

JRPP No:	2010NTH028
DA No:	2011.097
PROPOSED DEVELOPMENT:	Remediation works at Evans Head Memorial Aerodrome, 17 Memorial Airport Drive Evans Head
APPLICANT:	AECOM Pty Ltd
REPORT BY:	Senior Planning and Development Office r- Richmond Valley Council

Assessment Report and Recommendation

Background

The Development Application for the Remediation of a portion of land upon Lot 141 DP 1067639 - Memorial Airport Drive, Evans Head was lodged with Council on the 24th September 2010. Upon review of the Application, Council determined the JRPP would be the Determining Authority due to the development being Designated Development in accordance with Schedule 3 of the Environmental Planning and Assessment Regulations 2000 as the area of land to be remediated is over the 3ha threshold. The development is also Integrated Development due to the State Heritage listing of the site (Heritage Office) and licensing for the remediation works from the Department Environment Climate Change & Water (DECCW).

Chronology of Assessment

Date	Event
24/09/10	Development Application with EIS lodged with Council
29/09/10	Notification/ Referral to State Government Agencies, JRPP, Local Aboriginal Land Councils and Elders.
30/09/10	JRPP notified via website
01/10/10	Adjoining owners notified
05/10/10	Exhibition Period commenced
01/11/10	RTA advice received raising no objection to proposed development.
05/11/10	LMPA advice received raising no objection to proposed development.
10/11/10	Exhibition Period closed with one (1) submission received.
11/11/10	CMA advice received raising no objection to proposed development.
15/11/10	Council notify referral agencies of public submission (clause 61 of EP&A Regs 2000).
15/11/10	DECCW provide General Terms of Approval for the proposed development.
17/11/10	Additional Information letter sent to applicant
09/12/10	Briefing meeting with JRPP at Council Administration Building (No site inspection undertaken).

13/12/10	Heritage Office provides General Terms of Approval for proposed development.
15/12/10	Council received response from applicant to additional information letter.
21/12/10	Version 1 of draft conditions reviewed by the Development Assessment Panel.
06/01/11	Draft Conditions endorsed by the Development Assessment Panel
06/01/11	Determination Report to the JRPP finalised and forwarded via email
18/01/11	Determination Meeting scheduled

Report

Applicant

AECOM Pty Ltd, 17 Warabrook Boulevard, Warabrook was the applicant for the subject Development Application.

The Environmental Impact Statement was prepared by AECOM Pty Ltd with appended reports and studies being prepared by several consultancies.

Subject Property

Lot 141 DP 1067639, Memorial Airport Drive, Evans Head.

Ownership

Lot 141 DP 1067639 is owned by Richmond Valley Council (RVC).

Zoning

The subject land is zoned 2(v) Village, 4(a) Industrial and 1(b1) Rural Secondary Agricultural under Richmond River Local Environmental Plan 1992.

The site is currently listed on the State Heritage Register due to RAAF operations during WWII and was used for air crew training under the Empire Air Training Scheme (1939 -1943 it was designated as No. 1 Bombing and Gunnery School, and from 1943 - 1945 as the No. 1 Air Observation School). Structures and remnants of that era remain on site. The contamination of the soil occurred during RAAF operations during WWII with road and runway construction, dust suppression, asbestos fibro building materials and Council Depot operations. The contamination is located within the top 200mm of soil. Both Council and the Department of Defence are sharing the cost involved in remediation of the site.

Description of Development

The Environmental Impact Statement (EIS) states “the proposed remediation involves to excavation of areas of identified contamination across parts of the Evans Head Memorial Aerodrome (EHMA) namely part of the former airfield and former Council Depot. The contaminated materials will be excavated to a nominated depth and transported to Vacant Industrial Land (VIL), North West of the remediation area. Soils

will stockpiled according to level or nature of contaminates. Once materials have been determined suitable for industrial land use, the materials will be spread across the VIL for future site development.”

The remediation works will be undertaken upon a 15.99ha portion of the aerodrome site over an 18 month period and in accordance with the following phased methodology:

- Phase 1 Installation of 16 groundwater wells on the site prior to remediation.
- Phase 2 Excavation of all impacted material from the airfield (down to approximately 200mm below the surface) and transport to stockpile on the adjacent vacant industrial land.
- Phase 3 Demolition of the concrete slab and asphalt hardstand within the former Council depot and preparation for reuse.
- Phase 4 Excavation of soil impacted with metals, asbestos and hydrocarbons from the former Council depot and preparation for reuse.
- Phase 5 Segregation of all materials classified as being above the industrial site reuse criteria and commencement of bioremediation.
- Phase 6 Placement of validated material as fill on the vacant industrial site.
- Phase 7 Placement of bio-remediated material as fill on the industrial site.

Remediation works involve the use of vehicles (plant machinery) to remove and transport the material to stock piles. In addition plant machinery will also be used to demolish existing concrete slabs for reuse.

The EIS identifies potential environmental impacts associated with the proposed remediation works and nominates management of these potential environmental impacts.

Exhibition Period

The development Application and EIS was neighbour notified and advertised in the newspaper in accordance with the requirements of Designated Development under the Environmental Planning & Assessment Act & Regulations (EP&A Act) and Council's Richmond River Local Environmental Plan 1992 (RRLEP). The subject proposal was notified for a period of 37 days being from 5 October 2010 to 10 November 2010. The Environmental Impact Statement (EIS) was on display at the administration offices of Richmond Valley Council at Evans Head and Casino. In addition, the JRPP posted the application on their website in accordance with their operational procedures.

All adjoining landholders, as well as owners in the immediate vicinity, were notified in writing of the proposed development and exhibition period in accordance with Council Policy No. 2.7.6.

Site Overview

The subject site was part of the Evans Head Memorial Aerodrome (EHMA) and formally Richmond Valley Council's Works Depot. The remediation site is largely cleared with concrete slabs from the demolished Council depot buildings remaining with scattered trees and grass cover. Existing fencing restricts unauthorised access onto the remediation site and separates the site from the existing aerodrome operations.

The subject remediation site is bounded on the

- North by existing aerodrome site and vacant industrial land, north east is the existing light industrial estate. Beyond these sites are Sepp14 wetland and Broadwater National Park.
- South is Currajong Street and residential properties of the village of Evans Head, beyond this lies the Evans River and Bundjalung National Park,
- East is Memorial Airport Drive and the Light Industrial area, further east is the northern parts of the Residential area of Evans Head and Air force Beach (Pacific Ocean)
- West is Woodburn – Evans Head Road, Sepp14 Wetland, further west is the Evans River and Bundjalung National Park.

The site is approximately two kilometres south-east of the Evan Head Township CBD.



Aerodrome site and surrounds(source: AECOM :EIS)

The site is described as flat with an RL of less than 10m AHD, soils are granular sand with a high water table of less than 1.0 metre below ground level.

External Referrals

The subject development proposal was defined as Designated and Integrated Development pursuant to the provisions of *the Environmental Planning and Assessment Act and Regulation*.

General Terms of Approval were sought and provided from the Department of Environment Climate Change and Water (DECCW) and the Department of Planning (Heritage Branch).

The application was also referred to the following Government Agencies.

- Department of Planning (Heritage Branch).
- NSW Office of Water.
- Land and Property Management Authority (LPMA) Department of Industry and Investment (I & I) –fisheries habitat.
- Roads and Traffic Authority (RTA) – Access.
- Department of Environment, Climate Change and Water (DECCW) – Flora & Fauna, Licensing, National Parks.
- Department of Planning (DoP) – Sydney and Grafton.
- Catchment Management Authority (CMA) – Land clearing.

Submissions were received from the RTA, LPMA, CMA raising no objection to the proposed development. Notification letters for the proposed development were sent to Junbung Elders Aboriginal Corporation and Casino Boolangle Aboriginal Land Council, Both the Junbung Elders Aboriginal Corporation and Casino Boolangle Aboriginal Land Council did not provide Council with correspondence opposing the development.

Environmental Planning Considerations

A full assessment under Section 79C (1) of the *Environmental Planning and Assessment Act 1979 (as amended)* has been undertaken. The following planning instruments and policies are relevant to the proposal and their requirements have been considered as part of the assessment process:

- ***Environmental Planning and Assessment Act 1979, Section 79(c)***

79C (1) (a) the provisions of any environmental planning instrument, draft environmental planning instrument, development control plan and the regulations.

The proposal is consistent with all relevant planning instruments. Greater detail is provided below with regards to the planning instruments under which this proposal was assessed.

At the time of lodging the subject application, the Draft Richmond Valley Local Environmental Plan was on public exhibition. The remediation site is proposed to be

zoned R1 (Residential) with the Vacant Industrial land being zoned IN1 (Industrial) and the remainder of the aerodrome site being RU1 (Rural). Under the draft provisions for this zone, remediation of land is consistent with the zone objectives. The applicant has updated the EIS to include consideration of the draft Richmond Valley LEP.

There is no planning agreement which applies to this proposal.

79C (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The context and setting of the proposal and associated works is considered reasonable in this locality. The extent of physical works will be limited to a 16 week period where plant machinery will be removing the soil to the VIL stockpiling (remediation) will take 18 months and may include occasional plant machinery operations to assist in the remediation process. A temporary (portable) site office will be placed upon the site. The stockpile and excavated areas will be bio-mulched to reduce windblown soil/ dust being blown from the stockpile site and excavated areas.

Adequate car parking and vehicle manoeuvrability is available on site for all types of vehicles that are expected to access the site, via existing entrances. As most works will be undertaken within the aerodrome boundaries it is not considered traffic volumes in the immediate vicinity will be impacted upon by the development.

Telephone and electricity services are available to the site (via old Council depot). The site has town water supply and sewer is available to the site.

The remediation works will provide limited employment opportunities during the initial remediation phase. Council considers the proposed development will provide short and long term benefits for the community of Evans Head by the removal of contaminants from the local environment in a very short time frame.

The EIS has considered the impacts of the development on the local environment in relation to:

- Air Quality
- Water
- Noise and Vibration

The mitigation measures identified in the Remediation Action Plan (RAP) and Construction Environmental Management Plan (CEMP) to control anticipated dust generation levels, surface and ground water transmission of contaminants into the local environment means the impacts of the development are acceptable.

The anticipated 16 week period to undertake the soil removal and stock piling on the VIL means noise impacts from plant machinery operations is limited at sensitive

receptors. Measures have been identified to further reduce the noise impacts and to address any noise complaints received by the operators.

European Heritage

- The site is listed under the State Heritage Register (No.01649) and an Archaeological Impact Assessment (AIA) was required to accompany a Section 60 application (Heritage Act 1977) for the remediation works to the NSW Heritage Office. The sites Plan of Management (PoM 2005 and PoM 2009(draft)) identify the remediation area being the Southern Hangar Area and the South Eastern Area (Southern Runway). The VIL is contained within the Peripheral Heritage Zone. Any items identified in these areas are to be treated in accordance with the Archaeological Management Plan (AMP) (Ainsworth Heritage 2006).

The Section 60 application has been approved (01.12.2010) and General Terms of Approval (GTA) have been received from the NSW Heritage Office for the proposed remediation works. Any conflict between the PoM 2005 and draft PoM 2009 that relates to the remediation of the site would have been considered by the NSW Heritage Office as part of their Section 60 approval and GTA.

Flora and Fauna

The remediation site is described as disturbed areas of open grassland, isolated trees and hardstand areas. No Threatened flora or fauna or Endangered Ecological Community (EEC) were recorded. The remediation site contains limited habitat resources for both common and threatened fauna. Adjoining the remediation site and EHMA is sensitive SEPP 14 wet lands and Potential habitat for Oxelyen Pigmy Perch (OPP) in the form of drainage channels within the aerodrome site. A seven part test of significance was undertaken which found potential impacts on the OPP and its habitat can be appropriately managed during the remediation works. Mitigation measures will be implemented to ensure flora and fauna will not be adversely impacted upon by the remediation works.

Indigenous Heritage

The remediation site is considered to be disturbed grassland with scattered trees and hardstand areas. Investigation in Indigenous Heritage was undertaken and found no objects or place of Indigenous Heritage on the site. Council also referred the Development Application and EIS to the Local Aboriginal Land Council for comment and received no advice contrary to the EIS findings that the site contains little Indigenous Heritage value. Mitigations measures have been recommended and will be implemented as part of remediation works.

Traffic and transportation

The existing road networks is considered adequate to service the vehicle movements associated with the remediation works. The limited period of time anticipated for

removal of soil and stockpiling in conjunction with the majority of vehicle movement being within the EHMA site, means minimal impact is anticipated upon traffic movements within the vicinity of the site.

Hazard and Risk

The EIS has identified potential hazards and risks associated with the remediation works and assessed the potential impacts on human safety and the environment. It is considered adequate mitigation measures will be implemented to limit potential impacts on human safety and the environment.

Waste Management

The works proposed will generate some material (such as asphalt and concrete) that will not be able to be remediated and measures in the RAP have been identified to dispose of or recycle these materials for use in Council operations. All waste generated by staff associated with the remediation works will be disposed of to landfill. It is considered any waste generated from the remediation process will be adequately disposed of with minimal environmental impact.

Natural Hazards

The site has been mapped as containing areas of potential Acid Sulphate Soil (ASS). Due to the depth the Acid Sulphate Soils are located (greater than 1.0metre below ground level), no additional management measures are proposed.

Cumulative impacts

The cumulative impacts of the development have been considered in relation to the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. As each impact is considered minimal when the mitigation measures are applied it is considered the cumulative impact of the development is acceptable.

Section 79C (1) (c) the suitability of the site for development

Richmond Valley Council as the landowner has undertaken extensive investigation via its consultants in determining the most appropriate method of remediation of the site whilst ensuring value for money for the community. The site is suitable for the proposed method of remediation and will enable future developments in line with the Plan of Management (PoM 2005 and PoM 2009(draft)) to be undertaken.

Mitigation measures identified in the EIS will enable the remediation works be undertaken with minimal impact on adjoining properties and the environment.

The consent has been suitably conditioned to protect both the environment and the amenity of the area.

Section 79C (1) (d) any submissions made in accordance with this act or the regulations

Council received one (1) submission with regards to the proposed development. The submission has been addressed separately in this report.

Section 79C (1) (e) the public interest

The proposal is not considered to be contrary to the public interest and satisfies Local, State and Federal Government interest by the removal of contaminated soil from an environment with sensitive receptors in the local area.

- ***Environmental Planning and Assessment Regulation 2000***

Schedule 3 of the Environmental Planning and Assessment Regulation 2000 lists developments by type, scale and location which are deemed to be 'designated'. Applications for designated developments must be accompanied by an Environmental Impact Statement.

The proposed development meets the threshold for Designated Development and as such an EIS in accordance with the Director Generals Requirements has been prepared and submitted with the Development Application.

State Matters

- **Contaminated Land Management Act 1997.**

The Contaminated Land Management Act (CLM Act) is the primary Act under which land is regulated by the Department of Environment, Climate Change and Water (DECCW). The proposed remediation works at the EHMA have not been declared a remediation site by DECCW and does not require a mandatory site audit under the CLM Act.

- **Heritage Act 1977**

The EHMA was listed in 1992 on the State Heritage Register to recognise the historic, associative and social significance of the aerodrome. The NSW Heritage Office has approved the Section 60 approval under the Heritage Act 1977 and Council has received General Terms of Approval from the NSW Heritage Office for the proposed remediation works. These GTA's form part of the development consent conditions.

Protection of Environmental Operations Act 1997.

Protection of Environmental Operations Act 1997 (POEO) provides a regulatory framework for the licensing of all activities that have the potential to impact on the environment. Section 48 of the POEO Act 1997 permits DECCW to issue an Environment Protection Licence (EPL) before remediation commences. The Council has received General Terms of Approval from DECCW for the proposed remediation works. These GTA's form part of the development consent Conditions.

- **Fisheries Management Act 1994.**

The proposed works do not trigger a requirement for permit under the Fisheries Management Act 1994 (FM Act). The Oxleyan Pygmy Perch (*nannoperca oxleyana*) is listed as an endangered species under the FM Act. The species has been identified in a drainage channel to the south west of the remediation site and known habitat for the fish is found along the western drainage line which borders the site.

It is considered appropriate mitigation measures nominated in the Stormwater Management Plan (SWMP) will be sufficient to protect the Oxleyan Pygmy Perches habitat.

- **Threaten Species Conservation Act 1995.**

The proposed remediation works at the EHMA requires minimal removal of native vegetation and the EIS has concluded the remediation site contains little significant habitat for threatened species, populations or ecological communities listed in the Threaten Species Conservation Act 1995.

- **Waste Management Act 2000.**

The proposal is considered to address the principals of the Waste Management Act 2000 by remediating contaminated land.

- **Native Vegetation Act 2003.**

The proposal does not require the clearing of native vegetation which would trigger an approval under the Native Vegetation Act 2003.

- **SEPP 33 (Hazardous and Offensive Development).**

The remediation of the site does not meet the definition of Industry (under RRLEP 1992) and as such SEPP 33 does not apply. A hazards and risk assessment associated with the remediation works has been undertaken in the EIS and it is recommended risk minimisation measures be implemented as stated in the RAP and CEMP.

- **SEPP 55 (Remediation of Land).**

The remediation works would be carried out in accordance with the Contaminated Land Planning Guidelines and in accordance with the Remediation Action Plan (RAP) for the site. Required notification of completion of remediation will be to the Department of Planning and Council within 30 days of completion of the works in accordance with SEPP 55.

- **SEPP 71 (Coastal Protection).**

The development will not significantly impact on the aims and objectives of SEPP 71. Mitigation measures and plans must be implemented.

- **SEPP (Infrastructure) 2007; Traffic-generating development (Clause 104; Schedule 3)**

The development satisfies the SEPP (*Infrastructure*) 2007 and the Roads and traffic Authority raise no objection to the development.

- **SEPP (North Coast Regional Environmental Plan)**

The following clauses to the North Coast Regional Environmental Plan have been considered and Council is satisfied the proposed development does not contravene provisions or intent of the plan:

- Clause 13 Objectives (Division 2 – Catchment Management).
- Clause 15 Development control-wetlands or fishery habitats.
- Clause 28 Objectives (Part 2 – Conservation and the Environment, Division 1 – The Natural Environment).
- Clause 29A Development control-natural areas and water catchment.
- Clause 32B Development Control— Coastal Lands.
- Clause 36 heritage items, generally.
- Clause 36A heritage items of State and regional significance.

Commonwealth Matters

- **Environmental Protection and Biodiversity Conservation Act 1999(EPBC Act).**

The EIS has considered the impacts of the proposed remediation works on the local environment in relation to the aims and objectives of the EPBC Act and it is considered the mitigation measures identified under the EIS will be sufficient to protect the environment and the habitat of the any endangered species.

Local Matters

- ***Richmond River Local Environmental Plan 1992***

Pursuant to Clause 9 (Zone objectives and development control table), the subject land has been identified as being zoned 2(v) Village zone and 4(a) Industrial. The remainder of the aerodrome site is zoned 1(b1) Rural (Secondary Agricultural Land) Zone. The proposed remediation will be carried out wholly on land which is zoned 2(v) and stockpiling of soil wholly upon the 4(a) Industrial zoned land with no works being undertaken in the 1(b1) Rural (Secondary Agricultural Land) Zone.

The proposed remediation works and stockpiling of soil are not prohibited land uses under their respective zone tables of RRLEP 1992. As such the proposed land is permissible with the consent of Council.

Clause 21 relates to Environmental Heritage, as the development requires and has received its Section 60 approval from NSW Heritage Office and General Terms of Approval, it is considered this clause has been duly satisfied.

Clause 18A Development on land containing Acid Sulphate Soils. (ASS), the site is class 3 ASS (works beyond 1 metre depth natural ground) and the remediation of land will not encroach below 0.5m natural ground, this clause is satisfied.

- ***Draft Richmond Valley LEP***

The land is proposed to be zoned R1 (Residential) with the Vacant Industrial land being zoned IN1 (Industrial) and the remainder of the aerodrome site being RU1 (Rural). Under the draft provisions for this zone, remediation of land is consistent with the zone objectives and does not contravene any clause of the Draft LEP that is not addressed under the current RRLEP 1992.

- ***Development Control Plan No. 5 - Acid Sulphate Soils.***

As stated above the proposed works will not trigger DCP No.5 Acid Sulphate Soils.

- ***Development Control Plan No.10 – Evans Head; Control Plan Area FRV (Future Retirement Village) and I1 (Industrial light).***

The proposed development will be carried out on land which has been identified as control plan area FRV (Future Retirement Village) and I1 (Industrial light). The proposed remediation of the land will enable development which is considered on merit under the relevant control plan area of DCP 10 and does not conflict with the objectives of the control plan area.

The General Terms of Approval of Integrated referral agencies have been considered by Council Officers and have been incorporated into proposed conditions of consent.

Appropriate conditions have been imposed on the draft consent to ensure requirements of the applicable planning instruments are met and no adverse environmental impacts will result.

Submissions

- To date, one (1) submission has been received.

A summary of the issues raised in the submission to the subject application and relevant comments are outlined below.

Plan of Management.

The current version of the Plan of Management has not been endorsed by the NSW Heritage Council.

The NSW Heritage Council's agreement to the EHMA Plan of Management (2005) included a number of conditional provisions. It was a requirement that these provisions be incorporated into the written PoM. Council has satisfied these requirements and submitted a revised draft PoM - Revision 3 (January 2009) to the NSW Heritage Office for endorsement. This endorsement has not, at the time of writing this report been received. The NSW Heritage Office has approved the Section 60 under the Heritage Act 1977 and provided General Terms of Approval for the proposed remediation of the site. It is not considered the remediation proposed under this development application contradicts the PoM (2005) and PoM (2009 draft).

PoM 2009

Area of land currently identified for remediated fill was not identified as industrial land in 2005 version of the PoM.

The subject land has been rezoned industrial in Amendment 31 to the Richmond River LEP 1992. As part of this rezoning, opportunity for public input was given.

Possible future uses must be considered as part of this development/ Impact on future Air Park.

The applicant advises the owner (Council) has had ongoing discussions with the proponents of possible future uses of the site. The owner has advised the applicant (AECOM) that the remediation site and filling of the VIL is consistent with possible future uses of the EHMA.

Out of date community consultation for the preparation of the EIS

Although the community consultation took place in May 2009 it does not invalidate the conclusions and issues raised in the current version of the EIS.

Potential Bias of applicant- Potential conflict of interest AECOM (the successful tenderer for the EIS) serving on the tender panel and also that AECOM are providing advice both to RVC and Department of Defence in respect to the decontamination of the site.

AECOM has provided technical advice on the chosen remediation process to both RVC and the Department of Defence who are sharing the costs of the remediation works. In calling for tenders for the remediation of the site RVC has complied with the Local Government Tender Procurement protocols. AECOM did not sit upon the Tender Evaluation Board and has not been involved in any of the decision making or selection processes.

Impact on Oxleyen Pigmy Perch (OPP)

During the remediation process erosion and sedimentation control mitigation measures will be installed and maintained to both the remediation site and VIL. General terms of approval have been provided by the Department of Environment Climate Change and Water (DECCW) for issue of an Environment Protection Licence (EPL) before remediation commences. Upon completion of the remediation works validation of the remediated soil must be provided and ground covers established. This will minimise any impacts on the Oxleyan Pygmy Perch (OPP) and its habitat.

Conclusion

The Development Assessment Panel endorsed the proposed conditions at its meeting of 6 January 2011. Appropriate conditions have been imposed on the draft consent to ensure requirements of planning instruments are met and any potential adverse environmental impacts will be minimised, particularly in relation to concerns raised in the submission received by Council.

Attachments

Plans for approval
Copy of submission

CD Copy of Plan of Management for the Evans Head Memorial Aerodrome (PoM 2005) & (PoM 2009 (draft)) previously provided to JRPP Panel Secretariat for distribution to Panel Members 23 December 2010.

RECOMMENDATION

Recommended that Development Application No. 2011.097 be approved subject to the following conditions.

STANDARD CONDITIONS

1. In granting this development consent, Council requires:

- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with Figure 4 (Remediation Areas) and Figure 6 (Conceptual Stockpile Locations) of Environmental Impact Statement (EIS) dated 17 September 2010, Remediation Action Plan (RAP) dated 26 February 2010 and Draft Construction Environmental Management Plan (CEMP) Job No. E9091 and/or supporting documents submitted with the application and/or during the assessment process including the revised Statement of Environmental Effects dated 22 October 2010. A copy of the approved plan is attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C).*

2. All works approved under this development consent must be undertaken in accordance with Remediation Action Plan (RAP) dated 26 February 2010 and Draft Construction Environmental Management Plan (CEMP) Job No. E9091 as identified in the Environmental Impact Statement (EIS) prepared by AECOM Pty Ltd dated 17 September 2010 unless modified by a condition of this consent or General Terms of Approval (GTA) issued by the Heritage Office or Department of Environment Climate Change and Water.

Reason: *To ensure compliance with Environmental Impact Statement.*

CARPARKING

3. All vehicles connected with the remediation works shall be parked within the property **at all times**.

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

4. The development shall provide for adequate on site vehicle parking for all tradesmen, plant and equipment and the storage of materials **at all times** during the this development.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

5. Filling of the vacant industrial land must not encroach onto the 1(b1) Rural Secondary Agricultural land zone as determined by Richmond River LEP 1992.

Reason: *To advise the limits of this development consent.*

WORKS

6. Works within any part of the road reserve that will impact on pedestrians or traffic flow (including temporary site fencing that restricts pedestrian access, temporary disruption to traffic, etc) requires the preparation of a **Traffic Control Plan**. The Plan shall comply with the provisions of the RTA document “**Traffic Control at Work Sites**” manual and shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course. The TCP designer’s certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to and verified by Richmond Valley Council **prior to the commencement of works in the road reserve**.

The developer shall maintain all warning signs, lights, barriers and fences etc in accordance with the Traffic Control Plan, Australian Standards and Work Cover guidelines.

Safe public access around any works shall be provided at all times unless detailed in the Traffic Control Plan.

Any advertising required to be undertaken by Council shall be at the developer’s cost.

All contractors working on such road reserve areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council **prior to the commencement of works**.

***Reason:** To ensure works carried out in the road reserve are carried out in a safe environment.*

7. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Works.

Council shall be notified in writing, **prior to commencement of works**, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths.

Absence of notification signifies that no damage exists, and the applicant is therefore liable for the cost of reinstatement of any damage found at the completion of the works.

***Reason:** To protect the existing and future amenity of the locality and to formally record any pre-existing damage to existing assets.*

WORKS FEES AND CONTRIBUTIONS

8. Payment of contributions levied under Section 94A of the Environmental Planning and Assessment Act 1979 and Richmond Valley Council's Revenue Policy and Contributions Plan are required in accordance with the attached schedule. Such levies shall contribute towards the provision, extension or augmentation of public amenities or public services in accordance with Richmond Valley Council's Section 94A Development Contributions Plan.

Total cost of the development shall be in accordance with Section 5 of the Richmond Valley Council Section 94A Development Contributions Plan and clause 25J of the Environmental Planning and Assessment Regulation 2000.

Contributions required by this condition will be adjusted at the time of payment of the contribution in accordance with the formula detailed in Section 1.2 of Richmond Valley Council's Development Contributions Plan ie by CPI from the date of consent.

Where the total contribution payable exceeds \$10,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions shall be paid **prior to the issue of any Construction Certificate**.

Reason: *To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94A Development Contributions Plan (EPA Act Sec 94A).*

Section 94A Development Contributions Plan			
Levy area - full Richmond Valley Council		(Job No/ Receipt Code - PLD 103)	
Total Cost of Development	Total Cost	@ % of total cost	Contribution
> \$ 200,000	\$ 1,255,000	1.0 %	\$ 12,550
Total Section 94A contribution			\$ 12,550

SEWERAGE

9. The proponent shall disconnect the water supply and sewerage connections that currently service the lot.

The sewer connection is to be disconnected and capped on the Council side of the "boundary trap" in such a manner that it is sealed from the entry of soil and water. This will become the connection point for future developments on the site. The junction location is to be clearly marked to prevent damage during the works on the site.

The water supply connection is to be disconnected at the water meter. The water meter and any backflow prevention device is to remain connected to the water service. The water service and meter location is to be clearly marked to prevent damage during the works on the site.

The disconnections and markings are to be inspected by Richmond Valley Council **prior to the commencement of demolition**. Please contact Council's Engineering Assistant Services on Ph 02 66 600 247 to arrange the inspection. A minimum of 24 hours notice is required.

The inspection fee as per Council's adopted Revenue Policy (basic works inspection currently \$72.00) is payable **prior to the commencement of demolition or house removal works**. Additional inspections will be chargeable at the applicable rate at the time.

Reason: *To provide adequate disconnection of services from the development.*

10. A sewerage rising main is proposed to be constructed on and adjacent to the site. The main's construction alignment is to be accurately located **prior to the commencement of any works**.

Plans indicating the location of the proposed sewerage rising main have previously been forwarded to the applicant under separate cover. Council may charge a fee (in accordance with Council's Revenue Policy) for additional requests for the same issued information.

Reason: *To protect Council's assets.*

11. Sewer manhole(s), sewer mains and sewerage rising mains are present on this site.

No manhole is to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of any sewer manhole, Council's Water and Sewerage section shall be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Water and Sewerage section. Raising or lowering of any manhole will be at the applicant's cost.

Mains and manholes are to be accurately located **prior to the commencement of any works**.

Reason: *To protect both Council's assets and the property owner's assets.*

BUILDING

12. **Prior to any work commencing** toilet facilities must be provided at or in the vicinity of the work site.

Reason: *To provide sanitary facilities for workers.*

13. **An Occupation Certificate must be issued** by the Principal Certifying Authority. Where Richmond Valley Council is not the Principal Certifying Authority then all documentation must be forwarded to Council within seven (7) days of issue.

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

14. Where Richmond Valley Council is the Principal Certifying Authority the following inspections will be required with 48 hours notice

- a) at the commencement of the building work, erosion control, safety signs and site toilet facilities to be erected.
- b) after Phase 2 of remediation work has been completed.
- c) After Phase 7 of remediation work has been completed. Prior to final inspection being requested, all certificates required by this consent are to be submitted to Council.

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

15. At completion/occupation, the following certification must be submitted to Richmond Valley Council:
 - a) 'Works as executed' plans of filling undertaken upon the Vacant Industrial land. Zone boundaries to be identified on these plans.
 - b) Any validation certification required in the Remediation Action Plan (RAP) dated 26 February 2010 and Draft Construction Environmental Management Plan (CEMP) Job No. E9091

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

ENVIRONMENTAL HEALTH

16. An Occupational Health and Safety Plan (OH and SP) prepared by a suitably qualified consultant must be submitted to and approved by Richmond Valley Council **prior to work commencing** on the site. The OH and SP must address but may not necessarily be limited to the matters identified in Section 10.2 of the Remedial Action Plan prepared by AECOM Australia Pty Ltd dated 25 February 2010.

Reason: *To protect the health and safety of workers on the site*

17. Occupational Health and Safety requirements as detailed in the approved Occupational Health and Safety Plan must form part of a worker induction program for all workers **prior to workers commencing work on the site.**

Reason: *To protect the health and safety of workers.*

NSW HERITAGE COUNCIL GENERAL TERMS OF APPROVAL CONDITIONS.

1. All work shall be carried out in accordance with the following documentation:
 - a) Remediation Works – Evans Head Memorial Aerodrome Environmental Impact Statement prepared by AECOM, dated 17th September 2010; and
 - b) Evans Head Memorial Aerodrome (Remediation): Archaeological Research Plan prepared by Ainsworth Heritage, dated August 2010.
2. No exemptions are required for the items identified in Table 5 of the *Evans Head Memorial Aerodrome Remedial Area and Vacant Industrial land Remediation Works Archaeological Impact Assessment* prepared by AECOM, dated 7th September 2010.
3. No approval is granted for the removal of the Hangar Aprons outside of the remediation area identified as the 'Airfield Site' (outlined I the solid red line in Figure 2 of the EIS). This is particularly important for the Apron adjacent to the Bellman Hangar.
4. At the nine month mark, if it is considered likely that the material will not be remediated to the appropriate level a new proposal must be developed for the treatment and storage of this material and approved by the NSW Heritage Council.

5. The stockpiled material must be used as fill or removed from the site within 18 months of the remediation commencing unless an extension of time is granted by the NSW Heritage Council.

Further information:

6. The location of an appropriate repository for the items to be relocated must be provided with the S60 application.
7. Prior to being allowed to act as an excavation Director David Salt will need address the excavation director criteria of the NSW Heritage Council this is to be submitted with the S60 application.
8. an interpretation plan for those elements that are to be removed during the excavation must be provided to the NSW Heritage Council within 3 months of the excavation of contaminated land being completed.
9. The results of the three monthly testing of the stockpiled material must be forwarded to the Heritage Branch.

Nominated Heritage Consultant:

10. All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and the conditions of this consent.
11. All work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.

Site Protection & Works:

12. The advice of any relevant State and Federal Agencies should be sought regarding the adequacy of the submitted documentation in relation to the potential impacts on natural heritage prior to works commencing.
13. If the works disturb any elements associated with the Drainage System, Runway Lighting Systems and Building Footprints then the Heritage Branch must be notified in writing of this fact prior to their removal. This condition does not remove the requirement to undertake the appropriate level of recording as identified in the Archaeological Research Design methodology.
14. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
15. All works shall be in accordance with the approved research design and methodology outlined in *Evans Head Memorial Aerodrome (Remediation): Archaeological Research Plan* (August 2010) prepared by Ainsworth heritage, except as amended by the following conditions:

16. The Applicant must ensure that the Heritage Council or its delegate is informed in writing of the start of the on site archaeological fieldwork at least five (5) days prior to its commencement and also informed of the end of the on site fieldwork within five (5) days of its completion.
17. The Heritage Council and the Heritage Branch, Department of Planning, reserve the right to inspect the site and records at all times and access any relics recovered from the site.
18. The Applicant must ensure that if any additional substantial intact archaeological deposits and/or Stat significant relics not already identified in the *Evans Head Memorial Aerodrome (Remediation): Archaeological Research Plan* (August 2010) prepared by Ainsworth Heritage are discovered work must cease immediately in the affected area(s) and the Heritage Branch, Department of Planning, must be contacted for advice. Additional assessment and approval may be required prior to works continuing the affected areas(s) based on the nature of the discovery.
19. The Applicant must ensure that the approved Excavation Director, Ms Jane Ainsworth, is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. All archaeological work is to be completed in accordance with the methodology outlined in the approved project documentation, and must occur under the supervision of the Excavation Director.
20. The Applicant must ensure that the nominated Excavation Director or an appropriate specialist takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with the approved methodology and current best practice guidelines. This work must be undertaken in accordance with the Heritage Council guidelines, 'How to prepare Archival records of Heritage Items' and 'Photographic Recording of Heritage Items Using Film or Digital Capture' (2006). Photographs must be in permanent archive formats as well as digital formats.
21. The Applicant must ensure that the nominated Excavation Director briefs all personnel involved in the project about the requirements of the NSW *Heritage Act 1977* in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on site excavation works.
22. The Applicant must ensure that the nominated Excavation Director and the excavation team are given adequate resources to allow full and detailed recording of all findings to be undertaken to the satisfaction of the Heritage Council or its delegate.
23. The Applicant must ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction. The Applicant is responsible for the safe keeping of all relics recovered from the site.
24. The Applicant must ensure that the nominated Excavation Director or an appropriate specialist cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered from the site in a way that allows them to be retrieved according to both type and provenance.
25. the Applicant must ensure that a summary of the results of the fieldwork, up to 500 words in length is submitted to the Heritage Council of NSW within one (1) month of the completion of archaeological fieldwork.

26. The Applicant must ensure that the final report is prepared by the approved Excavation Director, to the publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council of NSW or its delegate. Two hard copies of this report must be submitted to the Heritage Branch, Department of Planning. At least one copy should also be submitted to the Heritage Branch in CD-Rom format. A further copy must be lodged in the Local Council local library or another appropriate local repository.
27. The Heritage Council of NSW requires that the final report shall include:
- a) An executive summary;
 - b) Due credit to the client paying for the excavation on the title page;
 - c) An accurate site location and site plan;
 - d) Historical research, references, and bibliography;
 - e) Detailed information on the excavation including the aim, the context for the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labeling, scale drawings, photographs, repository);
 - f) Nominated repository for the items;
 - g) Detailed response to research questions;
 - h) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Evans Head Memorial Aerodrome and recommendations for the future management of the site;
 - i) Details of how this information about this excavation has been publicly disseminated.

This information is required in accordance with section 146(b) of the 'Heritage Act, 1977'

28. The Applicant must ensure that an archaeological publication for the general public on the results of the archaeological programme at the Evans Head Memorial Aerodrome is prepared. An outline of this publication is to be submitted to the Heritage Council of NSW for approval within 12 months of the completion of the excavation programme. The publication is to be completed within 18 months of the excavations unless an extension of time is approved by the Heritage Council of NSW.
29. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Environmental Protection and Regulation Group of the Department of Environment, Climate Change and Water is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974 (as amended)*. Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under Section 90 of the *National parks and Wildlife Act, 1974*.

Compliance

30. Following the determination of the development application by the Richmond Valley Council, an application under Section 60 of the NSW Heritage Act, 1977 must be submitted to and approved by the NSW Heritage Council prior to the works commencing.

**DEPARTMENT OF ENVIRONMENT CLIMATE CHANGE & WATER GENERAL TERMS OF
APPROVAL CONDITIONS**

ADMINISTRATIVE CONDITIONS

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

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

- The development application DA No. 2011.097 submitted to Richmond Valley Council on 24 September 2010;
- The environmental impact statement "Remediation Works – Evans Head Memorial Aerodrome Environmental Impact Statement – AECOM 17 September 2010" relating to the development; and
- Any additional documents supplied to the Department of Environment Climate Change and Water (DECCW) in relation to the development.

A2. Fit and proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

Note: Mandatory condition

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

L2. Load limits

No applicable

L3. Concentration limits

Note: Conditions to be used where applicable

L3.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L3.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L3.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Surface Water Monitoring Locations (SW01 & SW02)

Water and Land

Pollutant	Units of Measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
BOD	mg/L				30
TSS	mg/L				50
TPH	mg/L				10
O&G	mg/L				5
pH					5.5-9.5

Air Monitoring Locations

Air

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
PM10	ug/m ³				0.05

L4. Volume and mass limits

Not applicable

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environmental Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L5.3 Waste material generated out of works undertaken at the site must be managed in accordance with the provisions detailed in the documents "*Remediation Works – Evans Head Memorial Aerodrome EIS AECOM 17 September 2010*" and the "*Remediation action Plan for the Proposed Aged Care Facility at the Evans Head Aerodrome AECOM 25 February 2010*".

L6. Noise limits

L6.1 Noise from the premises must not exceed:

an L_{A10} (15 minute) noise emission criterion of 42 dB(A) (7am to 6pm Monday to Friday and 8am to 1pm Saturday; and

at all other times, an L_{A10} (15 minute) noise emission criterion of 40dB(A), except as expressly provided by these general terms of approval.

- L6.2** Noise from the premises is to be measured at the nearest affected receptor to determine compliance with this condition.

Definition

L_{A10} (15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

- L6.3** The noise emission limits identified in **L6.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under condition is of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

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

Hours of operation

- L6.4** All remediation works and/or soil treatment operations undertaken at the premises must only be conducted between the hours of 7.00am and 6.00pm Monday to Friday and between 8.00am and 1.00pm Saturday. Remediation works and/or soil treatment operations are not permitted on Sundays or Public Holidays.
- L6.5** Activities at the premises, that do not involve the operation of plant or machinery for remediation works and/or soil treatment operations, may be carried out between the hours of 8.00am and 5.00pm on Sundays and Public Holidays.
- L6.6** this condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons: and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L6.7** The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L7. *Blasting*

Not applicable

Operating conditions

O1. *Odour*

- O1.1** The licensee must not permit any offensive odour to be emitted from the premise.

O2. *Dust*

- 02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- 02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- 02.3** All dust management and mitigation strategies identified in the "*Remediation Works – Evans Head Memorial Aerodrome EIS AECOM 17 September 2010*" and the "*Remediation Action Plan for the Proposed Aged Care Facility at the Evans Head Aerodrome AECOM 25 February 2010*" must be implemented, except as may be required under other conditions of these general terms of approval.

03. Stormwater/sediment control – Remediation Phase

- 03.1** A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during remediation activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).

04. Stormwater/sediment control – Post Remediation

- 04.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of remediation activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

05. Waste Water Utilisation Areas

Not applicable.

06. Maintaining Waste Water Utilisation Areas

Not applicable.

Monitoring and recording conditions

M1. Monitoring records

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

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

In a legible form, or in a form that can readily be reduced to a legible form;

Kept for at least 4 years after the monitoring or event to which they relate took place; and

Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

The date(s) on which the sample was taken;

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

The point at which the sample was taken; and

The name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

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

Any Point Discharging to the Environment

Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
BOD	mg/L	Daily during discharge	Grab sample
TSS	mg/L	Daily during discharge	Grab sample
TPH	mg/L	Daily during discharge	Grab sample
O&G	mg/L	Daily during discharge	Grab sample
pH	mg/L	Daily during discharge	In situ

Points relevant to Receptors R1 through R8

Air

Pollutant	Units of Measure	Frequency	Sampling Method
PM10	ug/m ³	Every 6 days	AM-18

Groundwater Monitoring Locations

Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Total cyanide	mg/L	Fortnightly	Grab sample
Electrical conductivity (EC)	uS/cm	Fortnightly	In Situ
Ammonia	mg/L	Fortnightly	Grab sample
Redox potential (Eh)	mV	Fortnightly	In Situ
pH	pH	Fortnightly	In Situ
Dissolved oxygen	mg/L	Fortnightly	In Situ

M3. Requirement to monitor volume or mass

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

The volume of liquids discharged to water or applied to the area;

Over the interval, at the frequency and using the method and units of measure, specified below.

Point	Interval for	Frequency	Units of Measure	Sampling Method
Discharge to Stormwater	<24hr>	,daily>	Litres/kilolitres	Flow meter

M4. Testing methods – concentration limits

(Licences with air monitoring requirements)

M4.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "approved Methods for the Sampling and Analysis of Air Pollutants in NSW").

(Licences with water/land monitoring requirements)

M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:

The Approved Methods Publication; or

If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

Unless otherwise expressly provided in the licence.

Reporting conditions

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

ATTACHMENT – MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - The processing, handling, movement and storage of materials and substances used to carry out the activity
 - and
 - The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - Must be maintained in a proper and efficient condition; and
 - Must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONA

Recording of pollution complaints

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

- The record must include details of the following:
 - The date and time of the complaint;
 - The method by which the complaint was made;
 - Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - The nature of the complaint;

The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
If no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

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

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

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

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - A Statement of Compliance; and
 - A Monitoring and Complaints Summary

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

Period covered by Annual Return

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

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

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

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

The new licensee must prepare an annual return for the period commencing on the date the application of the transfer of the licence is granted and ending on the last day of the reporting period.

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

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

In relation to the surrender of a licence – the date when notice in writing of approval of the surrender is given;
or

In relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Notification where actual load cannot be calculated

(Licences with assessable pollutants)

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

- The notification must specify:
 - The assessable pollutants for which the actual load could not be calculated; and
 - The relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return'

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

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

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

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

- The request may require a report which includes any or all of the following information:
 - The cause, time and duration of the event;

- The type, volume and concentration of every pollutant discharged as a result of the event;

- The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

- The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

- Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

- (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

- (any other relevant matters.

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

GENERAL CONDITIONS

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

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

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

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



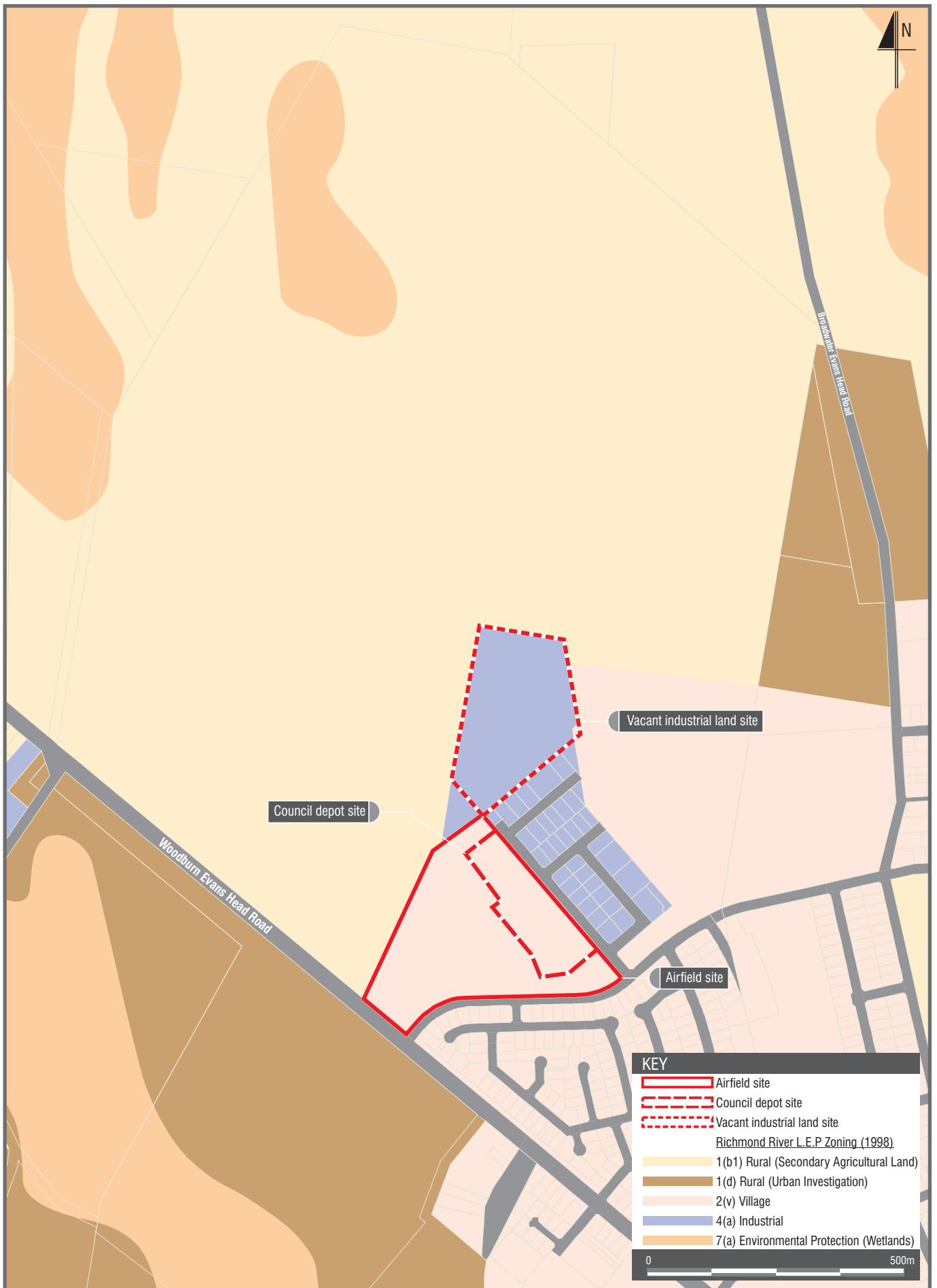




FIGURE 4



AECOM AREA 8 - PAH ACROSS THE AIRFIELD SITE: VISUAL ASSESSMENT

Environmental Impact Statement
Remediation of Evans Head Memorial Aerodrome

FIGURE 5



