

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT RICHMOND VALLEY COUNCIL, EVANS HEAD OFFICE, ON TUESDAY 18 JANUARY 2011 AT 3:10 PM

PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
Dr John Griffin	Panel Member

IN ATTENDANCE:

Stephen McCarthy	Richmond Valley Council
Angela Jones	Richmond Valley Council
Ken Exley	Richmond Valley Council
Ray Medhurst	Richmond Valley Council
Andrew Hanna	Richmond Valley Council
Michael McKenzie	Richmond Valley Council

APOLOGY: John Hession

1. The meeting commenced at 3.10pm. The Chair welcomed everyone to the meeting of the Panel.

2. Declarations of Interest

Cr Donella Kinnish and Cr Collin Sullivan (Panel Members) declared a non-pecuniary interest prior to the meeting as they have had previous discussions and Council business arising in relation to the matter for determination. Cr Kinnish and Sullivan did not sit on the panel.

Pamela Westing (Panel Member) declared she had consulted for the owner of the land within the past two (2) years. The nature of the consultancy was business improvement/excellence and was no way associated with the matter for determination. The Chair, Garry West, stated this did not preclude Pam Westing from sitting on the Panel.

3. Business Items

ITEM 1 - 2010NTH028 Richmond Valley 2011.097 - Remediation Works at Evans Head Memorial Aerodrome; 17 Memorial Airport Drive Evans Head

Stephen McCarthy gave a brief overview of the proposal.

The Chair disclosed that an environmental impact statement was received and a site visit was made by the panel in regards to the proposal.

4. Public Submission

Dr Richard Gates	Addressed the panel against the proposal.
Renae Gifford (on behalf of the applicant)	Addressed the Panel in favour of the proposal.

5. Business Item Recommendations

2010NTH028 Richmond Valley 2011.097 - Remediation Works at Evans Head Memorial Aerodrome; 17 Memorial Airport Drive Evans Head

Moved Pamela Westing, seconded by Dr John Griffin,

That Development Application No. 2011.097 - Remediation Works at Evans Head Memorial Aerodrome, 17 Memorial Airport Drive, Evans Head be approved and the draft conditions submitted in the Assessment Report be adopted.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 4.19 pm.



Garry West
Chair, Northern Region Planning Panel
25 January 2011

ATTACHMENT A

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	50%	90%	3DGM	100%
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	Measure	concentration limit	concentration limit	concentration limit	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 Environment 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 $L_{A10(15\text{ minute})}$ 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

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- O2.3** 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.

O3. Stormwater/sediment control – Remediation Phase

- O3.1** 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).

O4. Stormwater/sediment control – Post Remediation

- O4.1** 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).

O5. Waste Water Utilisation Areas

Not applicable.

O6. 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.