

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

22 Nov.

2009

SCHEDULE 1

Application No: 06_0239
Proponent: ThaQuarry Pty Ltd & ACN114 843 453 Pty Ltd
Approval Authority: Minister for Planning
Land: Lot 10 DP 241859, Lot W DP 419612, Lot 1 DP 400697
& Lot 2 DP 262213
Project: Eastern Creek Waste Project

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	4
Obligation to Minimise Harm to the Environment	4
Terms of Approval	4
Limits on Approval	4
Dispute Resolution	4
Structural Adequacy	4
Demolition	4
Utilities	5
Protection of Public Infrastructure	5
Operation of Plant and Equipment	5
Progressive Submission of Documents	5
SPECIFIC ENVIRONMENTAL CONDITIONS	6
Waste	6
Landfill Construction and Operation	7
Soil, Water and Leachate Management	8
Air, Odour and Greenhouse Gas	10
Noise	11
Metrological Monitoring	12
Traffic, Transport and Access	13
Visual Amenity	14
Flora and Fauna Management	14
Heritage	14
REHABILITATION AND CLOSURE	15
ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING	16
Environmental Management	16
Reporting	17
Independent Environmental Audit	17
Access to Information	17
APPENDIX 1: SITE PLAN AND BUILDING ELEVATIONS	19
APPENDIX 2: GENERAL TERMS FOR THE PLANNING AGREEMENT	23
APPENDIX 3: CONTRIBUTION AREA / TOTAL OPERATIONAL AREA	24
APPENDIX 4: FINAL LANDFORM	25
APPENDIX 5: INDEPENDENT DISPUTE RESOLUTION PROCESS	26

DEFINITIONS

BCA Construction	Building Code of Australia The demolition of buildings or works, carrying out of works and erection of buildings covered by this approval
Council	Blacktown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW Department Director-General DWE	Department of Environment, Climate Change and Water Department of Planning Director-General of the Department (or delegate) The former Department of Water and Energy, now Office of Water (within DECCW)
EA	Environmental assessment titled <i>Light Horse Business Centre</i> dated December 2008, the associated response to issues raised in submissions, dated 6 April 2009 and Preferred Project Report dated 26 June 2009.
EPA EP&A Act EP&A Regulation EPL	Environmental Protection Authority of DECCW <i>Environmental Planning & Assessment Act 1979</i> <i>Environmental Planning & Assessment Regulation 2000</i> Environmental Protection Licence
Evening Incident	The period from 6pm to 10pm An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval
Land	In general, the definition of land is consistent with the definition in the EP&A Act.
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister Mitigation Night	Minister for Planning Activities associated with reducing the impacts of the project The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-Putrescible Waste POEO Act Putrescible Waste Precinct Plan	As defined by Schedule 2 of the <i>POEO Regulation Protection of the Environment Operations Act 1997</i> As defined by Schedule 2 of the <i>POEO Regulation</i> State Environmental Planning Policy No: 59 - Central Western Sydney Economic and Employment Lands - Employment Lands Precinct Plan - Eastern Creek Precinct dated 14 December 2005
Precinct Plan Road	As detailed in Section 10 of the Precinct Plan, in particular Figure 30 – Local Road Pattern.
Precinct Plan Stormwater Scheme	As detailed in Section 5 of the Precinct Plan, in particular Figure 11 – Stormwater Management Plan.
Project	The development described in the EA, which includes the continued use of unauthorised works on site
Proponent	ThaQuarry Pty Ltd & ACN114 843 453 Pty Ltd, or their successors
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the project or controlling the environmental consequences of this impact
Feasible	Feasible relates to engineering considerations and what is practical to build
Site Statement of Commitments	The land referred to in Schedule 1 The Proponent's Statement of Commitments in the EA and Statement of Commitments in Response to Submissions dated 6 April 2009
VENM	Virgin Excavated Natural Material, as defined in the <i>Protection of the Environment Operations Act 1997</i>

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) Statement of Commitments;
 - c) site plan and building elevation drawings at Appendix 1; and
 - d) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Limits on Approval

5. The Proponent shall not receive more than 2 million tonnes of materials at the site per calendar year.
6. Nothing in this approval gives affect to or approves those works being undertaken, structures or buildings, on the site, in the area currently leased to Hanson (see Figure 1.2 in the EA).

Dispute Resolution

7. In the event that a dispute arises between the Proponent and Council or a public authority, other than the Department, in relation to the reasonableness of any requirements proposed by Council or a public authority arising from the conditions of this approval, the matter can be referred by either party to the Director-General for resolution.

Note: If the dispute cannot be resolved in 28 days, the Director-General will refer the matter to an Independent Dispute Resolution Process (see Appendix 5).

Structural Adequacy

8. Prior to the commencement of operations the Proponent shall obtain and provide copies of all necessary building certificate(s) from Council to the Director-General, for the following works:
 - a) The weighbridge and associated infrastructure.
9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Demolition

10. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

Utilities

11. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers and Council, including, but not limited to a Section 73 Compliance Certificate from Sydney Water.

Protection of Public Infrastructure

12. The Proponent shall:
 - a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths), in consultation with Council, and submit a copy of this report to the Department prior to the commencement of construction;
 - b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - c) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Operation of Plant and Equipment

13. The Proponent shall ensure that all plant and equipment used on the site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Staged Submission of Documents

14. With the approval of the Director-General, the Proponent may submit to the Director-General for approval any plan, strategy, study, or program required by this consent on a progressive basis.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

WASTE

Limits on Input

1. The Proponent shall not:
 - a) landfill more than 700,000 tonnes of non-putrescible waste per calendar year;
 - b) receive or landfill putrescible waste on site;
 - c) stockpile more than 50 tonnes of tyres on site at any one time;
 - d) stockpile more than 20,000 tonnes of green waste on site at any one time.
 - e) receive waste on site that is contaminated by chemicals and/ or pathogens that will not be rendered harmless by the process or that may constitute a health or environmental risk, including clinical and related waste and diseased carcasses; and
 - f) receive waste on site containing contaminants classified as hazardous waste, restricted waste (other than asbestos) or liquid waste under the POEO Act.

Waste Acceptance and Screening

2. The Proponent shall:
 - a) implement suitable procedures to:
 - ensure that the site does not accept wastes that are prohibited; and
 - screen incoming waste loads;
 - b) install suitable signs at the entry to the site, indicating the types of waste that are permitted to be accepted and those wastes that are prohibited; and
 - c) ensure that:
 - all waste sludges and wastes that are controlled under a tracking system have all the appropriate documentation prior to acceptance at the site;
 - staff receive adequate training in order to be able to recognise and handle hazardous or other unapproved wastes; and
 - Procedures and training requirements are integrated into the Environmental Management Strategy for the Project (See Schedule 5 condition 1).
3. The Proponent shall:
 - a) implement procedures to identify and handle asbestos waste. These procedures should be in accordance with National Occupational Health and Commission (Safe Work Australia's) Code of Practice & Guidance Notes for the Management & Control of Asbestos in WorkPlaces, relative guidelines and legislation from Workcover NSW and the POEO Regulation; and
 - b) integrate these procedures into the Environmental Management Strategy for the Project (See Schedule 5 condition 1).

Limits on Outputs

4. Except for the following, the Proponent shall dispose of all outputs produced from the waste processing and/or resource recovery facility on site to the landfill:
 - a) Recyclables extracted and delivered off-site for resource recovery purposes;
 - b) Putrescible waste extracted from the input waste stream and lawfully disposed of off-site;
 - c) Restricted waste and hazardous waste extracted from the input waste stream and lawfully disposed of off-site; and
 - d) Output waste derived materials approved for use under the *Protection of the Environment Operations Act, 1997* and Regulation.

Monitoring

5. Within 12 months of the commencement of operations, the Proponent shall prepare and implement a **Waste Monitoring Program** for the Project. This Program must:
 - a) be prepared in consultation with DECCW;
 - b) be prepared to the satisfaction of the Director-General; and
 - c) include a suitable program to monitor the:
 - quantity, type and source of waste received on site; and
 - quantity, type and quality of the outputs produced by the site.

LANDFILL CONSTRUCTION AND OPERATION

6. Prior to the commencement of operations, the Proponent shall install a floor and wall landfill liner within the former quarry void (below the weathered zone) unless otherwise agreed to by the Director-General. The specifications of the landfill liner shall be developed in consultation with DECC and submitted to the Director-General for approval prior to construction commencing.

Note: the purpose of the landfill liner is to prevent the risk of potential leachate migration from the quarry void into groundwater aquifers. The Director-General will only vary the requirement for a ground and wall liner if additional groundwater investigations (specified by DECCW) reveal an alternative solution to prevent the risk of leachate migration can be achieved.

7. Prior to the commencement of operations the Proponent shall implement all slope stabilisation and risk control measures detailed in the 'Geotechnical Quarry Slope Stability Assessment' report prepared by Jeffery and Katauskas Pty Ltd dated 17 March 2008. The results from any survey monitoring or inclinometers installed at the north face landslip area should be included in the Annual Environmental Review requirements outlined in Schedule 5 condition 3.
8. The Proponent shall prepare and implement a **Landfill Plan** for the Project to manage the disposal of material into the void to ensure a suitable level of compaction occurs. The Plan must:
 - a) be to the satisfaction of the Director-General;
 - b) be submitted within 12 months of commencing operations;
 - c) be submitted every 3 years during the life of the operation (coinciding with the independent environmental audit required at Schedule 4, condition 4); and
 - d) be submitted 12 months prior to the closure of the landfill;
 - e) be conducted by a suitably qualified, experienced, and independent engineer (or other relevant expert) whose appointment has been endorsed by the Director-General;
 - f) detail the proposed disposal methodology to achieve a suitable level of compaction;
 - g) include a criteria or level of compaction target for the landfill, with the view to types of uses post-land filling of the void;
 - h) outline a process to monitor the performance of the disposal methodology, compaction and settling rates; and
 - i) contingency measures should the rates not be achieved; and
 - j) procedures for reporting the components of this Plan.
9. The Proponent shall:
 - a) minimise the exposed or cleared areas at the landfill;
 - b) fill the landfill cell in a systematic manner in accordance with the Landfill Plan in Schedule 3 condition 8, that maximises compaction rates;
 - c) cover all exposed landfilled waste with at least 150mm of VENM (or a suitable alternative) at the end of daily waste disposal and compaction activities or with intermediate cover comprising at least a 300mm thick layer of VENM if the resultant covered surface is to be left exposed for more than 90 days.

Leachate Management System

10. Prior to the commencement of construction of the leachate management system, the Proponent must submit a report to the Director-General for approval that is prepared in consultation with DECCW and Sydney Water, providing design details of the proposed leachate collection, conveyance, extraction, storage, treatment and disposal systems for all aspects of the proposal's operations (landfill and materials processing centre / resource recovery facility), including but not limited to:
 - a) a construction quality assurance (CQA) plan for the collection, conveyance and storage measures of leachate including details of the leachate barrier system proposed for any surface areas used for the direct impoundment of leachate;
 - b) details of the proposed leachate pre-treatment system, including its capacity;
 - c) a program for the installation and commissioning of the systems; and
 - d) details of the Proponent's proposed trade waste agreement with Sydney Water Corporation.
11. No waste may be received until the Proponent has constructed the proposed leachate collection system and the leachate treatment plant and has secured a trade waste agreement with Sydney Water Corporation for the disposal of treated leachate.

Windrow Management

12. The Proponent shall manage windrow composting operations in accordance with:
 - a) AS 4454-2003: Composts, Soil Conditioners and Mulches, Appendix N;
 - b) Best practice guidelines for Composting Systems;
 - c) the most protective level of measures set out in the Environmental Guidelines for Composting & Related Organics Processing Facilities; or
 - d) other practices approved by the DECCW/EPA.

Litter Control

13. The Proponent shall:
 - a) Implement suitable measures to prevent the unnecessary proliferation of litter both on and off site; and
 - b) Inspect and clear the site and surrounding area, of litter on a daily basis.

Pest, Vermin, Feral Animal & Noxious Weed Management

14. The Proponent shall:
 - a) Implement suitable measures to manage pests, vermin, feral animals and declared noxious weeds on site and identify those measures in the Environmental Management Strategy for the Project (See Schedule 5 condition 1)
 - b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin, feral animals or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area; and
 - c) Perform ongoing monitoring of weed infestation on and adjoining the site.

Security, Hazards & Risks

15. The Proponent shall:
 - a) prevent unauthorised entry to the site; and
 - b) install and maintain a perimeter stock fence and lockable security gates on site.
16. The Proponent shall:
 - a) Prepare an **Emergency & Fire Response Plan** for the site to the satisfaction of NSW Fire Brigade, which should include but not be limited to mitigation measures, and include the number of days material can be stored on site, prior to construction commencing and the plan being implemented;
 - b) implement suitable measures to minimise the risk of fire on site;
 - c) extinguish any fires on site promptly;
 - d) maintain adequate fire-fighting capacity on site; and
 - e) detail emergency evacuation procedures

SOIL, WATER AND LEACHATE MANAGEMENT

Discharge Limits

17. Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the POEO Act.
18. Except as may be expressly provided in an EPL for the project, the Proponent shall discharge wastewater, including treated wastewater, to sewer, in accordance with a Trade Waste Agreement with Sydney Water.
19. The Proponent shall design and construct the sewer to the satisfaction of the Director-General, to a sufficient size and depth, so as to not preclude the orderly development of Lots 9 and 11 in DP 241859, or the construction of the Precinct Plan Road that will eventually traverse Lot 10 DP 241859.

Bunding

20. The Proponent shall store all chemicals, fuels and oils used on site in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. These bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or DECCW's *Storing and Handling Liquids: Environmental Protection* manual.

Soil, Water and Leachate Management Plan

21. The Proponent shall prepare and implement a **Soil, Water and Leachate Management Plan** for the site to the satisfaction of the Director-General. This plan must:
 - a) be submitted to the Director-General for approval prior to construction;
 - b) be prepared by a suitably qualified and experienced expert;
 - c) be prepared in consultation with the DECCW and Council; and
 - d) include:
 - a site water balance;
 - an erosion and sediment control plan;
 - a stormwater management scheme;
 - a surface water, groundwater and leachate monitoring program; and
 - a surface water, groundwater and leachate response plan.
22. The site water balance must:
 - a) include details of all water extracted, transferred, used and/or discharged by the development;
 - b) identify the source of all water collected or stored on the site, including rainfall, stormwater and groundwater;
 - c) describe the measures that would be implemented to minimise water use on site.
23. The erosion and sediment control plan must:
 - a) be consistent with the requirements in the latest version of *Managing Urban Stormwater: Soils and Construction* (Landcom);
 - b) identify the activities on site that could cause soil erosion and generate sediment; and
 - c) describe what measures would be implemented to:
 - minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures; and
 - maintain these structures over time.
24. The stormwater management scheme must:
 - a) be consistent with the guidance in the latest version of *Managing Urban Stormwater: Council Handbook* (DEC); and
 - b) include the detailed plans for the proposed surface water management system.
25. Should a Precinct Plan Stormwater Scheme be initiated by Council, the Proponent shall commit to that scheme and provide a development contribution to Council toward the implementation of that scheme (see below). The Precinct Plan Stormwater Scheme (as it relates to the Project) must:
 - a) be prepared in consultation with DECCW and Council and be submitted to the Director-General for approval prior to the commencement of construction of the Precinct Plan Stormwater Scheme works;
 - b) be consistent with the guidance in the latest version of *Managing Urban Stormwater: Council Handbook* (DECCW); and
 - c) include detailed plans of the Precinct Plan Stormwater Scheme as it relates to the Project.
26. Within three years of this approval, or when a Section 94 Contributions Plan that covers the site is made, whichever is sooner, the Proponent shall contribute toward the acquisition, design and construction of the Precinct Plan Stormwater Scheme. If a Section 94 Contributions Plan does not exist, the Proponent shall enter into a Voluntary Planning Agreement and/or works in kind deed of agreement with Council for those development contributions at that time. If a Section 94 Contributions Plan is not in place, the development contribution amount shall:
 - a) be calculated by Council, (by apportioning the cost of the Precinct Plan Stormwater Scheme amongst the Precinct Plan landowners in the relevant catchments), and be to the satisfaction of the Director General;
 - b) be calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*; and
 - c) be independently verified by a quantity surveyor whose appointment has been approved by the Director-General.

The development contribution toward the Precinct Plan Stormwater Scheme should be calculated in accordance with developable areas (52.41 ha) detailed in at Appendix 3 and exclude the quarry void itself initially. Development Contributions toward the Precinct Plan Stormwater Scheme are payable for the quarry void area (22.602 ha) at least 12 months prior to the completion of landfilling.

27. The surface water, groundwater, and leachate monitoring program must:
- be generally consistent with the guidance in benchmark techniques 4, 5, 6, 7 and 8 of Appendix A of the DECCW's *Environmental Guidelines for Solid Waste Landfills* (1996, or the relevant sections of the latest version of the guideline); and
 - include:
 - baseline data;
 - details of the proposed monitoring network; and
 - the parameters for testing and respective trigger levels for action under the surface water, groundwater and leachate response plan (see below).
28. The surface water, groundwater and leachate response plan must:
- include a protocol for the investigation, notification and mitigation of any exceedances of the respective trigger levels; and
 - describe the array of measures that could be implemented to respond to any surface or groundwater contamination that may be caused by the development.

AIR, ODOUR AND GREENHOUSE GAS

Air Quality Impact Assessment Criteria

29. The Proponent shall ensure that dust generated by the development does not cause additional exceedances of the criteria listed in Tables 1 to 3 at any residence on, or on more than 25 percent of, any privately owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: *Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method*.

Offensive Odour

30. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.
31. If the Independent Environmental Audit (see Condition 7 of Schedule 5) recommends that the green waste area (see plan in Appendix 1) be enclosed to reduce the odour impacts of the project, then the Proponent shall enclose the area to the satisfaction of the Director-General within the timeframe specified by the Director-General.

Dust

32. The Proponent shall implement all reasonable and feasible measures to minimise the dust generated by the project.
33. The Proponent shall seal all internal haul roads within the operational area of the project (see Operational Area at Appendix 3), with the exception of haul roads within the quarry void itself.

34. Prior to the commencement of operations, the Proponent shall ensure that water sprays or appropriate dust suppression measures identified in the EA are implemented within the site to provide effective dust suppression to all dust generating activities, including but not limited to dust generated by:
 - a) crushing, screening and/or sorting operations;
 - b) vehicles moving on unpaved surfaces; and
 - c) the unloading of dry waste material.
35. During construction, the Proponent shall ensure that:
 - a) all trucks entering or leaving the site with loads have their loads covered; and
 - b) the trucks associated with the project do not track dirt onto the public road network.

Greenhouse Gas Emissions

36. The Proponent shall implement all reasonable and feasible measures to minimise:
 - a) energy use on site; and
 - b) the scope 1, 2 and 3 greenhouse gas emissions produced on site, to the satisfaction of the Director-General.

Air Quality, Odour and Greenhouse Gas Management Plan

37. The Proponent shall prepare and implement an **Air Quality, Odour and Green House Gas Management Plan** for the project to the satisfaction of the Director-General. This plan must:
 - a) be prepared in consultation with DECCW by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director-General, and submitted to the Director-General for approval within 3 months of the date of this approval;
 - b) describe in detail the measures that would be implemented on site to control the odour and air quality impacts of the project, and to ensure that these controls remain effective over time;
 - c) identify triggers for remedial action;
 - d) include a program for monitoring the air quality and odour impacts of the project including a real-time dust monitor to measure dust emissions during operation;
 - e) Identify the number and location of continuous monitoring points for fine particulates (PM10) during each stage of works, ensuring sufficient representation of the relevant sensitive receptors at each stage of the proposed works;
 - f) Include development and identification of PM10 concentration trigger levels at which:
 - Dust management actions must be taken, and specification of the relevant actions; and
 - Works at the site must cease.
 - g) Include a program for monitoring subsurface gas, surface gas emission, and gas accumulation in general accordance with the guidance in sections 15-18 of Appendix A of the DEC's Environmental Guidelines for Solid Waste Landfills; and
 - h) Include a protocol for remediating uncontrolled landfill gas emissions.

NOISE

Noise Impact Assessment Criteria

38. The Proponent shall ensure that noise from the project does not exceed the noise limits in Table 4.

Table 4: Noise Impact Assessment Criteria

Location	Day L _{Aeq} (15 minute) dB(A)
All Affected Receivers	36

Notes:

a) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeq} (15 minute) noise limits. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

b) The noise emission limits identified apply under meteorological conditions of:

Wind speed up to 3m/s at 10 metres above ground level; or

Temperature inversion conditions of up to 30C/100m and wind speed up to 2m/s at 10 metres above the ground.

Hours of Operation

39. The Proponent shall comply with the restrictions in Table 5.

Table 5: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 4:00pm
	Sunday and Public Holidays	Nil
Operation	Monday – Friday	7:00am to 6:00pm
	Saturday, Sunday and Public Holidays	8:00am to 4:00pm

Monitoring

40. The Proponent shall prepare and implement a Noise Monitoring Program for the development, in consultation with DECCW, and to the satisfaction of the Director-General. This program must be submitted to the Director-General for approval prior to commencement of operations, and include a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval.

METROLOGICAL MONITORING

41. For the life of the Project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the latest version of *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

TRAFFIC, TRANSPORT & ACCESS

Access

42. Access to the Project from Archbold Road is not permitted.
43. Access to the Project shall be via Old Wallgrove Road or Wonderland Drive, via the public Precinct Plan Road network, wherever a public road is available.
44. To facilitate both the construction of the sewer that will service the Project and the Precinct Plan Road that will eventually traverse Lot 10 DP241859, the Proponent shall grant access in favour of the owners of Lots 9 and 11 in DP241859, across Lot 10 DP 241859.

Precinct Plan Roads

45. Within five years from the date of this approval or when an adjoining land owner is building a precinct road to a common boundary (whichever is sooner), the Proponent shall design and construct, to the satisfaction of Council, those parts of the Precinct Plan Road network that ultimately fall within the operational area of the facility (See Appendix 3). These precinct roads shall be dedicated to council, at no charge, to form part of the public road network.
46. When a Precinct Plan road is constructed, the Proponent shall design and construct any new vehicular connections to the Precinct Plan Road, to the satisfaction of Council.

Internal Roads and Parking

47. The Proponent shall:
- ensure that all internal site paved, trafficable or parking areas on site complies with *AS2890.1 and/or AS2890.2* or their latest versions; and
 - construct at least 50 parking spaces for employees and visitors with at least 2% of those spaces provided for disabled drivers, clearly marked and signposted.
48. The Proponent shall ensure that vehicles associated with the project do not park or queue on the public road network at any time.

Local and Regional Road Network Contributions

49. Within three years of the date of this approval, or when a Section 94 Contributions Plan that covers the site is made, whichever is sooner, the Proponent shall contribute toward the acquisition, design and construction of the Precinct Plan Road known as the 'Quarry / Link Road' (between Old Wallgrove Road and Wonderland Drive).

Any contribution made by the Proponent under this condition shall be calculated by and made to Council and be to the satisfaction of the Director-General. The Director-General's consideration of an appropriate level of contribution shall consider:

- a) the level of contribution made by all other landowners within the Eastern Creek Precinct Plan landowners;
 - b) the level of contribution against the Land Acquisition (Just Terms Compensation) Act 1991;
 - c) any independent verification from a quantity surveyor on the cost of the works, whose appointment has been approved by the Director-General; and
 - d) the level of contribution against the entire operational area of the project (see Appendix 3).
50. Within 6 months of this approval, the Proponent shall enter into a planning agreement with the Minister, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Department on 24 June 2009 by the Proponent which must include the matters set out in Appendix 2.
51. The Proponent shall contribute a maximum of \$7,860,450 payable to the Minister for Planning in accordance with the payment schedule in detailed in Appendix 2 of this approval, for the provision of regional infrastructure within the broader Western Sydney Employment Hub, including, but not limited to:
- a) the upgrade of Old Wallgrove Road;
 - b) the upgrade of Archbold Road;
 - c) signalisation of intersections along Old Wallgrove; and
 - d) the upgrade of the intersection of Wallgrove and Old Wallgrove Road

Transport Code of Conduct

52. The Proponent shall prepare and implement a Transport Code of Conduct for the development to the satisfaction of the Director-General. This protocol must:
- a) be submitted to the Director-General for approval prior to the commencement of operations;
 - b) be prepared in consultation with the RTA and Blacktown Council; and
 - c) describe the measures that would be implemented to:
 - minimise the impacts of the development on the local and regional road network, including traffic noise.

VISUAL AMENITY

Lighting

53. The Proponent shall ensure that the lighting associated with the project:
- a) complies with the latest version of AS 4282(*INT*) - *Control of Obtrusive Effects of Outdoor Lighting*; and
 - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Amenity Berms

54. The Proponent shall prepare design details for the visual screens, impervious barriers and amenity berms being implemented for the facility, having regard to adjoining landowners. This design detail must be submitted to the Director-General for approval prior to the commencement of construction or regrading of the amenity berms, visual screens or impervious barriers.
55. Prior to the commencement of operations, the Proponent shall:
- a) construct and maintain, for the duration of the operations, amenity berms, impervious barriers and visual screens around the perimeter of the operational area (as detailed in the EA, the sit plan at Appendix 1 and Schedule 3, Condition 53 above);
 - b) retain the existing amenity berm to the north east of the quarry void at the perimeter;
 - c) vegetate the berms in accordance with the Landscape and Vegetation Management Plan at Schedule 3, condition 59;
 - d) maintain the height of the amenity berms at no less than 10 metres; and
 - e) conduct all earth works required to reshape the amenity berms on site, without impacting on adjoining landowners.

56. No stockpile on site should exceed the height of the berms, impervious barriers or visual screens.

Signage and Fencing

57. The Proponent shall not install any signage or fencing on site without the written approval of the Director-General. In seeking this approval the Proponent shall:
- f) submit detailed plans of the proposed signage or fencing, which have been prepared in consultation with Council; and
 - g) demonstrate that the proposed signage or fencing is consistent with the relevant requirements from Council.

FLORA AND FAUNA MANAGEMENT

58. The Proponent shall not disturb those areas identified as Conservation Areas in the Precinct Plan and identified and mapped in the EA.
59. The Proponent must comply with Clean up notices issued by the Environment Protection Authority to the Proponent in relation to creek rehabilitation and reinstatement work within Lot 2 DP 262213.

Landscape and Vegetation Management Plan

60. The Proponent shall prepare and implement a **Landscape and Vegetation Management Plan** for the project to the satisfaction of the Director-General. This plan must:
- a) be prepared in consultation with DWE and Council and be submitted to the Director-General for approval within 3 months of this approval;
 - b) be prepared in accordance with *DWE's Guidelines for Controlled Activities – Vegetation Management Plans*; and
 - c) include:
 - a Landscape Plan for the project, which identifies screen plantings to minimise visual impacts, particularly on the amenity berms;
 - detailed plans and procedures to:
 - restore and maintain the waterways and riparian zones of the Ropes Creek Tributary on the site;
 - manage weeds in the vicinity of the riparian zones;
 - integrate works into the proposed landscaping for the rest of the site;
 - manage impacts on fauna; and
 - monitor the performance of the proposed restoration works.
 - d) Provide details on how those areas identified as Conservation Areas in the Precinct Plan shall be actively managed for conservation purposes including:
 - improving the quality of the vegetation in these areas
 - measure to control pests vermin, and noxious weeds; and
 - measures to control access.

HERITAGE

61. The Proponent shall not disturb those areas identified as High Sensitivity in McDonald 2005.
62. The Proponent shall prepare and implement an **Aboriginal Heritage Management Plan**, in consultation with the DECCW, and to the satisfaction of the Director-General. The Plan must:
- a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) be prepared by a suitably qualified archaeologist;
 - c) be consistent with the management principles defined in McDonald 2005;
 - d) include a strategy for the salvage and long term management of salvaged objects;
 - e) include procedures for topsoil stripping and sub-surface excavation works in areas of moderate sensitivity and supervision by a qualified archaeologist;
 - f) identify procedures to be followed should previously unidentified objects be uncovered or additional impacts to sites be identified;
 - g) measures to protect Aboriginal heritage values of those areas marked high sensitivity in McDonald 2005; and
 - h) include a procedure for continued consultation with Aboriginal stakeholders.

SCHEDULE 4 REHABILITATION AND CLOSURE

Final Landform

1. The final landform for the landfill shall generally be in accordance with the plan at Appendix 4. All earth works required to reach this final landform shall be conducted on site, without impacting on adjoining landowners.

Rehabilitation / Closure Plan

2. Upon cessation of landfilling, the Proponent shall decommission the landfill and rehabilitate the site. The Proponent shall prepare and implement a **Rehabilitation and Closure Plan**. This plan must:
 - a) Be prepared in consultation with DECCW, and Council
 - b) Be prepared by a suitably qualified and experienced expert;
 - c) Be submitted to the Director-General for approval within 3 years of commencement of operations;
 - d) Define the objectives and criteria for rehabilitation and closure;
 - e) Investigate options for the future use of the site;
 - f) Describe the measures that would be implemented to achieve the specified objectives and criteria for the rehabilitation and closure;
 - g) Calculate the cost of implementing these measures; and
 - h) Describe how the performance of these measures would be monitored over time.

**SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING**

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:
 - a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) provide the strategic framework for environmental management of the project;
 - c) identify the statutory approvals that apply to the project;
 - d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - f) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring currently being carried out within the project area.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - a) detailed baseline data;
 - b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see c above);
 - e) a contingency plan to manage any unpredicted impacts and their consequences;
 - f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - h) a protocol for periodic review of the plan.

Annual Review

3. By the end of December 2010, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;
 - b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA;

- c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- d) identify any trends in the monitoring data over the life of the project;
- e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- f) describe what measure will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
- a) audit under condition 7 of schedule 5;
 - b) incident report under condition 5 of schedule 5; and
 - c) annual review under condition 3 of schedule 5,
- the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

REPORTING

Incident

5. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

Regular

6. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.

INDEPENDENT ENVIRONMENTAL AUDIT

7. Within 6 months of the commencement of operation, and every 2 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- a) be conducted by suitably qualified, experienced and independent team of experts (including an odour expert), whose appointment has been endorsed by the Director-General;
 - b) include consultation with the relevant agencies;
 - c) include a full odour audit of the project, taking into consideration the relevant technical guidelines and any odour complaints made since the previous audit;
 - d) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL (including any assessment, plan or program required under these approvals);
 - e) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate; and
 - f) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

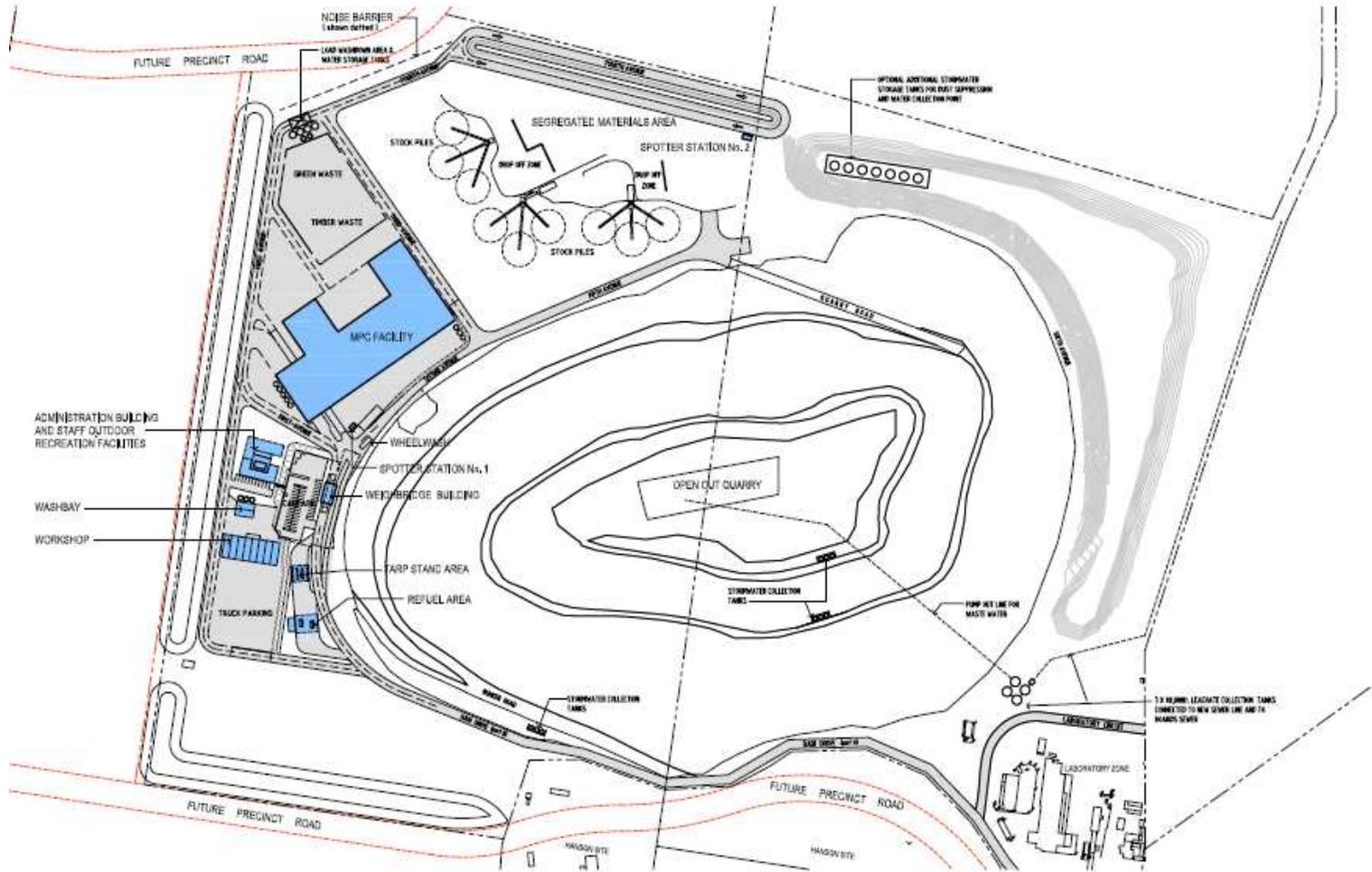
8. Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

9. From the end of 2009, the Proponent shall make the following information publicly available on its website:
- a) a copy of all current statutory approvals;
 - b) a copy of the current environmental management strategy and associated plans and programs;

- c) a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
- d) a complaints register, which is to be updated on a monthly basis;
- e) a copy of any Annual Reviews (over the last 5 years);
- f) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and
- g) any other matter required by the Director-General.

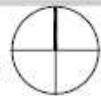
APPENDIX 1 - SITE PLAN & BUILDING ELEVATIONS



LIGHT HORSE BUSINESS CENTRE
 DADI - MATERIALS PROCESSING FACILITY
 DIAL A DUMP INDUSTRIES
 OLD WALGROVE ROAD, EASTERN CREEK, NSW



2 / 107 Cronulla Street, Cronulla NSW 2230
 p + 02 9523 7856 e = david@axisarchitects.com.au
 nominated architect - David McDonald NSW ARB - 1997

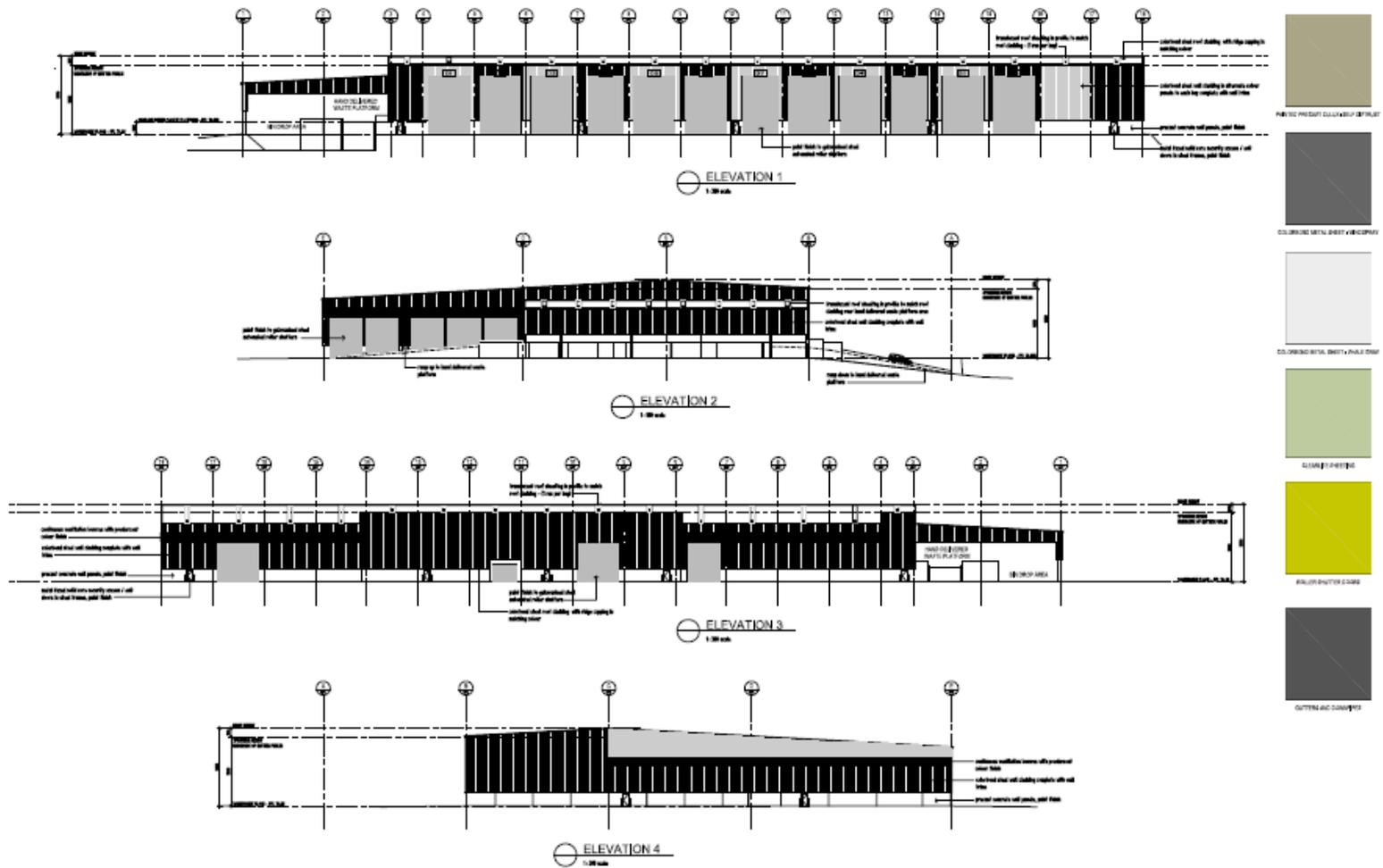


SITE LAYOUT PLAN

090507/ DI-EP-MP

JUNE 2009
 1:3000 scale

A 101 / E



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APPENDIX 2: GENERAL TERMS FOR THE PLANNING AGREEMENT

Under section 93I of the Environmental Planning and Assessment Act 1979 (**Act**), the Proponent offers to enter into a planning agreement with the Minister for Planning within 6 months of the date of any approval of application 06_0139 (Eastern Creek Waste Project).

The agreement will provide that:

1. The Proponent contribute a maximum of \$7,860,450 payable to the Minister for Planning in accordance with the payment schedule in table 1 below, for the provision of regional infrastructure within the broader Western Sydney Employment Hub (**the Contribution**) in relation to Lot 10 DP 241859, Lot W DP 419612, Lot 1 DP 400697 & Lot 2 DP 262213 under the Eastern Creek Waste Project Approval, shown as proposed Lot 1 and 4 on the proposed plan of subdivision at Appendix 3. The contribution is made on the basis of the indicative land areas shown in the table below at the rate of \$150,000 per hectare. The final contribution made by the Proponent shall reflect the actual areas (hectares) in each category, as identified by a registered surveyor and also shown on the proposed Plan of subdivision for the new Lots 1 and 4.
2. If a special infrastructure contribution (**SIC**) is determined under section 94EE of the Act (or 116O of the amended Act) that covers the land which is the subject of the Eastern Creek Waste Project Approval:
 - o prior to the Proponent making the Contribution, the Proponent will pay the value of the SIC as if it had applied to the Eastern Creek Waste Project subject to the maximum amount being \$7,860,450; or
 - o after the Proponent makes the Contribution and the value of the Contribution is more than the SIC, the Proponent will be entitled to a credit for that difference in amount.
3. With the agreement of the Minister for Planning (or her delegate), the Proponent may provide regional infrastructure within the Western Sydney Employment Hub in relation to Lot 10 DP 241859, Lot W DP 419612, Lot 1 DP 400697 & Lot 2 DP 262213 under the Eastern Creek Waste Project Approval or dedicate land for the provision of this infrastructure, and obtain a credit against the Contribution.

The value of the credit shall be determined by an independent person, and

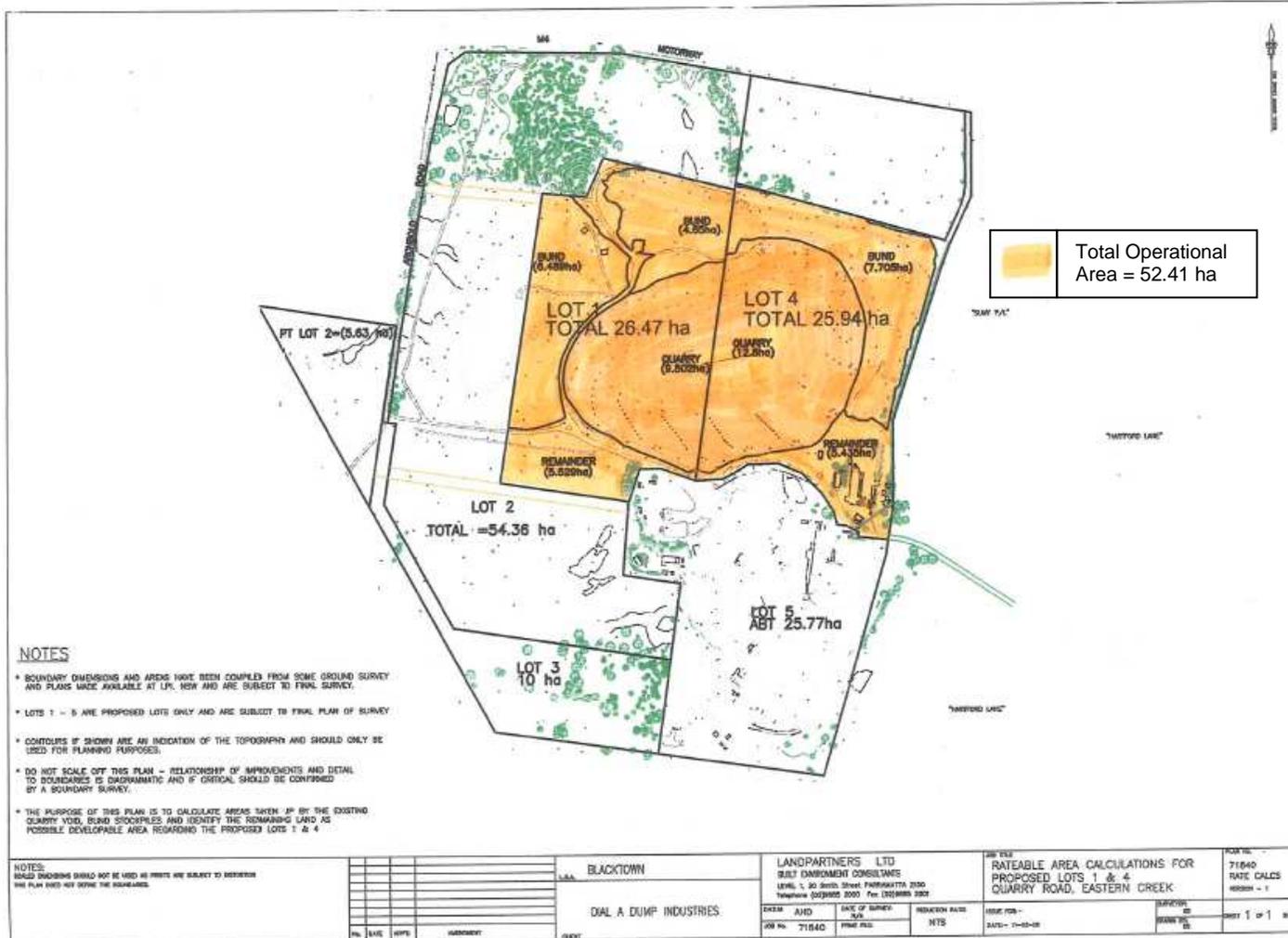
- in relation to the provision of regional infrastructure works, be based on the cost of providing the works; and
- in relation to the dedication of land for the provision of regional infrastructure works, be calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* as if a compulsory acquisition had occurred.

4. The Proponent will provide suitable security for the Contribution once the planning agreement is entered into.

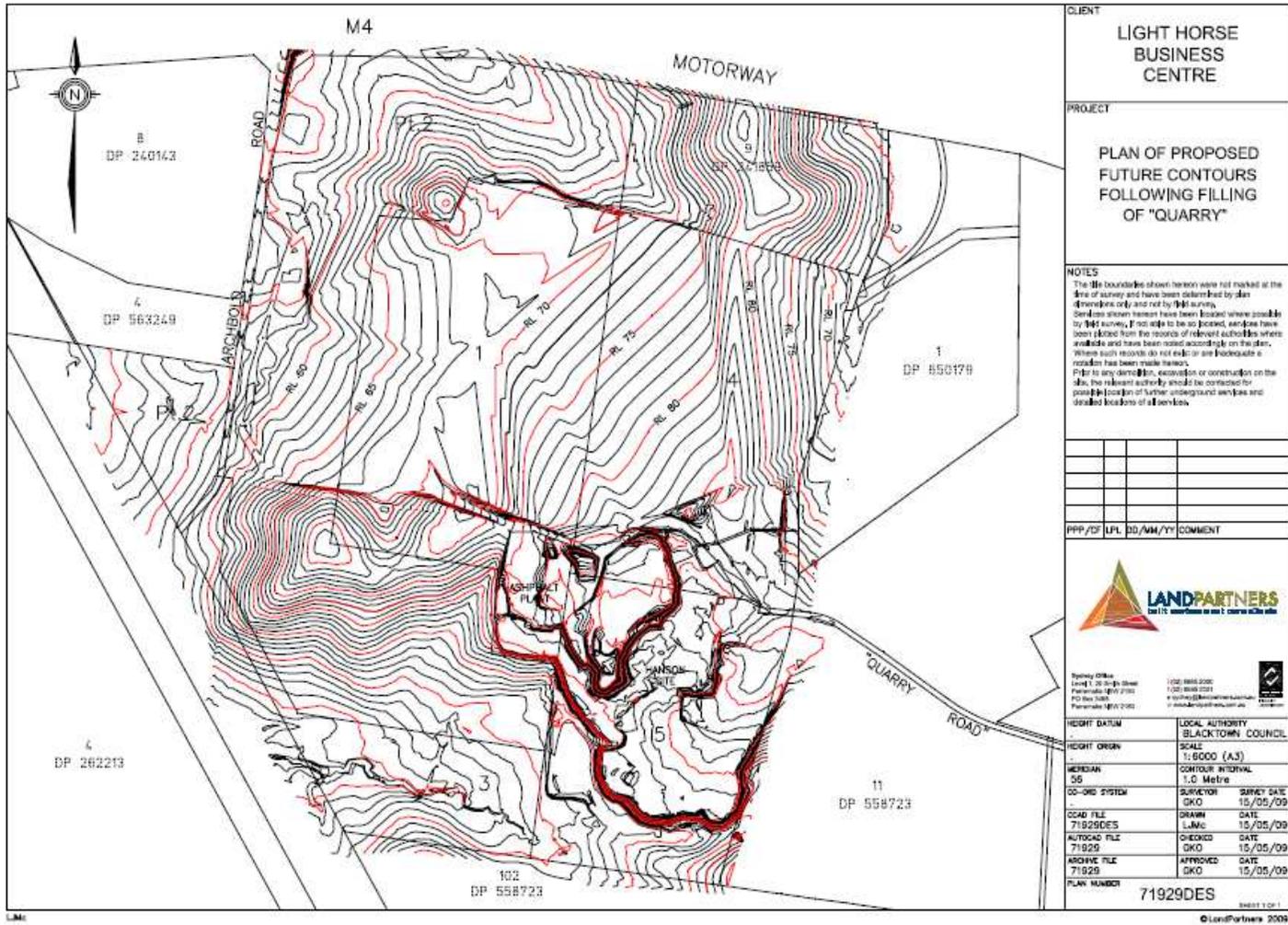
Table 1: Regional Contributions Schedule

Land Area	Total Regional Contributions
Total Operational Area 52.41 ha Refer to Plan at Appendix 3	\$7,860,450
Key Operational Area (Excludes the quarry void & north eastern bund) 22.103 ha Refer to Plan at Appendix 3	\$3,315,450 10% payable on approval being Issued 15% Opening of Operation. 25% 1 st Anniversary of Operation 25% 2 nd Anniversary of Operation 25% 3 rd Anniversary of Operation
Quarry Void and North eastern bund area 52.41Ha less Operational area of 22.103Ha = 30.3 Ha Refer to Plan at Appendix 3	\$4,545,000 Payable annually at \$227,250 per annum commencing 2 nd Anniversary of Operation. Any unpaid balance is to be paid in full (pro rate to the land utilised) by the Proponent at the time when a Construction Consent is issued for a building construction unconnected with the current uses on any of the nominated areas.

**APPENDIX 3
Contribution Area**



**APPENDIX 4
Final Landform**



**APPENDIX 5:
Independent Dispute resolution Process**

**Independent Dispute Resolution Process
(Indicative only)**

