

# Project Approval

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

As delegate for the Minister for Planning and Infrastructure, I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

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.

Richard Pearson  
Deputy Director-General

Sydney

2011

### SCHEDULE 1

**Application No:** 08\_0255

**Proponent:** Elf Farm Supplies Pty Ltd and Elf Mushrooms

**Approval Authority:** Minister for Planning and Infrastructure

**Substrate Plant Site Land:** Lot 14 DP 1138749 and part Lot 13 DP 1138749  
108 Mulgrave Road, Mulgrave

**Mushroom Farm Site Land:** Lot 138 DP 752037, 521  
The Northern Road, Londonderry

**Project:** Elf Substrate Plant and Elf Mushroom Farm Project

## DEFINITIONS

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AHD                              | Australian Height Datum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| APZ                              | Asset Protection Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| ARI                              | Average Recurrence Interval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| BCA                              | Building Code of Australia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| CEMP                             | Construction Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Construction                     | The demolition of buildings or works, carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Day                              | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Department                       | NSW Department of Planning, Industry and Environment or its successors in title                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DPIE Water                       | Department of Planning, Industry and Environment Water Division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <del>Director General</del>      | <del>Director General of the Department (or delegate)</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| EA                               | Environmental assessment titled Mushroom Industry Expansion in Western Sydney – Environmental Assessment dated December 2010 and the associated response to submissions, dated 17 March 2011 and 15 June 2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| EESG                             | Environment, Energy and Science Group of the Department of Planning, Industry and Environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| ENM                              | Excavated Natural Material                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| EPA                              | Environment Protection Authority <del>of OEH</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| EP&A Act                         | Environmental Planning & Assessment Act 1979                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| EP&A Regulation                  | Environmental Planning & Assessment Regulation 2000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| EPL                              | Environment Protection Licence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Evening                          | The period from 6pm to 10pm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Feasible                         | Feasible relates to engineering considerations and what is practical to build                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Heavy Vehicle                    | Any vehicle with a gross vehicle mass of 5 tonnes or more                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Incident                         | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| LGA                              | Local government area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 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                         | Minister for Planning <del>and Infrastructure</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Mitigation                       | Activities associated with reducing the impacts of the Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| MOD 1                            | The modification as described in the Environmental Assessment, titled <i>Mushroom Substrate Plant Modification to Approved Project Environmental Assessment</i> dated February 2015, prepared by Perram and Partners, the letter Response to Submissions titled <i>Mushroom Substrate Plant, Mulgrave Application to Modify Project Approval and Concept Plan Approval (08_0255 MOD 1)</i> , dated 29 August 2015, prepared by Perram and Partners and the <i>Assessment of Biofilter Filling</i> dated 17 December 2015, including the letter by WMA Water dated 21 January 2016, prepared by Perram and Partners                                                                                                |
| MOD 2                            | The modification as described in the Environmental Assessment titled <i>MUSHROOM FARM Proposed Section 75W Modification to Concept Plan (MP 08-0225) Elf Mushroom Farm</i> dated August 2016, prepared by Urban City Consulting, as amended by the Response to Submissions titled <i>ENVIRONMENTAL ASSESSMENT MUSHROOM FARM Proposed Section 75W Modification to (MP 08-0225) Elf Mushroom Farm</i> prepared by Urban City Consulting and dated August 2018 including the letter from Northern Auto Wreckers dated 28 August 2018, as revised by the additional Response to Submissions sent by email on 21 February 2019 from Greg Hall of Urban City Planning and email received from Greg Hall on 6 June 2019. |
| MOD 3                            | The modification as described in the Environmental Assessment, titled <i>Mushroom Substrate Plant Project Modification No 3 Environmental Assessment</i> dated May 2018, prepared by Perram and Partners, the letter Response to Submissions titled <i>RE: Elf Farm Supplies Mushroom Substrate Plant, Mulgrave Responses to</i>                                                                                                                                                                                                                                                                                                                                                                                  |

|                                             |                                                                                                                                                                                                                                                                                    |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mushroom Farm site                          | <i>Submissions – MOD 3 dated 13 November 2018, prepared by Perram and Partners and the letter titled RE: Elf Farm Supplies Mushroom Substrate Plant, Mulgrave Responses to Submissions – MOD 3 dated 30 January 2019, prepared by Perram and Partners</i>                          |
| Night                                       | Lot 138 DP 752037 521 The Northern Road, Londonderry<br>The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays                                                                                                                          |
| Noise Wall                                  | As described in the EA, and as modified by MOD 2                                                                                                                                                                                                                                   |
| Noise Barrier                               | Located at the Substrate Plant site and as described in MOD 3                                                                                                                                                                                                                      |
| NOW                                         | NSW Office of Water                                                                                                                                                                                                                                                                |
| Odour emissions plant                       | Ammonia scrubbers and biofilter as described in MOD 1                                                                                                                                                                                                                              |
| OEH                                         | Office of Environment and Heritage                                                                                                                                                                                                                                                 |
| Operation (Mushroom farm site)              | Operation commences when the Substrate Plant increases production above 1,000 tonnes of substrate per week                                                                                                                                                                         |
| Operation (Substrate Plant site)            | Operation commences upon receipt of substrate at the Mushroom Farm site                                                                                                                                                                                                            |
| OTMP                                        | Operational Traffic Management Plan                                                                                                                                                                                                                                                |
| PCA                                         | Principal Certifying Authority                                                                                                                                                                                                                                                     |
| Phase 1 substrate                           | Substrate that has been through the composting process only                                                                                                                                                                                                                        |
| Phase 2 substrate                           | Phase 1 substrate that has been pasteurised at high temperature                                                                                                                                                                                                                    |
| Phase 3 substrate                           | Phase 2 substrate that contains mushroom spawn                                                                                                                                                                                                                                     |
| POEO Act                                    | Protection of the Environment Operations Act 1997                                                                                                                                                                                                                                  |
| Project                                     | The development described in the EA, comprising the construction and operation of a mushroom farm at 521 The Northern Road, Londonderry; and the expansion of the existing mushroom substrate plant at 108 Mulgrave Road, Mulgrave; as modified by the conditions of this approval |
| Proponent                                   | Elf Farm Supplies Pty Ltd and Elf Mushrooms or their successor in title                                                                                                                                                                                                            |
| 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.                                          |
| Rail Corridor                               | The Richmond railway line and associated infrastructure, adjoining the southern boundary of the Substrate Plant site.                                                                                                                                                              |
| Rehabilitation                              | The treatment or management of land disturbed by the Project for the purpose of establishing a safe, stable and non-polluting environment                                                                                                                                          |
| RTA                                         | Roads and Traffic Authority                                                                                                                                                                                                                                                        |
| RMS                                         | NSW Roads and Maritime Services                                                                                                                                                                                                                                                    |
| Secretary                                   | Planning Secretary of the Department of Planning, Industry and Environment, or nominee                                                                                                                                                                                             |
| SRDAC                                       | Sydney Regional Development Advisory Committee                                                                                                                                                                                                                                     |
| Stages 1 to 5 at the Mushroom Farm site     | The development stages shown on the plan in Appendix 4                                                                                                                                                                                                                             |
| Stages 1 to 2 3 at the Substrate Plant site | The development stages shown on the plan in Appendix 2                                                                                                                                                                                                                             |
| Statement of Commitments                    | The Proponent's Statement of Commitments in Appendix 1                                                                                                                                                                                                                             |
| Substrate                                   | Mushroom growing medium                                                                                                                                                                                                                                                            |
| Substrate Plant site                        | Lot 14 DP 1138749 and part Lot 13 DP 1138749, 108 Mulgrave Road, Mulgrave                                                                                                                                                                                                          |
| Vegetation Management Area                  | The area shown on the Plan in Appendix 5                                                                                                                                                                                                                                           |
| VENM                                        | Virgin Excavated Natural Material                                                                                                                                                                                                                                                  |
| WMP                                         | Water Management Plan                                                                                                                                                                                                                                                              |

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent **must** 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 **must** carry out the Project **generally** in accordance with the:
  - (a) EA;
  - (b) statement of commitments (see Appendix 1);
  - (c) site layout plans and drawings in the EA; **and**
  - (d) **MOD 1; and**
  - (e) **MOD 2; and**
  - (f) **MOD 3.**
3. If there is any inconsistency between the above, the conditions of this approval **must** prevail to the extent of any inconsistency.
4. The Proponent **must** comply with any reasonable requirement/s of the **Secretary** 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.
5. This approval **must** lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

### LIMITS ON APPROVAL

#### Substrate Plant Site

6.
  - (1) The Proponent **must** ensure that the Project on the Substrate Plant site does not:
    - a) produce more than 3,200 tonnes per week of phase 1 substrate; subject to (2) below and
    - b) dispatch more than 1,920 tonnes of phase 3 substrate per week.
  - (2) The proponent must not produce on the Substrate Plant site more than 1,000 tonnes of phase 1 substrate per week except in accordance with a staged approval granted by the **Secretary** in accordance with condition 7 Schedule 2 below.
7.
  - (1) The Proponent may apply to the **Secretary** for approval to increase production of substrate up to the rate of 1,600 tonnes of phase 1 substrate a week on the Substrate Plant site if –
    - a) the Odour Management Plan required under condition 6 of Schedule 4 has been prepared to the satisfaction of the **Secretary** and is being implemented; and
    - b) an independent odour audit has been prepared and submitted in accordance with condition 5 of Schedule 3.
  - (2) The Proponent may apply to the **Secretary** for approval to increase production of substrate up to the rate of 2,400 tonnes of phase 1 substrate a week on the Substrate Plant site if –
    - a) the site has been producing phase 1 substrate at a rate between 1,500 and 1,600 tonnes per week in accordance with an approval granted by the **Secretary** under this condition; and
    - b) an independent odour audit of the site operating in this range has been prepared and submitted in accordance with condition 5(c) of Schedule 3.

**Production of up to 2,400 tonnes of phase 1 substrate a week may not occur until the Proponent has received the written approval of the Secretary.**

  - (3) The Proponent may apply to the **Secretary** for approval to increase production of substrate up to the rate of 3, 200 tonnes of phase 1 substrate a week on the Substrate Plant site if –
    - a) the site has been producing phase 1 substrate at a rate between 2,300 and 2,400 tonnes per week in accordance with an approval granted by the **Secretary** under this condition; and
    - b) an independent odour audit of the site operating in this range has been prepared and submitted in accordance with condition 5(c) of Schedule 3.

Production of up to a maximum of 3,200 tonnes of phase 1 substrate a week may not occur until the Proponent has received the written approval of the Secretary.

- (4) In deciding whether to approve an increase in substrate production under this condition, the Secretary must:
- assess the odour performance of the premises at its current rate of production; and
  - assess the likely odour impacts from the proposed increase; ~~and~~
  - consider the requirement not to cause or permit the emission of offensive odours from the Substrate Plant site as defined in section 129 of the POEO Act; ~~and~~
  - consider EPA advice regarding compliance with the POEO Act.
- 7A. Unless otherwise agreed in writing by the Secretary, the Proponent must ensure that the work associated with MOD 1, with the exception of the additional Phase 2/3 tunnels and the pre-wet tunnels to be constructed as part of Stage 3 (as identified on the plan in Appendix 2), has been constructed and is operating within two years from the date of the approval of MOD 1.
- 7B. The Proponent must maintain the MOD 3 tree corridor identified in Appendix 2, Figure 1 of this approval for the duration of operation of the Substrate Plant site.

#### Mushroom Farm Site

8. The Proponent must ensure that the Mushroom Farm site does not produce more than 220 tonnes mushrooms per week. Records of weekly mushroom production levels and details of the break-down of total volume distributed must be kept on site at all times and made immediately available to the Secretary on request.

#### EXISTING DEVELOPMENT CONSENTS AND RIGHTS

9. The Proponent must surrender all existing development consents in accordance with Clause 97 of the EP&A Regulation for the land referred to in Schedule 1, within 12 months of commencement of stage 1 operations, or as otherwise agreed by the Secretary.

*Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

#### TRANSITIONAL ARRANGEMENTS

10. All existing environmental management plans that apply to the Substrate Plant site under DA No. 0623/02, DA No. 0571/06, DA No. 0921/06, DA No. 0701/07 and DA No. 0120/09 must continue to be fully applied until replaced under this approval.

#### STRUCTURAL ADEQUACY

11. The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures 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.

- 11A. The Proponent must ensure that any structures which require a relevant alternative solution developed to meet the performance requirements of the BCA must be designed in consultation with Fire and Rescue NSW.

#### DEMOLITION

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

#### OPERATION OF PLANT AND EQUIPMENT

13. The Proponent must ensure that all plant and equipment used for the Project is:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

## UTILITIES

14. Prior to the construction of any utility works, the Proponent **must** obtain the necessary approvals from relevant service providers.

## SUBMISSION OF PLANS OR PROGRAMS

15. With the written approval of the **Secretary**, the Proponent may:
- (a) submit any reports, plans, strategies or programs required by this approval on a progressive basis; and
  - (b) combine any reports, plans, strategies or programs required for the Substrate Plant site with any similar reports, plans, strategies or programs for the Mushroom Farm site.
  - (c) separate any reports, plans, strategies or programs required for the Substrate Plant site from any similar reports, plans, strategies or programs for the Mushroom Farm site.

## EVIDENCE OF CONSULTATION

16. Where conditions of this approval require consultation with an identified party, the Proponent must:
- (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Proponent, and how the Proponent has addressed the matters not resolved.
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### SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS – SUBSTRATE PLANT SITE

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

1. The Proponent **must** prepare and implement a Construction Environmental Management Plan for the Substrate Plant site to the satisfaction of the **Secretary**. This Plan must:
  - (a) be prepared in consultation with **DPIE Water** and **the EPA**;
  - (b) be submitted for approval prior to commencement of construction, and include:
    - a noise and vibration management plan, including a noise monitoring program that can be used to demonstrate compliance with the construction noise criteria in Condition 18 below;
    - an air quality management plan;
    - a soil and water management plan, including details of the erosion and sediment control measures to be used on site;
    - a flora and fauna management plan;
    - a heritage management plan;
    - a traffic management plan; and
    - a waste management plan.
- 1A. The Proponent **must** update the CEMP required by Condition 1 of Schedule 3 to include the works associated with MOD 1. The updated plan **must** be submitted to and approved by the Secretary prior to the commencement of any construction works associated with MOD 1.

The revised CEMP **must** be implemented throughout the construction works.

#### Updated CEMP – MOD 3 Works

- 1B. Prior to the commencement of the MOD 3 construction works, the Proponent must prepare an updated Construction Environmental Management Plan (CEMP) for the Substrate Plant site to the satisfaction of the Secretary. The updated CEMP must:
  - (a) be prepared in accordance with the requirements of Schedule 3, Condition 1 and Schedule 5, Condition 2 of this approval;
  - (b) be prepared in consultation with Sydney Trains;
  - (c) detail the measures that are to be implemented to minimise impacts associated with the MOD 3 construction works; and
  - (d) include:
    - (i) plans which confirm the stormwater management system will not result in pooling or stormwater impacts to the Rail Corridor; and
    - (ii) certification from a suitably qualified and experienced geotechnical or structural engineer which confirms the construction of the noise barrier and filling of the open bale storage area will not impact upon the adjacent Rail Corridor.
- 1C. The Proponent must:
  - (a) not commence the MOD 3 construction works until the updated CEMP is approved by the Secretary; and
  - (b) implement the most recent version of the updated CEMP approved by the Secretary for the duration of the MOD 3 construction works.

#### AIR QUALITY

##### Offensive Odours

2. The Proponent **must** not cause or permit the emission of offensive odours from the Substrate Plant site, as defined under Section 129 of the POEO Act.
- ~~3. The Proponent shall design, operate and maintain the bio-scrubber stacks at the Substrate Plant site in a manner that would achieve emissions compliance with the EPL for the Substrate Plant site. The Proponent must advise the Department of any variations to the EPL as approved by the EPA.~~

##### Odour Emissions Plant Design and Construction

3. Prior to the commencement of construction of the works associated with MOD 1, the Proponent **must** commission and pay the full cost of an independent odour specialist to review the detailed design of the odour emissions plant and assess its capacity to meet the performance criteria within the Environmental Assessment for MOD 1. The review **must**:
  - (a) be provided to the Secretary and the EPA within two weeks of finalisation of the review; and

- (b) be endorsed by the Secretary in consultation with the EPA prior to the commencement of construction of the works associated with MOD 1.

Should the review not certify that the odour emissions plant has the capacity to meet the performance criteria within the Environmental Assessment for MOD 1, then the Proponent **must** undertake additional design to meet the criteria, to the satisfaction of the Secretary within the timeframe specified by the Secretary. The additional design is to be endorsed by the independent odour specialist.

- 3A. The Proponent **must** construct the odour emissions plant in accordance with the final design endorsed by the independent odour specialist required by Condition 3.
- 3B. Prior to the commencement of operation of the odour emissions plant, the Proponent **must** commission and pay the full cost of an independent odour specialist to certify that the 'as constructed' odour emissions plant has been undertaken in accordance with the final detailed design with reference to the Environmental Assessment for MOD 1 and the outcomes of Condition 3 of Schedule 3.

A copy of the certification is to be provided to the Secretary and the EPA within one week of its finalisation.

- 3C. The Proponent **must** implement all reasonable and feasible measures to ensure that all new structures are constructed to prevent corrosion from the atmosphere contained within those structures.

#### **Odour Management Plan**

4. The Proponent **must** prepare and implement an Odour Management Plan for the Substrate Plant site to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with the **EPA** by a suitably independent, qualified and experienced expert whose appointment has been endorsed by the **Secretary**;
  - (b) be submitted to the **Secretary** for approval within 3 months of the date of this approval;
  - (c) describe in detail the measures that would be implemented on site to minimise the odour impacts of the Project, such as storing the stable bedding in the pre-wet shed extension building in Stages 2 and 3, and to ensure that these measures remain effective over time;
  - (d) identify triggers for remedial and contingency action; and
  - (e) include a program for monitoring the odour impacts of the Project.
- 4A. The Proponent **must** update the Odour Management Plan for the Substrate Plant site, in consultation with the EPA, to the satisfaction of the Secretary. This plan is to update the plan approved under Condition 4 of Schedule 3 and **must**:
- (a) be prepared a suitably independent, qualified and experienced expert whose appointment has been endorsed by the Secretary;
  - (b) be submitted to the Secretary for approval within one month of the date of endorsement by the Secretary of the odour emissions plant design as required under Condition 3(a) of the approval;
  - (c) identify of all major sources of odour;
  - (d) include management measures to ensure no offensive odours from the Substrate Plant site;
  - (e) include procedures for the monitoring of odour emissions, in accordance with the requirements of the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales and any requirements of the EPA. The odour monitoring program **must** include, but not be limited to:
    - i. results of the complaints handling system; and
    - ii. system and performance review for continuous improvement;
  - (f) include odour management performance parameters that are consistent with the manufacturers' performance guarantees provided for the biofilter and scrubbers;
  - (g) include measures to prevent and/or mitigate fugitive emissions;
  - (h) include triggers for remedial and contingency action; and
  - (i) include contingency measures in the event of failure of any component of the odour emissions plant and biofilter system or identification of fugitive emissions from the facility. Contingency measures **must** include enclosing the West Water Recycle pit and treating the post 36 hour emissions from the Phase 2/3 building via the ammonium scrubbers and biofilter.
- 4B. The approved updated Plan (as revised and approved by the Secretary from time to time), **must** be implemented for the life of the Project as soon as written endorsement by the Secretary is received.

#### **Odour Management Audit**

- ~~5. Prior to commencement of operation of each development stage at the Substrate Plant site, the Proponent shall commission and pay the full cost of an Independent Odour Audit on the site. This audit must:~~
- ~~(a) be prepared in consultation with EPA by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director General;~~
  - ~~(b) assess the effectiveness of the odour controls on site in protecting receivers against offensive odours;~~

- ~~(c) review the Proponent's production data (that are relevant to the odour audit) and complaint records;~~
- ~~(d) review the effectiveness Odour Management Plan for the Project and advise whether any changes to the Plan is considered necessary;~~
- ~~(e) determine whether the Project is complying with condition 2 above; and, if necessary,~~
- ~~(f) recommend whether additional measures are required to minimise the odour emissions of the Project, such as enclosing the bale wetting area and water recycling pits and enclosing the chicken manure storage area.~~

#### **Odour Emissions and Biofilter Control System Audit**

5. The Proponent **must** undertake an Odour Emissions and Biofilter Control System Audit to quantify the odour abatement efficiency of the odour emissions plant and assess the effectiveness of all other odour controls on the Substrate Plant site:
  - (a) within six weeks of the commissioning of the biofilter;
  - (b) within six weeks of the decommissioning of the bioscrubber;
  - (c) prior to the commencement of each increase in production, in accordance with Conditions 7(2) and 7(3) of Schedule 2;
  - (d) and as directed by the Secretary;
  - (e) each audit required under (a) to (d) inclusive, **must**:
    - i. be undertaken and prepared by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Secretary;
    - ii. be prepared in consultation with the EPA;
    - iii. report on the results of the source emissions sampling and analysis undertaken in accordance with the Odour Management Plan (required by Condition 4A of Schedule 3) or as otherwise agreed to in writing by the EPA;
    - iv. review the Proponent's production data (that are relevant to the audit) and complaints record;
    - v. review any complaints received during the relevant period;
    - vi. determine whether the Project is complying with condition 2 of Schedule 3; and, if necessary;
    - vii. recommend whether any additional management works and/or management practices are required to ensure no offensive odours from the Substrate Plant site.
6. Within 2 weeks of this audit being completed, or in a timeframe as otherwise agreed by the **Secretary**, the Proponent **must** submit a copy of the audit report to **EPA** and the **Secretary** together with an action plan demonstrating how the findings of the audit are to be implemented.
- 6A. Two months after the completion of the audits required under Conditions 5 (a) and 5(b) of Schedule 3, the Proponent **must** submit to the satisfaction of the Secretary, a report verifying that any actions identified in the audit have been implemented.

#### **Dust**

7. The Proponent **must** implement all reasonable and feasible measures to minimise dust generated at the Substrate Plant site.
8. During the construction and operation of the project, the Proponent **must** ensure that:
  - (a) all trucks entering or leaving the Substrate Plant site with loads have their loads covered;
  - (b) the trucks associated with the Project do not track dirt onto the public road network;
  - (c) all areas are maintained in a condition to minimise the emission of wind-blown or traffic-generated dust, to the satisfaction of the **Secretary**.

#### **GREENHOUSE GAS**

##### **Energy Efficiency Plan**

9. The Proponent **must** prepare and implement an Energy Efficiency Plan on the Substrate Plant site to the satisfaction of the **Secretary**. This plan must:
  - (a) be submitted to the **Secretary** for approval prior to the commencement of operations on the site;
  - (b) describe the measures that would be implemented to minimise energy use on the site;
  - (c) explore the possibility of using renewable energy use to generate power; and
  - (d) include a program to monitor the effectiveness of these measures, and a protocol to periodically review the plan.

## SITE OPERATION

### Fire Management

10. The Proponent **must**:
- (a) implement suitable measures to minimise the risk of fire on the Substrate Plant site;
  - (b) ensure straw bales stored in the open bale storage area are:
    - (i) readily accessible by firefighting crews; and
    - (ii) separated from buildings and other assets (excluding the noise barrier and northern perimeter wall) to prevent a fire from spreading;
  - (c) extinguish any fires on the Substrate Plant site promptly; and
  - (d) maintain adequate fire-fighting capacity on the Substrate Plant site.

### Hazards

- ~~11. The Proponent shall ensure that all dangerous goods and hazardous substances are stored and handled on the Substrate Plant site in accordance with the Dangerous Goods Code and AS 1940-2004: The storage and handling of flammable and combustible liquids.~~
11. The Proponent **must** ensure that all dangerous goods and hazardous substances are stored and handled on the Substrate Plant site in accordance with the Dangerous Goods Code and AS 1940-2004: *The storage and handling of flammable and combustible liquids* and AS 3780-2008 *The Storage and Handling of Corrosive Substances*.

### Waste

12. The Proponent must not cause, permit or allow any waste generated outside the Substrate Plant site to be received at the site for storage, treatment, processing, reprocessing or disposal of at the Substrate Plant site, except with the approval of the **Secretary** and as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

### Bunding

13. The Proponent **must** store all chemicals, fuels and oils used on the Substrate Plant site in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund, unless double-skinned tanks are used. Any bunds **must** be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or DECCW's *Storage and handling liquids: Environmental Protection – Participant's Manual*.

## SOIL and WATER

### Discharge Limits

14. Except as may be expressly provided by an EPL for the Substrate Plant site, the Proponent must comply with Section 120 of the POEO Act.
15. The Proponent **must** ensure that only VENM and/or ENM or material approved by the **EPA** is used as fill.
16. The Proponent **must** ensure that filling of the manoeuvring area **must** be undertaken in accordance with plans submitted with DA 0571/06.
- 16A. The Proponent **must** ensure that the earthworks associated with the biofilter pad do not act as a source of sedimentation. The Proponent **must** stabilise the area of fill associated with the biofilter within one week of the approval of MOD 1.
- 16B. Prior to the commencement of construction of the biofilter, the Proponent **must** submit to the **Secretary**, details demonstrating that the earthworks in the area of the biofilter have been:
- (a) undertaken in accordance with AS 3798; and
  - (b) compacted to 98% Standard dry density ratio (AS1289 E4.1).

### Water Management Plan

17. The Proponent **must** prepare and implement a Water Management Plan for the Substrate Plant site to the satisfaction of the **Secretary**. The plan must be submitted to the **Secretary** for approval prior to the commencement of operation of Stage 1 and be prepared in consultation with **EPA** and **NOW**.

- 17A. The Proponent **must** prepare an updated Water Management Plan for the Substrate Plant site required by Condition 17 of Schedule 3 to include the works associated with MOD 1. The plan **must** be submitted to the Secretary for approval prior to the commencement of operation of MOD 1.

Operation of works associated with MOD 1 **must** not commence until the Proponent has received written approval of the plan. The approved Plan **must** be implemented for the life of the Project.

- 17B. The Proponent **must** ensure that the western dam at the Substrate Plant site (identified on the plan in Appendix 2 of this approval) does not receive process water.

*Notes: The dam may receive water from direct rainfall, area runoff and groundwater and during times of emergency.*

- 17C. Notwithstanding Condition 17B of Schedule 3, in the event of an emergency such as a high rainfall event or plant breakdown, the Proponent may use the western dam. Notification of any emergency use of the dam **must** be provided to the Secretary in writing within 7 days of the emergency.

#### Updated Water Management Plan – MOD 3

- 17D. Prior to the commencement of construction of the stormwater management system approved under MOD 3, the Proponent must prepare an updated Water Management Plan (WMP) for the Substrate Plant site to the satisfaction of the Secretary. The updated WMP must:
- be prepared in accordance with the requirements of Schedule 3, conditions 17 to 17C of this approval;
  - be prepared in accordance with the updated Stormwater Catchment Plan for the Substrate Plant site (see Appendix 2A of this approval); and
  - detail the measures that are to be implemented to manage stormwater impacts associated with the MOD 3 works.
- 17E. The Proponent must:
- not commence operation of the MOD 3 stormwater management system until the updated WMP is approved by the Secretary; and
  - implement the most recent version of the updated WMP approved by the Secretary.

#### Flood Compatible Materials – MOD 3

- 17F. The Proponent must ensure any structures approved under MOD 3 that are built below the 100-year ARI flood level, including the noise barrier and the northern perimeter wall, are constructed from flood compatible building components.

*Note: The 100-year ARI flood level at the Substrate Plant site is RL 17.3 metres AHD.*

### NOISE

#### Construction Noise Criteria

18. The Proponent **must** ensure that the construction noise generated at the Substrate Plant site does not exceed the criteria in Table 1.

Table 1: Construction Noise impact assessment criteria dB(A)

| Receiver/Location                  | Day                          |
|------------------------------------|------------------------------|
|                                    | L <sub>Aeq</sub> (15 minute) |
| R1 – 46 Mulgrave Road, Mulgrave    | 52                           |
| R2 – Mulgrave Industrial area      | 65                           |
| R3 – 2 Railway Road, Mulgrave      | 52                           |
| R4 – 126 Mulgrave Road, Mulgrave   | 52                           |
| R5 – Chisholm Place, South Windsor | 51                           |

Notes:

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

#### Operational Noise Criteria

19. The Proponent **must** ensure that the operational noise generated by the Substrate Plant site does not exceed the criteria in Table 2.

Table 2: Operational Noise impact assessment criteria dB(A)

| Receiver/Location                  | Day /Evening<br>L <sub>Aeq</sub> (15 minute) | Night<br>L <sub>Aeq</sub> (15 minute) |
|------------------------------------|----------------------------------------------|---------------------------------------|
| R1 – 46 Mulgrave Road, Mulgrave    | 43                                           | 43                                    |
| R2 – Mulgrave Industrial area      | 42                                           | 42                                    |
| R3 – 2 Railway Road, Mulgrave      | 42                                           | 37                                    |
| R4 – 126 Mulgrave Road             | 44                                           | 41                                    |
| R5 – Chisholm Place, South Windsor | 44                                           | 42                                    |

Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

**Notes:**

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

## Hours of Work

20. The Proponent **must** comply with the operating hours in Table 3 at the Substrate Plant site, unless otherwise agreed to in writing by the **Secretary**.

Table 3: Operating hours

| Activity     | Day                        | Time             |
|--------------|----------------------------|------------------|
| Construction | Monday – Friday            | 7:00am to 6:00pm |
|              | Saturday                   | 8:00am to 1:00pm |
|              | Sunday and Public Holidays | Nil              |
| Operation    | All days                   | Any time         |

## Additional Noise Mitigation Measures

- ~~21. The Proponent shall install the southern boundary noise wall adjacent to the bale storage shed on the Substrate Plant site prior to commencement of other stage 1 construction works.~~

- ~~21. The Proponent must construct the 7 m high noise wall adjacent to the southern side of the bale storage shed or implement 'other noise mitigation measures' with the same or greater effect, prior to commencement of stage 2B construction works.~~

~~Should 'other noise mitigation measures' be implemented, the Proponent must demonstrate, to the satisfaction of the Secretary, that the chosen measures will be as effective as modelled for the noise wall. Construction of Stage 2B cannot commence unless the Proponent has received the Secretary's approval for the 'other noise mitigation measures'.~~

21. The Proponent must ensure the noise barrier is constructed:
- prior to the importation of fill for the expansion of the open bale storage area; or
  - as otherwise agreed to in writing by the Secretary.
- 21A. The Proponent must continue to implement the 'other noise mitigation measures' approved by the Department in its letter dated 18 July 2016 until the noise barrier referred to in Schedule 3, Condition 21 of this approval is constructed.

## Noise Management Plan

22. The Proponent **must** prepare and implement a Noise Management Plan for the Substrate Plant site in consultation with EPA to the satisfaction of the **Secretary**. The Plan must be submitted to the **Secretary** 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.
- 22A. The Proponent **must** update the Noise Management Plan for the Substrate Plant site, to the satisfaction of the Secretary. This plan is to update the plan approved under Condition 22 of Schedule 3 and **must** include:
- the works associated with MOD 1; and
  - a revised monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval once all construction works associated with MOD 1 are complete.

- 22B. Operation of works associated with MOD 1 must not commence until the Proponent has received the Secretary's written approval of the plan. The approved Plan (as revised and approved by the Secretary from time to time), must be implemented for the life of the Project as soon as written endorsement by the Secretary is received.

## BIODIVERSITY

### Riparian Management Area

23. The Proponent must establish a fenced, 35 metre wide riparian corridor along the length of South Creek within 12 months of commencement of operation of Stage 1. The Proponent must consult with the Hawkesbury-Nepean Catchment Management Authority on methods and species selection to ensure that best practise techniques are used at the site, to the satisfaction of the Secretary.

## VISUAL AMENITY

### Lighting

24. The Proponent must ensure that all external lighting associated with the Substrate Plant site:
- (a) does not create a nuisance to surrounding properties or roadways; and
  - (b) complies with AS 4282(INT) 1995 – *Control of Obtrusive Effects of Outdoor Lighting*.
- 24A. The Proponent must prepare a Landscape Management Plan for the Substrate Plant site. The plan must:
- (a) be prepared in consultation with Council;
  - (b) identify screen planting to minimise visual impacts of the site, particularly the new biofilter; and
  - (c) be approved by the Secretary prior to the commencement of construction of the works associated with MOD 1.
- 24B. The landscaping around the site of the new biofilter required under MOD 1 must be installed within three months following the completion of the construction of the biofilter. All other landscaping must be installed prior to the commencement of operation of the works associated with MOD 1.

### Signage

25. The Proponent must not install any advertising signs on the Substrate Plant site without the written approval of the Secretary.

## TRANSPORT

26. The Proponent must ensure that:
- (a) car parking is constructed in accordance with the relevant requirements of the latest version of AS 2890.1; and
  - (b) vehicles associated with the Substrate Plant site do not park or queue on the public road network at any time.

## PROTECTION OF PUBLIC INFRASTRUCTURE

27. Before the commencement of the MOD 3 construction works, the Proponent must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the MOD 3 construction works to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Secretary and Council.
28. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the MOD 3 construction works; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the MOD 3 construction works.

## WORKS AS EXECUTED PLANS – MOD 3

29. Before the issue of the final Occupation Certificate for the works associated with MOD 3, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA and Sydney Trains.

## RAIL CORRIDOR AND ASSOCIATED EASEMENTS

30. The Proponent must ensure:
- (a) no construction or maintenance works associated with MOD 3 occur within the Rail Corridor or its associated easements;
  - (b) stormwater drainage associated with MOD 3 is not discharged into the Rail Corridor; and
  - (c) fill is not spread or stockpiled within the Rail Corridor or its associated easements,
- except with the prior approval of Sydney Trains.
31. The Proponent must ensure that straw bales stacked immediately adjoining the southern section of the noise barrier (adjacent to the Rail Corridor) do not exceed the height of the noise barrier.
-

## SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS – MUSHROOM FARM SITE

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

1. The Proponent **must** prepare and implement a Construction Environmental Management Plan for the Mushroom Plant site to the satisfaction of the **Secretary**. This Plan must:
  - (a) be prepared in consultation with **NOW DPPE Water** and **EPA**;
  - (b) be submitted for approval prior to commencement of construction, and include:
    - a noise and vibration management plan, including a noise monitoring program that can be used to demonstrate compliance with the construction noise criteria in Condition 15 below;
    - an air quality management plan;
    - a soil and water management plan, including details of the erosion and sediment control measures to be used on site;
    - a flora and fauna management plan;
    - a heritage management plan, including the programs/procedures to be implemented in the event that previously unidentified relics are discovered (Condition 21)
    - a waste management plan; and
    - a construction traffic management plan which addresses haulage routes, traffic safety and the number of truck movements required to import the identified fill for the site.

### AIR QUALITY

#### Offensive Odours

2. The Proponent **must** not cause or permit the emission of offensive odours from the Mushroom Farm site, as defined under Section 129 of the POEO Act.

#### Dust

3. The Proponent **must** implement all reasonable and feasible measures to minimise dust generated at the Mushroom Farm site.
4. During the construction and operation of the project, the Proponent **must** ensure that:
  - (a) all trucks entering or leaving the Mushroom Farm site with loads have their loads covered;
  - (b) the trucks associated with the Project do not track dirt onto the public road network;
  - (c) all areas are maintained in a condition to minimise the emission of wind-blown or traffic-generated dust,to the satisfaction of the **Secretary**.

### GREENHOUSE GAS

#### Energy Efficiency Plan

5. The Proponent **must** prepare and implement an Energy Efficiency Plan on the Mushroom Farm site to the satisfaction of the **Secretary**. This plan must:
  - (a) be submitted to the **Secretary** for approval prior to the commencement of operations on the site;
  - (b) describe the measures that would be implemented to minimise energy use on the site;
  - (c) explore the possibility of using renewable energy use to generate power; and
  - (d) include a program to monitor the effectiveness of these measures, and a protocol to periodically review the plan.

### SITE OPERATION

#### Hazard and Risk

6. The Proponent **must**:
  - (a) provide and manage a **24 25** metre wide APZ between the buildings on the Mushroom Farm site and any bushfire hazard;
  - (b) implement suitable measures to minimise the risk of fire on the Mushroom Farm site;
  - (c) extinguish any fires on the Mushroom Farm site promptly;
  - (d) maintain adequate fire-fighting capacity on the Mushroom Farm site; and
  - ~~(e) construct the proposed office building in compliance with section 7 (BAL 29) Australian Standard AS 3959 2009 Construction of buildings in bush fire prone areas and section A3.7 Addendum Appendix 3 of Planning for Bushfire Protection 2006.~~

7. The Proponent **must** ensure that all dangerous goods and hazardous substances are stored and handled on the Mushroom Farm site in accordance with the Dangerous Goods Code and AS 1940-2004: *The storage and handling of flammable and combustible liquids*.

#### **Waste**

8. The Proponent must not cause, permit or allow any waste generated outside the Mushroom Farm site to be received at the site for storage, treatment, processing, reprocessing or disposal of at the site, except with the approval of the **Secretary** and as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

#### **SOIL AND WATER**

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

9. Except as may be expressly provided in an EPL for the Mushroom Farm site, the Proponent must comply with Section 120 of the POEO Act.

##### **Bunding**

10. The Proponent **must** store all chemicals, fuels and oils used on the Mushroom Farm site in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund, unless double-skinned tanks are used. Any bunds **must** be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or DECCW's *Storage and handling liquids: Environmental Protection – Participant's Manual*.

##### **Minimising Impacts of Chemicals**

11. The Proponent **must** ensure that the use of chemicals (including pesticides and herbicides) on the Mushroom Farm site carried out in accordance with:
- (a) *Agricultural and Veterinary Chemicals Act 1994*; and
  - (b) *Agricultural and Veterinary Chemicals (NSW) Regulation 2000*

##### **Imported Soil**

12. The Proponent **must** ensure that only VENM and/or ENM or material approved by the **EPA** is used as fill.

##### **Water Management Plans**

- 13(i) The Proponent **must** prepare and implement an operational Water Management Plan for the Project on the Mushroom Farm site in consultation with **EPA**, Penrith City Council and **NOW DPIE Water** to the satisfaction of the **Secretary**. The plan must:
- (a) be submitted to the **Secretary** for approval prior to the commencement of operations;
  - (b) include:
    - a detailed Stormwater Operation and Management Plan that includes the measures outlined in the Stormwater Management report prepared by Barker Ryan and Stewart reference 20070166 Revision G dated 11 April 2016 as supplemented by addendum Stormwater Management report prepared by Harris Environmental Consulting dated 15 March 2018; and
    - a Recycled Water Management Plan.
- ~~an effluent irrigation plan.~~
- 13(ii) Prior to the commencement of construction, the Proponent shall seek approval from Penrith Council under Section 68 of the Local Government Act to install and operate the Onsite Sewage Management System. The application shall include an Effluent Management Plan detailing monitoring and maintenance arrangements.

#### **NOISE**

##### **Construction Noise Mitigation**

- ~~14. The Proponent must install the northern environmental bund prior to commencement of any other construction works at the Mushroom Farm site.~~
- ~~Installation of the northern environmental bund must be completed within a period of not more than 3 months.~~

## Construction Noise Criteria

15. The Proponent **must** ensure that the construction noise generated at the Mushroom Farm site does not exceed the criteria in Table 4.

Table 4: Construction noise criteria dB(A)

| Receiver/Location                               | Day<br>L <sub>Aeq</sub> (15 minute) |
|-------------------------------------------------|-------------------------------------|
| Receiver 1 – 503 The Northern Road, Londonderry | 49                                  |
| Receiver 2 – 509 The Northern Road, Londonderry | 54                                  |
| Receiver 3 – 1 Thomas Road, Londonderry         | 54                                  |
| Receiver 4– 6-16 Timothy Road, Londonderry      | 45                                  |

Notes:

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- The construction noise criteria do not apply to any works associated with the installation of the northern environmental bund (Condition 14 above).

## Operational Noise Criteria

16. The Proponent **must** ensure that the operational noise generated by the Mushroom Farm site does not exceed the criteria in Table 5.

Table 5: Project Noise Trigger Levels dB(A)

| Receiver/Location          | Shoulder period*<br>(5-7am)<br>L <sub>Aeq</sub> (15 minute) | Day<br>L <sub>Aeq</sub> (15 minute) | Evening<br>L <sub>Aeq</sub> (15 minute) | Night<br>L <sub>Aeq</sub> (15 minute) | Sleep disturbance<br>L <sub>A1</sub> (1 minute) |                                |
|----------------------------|-------------------------------------------------------------|-------------------------------------|-----------------------------------------|---------------------------------------|-------------------------------------------------|--------------------------------|
|                            |                                                             |                                     |                                         |                                       | Night                                           | Shoulder period<br>(5am – 7am) |
| R1 – 503 The Northern Road | 44                                                          | 44                                  | 44                                      | 38                                    | 52                                              | 54                             |
| R2 – 509 The Northern Road | 47                                                          | 48                                  | 45                                      | 38                                    | 52                                              | 57                             |
| R3 – 1 Thomas Road         | 47                                                          | 48                                  | 45                                      | 38                                    | 52                                              | 57                             |
| R4 – 6-16 Timothy Road     | 40                                                          | 40                                  | 40                                      | 38                                    | 52                                              | 52                             |

Notes:

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy for Industry.
- \* "Shoulder period" noise trigger level should not exceed Day or Evening noise trigger levels.

## Hours of Work

17. The Proponent **must** comply with the operating hours on the Mushroom Farm site in Table 6, unless otherwise agreed with the **Secretary**.

Table 6: Operating Hours

| Activity     | Day                      | Hours       |
|--------------|--------------------------|-------------|
| Construction | Monday – Friday          | 7 am – 6 pm |
|              | Saturday                 | 8 am – 1 pm |
|              | Sunday & Public Holidays | Nil         |
| Operation    | All days                 | Any time    |

## Noise Management Plan

18. The Proponent **must** prepare and implement a Noise Management Plan for the Mushroom Farm site in consultation with EPA and property owner of 1 Thomas Road, Penrith (identified as location "R3") to the satisfaction of the **Secretary**. The Plan must be submitted to and approved by the **Secretary** for approval prior to commencement of **operations construction**, and include a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in **Conditions 15 and 16** of this approval.

The Noise Management Plan must also include all mitigation measures for both the construction and operations identified in the acoustic reviews titled 'Acoustic Review Modified Operations Mushroom Farm Londonderry' dated 5 April 2016 prepared by Atkins Acoustics and Associates Pty Ltd and 'Acoustic Review (Amended Development Application) Modified Operations, Mushroom Farm, 521 The Northern Road, Londonderry' dated 5 February 2019 prepared by Acoustic Consulting Engineers Pty Ltd. Mitigation measures must be implemented at the commencement of construction or as identified in the reports.

The Noise Management Plan must also include measures that restrict operations along the southern side of the building during night-time hours to mitigate intermittent noise impacts associated with truck movements and air brake release.

## BIODIVERSITY

### Vegetation Management Area

19. The Proponent **must** establish a Vegetation Management Area at the Mushroom Farm site (as shown in Appendix 5).

### Vegetation Management Plan

- 20(i) The Proponent **must** prepare and implement a Plan for the Vegetation Management Area to the satisfaction of the **Secretary**. This plan must be prepared in consultation with **OEH EESG** by a suitably qualified and experienced expert/s whose appointment has been approved by the **Secretary**. The plan must:
- (a) be submitted to and approved by the **Secretary** for approval prior to the commencement of construction on the Mushroom Farm site;
  - (b) identify all vegetation that is present within the vegetation management area (as shown in Appendix 5);
  - (c) include the recommendations of the 'Addendum Flora and Fauna Assessment 521 The Northern Road Londonderry' dated 7 July 2015 and prepared by Fraser Ecological Consulting;
  - (d) include details of the mechanism that will be used to ensure that the vegetation within the area is protected in perpetuity;
  - (e) describe the management measures that will be implemented to maintain and enhance the vegetation within the area over time, including fencing of *Dillwynia tenuifolia* and *Persoonia nutans*. This should also include management measures aimed at ensuring that the implementation and management of the APZ protects the *Dillwynia tenuifolia* and *Persoonia nutans*;
  - (f) provide details of all trees scheduled for removal noting that trees to be felled with a Diameter at Breast Height (DBH) of 30cm or greater, once felled, are to be sawn into 2-6m lengths and relocated into the proposed conservation area identified in Appendix 5; and
  - (g) include a detailed weed condition map as a baseline from which site rehabilitation/management can be measured.

*Note : all vegetation rehabilitation work is to be supervised by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration and 4 years bush regeneration experience;*

### Fauna Inspection

- 20(ii) Prior to the commencement of works, including the removal of any trees associated with the approved development, an inspection for resident threatened fauna (including an inspection of hollows) must be undertaken by a qualified wildlife handler/expert and any fauna found relocated.

## HERITAGE

21. The Proponent **must** prepare and implement a Heritage Management Plan for the Project to the satisfaction of the **Secretary**. This Plan must:
- (a) be prepared in consultation with OEH by a suitably qualified and experienced expert;
  - (b) be submitted to the **Secretary** for approval prior to commencement of construction;
  - (c) include programs/procedures for:
    - managing the discovery of previously unidentified heritage relics including halting of works in the vicinity, notification of OEH and the Department;
    - managing the discovery of human remains including the halting of works in the vicinity, notification of the NSW Police, the Department, the OEH and Aboriginal stakeholders and not recommencing any works in the area unless authorised to do so by the Department and/or the NSW Police (whichever is relevant); and
    - heritage inductions for construction personnel (including procedures for keeping records of inductions).

## VISUAL AMENITY

22. Prior to commencement of construction works, the Proponent **must** prepare and implement a Landscape Management Plan for the Project to the satisfaction of the **Secretary**. This Plan must:
- (a) be prepared in consultation with Penrith City Council
  - (b) be submitted to and approved by the **Secretary** prior to commencement of construction works;
  - ~~(c) where practicable, provide for the early planting of advanced plants along the northern, and southern boundaries to minimise the visual impacts of the Project; and~~
  - (d) use predominantly endemic species,
  - ~~(e) where practicable, provide for the early planting of advanced plants along the northern, and southern boundaries to minimise the visual impacts of the Project; and~~
  - (f) provide for the maintenance of landscaping on site; and
  - (g) provide for the early planting of advanced plants along the northern, southern and eastern boundaries to screen and soften the expanse of the main structure.
- 22A. Prior to the commencement of construction works of the main building, the Proponent shall prepare a schedule of materials and finishes. To reduce glare and minimise visual intrusiveness, the visible light reflectivity from the materials and finishes must not exceed 20% reflectivity. The schedule of materials and finishes and evidence that these are consistent with the 20% reflectivity must be submitted to and endorsed by the **Secretary** prior to the issue of the relevant Construction Certificate.
23. Prior to the commencement of construction on the Mushroom Farm site the Proponent **must** offer and implement (if the offer is accepted) landscaping treatments to the residences in Table 7 below. These measures must be reasonable and feasible, and directed toward minimising the visibility of the operations from the residences on the land

Table 7 – residences at which landscape treatment will be offered

|             | Residences                         |
|-------------|------------------------------------|
| Residence 1 | 493 The Northern Road, Londonderry |
| Residence 2 | 509 The Northern Road, Londonderry |
| Residence 3 | 1 Thomas Road, Londonderry         |

If within 3 months of receiving the offer, the Proponent and the owner can not agree on the landscaping treatment, or there is a dispute about the implementation of these measures, then either party may refer the matter to the **Secretary** for resolution.

24. Prior to installing any boundary fencing on Mushroom Farm site, the Proponent **must** submit detailed plans of this fencing to the **Secretary** for approval. These plans must be prepared in consultation with Penrith City Council. Following approval, the Proponent must ensure that the fencing is installed in accordance with the approved plans.

## Lighting

25. The Proponent **must** ensure that all external lighting associated with the Project on the Mushroom Farm site:
- (a) does not create a nuisance to surrounding properties or roadways; and
  - (b) complies with AS 4282(INT) 1995 – *Control of Obtrusive Effects of Outdoor Lighting*.

## Signage

26. The Proponent **must** not install any advertising signs on the Mushroom Farm site without the written approval of the **Secretary**.

## ACCESS ROAD WORKS

27. Prior to the commencement the operation of stage 1, the Proponent **must** design and construct the Mushroom Farm site access as a "Type CHR" Rural Intersection, in accordance with the **RMS's Road Design Guide** and relevant Austroads guidelines, to the satisfaction of the **RMS**.
- In finalising the design of the site access, the Proponent **must**:
- (a) ensure that the swept path of the largest vehicle entering/exiting the site and manoeuvrability through the site is in accordance with the relevant Australian Standard and to Penrith City Council's satisfaction; and
  - (b) sign a *Works Authorisation Deed* with the **RMS**.

## TRANSPORT

### Car Parking

28. The Proponent **must** engage a suitably qualified and experienced expert to prepare a car parking study to re-evaluate parking requirements for stages 2 to 5 of the Project on the Mushroom Farm site. The study **must**:
- (a) be submitted to the satisfaction of the **Secretary** prior to commencement of construction works for stage 2; and
  - (b) provide recommendations as to whether the car parking is sufficient.
29. The Proponent **must** ensure that:
- (a) the layout of the proposed parking areas (including driveways, grades, turn paths, sight distances requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must comply with AS 2890.1-2004, AS2890.6-2009 for cars and AS2890.2 for heavy vehicles;
  - (b) vehicles associated with the Project do not park or queue on the public road network at any time; and
  - (c) all vehicles enter and leave the site in a forward direction; and

### Operational Traffic Management Plan

30. Prior to the commencement of operation, the Proponent must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Secretary.

The Plan must be prepared by a suitably qualified and experienced person(s) as approved by the Secretary and must:

- (a) be prepared in consultation with Council and RMS;
- (b) detail the measures to be implemented to ensure road safety and network efficiency;
- (c) detail heavy vehicle routes, access and parking arrangements;
- (d) detail measures aimed at minimising conflict between heavy vehicle and light vehicles accessing the site;
- (e) include a Driver Code of Conduct;
- (f) include onsite traffic control measures; and
- (g) include measures to minimise traffic noise in particular from reversing, loading and unloading and noise from exhaust brakes.

### Bushfire Protection

31. At the commencement of building works and for the perpetuity of the development, a minimum 25 metre distance shall be maintained as an inner protection (IPA) as outlined in Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006'; and the NSW Rural Fire Services document 'Standards for asset protection zones'.
32. All new construction shall comply with Sections 3 and 8 (BAL 40) of Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
33. The provision of water, electricity and gas is to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
34. Property access roads must comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'.
35. Emergency and evacuation arrangements must comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Integrated Bushfire and Vegetation Management

36. Prior to the commencement of construction works on the Mushroom Farm Site, the Proponent must demonstrate to the satisfaction of the Secretary that:
- (a) a minimum 25 metre wide APZ; and
  - (b) appropriate landscaping to screen and soften the appearance of the structure
- can both be provided.

## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT and REPORTING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. The Proponent **must** prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the **Secretary**. The Strategy must:
  - a) be submitted to the **Secretary** for approval prior to the commencement of operation;
  - 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 **must** 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; and
    - 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 relevant limits and/or performance measures / criteria; and
  - h) a protocol for periodic review of the plan.

#### **Review**

- ~~3. One year after the commencement of operations, and every three years thereafter, the Proponent shall review the environmental performance of the Project to the satisfaction of the Secretary. This review must:~~
  - ~~a) describe the operations that were carried out in the past year;~~
  - ~~b) analyse the monitoring results and complaints records of the Project over the past year, which includes a comparison of these results against the~~
    - ~~• relevant statutory requirements, limits or performance measures/criteria;~~
    - ~~• monitoring results of previous years; and~~
    - ~~• 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; and~~

~~e) describe what measure will be implemented over the next year to improve the environmental performance of the Project.~~

3. By 30 September 2020 ~~Within six months of commencement of operations~~, and annually thereafter, unless otherwise agreed by the Secretary, the Proponent ~~must~~ review the environmental performance of the Project to the satisfaction of the Secretary. This review must:
- (a) describe the operations that were carried out during the reporting period;
  - (b) analyse the monitoring results and complaints records of the Project during the reporting period, which includes a comparison of these results against the:
    - i. relevant statutory requirements, limits or performance measures/ criteria;
    - ii. monitoring results of previous years; and
    - iii. relevant predictions in the EA;
  - (c) identify any non-compliance during the reporting period, 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; and
  - (e) describe what measure(s) will be implemented during the next reporting period to improve the environmental performance of the Project.

#### Independent Environmental Audit

- 3A. By 31 March 2021 ~~Within six months of the approval of MOD 2~~, and every two years thereafter, unless otherwise agreed by the Secretary, the Proponent ~~must~~ 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 Secretary;
  - (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 other licenses and approvals that apply to the project, (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;
  - (f) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals.

Within six weeks of the completing of this audit, or as otherwise agreed by the Secretary, the Proponent ~~must~~ submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

#### Revision of Plans & Programs

4. ~~Within 3 months of the submission of an:~~
- a) ~~the submission of an incident report under condition 5 of schedule 5; and~~
  - b) ~~the submission of an annual ~~three yearly~~ review under condition 3 of schedule 5; and~~
  - c) ~~the submission of an independent environmental audit under condition 3A of Schedule 5; and~~
  - d) ~~the approval of any modification of the conditions of this approval,~~

~~the strategies, plans and programs required under this approval must be reviewed.~~

~~the Proponent must review, and if necessary revise the plans and programs required under this approval to the satisfaction of the Secretary.~~

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

- 4A. If necessary to improve the environmental performance of the project or cater for a modification, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Secretary. Where revisions are required, the revised document must be submitted to the Secretary for approval within six weeks of the review required by Condition 4 of Schedule 5.

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

## REPORTING

### Incident

5. The Proponent **must** notify the **Secretary** 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 **must** provide the **Secretary** and any relevant agencies with a detailed report on the incident.

### Access to Information

6. The Proponent **must** prepare a Community Consultation Strategy for the Substrate Plant site to address existing and future operations at the Substrate Plant site, including construction of works associated with MOD 1. This Plan **must**:
    - (a) be submitted to the satisfaction of the Secretary within one month from the approval of MOD 1;
    - (b) include procedures for updating the community on the general operation of the site as well as the progress of any construction works; including
      - i. a newsletter for the local community which details the:
        - construction activities and the expected duration of works;
        - a general summary of the environmental management to be implemented; and
        - telephone number for taking complaints or enquiries in relation to the activities;
      - ii. the website required by Condition 7 of Schedule 5; and
      - iii. public meetings;
    - (c) describe the distribution area for the newsletter (at a minimum all residents within 2 km from the site boundary), prepared in consultation with Council; and
    - (d) include procedures for handling and monitoring all complaints received; and detail what management and/or contingency actions will be taken if complaints are received.
  7. The approved Strategy (as revised and approved by the Secretary from time to time), **must** be implemented for the life of the Project as soon as written endorsement by the Secretary is received.
  8. Within three months from the date of the approval of MOD 3 4, the Proponent **must** make the following information (unless commercially sensitive) freely available on a publicly accessible website, as it is progressively required under the approval:
    - (a) all current statutory approvals, including this approval and any modifications to it;
    - (b) plans and programs required under this approval;
    - (c) technical analysis/reports of monitoring results, 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 review as required under Condition 3 of Schedule 5 (over the last five years);
    - (f) updates on the progress of the construction works associated with MOD 1, MOD 2 and MOD 3; and
    - (g) any other material as required by the Secretary.
-

**APPENDIX 1**  
**PROPONENT'S REVISED STATEMENT OF COMMITMENTS**  
7 August 2018

FOR INFORMATION ONLY

## APPENDIX 2 SUBSTRATE PLANT SITE LAYOUT and STAGES

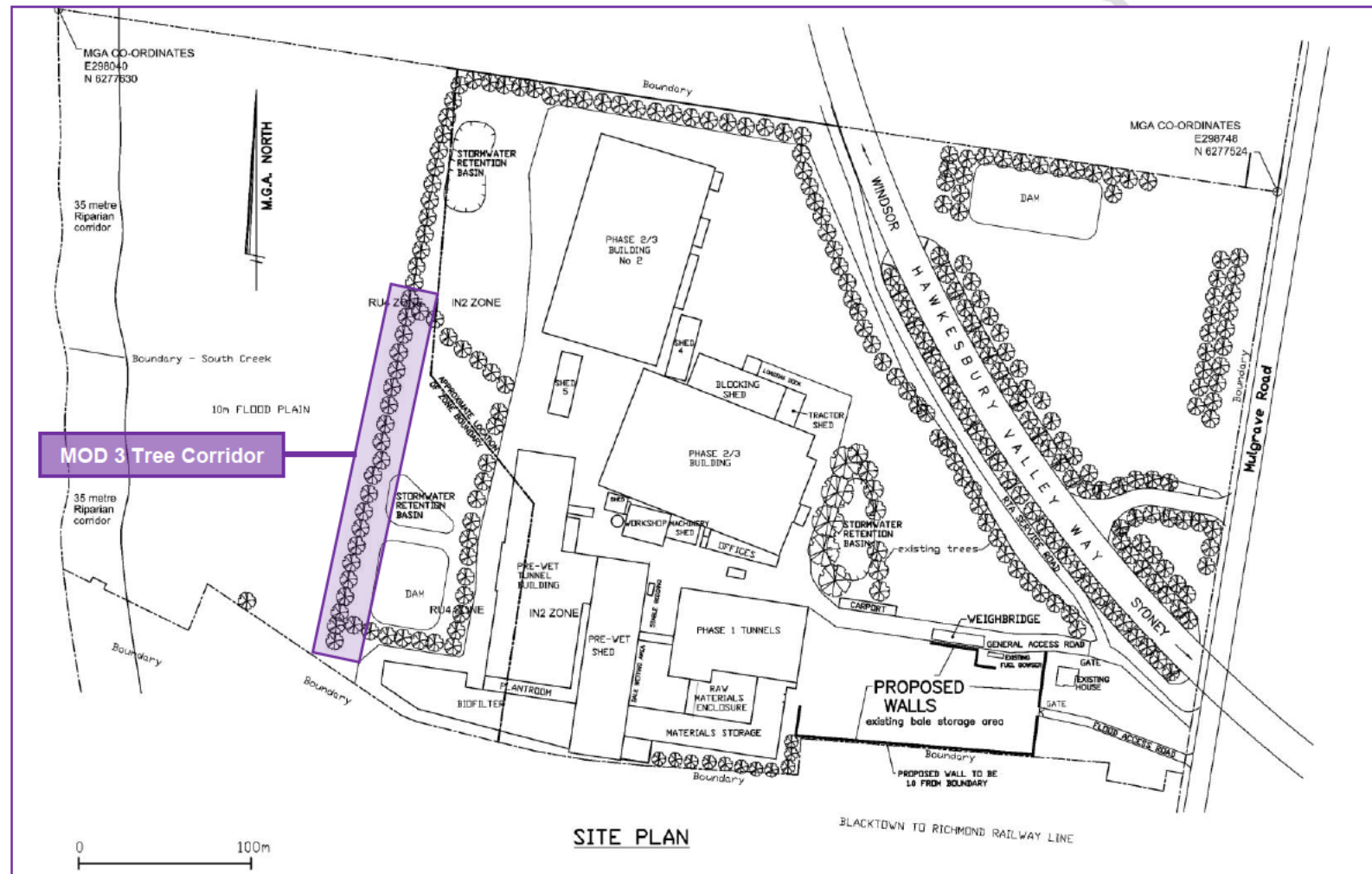


Figure 1: Substrate plant site layout following MOD 3

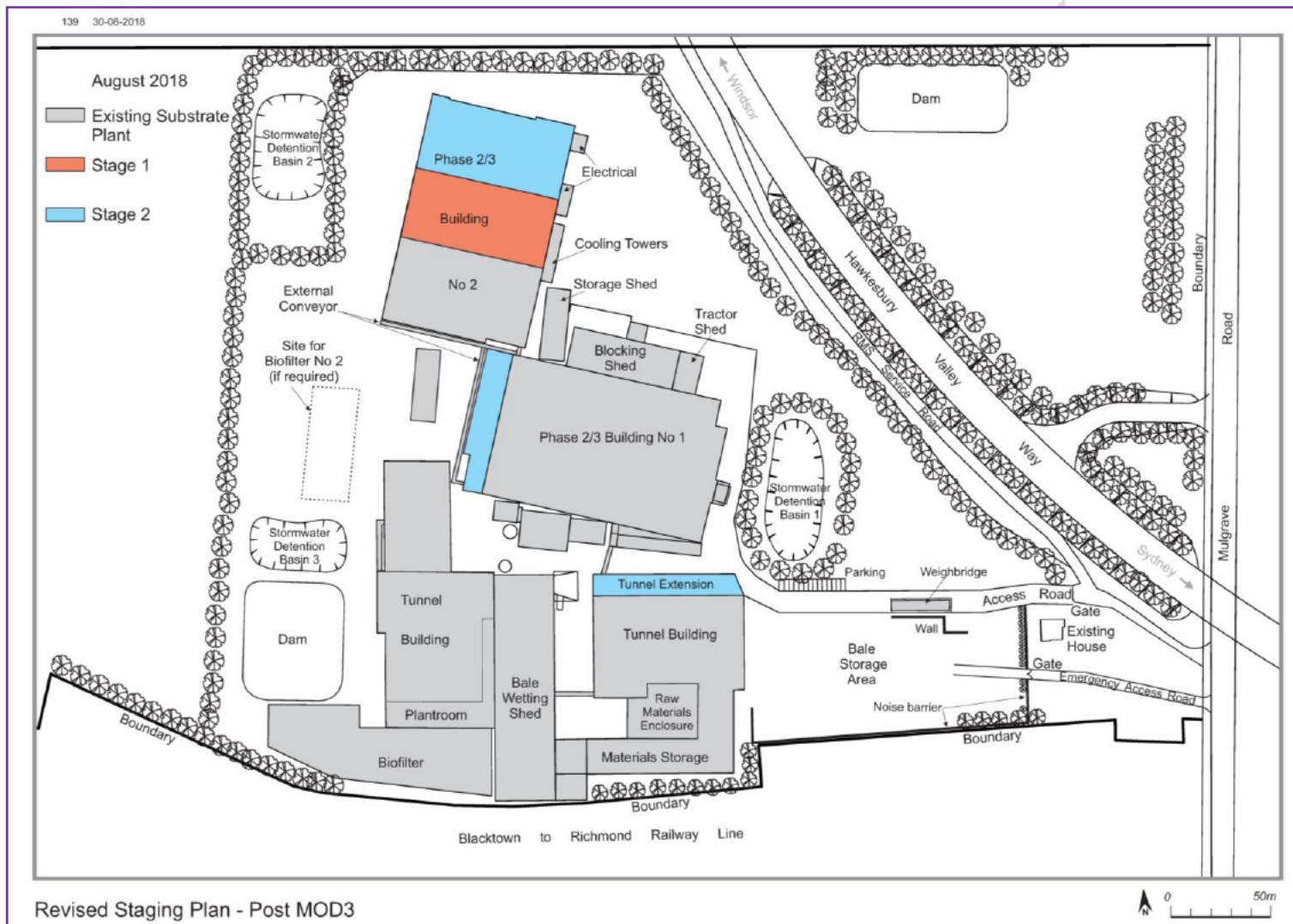


Figure 2: Substrate plant site staging following MOD 3

08\_0255 MOD 1 – Approved 14 March 2016

08\_0255 MOD 2 – Approved TBD

08\_0255 MOD 3 – TBD

## APPENDIX 2A Substrate Plant Site Stormwater Catchment Plan

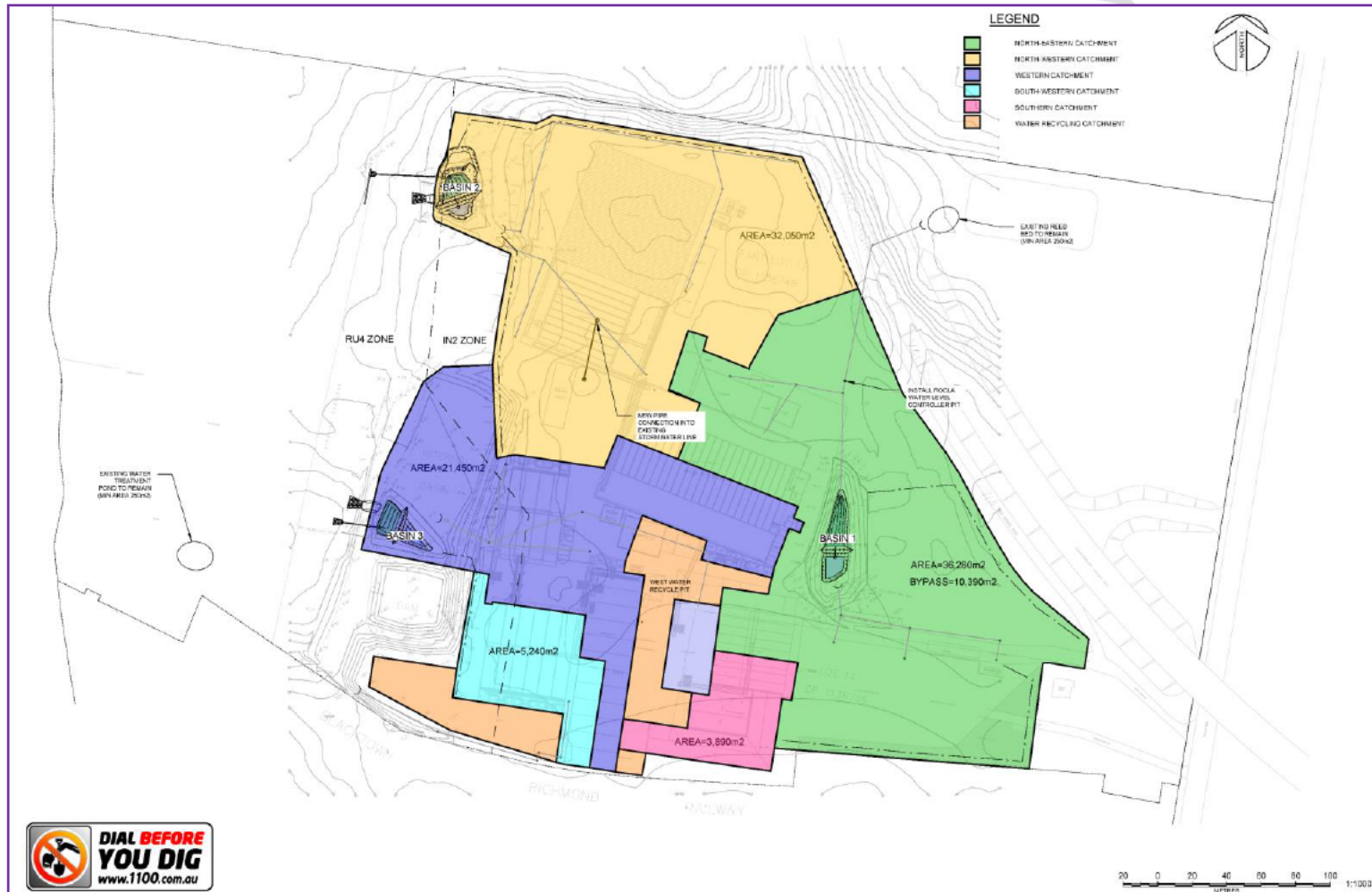


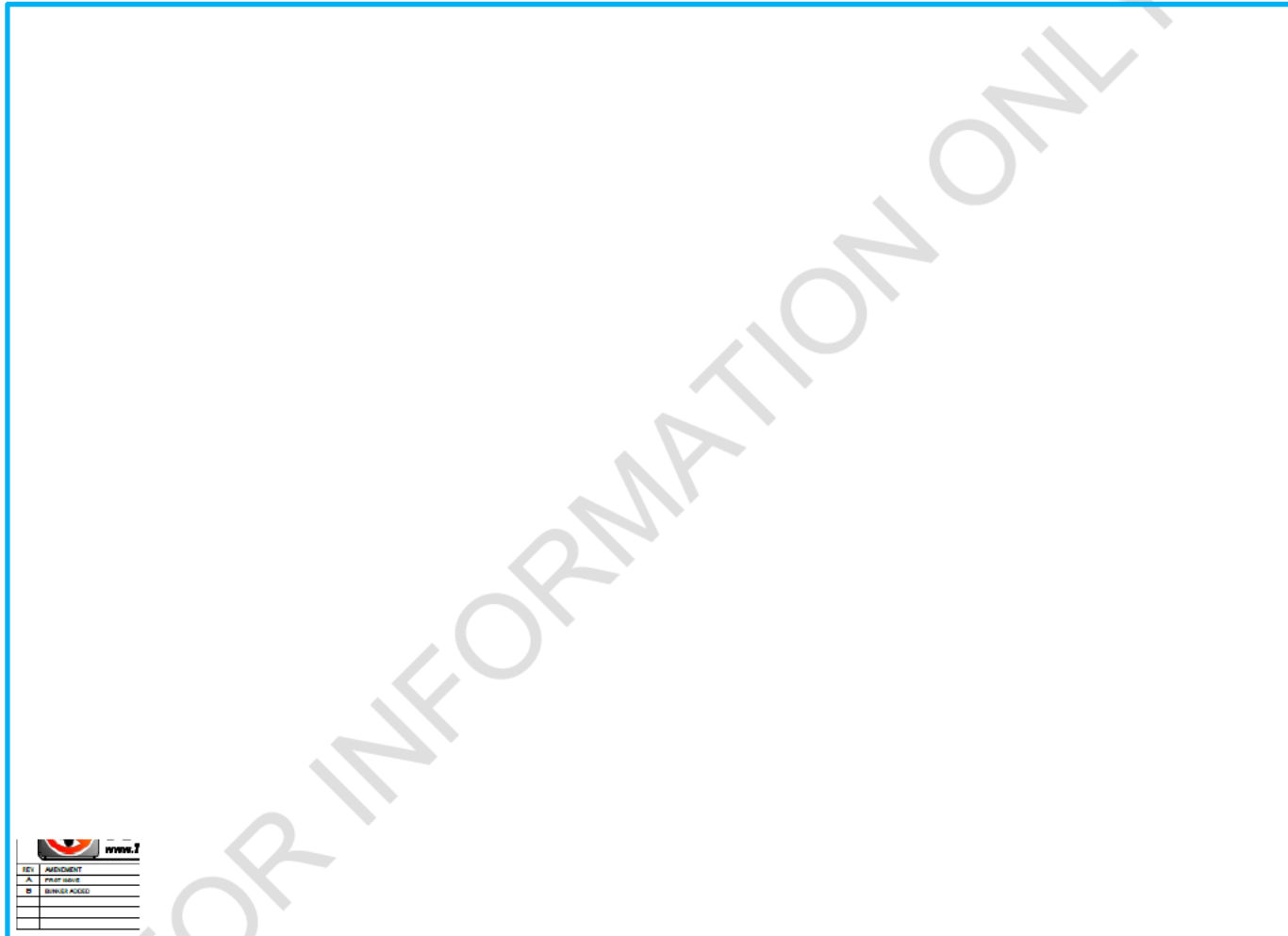
Figure 3: Substrate plant site stormwater catchment plan following MOD 3

08\_0255 MOD 1 – Approved 14 March 2016

08\_0255 MOD 2 – Approved TBD

08\_0255 MOD 3 – TBD

APPENDIX 3  
MUSHROOM FARM SITE LAYOUT **AS MODIFIED**



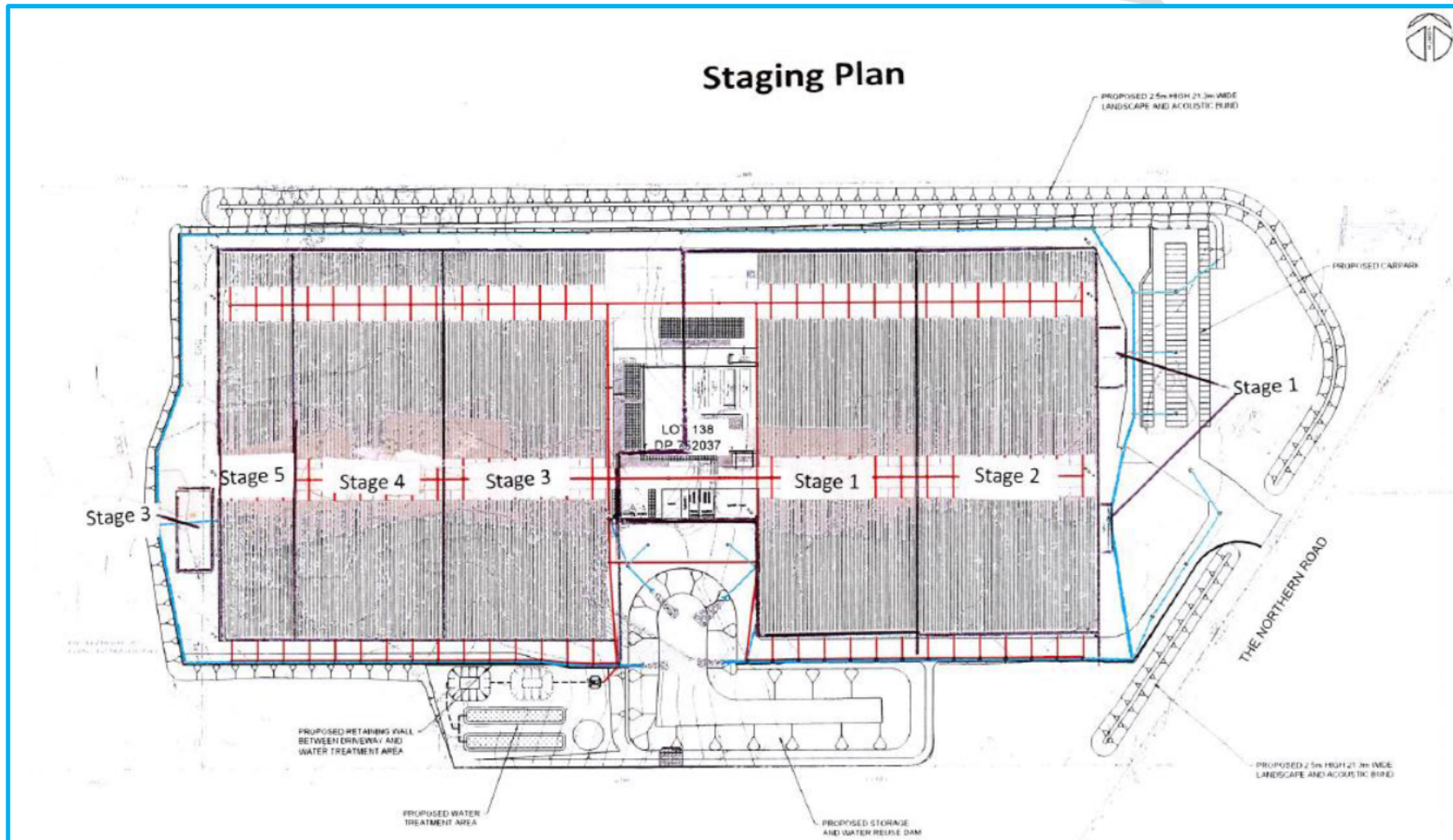
Indicative Mushroom Farm Site Layout

08\_0255 MOD 1 – Approved 14 March 2016

08\_0255 MOD 2 – Approved TBD

08\_0255 MOD 3 – TBD

APPENDIX 4  
STAGES MUSHROOM FARM SITE

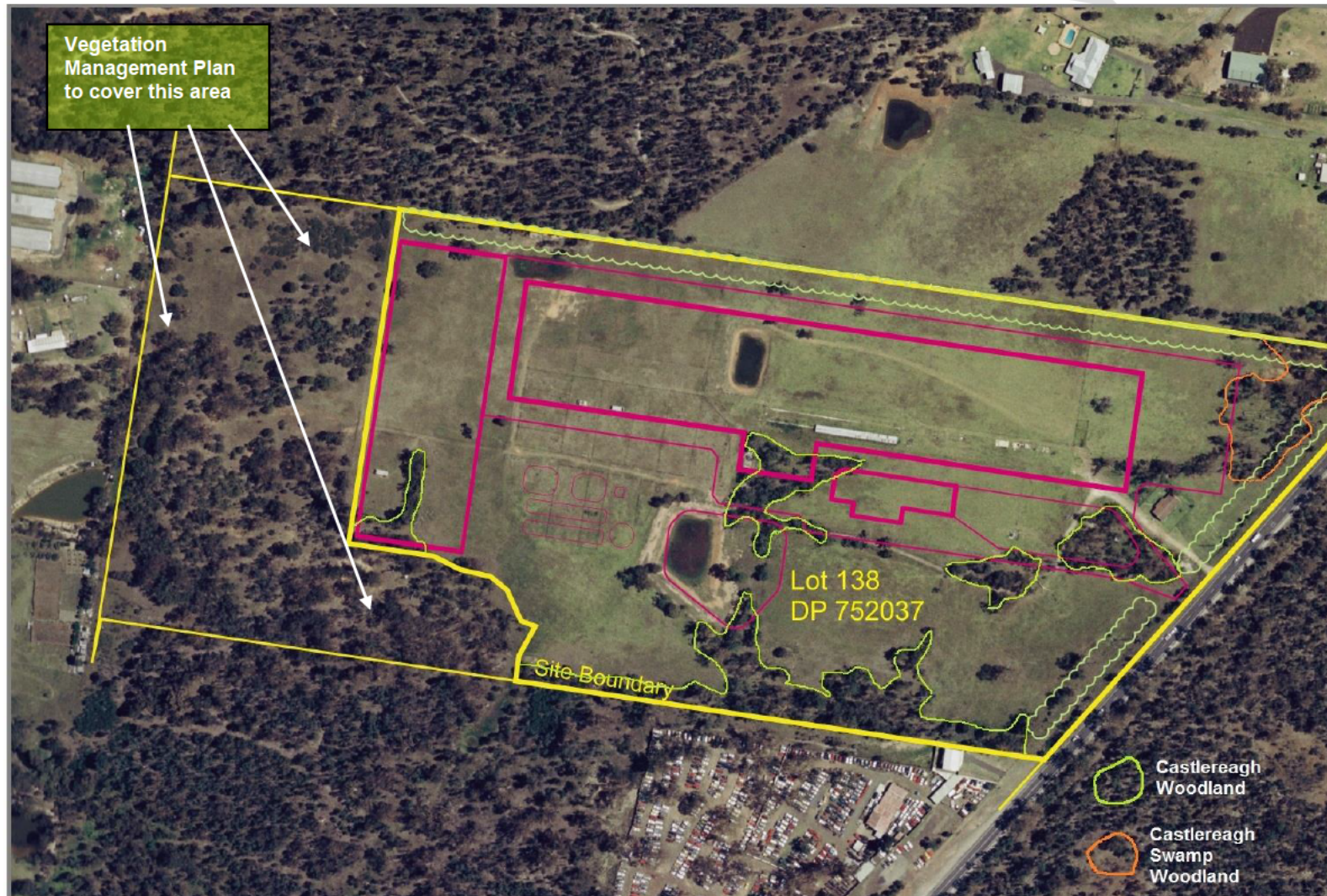


08\_0255 MOD 1 – Approved 14 March 2016

08\_0255 MOD 2 – Approved TBD

08\_0255 MOD 3 – TBD

APPENDIX 5  
VEGETATION MANAGEMENT AREA



08\_0255 MOD 1 – Approved 14 March 2016

08\_0255 MOD 2 – Approved TBD

08\_0255 MOD 3 – TBD