and public holidays.

L4.3 Standard Meteorological Conditions

- a) The noise limits set out above 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 0.5m/s at 10m above ground level
Evening	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level

- b) For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

L4.4 For the purposes of condition L4.3:

- d. The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Nowra RAN Air Station**.
- e. 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).

L4.5 To assess compliance:

- a) with the LAeq(15 minutes) or the LAmix noise limits in condition L4.1 and L4.3, 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,

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- (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 L4.1
- b) with the LAeq(15 minutes) or the LMax noise limits in condition L4.1 and L4.3, 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 L6.5 (a).

L4.6 A non-compliance of conditions L4.1 and L4.3 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 L4.5 a) or L4.5 b).

NOTE to L4.5 and L4.6: 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.

L4.7 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.

L4.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L4.9 The noise limits identified in the L4.1 do not apply at privately owned residences that are:

- a) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

## 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.

L5.2 No condition of this licence identifies a potentially offensive odour for the purpose of section 129 of the Protection of the Environment Operations Act 1997.

## Operating Conditions

### O1 Air

O1.1 All operations and activities occurring at the premises must be carried out in a manner that prevents the emission of air pollutants from the premises.

O1.2 The premises must be maintained in a manner that prevents the emission of air pollutants from the premises.

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O1.3 All biosolid material received at the premises must meet Stabilisation Grade A as defined in "Environmental Guidelines: Use and Disposal of Biosolids Products" (EPA, 2000).

O1.4 A layer of coarse composted material (biocover) must be placed on top of the aerated static pile to a minimum depth of 250mm.

O1.5 Turning operations of the aerated static piles and windrows must only be undertaken between 7 am and 3 pm.

## O2 Water and Wastewater Management

O2.1 All leachate or leachate affected stormwater generated at the premises must be directed to the leachate management system and leachate ponds.

O2.2 All overflows from the leachate management system area and leachate ponds must be directed to the Quarry Pond.

O2.3 Except as may be expressly provided for by an Environment Protection Licence, the proponent must not discharge any wastewater or effluent to surface waters from the leachate management system or quarry pond.

O2.4 Any wastewater produced from dewatering of drilling mud must be stored prior to use in the composting process.

O2.5 The wastewater produced by the dewatering of drilling mud must be stored in a manner that allows representative samples to be taken for analysis.

O2.6 The wastewater produced by the dewatering of drilling mud must be stored in a manner that allows it to be removed from the premises and lawfully disposed of if required.

O2.7 A comprehensive Soil and Water Management (SWMP) must be prepared/updated for the quarry site. The plan must be submitted to the EPA for review and comment within 6 months from the date of consent and must be implemented. The plan must include but not be limited to:

- a) details of erosion and sediment controls for the site during operation and stormwater and leachate diversion, treatment and management measures
- b) a monitoring program for the Quarry Pond including additional monitoring prior to release for agricultural purposes, should any event occur that causes the overflow of the proposed leachate dams. Analytes must be developed in consultation with the NSW Environment Protection Authority (EPA) and with NSW Department of Primary Industries (DPI, in conjunction with updating the "Water Access Licence" for agricultural reuse)
- c) a revised analyte list for monitoring risks to agricultural reuse developed in consultation with the EPA and DPI for pollutants risks associated with new material approved to be received at the site. These may include but not be limited to:
  - nutrients and pathogens from increased volumes of compost and biosolids
  - leachate from compostable packaging
  - chemicals such as fungicides, herbicides and pesticides in organics and soils
  - additives in drillers muds, e.g. alcohols, petroleum compounds.
- d) triggers to commence monitoring after leachate system overflow into Quarry Pond.
- e) measures to record overflows from the leachate management system to the Quarry Pond and demonstrate that the composting guidelines leachate containment requirements were achieved.

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## O3 Waste Management

O3.1 All incoming drilling mud must be unloaded in the drilling mud receiveal pit.

O3.2 The manufacturing, storage and distribution area must only be used to store mature compost, final product, virgin excavated natural material and up to 100 tonnes of manure at any one time.

## O4 Stormwater/sediment control - Construction Phase

O4.1 An Erosion and Sediment Control Plan (ESCP) must be prepared for all aspects of the construction phase of the development and must be implemented. Implementation of the scheme must avoid or minimise the impacts of the stormwater runoff from and within the premises during construction

Note: The ESCP should be consistent with the practises and principles contained in *Managing Urban Stormwater: Soils and Construction, Volume 1* and the NSW Composting Guidelines

## Monitoring Conditions

### M1 Meteorological Weather Station

M1.1 A meteorological weather station must be installed and maintained to be capable of continuously monitoring the parameters specified in condition M1.2.

M1.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified in the table.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature at 2 metres	°C	Continuous	1 hour	AM-4
Air temperature at 10 metres	°C	Continuous	1 hour	AM-4
Wind direction at 10 metres	° (Degrees)	Continuous	15 minute	AM-2 & AM-4
Wind speed at 10 metres	m/s (metres per second)	Continuous	15 minute	AM-2 & AM-4
Sigma theta	° (Degrees)	Continuous	15 minute	AM-2 & AM-4

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Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4
Total solar radiation	Watts per square metre	continuous	15 minute	AM-2 & AM-4

Note 1 – Any other method approved in writing by the EPA

Note 2 – The weather monitoring instrumentation installed and operated at the site must have a stall speed or lower limit of measure for measuring wind speed less than 0.2 m/s.

M1.3 The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to EPA upon request.

## M2 Requirement to Monitor Noise

M2.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:

- a) occur annually in a reporting period;
- b) occur during each day, evening and night period as defined in the Noise Policy for Industry for a minimum of:
  - 1.5 hours during the day;
  - 30 minutes during the evening; and
  - 1 hour during the night.
- c) occur for three consecutive operating days.

## Reporting Conditions

### R1 Noise Monitoring Report

R1.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L4.1 and L4.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L4.1 and L4.3.

## Special Conditions

### E1 Odour Validation Audit

E1.1 Within 12 months of the commencement of expanded operations the licensee must submit an Odour Validation Audit Report to the EPA.

E1.2 The Odour Validation Audit Report must be carried out by a suitably qualified independent expert experienced in the characterisation and treatment of odours from composting operations

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E1.3 The Odour Validation Audit must include:

- a) A summary of any odour complaints received, and actions taken to reduce odour emissions where complaints are verified
- b) A field odour survey that characterises the frequency, intensity, duration, offensiveness, location and extent of off-site odours
- c) Benchmark the design and management practices at the premises against industry best practice for minimising odour emissions

E1.4 Using the results of E1.3a), E1.3b) and E1.3c), if it is identified that the facility requires additional odour mitigation measures the report must include:

- a) Proposed mitigation works and/or management practices to ensure that odour is minimised as far as is practicable; and
- b) A timetable for the implementation of these works.

## E2 Noise Management Plan

E2.1 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

- a) all measures necessary to satisfy the limits in Table L4.1 at all times,
- b) a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

E2.2 The proponent must prepare and implement a detailed Construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to;

- a) identification of each work area, site compound and access route (both private and public),
- b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- c) identification of all potentially affected sensitive receivers,
- d) the construction noise and vibration objectives identified in the Environmental Assessment,
- e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment,

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- f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,
- h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
- i) measures to monitor noise performance and respond to complaints.