

Recommended Conditions of Consent (PPSSWC-228) (DA-1486/2021)

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the accompanying plans and reports listed below and stamped DA-1486/2021, except where modified by the undermentioned conditions or marked in red by Council:

(a) Architectural Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Site Plan	Various	B	11.8.2022	NORTHROP
Fire Safety Plan				

(b) Engineering Plans

Description	Drawing No.	Revision No.	Date	Prepared by
Cover Sheet	NL203535/ C1.1	A	24.08.2021	NORTHROP
Stormwater Management & Levels Plan – Sheet 1	NL203535/ C3.1	A	24.08.2021	NORTHROP
Stormwater Management & Levels Plan – Sheet 2	NL203535/ C3.2	A	24.08.2021	NORTHROP
Sediment and Erosion Control Plan	NL203535/ C2.1/C2.2	A	24.08.2021	NORTHROP

(d) Reports

Description	Date	Revision No	Prepared by
Soil and Water Management Plan	24.08.2021	B	NORTHROP
Soil and Water Management Plan - Addendum	11.08.2022	B	NORTHROP
Environmental Impact Statement	18.11.2021		MRA Consulting
Air Quality Assessment	25.08.2021	final	Northstar air quality

Acoustical Report	18.08.2021	DA-v2	kiokas acoustics pty ltd
Traffic Impact Assessment Report	18.08.2021	C	EB Traffic Solutions Pty Ltd
Operational Environmental Management Plan	03.08.2022	0.1	MRA Consulting
Incident Response Management Plan	03.08.2022	0.1	MRA Consulting

General Terms of Approval (GTA) by NSW EPA

2. All conditions issued by the NSW EPA, shall be complied with prior, during, and at the completion of construction, as required in accordance with the GTA – Issued dated 22 Nov 2022. A copy of the GTA is attached to this decision notice as Attachment 1

Requirements of Endeavour Energy

3. The comments provided by Endeavor Energy shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 30 March 2022 and found in this decision notice as Attachment 2.

Requirements of Sydney Water

4. The comments provided by Sydney Water shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated 14 April 2022 and found in this decision notice as Attachment 3.

Compliance with the Environmental Planning & Assessment Act 1979

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

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

Comply with NCC

6. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 8.8, 8.10 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable

Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance Requirements; or
- (c) Is shown to be at least equivalent to the Deemed to Satisfy Provision; or
- (d) A combination of (a) and (b).

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions shall be complied with prior to issue of a CC by the PCA:

Construction Certificates

- 8. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Detailed Drawings (Bunding Construction and secondary containment)

- 9. Detailed floor and section plans to scale demonstrating the size and scale of the bund surrounding the proposed HVRRR system are to be provided. Sizing is to be based on the estimated liquids likely to be processed at any one time.
- 10. Details of all secondary containment methods are to also be included in the relevant plans (e.g. bunding around entry and exit points)
- 11. The above plans are to be submitted to Council's Environmental Health Section for endorsement.
- 12. All documentation submitted for the proposed development should have consideration for Hazardous Waste Storage and Processing Guidance for the liquid waste industry published by the NSW EPA dated 2016.

Substations

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

S138 Roads Act – Minor Works in the public road

14. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
 1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 3. Road occupancy or road closures.

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

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

S138 Roads Act – roadworks requiring approval of civil drawings

15. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of a 1.5m wide concrete footpath paving to the site frontage and connecting to the existing concrete footpath paving to the north of the site.

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

Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Stormwater Concept Plan

16. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by NORTHROP, reference number NL203535/C1.1, C3.1 & C3.2, revision A dated 24.08.21.

- (a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
- (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
- (c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Access, Car Parking and Manoeuvring – General

- 17. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Detailed Design Drawings

- 18. Detailed design drawings including a signs and line marking scheme prepared by a suitably qualified person is to be submitted to and approved by Council's Transport Management Section, via the Liverpool Traffic Committee and subsequent Council Meeting.

Note: The applicant is advised to liaise with Council's Transport Management Section prior to preparing the plans to ensure the layout and configuration are adequate.

A road safety audit report is to be submitted to demonstrate that the locations of the driveways will not pose safety issues should they be less than 10m from the intersection.

Notification

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

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

Fire Safety Measures

20. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

No Loading on Easements

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

Water Quality

22. Prior to the issue of a CC the PCA shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the LDCP 2008. The CC must be supported by:
 - Specification & installation details of the stormwater pre-treatment system
 - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

On-site Water Quality Treatment

23. On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. This shall be in accordance with the stormwater plan and MUSIClink model prepared by Northrop dated 21/08/2021, sent to Council 18/07/2022.
24. Wastewater generated from the site shall not be discharged into adjoining waterway or Council's stormwater system.
25. Appropriate collect system shall be installed to collect all wastewaters generated from the site and the wastewater shall be connected to Sydney Water's sewer under a Trade Waste Agreement.

Access and Manoeuvring

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Construction Environmental Management Plan (CEMP)

27. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:

- (a) Asbestos Management Plan;
- (b) Project Contact Information;
- (c) Site Security Details;
- (d) Timing and Sequencing Information;
- (e) Site Soil and Water Management Plan;
- (f) Noise and Vibration Control Plan;
- (g) Dust Control Plan;
- (h) Air Monitoring;
- (i) Odour Control Plan;
- (j) Health and Safety Plan;
- (k) Waste Management Plan;
- (l) Incident management Contingency; and
- (m) Unexpected Finds Protocol.

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

Environment Protection Licence

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

C. PRIOR TO WORKS COMMENCING

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

Waste Classification and Disposal of Contaminated Soil and Material

29. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

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

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

Sediment & Erosion Control

30. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

Road Occupancy Permit

31. Applications must be submitted to and approved by Council's Transport Management Section, under Section 138 of the NSW Roads Act, for any works within or occurring from the public road reserve.

Approval is issued via a Road Occupancy Permit and/or Road Opening Approval, which can be located on Council's Website.

The Road Occupancy Permit and Road Opening Approval applications are to include Traffic Control Plans, also detailing pedestrian management, prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Transport for NSW publication "Traffic Control at Worksites" and must be certified by a suitably qualified person.

The Road Occupancy Permit and Road Opening Approval, with approved traffic control measures, shall be implemented during the associated construction activities. A copy of the Road Occupancy Permit and Road Opening Approval shall be available on site at all times.

It is the responsibility of the applicant to ensure adequate time is allowed for Council to assess and issue approval for any permits. All minimum assessment periods are included on the applicable forms.

Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Hoarding

32. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

33. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.

Site Facilities

34. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
35. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

36. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work;
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Notification of Service Providers

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

Please refer to the website www.sydneywater.com.au for more information.

Dilapidation Report

38. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Centenary Ave & Service Way, Moorebank is to be submitted to Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 5m either side of the development.

Traffic Control Plan

39. Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Hours of Construction Work

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

Drainage Connection

41. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

Car Parking Areas

42. Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better.

All parking spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities.

The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking.

All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved stamped plans.

All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

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

Directional Signage

43. Directional signage indicating the location of customer parking, "in" and "out", crossings and directional arrows are to be provided in accordance with the Council approved stamped plans.

Public Domain Works

44. All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW 'Traffic Control at Worksites Manual' and 'Delineation Guidelines'.

General Site Works - Sediment

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

Removal of dangerous and/or hazardous waste Major Filling/ Earthworks

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

Contamination

47. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Imported Fill Material

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

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

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

Unidentified Contamination

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

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

Air Quality - Dust Screens

50. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works

Water Quality

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

Pollution Control - Site Operations

52. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.

Construction Noise and Management Plan

53. The recommendations provided in the Acoustical report Proposed Hydro Vac Recycling Resource Recovery Facility Development 18 Centenary Avenue, Moorebank NSW (Project No. 4431, Version V2) prepared by Koikas Acoustics Pty Ltd dated 18 August 2021 are to be implemented and complied with throughout the construction phase.

Aboriginal Cultural Heritage – Unexpected Finds

54. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National Parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council.
55. In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the National Parks and Wildlife Service Act 1974 to obtain the necessary approvals/permits from the Office of Environment and Heritage (OEH).

56. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.
57. As required by the National Parks and Wildlife Service Act 1974 in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Office of Environment and Heritage (OEH) must be notified of the discovery.

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions shall be complied with prior to issue of either an Interim or Final OC by the PCA:

Parking Management Plan

58. Prior to issue of Occupation Certificate by the Principal Certifying PCA , a Parking Management Plan shall be prepared to detail parking arrangements to cater to the following:

33 parking spaces comprising of 12 car bays, 18 Hydro VAC truck parking bays, two (2) additional parking spaces (2.6m x 5.4m) and a disabled bay with a shared space (as recommended in the TIA). The nine (9) informal truck parking bays are to be formalised.

The Parking Management Plan is to be submitted Council's Traffic Planning Engineer Section for approval.

Operational Environmental Management Plan

59. Prior to issue of Occupation Certificate , the Principal Certifying PCA shall ensure that the Operational Environmental Management Plan (OEMP) have addressed the commitment in the Environmental Impact Statement and other environmental assessment reports are fully implemented.

The OEMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The Plan would support

recommendations proposed in the submitted technical reports whilst also addressing other risks to the environment. The OEMP should be written to meet the requirements of ISO 14001 and as a minimum address the following requirements:

- a) Provide the strategic context for the management of the development;
- b) Identify all the statutory requirements of the development and any specific environmental standards;
- c) Detail mitigation measures to minimise acoustic impacts;
- d) Specify mitigation requirements to maintain air quality;
- e) Outline mitigation measures to maintain water quality;
- f) Address sediment and erosion control during operation; and
- g) Include community consultation and complaints management procedures.

In this regard, the OEMP must include at least the following information: introduction, project description, environmental policy, EMP context, objectives, responsibilities, statutory and reporting requirements, environmental management activities, environmental training, emergency contacts, risk assessment and monitoring and review procedures, OEMP auditing and appendices. To assist regulation it is requested that the individual sub-plans are incorporated into a single comprehensive OEMP for the proposal.

Building/Compliance

- 60. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
- 61. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
- 62. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

Roads Act/ Local Government Act

- 63. Prior to the issue of an OC, the PCA shall ensure that all works associated with the Section 138 Roads Act and/or S68 Local Government Act approval have been inspected and signed off by Council.

Works as Executed

- 64. Prior to the issue of an OC, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Council with notification of the issue of the OC where Council is not the PCA.

Rectification of Damage

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

Any rectification works within Centenary Ave & Service Way, Moorebank will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

66. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
67. Prior to the issue of an Occupation Certificate the Principal Certifier shall ensure that the stormwater system:
- a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - b) Have met the design intent with regard to any construction variations to the approved design.
 - c) Any remedial works required to been undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

F. CONDITIONS RELATING TO USE

The following general conditions shall be complied with at all times:

Storage of hazardous goods and materials

68. The storage of hazardous goods and materials will be effectively managed as part of the site operation (in accordance with the site Operational Environmental Management Plan). The storage of fuel, solvents, and flocculants as well as engine and machinery oil will be within the warehouse, above the 1% AEP flood level + 500mm freeboard.

Environment Protection Licence

69. The facility shall operate in accordance with the Environment Protection Licence issued by the NSW EPA.

Waste Processing Capacity

70. The facility is to process no more than 40,000 tonnes for drilling mud received in any twelve (12) month period. Any change to this processing capacity will require prior consent.

Bunding

71. All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater.
72. All bunded areas shall be graded to a blind sump or sewer to facilitate collection and disposal of wastewater in accordance with Sydney Water's requirements. All bunded areas shall be suitably treated to prevent ingress of stormwater.

Air Quality

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

Offensive Noise – Acoustic Report

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

Parking Requirements

75. Parking spaces shall be allocated as follows:
- a) Thirty three (33) parking spaces comprising of 12 car parking bays;
 - b) Eighteen (18) Hydro VAC truck parking bays;
 - c) Two (2) parking spaces (2.6m x 5.4m); and
 - d) One (1) disabled bay with a shared space.

The nine (9) informal truck parking bays are to be formalised.

Car Parking Management

76. All parking areas shown on the approved plans must be used solely for this purpose.

Loading Areas

77. All loading and unloading must take place from the designated loading dock/bay. This area is to be clearly marked/signposted for use by delivery vehicles only.

Hours of Operation

78. The hours of the premises are twenty-four (24) hours a day, seven (7) days a week.

Vehicle Access

79. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles.

All vehicles must be driven in a forward direction, onto and away from the development, and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off-Street Car Parking.

G. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- k) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- l) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating

to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

ATTACHMENT 1: GTA ISSUED BY NSW EPA

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued

Notice No: 1624489



Peter Distas
A/Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Emmanuel Torres
Email: torrese@liverpool.nsw.gov.au

Notice Number 1624489
File Number DOC22/252079
Date 22-Nov-2022

Re: DA1486/2021 Non-Destructive Digging Slurry Dewatering Facility CNR-37404
Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 29 March 2022.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at Attachment A. If Liverpool City Council (Council) grants development consent for this proposal these conditions should be incorporated into the consent.

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

In addition to the GTAs contained in Attachment A, the EPA would also like to advise the following:

1. Construction activities should only be carried out within the recommended standard hours in Table 1 of the Interim Construction Noise Guideline. EPA notes that construction noise impacts are predicted at surrounding sensitive receivers, and all feasible and reasonable noise mitigation and management measures should be implemented to minimise construction noise impacts, including those outlined in Section 7.2, 7.3 and 7.4 of the acoustical report (Kolkas Acoustics, 18 August 2022).

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2. Appropriate bunding is required around the site to manage environmental risks associated with the storage and handling of liquid substances. For guidance and technical specifications, please refer to Appendix 2 of the attached Department of Environment & Climate Change NSW document on Storing and Handling Liquids: Environmental Protection, Participant's Manual
3. The applicant must install and operate a wheel wash at the facility
4. The treated drilling mud order and exemption does not permit the addition of chemicals, such as polymers for the purposes of flocculating solids in drilling mud. It only permits the addition of chemicals for the drilling fluid. The proponent proposes to use a polymer (All Clear 100ED) to flocculate solids to generate filter cakes. This activity does not comply with the order and exemption and the proponent will need to apply to the EPA for a specific order and exemption unless the proposed treatment process is modified to remove the addition of chemicals. Final approval for any scheduled activities in relation to environmental protection licences will be subject to approval for a specific order and exemption if required. Please refer to the NSW EPA Treated Drilling Mud Order and Exemption 2014 for further details.
5. It should also be noted that there are several requirements for holders of environmental protection licences, including authorised amounts permitted on site at any one time. The EPA will discuss these matters further with the Proponent at the licensing stage.

If you have any questions, or wish to discuss this matter further please contact Natalie Tan on (02) 9585 6619.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Tan'.

Steven Tan

AI Unit Head

Environment Protection Authority

(by Delegation)

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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:

- the development application DA1486/2021 submitted to Liverpool City Council on 4 January 2022;
- any environmental impact statement, including *Environmental Impact Statement: 18 Centenary Ave, Mboresbank* (dated 18 November 2021) relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including (but not limited to):
 - Department of Planning, Industry & Environment, *Waste Management Facility (Resource Recovery Facility), 18 Centenary Avenue, Mboresbank, NSW 2170 (Lot 1 DP 222104), Planning Secretary's Environmental Assessment Requirements (SEAR) 1400*, dated 16 October 2020
 - Northstar Air Quality Pty Ltd, *Drilling Mud Dewatering Facility, 18 Centenary Avenue, Mboresbank - Air Quality Assessment*, dated 25 August 2021, file reference 21.1033.FL1V1)
 - Northrop Consulting Engineers Pty Ltd, *Proposed Hydro-Excavation Mud Processing Facility, 18 Centenary Ave, Mboresbank, Internal Civil Works Concept sediment & Erosion Control Plan*, dated 24 August 2021
 - Kolkas Acoustics Pty Ltd, *Acoustical Report, Proposed Hydro Vac Recycling Resource Recovery Facility Development, 18 Centenary Avenue, Mboresbank NSW*, dated 16 August 2021, file reference 4431R20201111pd18CentenaryAveMboresbank_DA_v2
 - Northrop Consulting Engineers Pty Ltd, *Soil and Water Management Plan for 18 Centenary Avenue, Mboresbank*, dated 24 August 2021
 - NSW Government, *Pre-Lodgement Application Form*, Portal Application Number PAN-180772
 - NSW Government, *Development Application Form*, Portal Application number: PAN-180772 Council Application number: DA-1486/2021
 - NSW EPA, *Request Additional Information - Integrated Development*, dated 11 May 2022 (EPA Ref DOC22/252079-3)
 - MRA Consulting Group Pty Ltd, *RE: Request Additional Information - Integrated Development CNR-37404 - A-43985*, dated 22 August 2022, in response to EPA's request for further information dated 11 May 2022
 - Kolkas Acoustics Pty Ltd, *Acoustical Report, Proposed Hydro Vac Recycling Resource Recovery Facility Development, 18 Centenary Avenue, Mboresbank NSW*, dated 16 August 2022, file reference 4431R20220818mj18CentenaryAvenueMboresbank_DA.docx, updated in response to EPA's request for further information dated 11 May 2022

A1.2 Within 4 months of commencement of operations at the premise, attended noise monitoring must be undertaken in accordance with Condition L3.5, and annually thereafter as per condition M2.1 and M2.2 and reported as per requirements in Condition R2.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.63 of that Act.

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Limit conditions

L1. Pollution of waters

Note: Mandatory condition

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

Note: Mandatory conditions to be placed on all general terms of approval

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 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
N/A	Drilling mud and/or muddy waters	Drilling mud and hydro-excavation waste, non-destructive digging waste. Liquid waste as defined under the POEO Act 1997 as in force from time to time	Waste processing (non-thermal treatment) Waste storage	No more than 40,000 tonnes of drilling mud received in any 12 month period.

L3. Noise limits

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

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night

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	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
42 Wellwood Avenue, Moorebank	40	39	39	52
25 Bundarra Court, Moorebank	43	43	43	52
24 Warrego Court, Moorebank	40	40	40	52

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

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

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

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

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

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

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Bankstown Airport (ID 066137)
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - Use of sigma-theta data (section D1.4).

L3.5 To assess compliance:

- with the L_{Aeq}(15 minutes) or the L_{AFmax} noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:

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

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

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

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

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Definitions

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.8.
 - L_{Aeq} (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
 - L_{AFmax} – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672-1:2013 *Electroacoustics - Sound level meters - Part 1: Specifications set to 'A' frequency weighting and fast time weighting*.

Hours of operation

L4.1 Hours of operation for delivery and operation of machinery at the premises is 24 hours, 7 days a week. This includes Sundays and Public Holidays. The Hours of operation for offtake is Monday to Friday, 7am to 4pm.

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Operating conditions

01. Odour

01.1 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 odour was emitted in accordance with the conditions of a licence directed at minimising odour.

02. Dust

02.1 All plant and equipment installed and used in the premises:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

02.2 The premises must be maintained in a condition which prevents or minimises the emission of air impurities from the premises.

02.3 Activities conducted on the premises must be undertaken in a manner that prevents or minimises the emission of dust and air impurities from the premises.

02.4 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

02.5 All Hydro Vac Resource Recovery and Recycling processing must be done within an enclosed building.

02.6 All solid products must be stored within an enclosed building.

02.7 The licensee must install and operate a wheel wash.

03. Stormwater/sediment control - Construction Phase

03.1 The Erosion and Sediment Control Plan (ESCP) prepared for the proposal (dated 24 August 2021) must be 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 ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

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In a legible form, or in a form that can readily be reduced to a legible form;
kept for at least 4 years after the monitoring or event to which they relate took place; and
produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

M2. Requirement to monitor noise

M2.1 Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:

- a) occur at each location specified in Condition L3.1;
- b) occur annually in a reporting period;
- c) 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.
- d) occur for three consecutive operating days.

M2.2 Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW.

Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R2. Noise Monitoring Report

R2.1 A noise compliance assessment report must be submitted to the EPA 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 L3.1 and L3.3; and

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- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1 and L3.3.

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Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

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The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- c. Statement of Compliance; and
- d. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term 'reporting period' is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

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

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

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

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder, or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

ATTACHMENT 2: REQUIREMENTS ISSUED BY ENDEAVOUR ENERGY



Chief Executive Officer
Liverpool City Council

30 March 2022

ATTENTION: Emmanuel Torres

Dear Sir or Madam

I refer to the referral of 29 March 2022 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-7291 for Wollongong City Council Development Application DA-1486/2021 at 53 HEATHCOTE ROAD MOOREBANK 2170 (Lot 1 DP 222104) for 'Change of use for construction waste recycling and minor works to facilitate the use'. Submissions need to be made to Council by 19 April 2022.

Please find attached a copy of the advice provided by Endeavour Energy in an email of 23 October 2020 to MRA Consulting Group regarding the request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for a proposed State Significant Development approved for a Hydro Vac Recycling and Resource Recovery (HVRRR) facility located at 18 Centenary Avenue, Moorebank NSW 2170 (Lot 1 of DP 222104). The advice provided therein is included in and is generally satisfactorily addressed in the Environmental Impact Assessment (EIS).

However the only matter which does not appear to have been satisfactorily addressed is the EIS is the protected works / electricity assets on the site. In particular, as shown in the following extract of SIX Maps and Google Maps Street View, the structures and activities around padmount substation no. 18529 (including what appears to be a fuel bowser / tank) seem to encroach the notional easement and fire restriction area. Similarly there appears to be encroachments and activities within the notional easements for the overhead power lines and underground cables.



51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au

ABN 11 247 305 823

All encroachments and/or activities (works) within an easement (or relevant to restrictions for a padmount substation) or affecting protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easement Officer for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

Please note Endeavour Energy's Easement Officers do not have access to the NSW Planning Portal. To resolve the easement management matters direct contact with the Easement Officer should be made.

Subject to the foregoing Endeavour Energy has no objection to the Development Application.

Please do not hesitate please to contact me or the contacts identified above or in Endeavour Energy's advice to MRA Consulting Group in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

M: 0455 250 981

E: cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au



APPLICANTS RESPONSE TO ENDEAVOUR ENERGY RECOMMENDATIONS

MRA Consulting Group
ABN 15 143 273 812

Suite 408
Henry Lawson Building
19 Rosebery Street
Drumoyne NSW 2047
P +61 2 8541 6169
E info@mraconsulting.com.au

mraconsulting.com.au



12 April 2022

Planning Assessment
Liverpool City Council

Attn: Emmanuel Torres

Dear Mr Torres,

RE: Development Application DA-1486/2021 at 53 HEATHCOTE ROAD MOOREBANK 2170

In a letter dated 30 March 2022, Cornelis Duba from Endeavour Energy mentions that the EIS does not satisfactorily address the protected works / electricity assets on the site, particularly noting the padmount substation 18529, which has encroachments on the notional easements for overhead power lines and underground cables.

The photos in the letter indicate the following location:



Section 5.2.7 of the EIS mentions that the padmount station is not within the property boundary of the proposed development. Vac Group does not have access to the Endeavour Energy padmount station or power lines at the rear of the site, as shown in the diagram below. Therefore the proposed development is unable to remove encroachments to the notional easements around the padmount station or overhead power lines.

All assets would be protected during construction and operations.



Yours Sincerely,

A handwritten signature in black ink, appearing to read "Esther Hughes".

Esther Hughes / Principal Environmental Planner
esther@mraconsulting.com.au / 0427 139 702

ATTACHMENT 2: REQUIREMENTS ISSUED BY SYDNEY WATER



14 April 2022

Emmanuel Torres

Acting Team Leader, Development Assessment Team 1
Liverpool City Council
33 Moore Street, Liverpool NSW 2170
torrese@liverpool.nsw.gov.au

RE: Development Application DA-1486/2021 at 53 Heathcote Road, Moorebank

Thank you for notifying Sydney Water of DA-1486/2021 at 53 Heathcote Road, Moorebank, which proposes minor works and the change of use of the site to a resource recovery facility, processing 40,000 tpa of drilling muds and excavated slurry. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 150mm CICL watermain (laid in 1973) in Centenary Avenue.
- Amplifications or adjustments to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

Wastewater Servicing

- Wastewater servicing should be available via a 150mm VC wastewater main (laid in 1977) in Centenary Avenue.
- Amplifications or adjustments to the wastewater network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in Attachments 1 & 2. If you require any further information, please contact Thomas Mudgway, Senior Development Consultant in the Growth Planning team, via urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kristine Leitch".

Kristine Leitch

Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150



Attachment 1

Section 73 Compliance Certificate

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

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap In™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap In™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap In™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.



Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.



Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>



Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#), Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.