

DRAFT CONDITIONS OF DEVELOPMENT CONSENT

NO 10.2021.49.1

DATE: 10 August 2022

DEVELOPMENT: Composting and Landscape Supply Facility

ADDRESS: Pt Lot 33 DP: 1228591, Pt Lot: 34 DP: 1228591, Lot: 18 DP: 1249431, 24-26 Endeavour Street OBERON, 68 Hawken Street OBERON

GENERAL

1. General terms of approval

The development shall be carried out in accordance with the approved stamped plans and supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

Document	Author	Issue	Date
Proposed Landscaping and Composting Supplies Plans Drawing No	Crossmuller Construction		
DA000	Coversheet	E	21-07-2022
DA001	Approved Site Plan (10.2019.43.1)	B	21-07-2022
DA002	Proposed Site Plan	K	21-07-2022
DA003	Proposed Stormwater Management Plan	L	21-07-2022
DA004	Proposed Landscape Plan	F	21-07-2022
DA005	Proposed Hydrant Plan	I	21-07-2022
DA006	Proposed Traffic Management Plan for 26M B-Doubles	B	21-07-2022
DA007	Proposed Traffic Management Plan for 19M Semi	B	21-07-2022
DA100	Proposed Shed Plans	B	21-07-2022
DA101	Proposed Shed Elevations and Sections	B	21-07-2022
DA200	Existing Survey	B	21-07-2022
Bettergrow Composting and Landscape Supplies Facility EIS	Jackson Environment and Planning	24/5/21	
Barker Stewart Ryan	Integrated Transport Assessment	19 May 2021	
Water Cycle Impact Assessment. Project No.244	Sustainability Workshop	May 2021	
Water Cycle Impact Assessment: Project No.244 Supplementary Report	Sustainability Workshop	October 2021	
Response to Submissions D10.2021.49.1	Jackson Environment and Planning	26 November 2021	

Flora and Fauna Assessment Report	Narla Environmental	May 2021
Waste Management Plan	Jackson Environment and Planning	28/04/2021
Draft Emergency Plan	Green Cover	
Visual Impact Assessment	Borg Manufacturing	23/3/21
Air Quality Impact Assessment. Job No 20121222	Todoroski Air Sciences	20 May 2021
Bushfire Assessment Report V1.0	Space Urban	26/11/2021
Noise and Vibration Impact Assessment Project No: 210994R	Spectrum Acoustics	March 2021
Contamination Investigation Ref: R10182c1	Envirowest Consulting	1 March 2019
Response to request for Additional Information	Jackson Environment and Planning	20 th July 2022 BETTER~1

Reason: To confirm and clarify the terms of Council's approval.

2. Processing limits

The total annual amount of material processed on the site, measured as received, shall not exceed 99,000 tonnes (measured from the date of commencement of operations).

Reason: To ensure compliance with the application and approved plans and to confirm and clarify the terms of Council's approval.

3. Surrender of existing consent

Development consent DA10.2019.43.1 that approved the use of the site as a *Wood and Landscape Supplies facility* shall be surrendered to Council prior to the issue of a Construction Certificate.

Reason: To maintain the waste handling capacity of the site to within the limitations as Regionally Significant Development.

4. Haulage Route

The haulage routes for trucks accessing the site and transporting materials to and from the site shall be in accordance with the approved plans and documentation.

Reason: To confirm and clarify the conditions required by TfNSW.

5. Weighbridge to be installed at southwestern access

A weighbridge shall be installed at the south western access of the subject site to measure the quantity and quality of materials entering and leaving the site via this access.

Reason: To comply with Clause 36 of the Protection of the Environment Operations (Waste) Regulation 2014.

6. Protection of amenity

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason: To ensure the development does not unreasonably impact on the amenity of the surrounding area.

7. Business identification signage

A business identification sign is to be erected adjacent to the entrance gate of the subject site containing the name of the operator and the phone number, postal address and email address of the permanent site contact so that complaints or any other issues relating to operation of the facility can be received and addressed in a timely manner. The erection or installation of any other advertising signage is prohibited.

Reason: To provide relevant contact details to the public and restricts advertising.

PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT

8. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of operations under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

9. Hours of Operation

The hours of operation of the Composting and Landscape Supplies Facility are limited to the hours specified in the following table.

Days	Hours
Construction activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted
Operational activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted
Material (Wood Waste) Deliveries From adjacent site	
Monday to Sunday	24 Hours/7 Days
Material Export (Limited to 10 movements/hour)	
Monday to Sunday	24 Hours/7Days

Note: Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only are allowed Monday to Sunday (24 hrs). Machinery associated with the processing of bark/timber and landscaping supplies are not permitted to operate outside the hours specified for operational activities in the above table.

Reason: To ensure the operations of the development are consistent with the information provided and the approved plans.

10. Extended maintenance responsibility

The developer shall perform all works necessary to maintain all erosion and sediment control measures for this development to effectively control potential soil erosion, sedimentation and other environmental impacts until all construction work has been completed, stabilised, revegetated and authorised for removal.

Regular removal of accumulated material in sediment traps and water quality control ponds is required.

The developer shall lodge with the Council a security deposit or unconditional bank guarantee in a form acceptable to Council, in an amount of \$622,500 being 5% of the estimated construction costs as security for satisfactory performance of the developer's responsibilities under this condition. The funds realised from this security may be paid out by Council to meet any costs incurred by Council in performing works referred to in this condition. A bond administration fee will be payable to Council, as per the latest schedule of fees and charges.

Reason: to ensure protection of waterways from constructions works.

11. Private stormwater detention facilities – certification

The stormwater detention facility shall be certified by a suitably qualified engineer. Evidence of this certification shall be provided to Council.

Reason: to ensure the stormwater detention facilities meet design parameters

12. Private stormwater detention facilities - design

Design of stormwater drainage works as necessary to limit the peak stormwater discharge from the development to not exceed calculated flow rates for this site in an undeveloped state for rainfall events of up to a 1 in 10 year average recurrence interval.

The facility shall be designed by a suitably qualified engineer in conformance with recognised Industry conformance and industry practice. A copy of the final design shall be provided to council for concurrence.

Reason: to ensure the stormwater detention facilities meet design parameters

13. Operation of plant and equipment

The applicant is to ensure that all plant and equipment used on site is maintained and operated in a proper and efficient condition and in a safe and working order.

Reason: To protect and minimise impacts on the surrounding environment.

14. Bunding of Fuelling area

The applicant is to ensure that bunding sufficient to retain 25% of a fuel storage tanks capacity is provided and maintained in a proper and efficient working order.

Reason: To protect and minimise impacts on the surrounding environment.

15. Access treatment and specifications

Surface treatment, drainage, fencing and specifications for the access road adjacent to the NPWS Depot is to be provided with the application for Construction Certificate.

Reason:- to ensure the access way can be used by vehicles to gain access to the remainder of Lot 33 and the NPWS Depot site.

16. Cultural heritage awareness

The applicant is to provide all plant operators that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, the location of and protection measures applying to the site within the quarry, an introduction on how to identify Aboriginal objects and the procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

Reason: To ensure cultural heritage is understood and protected.

17. Cultural heritage management

If Aboriginal cultural objects or human remains are uncovered during extractive works, all works must cease in the immediate vicinity to prevent any further impacts on the object(s) or remains. Notification is to be made to the NSW Police, the Aboriginal community and the Office of Environment and Heritage as appropriate. Works are not to resume until written authorisation from the NSW Police and/or Office of Environment and Heritage is received.

Reason: To ensure appropriate action is taken upon discovery of Aboriginal cultural heritage items and/or human remains.

18. Complaints register

During the operational phases of the waste management facility activity, the applicant is to record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made (telephone, mail or email);
- (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) The nature of the complaint;
- (e) Any action(s) taken by the Applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the Council upon request.

Reason: To ensure complaints in relation to the proposed development are appropriately addressed.

19. Limit of clearing and operations

No works, activities or vegetation clearing shall occur outside of the project site boundary identified within the approved Environmental Impact Statement.

Reason: To ensure the development is contained within the approved area of operations.

20. Toilet facilities

Toilet facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must:

- (a) be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally),
- (b) have a hinged door capable of being fastened from both inside and outside,
- (c) have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
- (d) have a floor constructed of a material that is rigid and impervious,
- (e) be provided with a suitable receptacle for, and an adequate supply of, deodorising or fly-repelling fluid, and
- (f) comply with any relevant requirements of the Building Code of Australia.

Reason: To ensure adequate facilities are provided for workers.

21. Documentation

A copy of the approved documents and plans relating to this consent are to be kept by the waste management facility operator at all times and shall be made available for inspection upon request by Council or an authorised government agency.

Reason: To ensure the relevant approval documents are available for inspection.

22. Rural access road

Construction of the access road located adjacent to the entrance and the NPWS Depot, to the frontage of lot 33 is to have the following specifications

- The road pavement be constructed in accordance with geotechnical design determined by the gross vehicle movement loading.
- The width of the road shall be suitably designed for the size and length capabilities of large trucks e.g. B-double truck dimensions and swept path ability.
- 1.0 metre wide table drains as necessary,
- all associated stormwater and subsoil drainage works,
- installation of guideposts, protection fencing, pavement markings and signposting to the standards specified in the Guide to Road Design published by Austroads,
- all other works necessary to achieve the above.

The design speed for this road shall not be less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this cannot be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

Reason: to ensure adequate pedestrian and vehicle movements surrounding the site.

23. Establishment of easement for access

Establishment of easement for access not less than 8.0 metres wide in favour of Lot 33 to ensure a legal and physical access to that land.

A copy of the plan registered with the NSW Land and Property Information creating this easement shall be provided to Council demonstrating compliance with this requirement.

Reason: to ensure a legal and ongoing access is provided to adjoining lands.

24. Inter-allotment drainage easements

The development shall establish easement(s) to drain water not less than 3.0 metres wide from each identified discharge point to service the development. The easement(s) shall be established to benefit locations with the potential to discharge water. Each inter-allotment drainage easement should serve no more than two discharge points, except where no feasible alternative exists.

Reason: to contain any stormwater discharges to a specific area.

25. Developer Contributions Charges

The developer contributions charges applicable to the development are prescribed by the Oberon Development Contributions & Water Management Works Plan (Amendment) 2004 and the Oberon 2022/23 Fees and Charges. The development will be charged a rate of 4 x ET which equates to the following if paid prior to July 1 2022. The full charges are due prior to commencement of the operations of the proposed facility.

	2022/23 1 x ET	2022/23 4 x ET
Sewer Supply Headworks	\$11,592.00	\$46,368.00
Water Supply Headworks	\$2,825.55	\$11,302.20
Public Open Space	\$249.95	\$999.80
Community Facilities	\$249.95	\$999.80
Emergency Services	\$299.12	\$1,196.48
Storm Water Drainage	\$822.83	\$3,291.32
Urban Roads	\$3,198.15	\$12,792.60
TOTAL	\$19,237.55	\$76,950.20

Reason: To ensure that the development contributes to maintain and provide local infrastructure and services.

26. Redundant vehicular entrance

Removal of any redundant vehicular entrances and restoration of kerb and gutter and footpath are to match the surrounding area is required.

Reason: to ensure adequate pedestrian and vehicle movements surrounding the site.

27. Materials on Roadway

Materials from the operations of the development (such as bark chips, silt, etc) are not to be tracked off the site onto the roadway.

Reason: So that materials remain on the site and are not deposited in the kerb and gutter which could lead to water pollution of nearby watercourses.

28. Certification and inspection of public engineering works

All public engineering works (driveway crossover, footpaths, roadworks, stormwater works etc) must be inspected and tested by Council's inspector in accordance with Council's Development Design and Construction Specifications.

Typically, inspections are required at, but not limited to, the following stages.

- a. After placement of all signs and control measures in accordance with the approved Traffic Control Plan
- b. After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage
- c. After completion of road subgrade
- d. After placement and compaction of each layer of gravel pavement material
- e. During application of bitumen seal or asphaltic concrete wearing surface
- f. After laying and jointing of all stormwater pipelines prior to backfilling
- g. After surface preparation, placing reinforcement and prior to pouring concrete for roads and driveways
- g. After completion of works
- h. As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls

It should be noted that Council charges fees for inspections and certificates.

The developer will complete quality assurance testing of all public asset works in accordance with the inspection and testing plans detailed in Councils Development Construction Specifications.

Testing results shall be provided as required throughout the construction phase of the development.

Reason: To ensure standard specifications of public assets will be maintained.

29. External lighting not to cause a nuisance

Any exterior lighting associated with the development shall be designed and installed so that no light will be cast onto any adjoining property.

Reason: To prevent the proposed development having a detrimental effect on the existing developments on adjoining land.

30. Number of car parking spaces

A total of eleven (11) off-street car parking spaces with at least one (1) accessible space is to be provided to the development as specified within the EIS. The car parking spaces are to have minimum dimensions as specified by the Australian Standard.

Reason:- to ensure there is sufficient car parking for the development.

31. Signs for visitor and employee parking

Suitable signs shall be erected within the property indicating the location of visitor and employee parking.

Reason:- to delineate the spaces suitable for visitor and employee parking.

32. Vehicles related to the development to be parked on the development site

All company and/or commercial vehicles associated with the use of the premises shall be parked within the confines of the site when not in use.

Reason: - to ensure the use of the premises does not impact onto the street and affect surrounding development.

33. Vehicles to be on the subject land and not footpaths or roadways

All vehicles being serviced, repaired, or stored must be contained within the subject property and not on adjacent footpaths or roadways.

Reason:- to ensure vehicles associated with the use are contained within the subject property.

34. Vehicles driven in forward direction

All vehicles, including haulage vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

35. Loading and unloading of vehicles

All vehicles being loaded and unloaded must stand wholly within the property.

Reason:- to contain all vehicle movements associated with the use within the subject property.

36. Submission of a Construction Certificate

Site works are not to commence until such time as Construction Certificate has been approved for the proposed works. Council or an Accredited Certifier may issue Construction Certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

Reason:- To comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

37. Trade waste agreement

A Trade Waste agreement must be in place for the maintenance, repair and cleaning of the On-site Detention Basin, prior to the issue of the Construction Certificate.

Reason: - To ensure sufficient safeguards for the stormwater discharge capacity exists on site prior to the commencement of operations.

38. Do not discharge trade waste without approval

Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council (Note:- this may

necessitate the installation of an approved trade waste system including approved tanks, pits, sumps and arrestors).

Reason:- to prevent damage to Council's Wastewater Treatment Works and subsequent pollution of the Fish River and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

39. Bushfire Emergency Evacuation Plan

A bushfire Emergency Evacuation Plan is to be prepared in accordance with *Planning for Bushfire Protection Guidelines*.

Reason:- to ensure a Bushfire Emergency Evacuation can be undertaken in an orderly fashion.

40. Operational Environment Management Plan

An Operational Environmental Management Plan (OEMP) is to be prepared for the proposal to inform operations onsite. At a minimum, it is anticipated that the OEMP would cover the following matters to ensure operations will not impact existing and ongoing NPWS operations on the adjacent depot site:

(a) dust suppression protocols for the facility, including no operation of machinery/turning of composting piles on windy days and giving consideration to the operational needs of the NPWS depot site

(b) odour suppression protocols for the facility, including no operation of the receival area stockpile or turning of composting piles during conditions likely to cause significant odour

(c) noise suppression protocols for the facility

(d) monitoring by the applicant of compost turning events and other operations on site that might impact neighbouring lots is recommended. Appropriate protocols should be in place if monitoring detects unreasonable odour or other impacts at site boundaries as a result of onsite operations.

Reason: To ensure site operations consider operations on adjoining sites.

41. Works on NPWS site

No ancillary construction related facilities or accesses or works are to occupy the NPWS depot site.

Reason: to ensure access or works are not provided to the NPWS Depot

42. Sediment and erosion control and stormwater management

Ensure application of adequate sediment and erosion control is utilised to limit the movement of sediment across the development site in accordance with recognised standards such as the 'Blue Book', to avoid potential impacts on the NPWS depot site.

Reason: To limit erosion and sediment laden stormwater run-off do not impact on NPWS Depot site.

43. Stormwater Management on access road.

Council is to be satisfied that stormwater management systems and final surface treatments along the proposed new private access to rural land are designed and function to limit adverse impacts to surface water flow and water quality during construction and operation and will not result in additional stormwater discharge onto the NPWS depot site.

Reason: to ensure stormwater run-off does not impact on NPWS site.

44. Access to adjoining sites

Access to the NPWS depot shall not be impeded at any time during construction and post construction.

The private access alignment shall provide appropriate vehicular access to the lots beyond without having to encroach on any adjacent lots (including the NPWS depot site).

The access road adjacent to the NPWS Depot shall be graded and sealed.

Reason: to ensure appropriate legal access is provided to adjacent sites not associated with the development at all times.

45. Site Remediation

The site shall be remediated to remove all surface debris including machinery, equipment and chip board not associated with the development.

Reason: To ensure the ongoing condition of the site reduces the risk of illegal dumping

46. Water Meter Connection

The site shall have a separate metered water connection provided that will be at the applicants full expense. The connection can be undertaken by either Oberon Council or a nominated licenced plumber. Details of the meter number, size and position shall be provided to Oberon Council upon successful installation.

Reason: To ensure potable water supply for site amenity and connection of sewer for appropriate discharge of waste

47. Sewer Connection

The site shall have a separate sewer connection, that will be provided at the applicants full expense. The connection can be undertaken by undertaken by either Oberon Council or a nominated licenced plumber. Details of the connection such as location and invert levels must be recorded and provided the Oberon Council upon successful installation.

Reason: To ensure potable water supply for site amenity and connection of sewer for appropriate discharge of waste

ENVIRONMENT PROTECTION AUTHORITY Conditions

Operating conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided in any other condition of Environment Protection Licence, the licensee must comply with *section 120* of the *Protection of the Environment Operations Act 1997*.

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L3. Waste

L3.1 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.

L3.2 Any waste received at the premises must only be used for the activities referred to that waste in the column titled "Activity" in the table below.

Waste	Description	Activity
Waste Wood	Clean, used wooden pallets. Clean	Composting waste wood from construction and demolition projects.
Wood Ash	Bottom ash from incineration of	Composting wood at Borg's timber panel factory in Oberon
Pine Bark residuals	Pine bark from processing of pine	Composting logs in the Borg MDF production plant
Sawdust	Clean sawdust from the timber	Composting panel manufacturing plant nearby.

L3.3 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 The Licensee must ensure that noise from the premises does not exceed an LAeq (15 minute) noise limit of 35 dB(A) when measured within 30 metres of any residence not associated with the premises.

L4.2 Noise from the premises is to be measured at the most effected sensitive receiver to determine compliance with condition L4.1.

L4.3 The noise emission limits identified in L4.1 apply for the prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

- documenting noise complaints received to identify any higher level impacts or patterns of temperature inversions;
- Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Definition

LAeq (15 minute) is the level of noise equivalent to the energy average of noise levels when measured over a 15 minute period.

L5. Hours of operation

L5.1 All construction work at the premises must only be conducted between 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturdays and no works permitted Sundays and Public Holidays.

L5.2 Activities at the premises, other than construction work, may only be carried on between 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturdays and no activity permitted Sundays and Public Holidays.

Note: Deliveries of wood waste to the premises, sourced from Oberon Timber Complex only, are allowed Monday to Sunday (24hrs). Machinery associated with the processing of bark/timber and landscaping supplies are not permitted to operate outside the hours specified for operational activities in L5.2.

L5.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1 or L5.2 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.4 The hours of operation specified in conditions L5.1 and L5.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

O1. Odour

O1.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises

O2.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Storm water/sediment control - Construction Phase

O3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The 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).

O4. Storm water/sediment control - Operation Phase

O4.1 The proponent is required to develop a Stormwater Management Plan in accordance with the requirements outlined within;

- a. the *Environmental Guidelines: Composting and Related Organics Processing Facilities Guidelines* (DEC 2004); and
- b. *Managing Urban Stormwater, Soils and Construction* (Landcom 2004).

If landscape irrigation involves irrigation of leachate, then the Operation Stage Stormwater Management Plan must assess and mitigate runoff and potential groundwater risks from the landscape irrigation in accordance with the practices and/or principles of the *NSW Environmental Guidelines, Use of Effluent by Irrigation* (DEC, 2004) and the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks*, Phase 1 (NRMMC, EPHC, et al. 2006).

O.5 Water Management

O5.1 The licensee must take all practical measures to avoid or minimise pollutants contained in discharges permitted in accordance with Environment Protection Licence, i.e. managed overflows.

O5.2 The pond must be lined with a liner to achieve a permeability standard of $< 1 \times 10^{-9}$ m/s and comply with the *Environmental Guidelines: Composting and Related Organics Processing Facilities* (DEC 2004) .

O5.3 The capacity of the leachate pond must be designed and maintained with adequate volume to capture all runoff from rainfall events at the premises except in storm events exceeding the 96 hour, 1 in 500 year average recurrence interval (ARI) storm.

O5.4 A water level monitoring system for the leachate collection system, including water level depth indicator markers must be installed including a “Top Water Level” (TWL, a “Bottom Water Level” (BWL), and an automatic water level logger must be installed in the leachate dam.

O5.5 The design storage capacity (i.e. the 96 hour, 1 in 500 year ARI storm) of the leachate management systems installed at the premises must be reinstated within 10 days of the cessation of a rainfall event that causes runoff to occur on or from the premises. Dewatering must occur from the TWL to the BWL (as indicated by water level depth indicator markers).

O5.6 The licensee must implement measures to avoid discharges such as dust suppression, conditioning of compost and irrigation asset out in the EIS and additional information.

O5.7 The licensee must handle and treat all water that has entered processing and storage areas and water that has come into contact with leachate in the same manner as leachate.

O5.8 The licensee must conduct monitoring of accumulated sediment in leachate management storages and undertake maintenance as necessary to desilt storages at the premises to retain the design rainfall storage capacity.

O5.9 The licensee must notify the EPA of a managed overflow or other surface water discharge from the premises within 24 hours of a discharge occurring. The notification must be made by contacting 131 555 or via email info@epa.nsw.gov.au

O6. Waste Water Utilisation Areas

O6.1 Waste water must only be applied to the Irrigation Area (location map to be provided with licence application)

O6.2 Spray from waste water application must not drift beyond the boundary of the waste water utilisation area to which it is applied.

O6.3 The irrigation area must be maintained in a proper and efficient condition so as to provide adequate percolation, evaporation and transpiration of the storm water.

O6.4 There must be no ponding or runoff from the irrigation area as a result of the application of stormwater runoff water.

O7. Waste Management

O7.1 All waste (except for garden waste) entering the Premises must be processed and applied to windrows within 24 hours of its delivery.

O7.2 All raw waste that cannot be processed on the day must be covered with a tarpaulin prior to the daily closure of the Premises.

O7.3 The composting pad and leachate collection and management system must be designed in accordance with section 5 'Minimum Design requirements for the Protection of Waters' of the document 'Composting and Related Organics Processing Facilities' (DEC,2004) to ensure surface and groundwater protection.

O8. Maintaining Waste Water Utilisation Areas

O8.1 Waste water utilisation areas must effectively utilise the waste water applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of waste water application may be required by the EPA.

M1 Monitoring and recording conditions

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:

- 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 concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Point 1 Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
To be determined through a Water Assessment Plan required by the licence	TBC	Daily during discharge	TBC

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

Point	Frequency	Units of Measure	Sampling Method
1	Per Day	KL	By Calculation or alternate method approved by the EPA

M4. Testing methods - concentration limits

M4.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

M5. Weather Monitoring

M5.1 The meteorological station (licence point to be determined) must be maintained so as to be capable of continuously monitoring the parameters specified in condition M5.2.

M5.2 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

Parameter	Sampling Method	Units of Measure	Averaging Period	Frequency
Rainfall	AM-4	millimeters	15 minutes	Continuous

Note: For the purposes of conditions M5.1 and M5.2, 'Continuous' refers to the continuous monitoring of the relevant weather parameters for the duration of the frequency reporting period except during the following situations:

- a) equipment breakdown;
- b) power loss;
- c) scheduled maintenance;
- d) performance specification testing;
- e) vandalism.

M5.3 When the meteorological station is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA and state what alternative weather monitoring arrangements will be put in place until the return to service of the meteorological station.

Special Conditions

E1 Surface Water Monitoring - Water Assessment Plan

E1.1 In accordance with the NSW Environmental Guidelines, Use of Effluent by Irrigation (DEC, 2004) a Water Assessment Plan must be submitted to the EPA within 6 months of the commencement of operations at the premises.

E1.2 The plan required by conditions E1.1 above must document all the water related monitoring requirements, test methods, frequency, and locations of sampling for ongoing regular monitoring including storage level monitoring in the leachate storage dam. In developing the monitoring requirements consideration must be given to the analytes listed in Appendix D (Indicator parameters) of the Composting Guidelines (DECC 2004).

E2 Discharge Characterisation

E2.1 Within 12 months of operations commencing at the premises, the licensee must provide a report to EPA which outlines the outcomes of an initial monitoring program to characterise representative managed overflow discharges from the established operation. The report must include the results of monitoring required by condition E2.2.

E2.2 To characterise the representative managed discharge, the licensee must undertake the monitoring of managed discharge which includes the following analytes:

- the analytes listed in Appendix D (Indicator parameters) of the Composting Guidelines (DECC 2004) (pH, alkalinity, ammonia, calcium, chloride, fluoride, iron, magnesium, manganese, nitrate, organochlorine pesticides, organophosphate pesticides, pH, total phenolics, polycyclic aromatic hydrocarbons, potassium, sodium, sulfate and total organic carbon, electrical conductivity)
- total suspended solids
- total phosphorus
- total nitrogen
- biochemical oxygen demand
- tannins and lignins
- resin acids (such as isopimaric acid and dehydroabietic acid)
- formaldehyde
- any leachates from wood ash (electrical conductivity, pH/alkalinity, sulphate, other combustion by-products, nutrients (e.g. phosphates)).

TRANSPORT for NEW SOUTH WALES (TfNSW) Conditions

46. The quantity of material processed onsite and transported is to be limited to a maximum of 99,000 tonnes per annum.
47. The consent holder shall comply with all heavy vehicle access restrictions (as per the National Heavy Vehicle Regulator NHVR) and shall ensure that all heavy vehicles associated with the facility travel by the approved haul routes only, being:
 - i) Lowes Mount Road – Albion Street – Hawken Street,
 - ii) Great Western Highway – O'Connell Road – Albion Street – Hawken Street, and/or
 - iii) Great Western Highway – Jenolan Caves Road – Duckmaloi Road – Albion Street – Hawken Street (noting that at the time of this consent, B-Doubles are restricted to 19m on parts of this route).
48. The consent holder is to ensure that no more than 10 heavy vehicle movements occur between the Great Western Highway and the site during any hourly period. Electronic records of heavy vehicle arrival and departure times at site shall be maintained while ever the facility is operating and are to be provided to staff of any regulatory authority if requested.
49. Retailing of products to the general public is not permitted at the site (unless approved under a separate DA proposal or modification which has included assessment of the traffic impacts).
50. The swept path plan has been prepared on the basis of a 26m B-Double vehicle.
51. Council should consider limiting of the maximum size of vehicles permitted at the site to a 26m B-Double vehicle.
52. Landscaping, signage and fencing must not impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) must be provided and maintained at the intersection of the driveway with Hawken Street.
53. The consent holder shall prepare and implement a driver code of conduct applicable to all heavy vehicles associated with the facility, with measures including (but not limited to):
54. Site inductions, toolbox meetings and disciplinary procedures to facilitate continuous improvement initiatives and incident awareness.
 - i) Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
 - ii) Restriction of heavy vehicle deliveries and departures so they occur outside of school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between heavy vehicles and buses or children.
 - iii) Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, prevent mobile phone use while driving, and promote adherence to posted speed limits.
 - iv) Scheduling of heavy vehicle movements to minimise length of convoys / platoons.
 - v) Scheduling of transport and other mitigation measures for local climate conditions affecting safety or visibility (e.g. fog, wet weather).
55. Any road works are to be completed prior to operation of the proposed development.
56. Adequate turning circles, storage room and vertical clearance are to be provided on-site for the largest type of vehicle that will visit the site during construction and/or

operation and limiting all vehicle movements from the land to be in a forward direction.

- 57.** All activities including loading and unloading of goods associated with the development be carried out on site in the dedicated areas.
- 58.** Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
- 59.** All signage including any proposed internally lit signs must be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.
- 60.** All construction activities are to be undertaken wholly within the bounds of the site and not impact the efficiency and safety of all road users, including pedestrians within the locality of the construction activities.

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

- 61.** All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2021.

- 62.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2021.

- 63.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- ☐ in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- ☐ in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason:- So that the development complies with the requirements imposed under Clause 98B of the Environmental Planning and Assessment Regulation 2021.

- 64.** A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- ☐ showing the name, address and telephone number of the principal certifying authority for the work, and
- ☐ showing 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
- ☐ stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

Note: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:- So that the development complies with the requirements imposed under Clause 98A of the Environmental Planning and Assessment Regulation 2021.

65. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- i. protect and support the adjoining premises from possible damage from the excavation, and
- ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:- So that the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulation 2021.

Attachment B – Mandatory Conditions for all EPA licences

Attachment B lists the Mandatory Conditions for all EPA Licences and is provided for information and context only.

Administrative conditions

A1. Fit and Proper Person

A1.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

A2. Other activities

A2.2 This licence applies to all other activities carried on at the premises, including:

- Composting

Operating conditions

A3. Activities must be carried out in a competent manner

A3.1 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.

A4. Maintenance of plant and equipment

A4.1 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

A5. Recording of pollution complaints

A5.1. 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.

A6. Telephone complaints line

A6.2. The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

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

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

Reporting conditions

A7. Annual Return documents

A7.1 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.

What documents must an Annual Return contain?

A7.2. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

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

Period covered by Annual Return

A7.3. 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

A7.4. 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').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

A7.5. 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

A7.6. 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

A7.7. Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

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

Notification of environmental harm

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

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

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

Written report

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

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

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

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

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

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

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.