

# NARROMINE SHIRE COUNCIL

ABN 99 352 328 405

"Times Change... Values Don't"



## NARROMINE SHIRE COUNCIL NOTICE OF DETERMINATION DEVELOPMENT APPLICATION 73/09



Under Section 80 of the *Environmental Planning and Assessment Act, 1979*, as amended, Narromine Shire Council hereby grants approval to the above application subject to the conditions prescribed in Schedule 1.

### Details of the Applicant

**Name:** David Kinsey

**Address:** Carrigan, 2208 Dandaloo Road, Trangie NSW

### Details of the Land to be Developed

**House no:** 2208      **Street/Road Name:** Dandaloo Road

**Town:** Trangie      **Postcode:** 2823

**Lot No:** 12 and 13 755099 and 14 and 15 755104

### Description of the Development

Livestock intensive industry (feedlot for the purpose of cattle and sheep)

### Date from which the Consent Operates

**The date on which the determination was made:** 24 March 2011

**This consent operates from:** 24 March 2011

**This consent lapses on:** 23 March 2016

### Conditions Prescribed Under Section 80A (11) of the Act

The conditions contained in Schedule 2 are prescribed under Section 80A(11).

### STAGED DEVELOPMENT

Yes  
☐

No  
☒

Description of stages:

.....  
.....  
.....

Is a development application required for future stages?

Yes  
☐

No  
☒

If Yes, provide details:

.....  
.....  
.....  
.....

### **Public Enquiry**

Has a Public Enquiry been held under Section 119 of the Act?

Yes  
☐

No  
☒

### **Building Classification**

Classification of the building where a Construction Certificate is not required for the development:

Class: NA

### **Planning Assessment Commission**

Has the Planning Assessment Commission conducted a review of the application?

Yes  
☐

No  
☒

### **General Terms of Approval**

General terms of approval have been issued by the following approval bodies under Section 93 of the Act:

NSW Department of Environment, Climate Change and Water (DECCW)  
undated letter received by Narromine Council on 1 March 2011 Notice number 1125257.

### **Right of Review**

Under Section 82A of the *Environmental Planning and Assessment Act, 1979*, the applicant to which this development relates may request Council to review this determination in accordance with the Section.

## **Right to Appeal**

### **Applicant:**

Pursuant to Section 97 of the *Environmental Planning and Assessment Act, 1979*, the applicant to which this development relates can appeal this decision in the Land and Environment Court within 12 months of the date of this notice of determination. You cannot appeal however, if a Commission of Enquiry was held and the development is designated development or state significant development.

### **Objector:**

If you objected to the proposal in writing and the application was for designated development:

- you can appeal against this decision to the Land and Environment Court within 28 days of the date of this notice pursuant to Section 98 of the *Environmental Planning and Assessment Act, 1979*. You cannot appeal if a Public Enquiry was held.
- If the applicant appeals against this decision, you will be given a notice of the appeal and you can apply to the Land and Environment Court within 28 days of this notice to attend the appeal and make submissions at the appeal.

## **Date of this Notice**

Date of this notice: 24 March 2011

## **Enquiries**

As the applicant, if you have any queries in relation to Councils determination, please contact Councils Planning Department on 6889 9999.

Yours faithfully,



Chris Brook  
**Manager of Health and Building**

## **SCHEDULE 1 – Conditions of Consent**

1. Prior to the commencement of works, a copy of the revised environmental plan (EMP) required by DECCW (page 10 DECCW Letter) must also be submitted to Council.

Reason: To ensure the document is updated and does not contain incorrect or inconsistent information prior to the commencement of operations.

2. All works and activities must be carried out in accordance with the approved documents bearing Councils approval stamp, which includes plans detailed below except where amended by other conditions of this development consent::

The approved documents include:

<b>Document Name</b>	<b>Prepared by</b>	<b>Date</b>
The Environmental Impact Statement	David Kinsey	October 2008
Carrigan Feedlot Environmental Management Plan	David Kinsey	October 2008
Soil descriptions from Carrigan for preplanning focus meeting for the proposed Feedlot Development	Sustainable Soils Management	September 2009
Letter	David Kinsey	11 June 2010
Response request by DECCW for more information on groundwater	Sustainable Soils Management	December 2010
Desk top review of hydrogeology beneath Proposed Carrigan Feedlot	Sustainable Soils Management	January 2011
DECCW EPA Request for additional information re DA 73/09 – Attachment 1	Not stated	Not dated
Letter re additional information	David Kinsey	15 February 2011

Note: in the event of any discrepancy or inconsistency, any relevant condition of consent including those imposed by DECCW, or the latest dated document shall prevail. This may include the undated EMP.

Reason: To clearly identify the approved documentation associated with this development.

3. Water supply to the development is to be in accordance with the information approved through condition 1 and the bores licensed through the NSW Office of Water. Water from the Narromine Trangie Irrigation Scheme can only be used when the zero allocation allotment has been lifted.

**Note:** The NSW Office of Water advises Council that in recent years the Narromine Trangie Irrigation scheme has not been operating at full capacity due to a zero allocation on regulated water.

Reason: To ensure adequate and legally accessed water supply is established and maintained.

4. Prior to the commencement of the feedlot, an all weather driveway suitable for B double trucks must be constructed and maintained from the road to the feedlot area. The driveway area covered by this condition includes all areas where a truck travels including manoeuvring areas.

The driveways within 50 metres of any dwelling must be bitumen sealed or similar surface treatment.

Reason: to minimise damage to the current road pavement and to ensure that any driveway utilised by heavy vehicles is appropriately constructed and maintained and to minimise dust especially in the vicinity of the dwelling.

5. Should any items of European or indigenous significance be exposed during any ground disturbance within the project area, all work or activities must cease immediately and consult with relevant authorities such as the NSW Police, National Parks and Wildlife Service and Council.

Reason: to comply with relevant legislation and to ensure the protection of any items of heritage found.

6. No structures such as sheds are approved as part of this consent. If additional sheds or related structures are required, separate development consent will be required.

Reason: to ensure any infrastructure not detailed by the supporting documentation gains the required approvals prior to construction.

7. Current best practice of feedlot management, including design and construction methods (such as Chapter 6 of the NSW Feedlot Manual) not detailed within the approved documents are to be incorporated into the ongoing management of the feedlot.

Reason: to ensure the feedlot is designed and operated in accordance with current best practice.

8. No noise including truck movements, loading and unloading of trucks is to occur after dark or outside of the conditions imposed through the conditions imposed by DECCW.

Reason: to ensure noise is not emanating from the development, especially at night.



Notice No: 1125257

The General Manager  
Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

NARROMINE SHIRE COUNCIL	
FILE No:	09.005
OWNER:	RF
DATE:	1 - MAR 2011
INFO:	CB: MK. RB
COMMENTS:	orig to Planning

Attention Rosemary Franzon

Dear Mr Lamont,

**RE: Development Application (DA73/09) - Proposed Feedlot, "Carrigan" Trangie NSW**

I refer to the development application (DA73/09) and accompanying information provided to the Department of Environment Climate Change and Water (DECCW) for the proposed feedlot at "Carrigan", Narromine, received by DECCW on 15 June 2010 and subsequent information received on 21 February 2011.

DECCW has reviewed the information provided and has determined that it is able to issue an Environment Protection Licence (EPL) for the proposal subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain the necessary EPL.

The general terms of approval for this proposal are provided in Attachment 1. If Narromine Shire Council grants development consent for this proposal these conditions should be incorporated into the consent.

DECCW would like to advise Narromine Shire Council that every Protection of the Environment Operations Act 1997 (POEO) licence will contain a number of mandatory conditions. A copy of the mandatory conditions has been included as a separate attachment to the general terms of approval and is provided as Attachment 2.

These general terms relate to the development as proposed in the documents and information currently provided to DECCW. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with DECCW about the changes before the consent is issued. This will enable DECCW to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Brad Tanswell on (02) 6883 5367.

Yours sincerely



**Carmen Dwyer**  
Head Pesticides Operations and Planning Unit- Dubbo  
Environment Protection and Regulation

## ATTACHMENT 1

### ADMINISTRATIVE CONDITIONS

#### *Information supplied to the EPA*

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 -73/09 submitted to Narromine Shire Council on 7 January 2009.
- All additional information supplied to the EPA in relation to the development, including:
  - "Environmental Impact Statement- Carrigan Cattle/Lamb Feedlot", prepared by David Kinsey, dated October 2008,
  - "Carrigan Feedlot Environmental Management Plan" prepared by David Kinsey, dated November 2009,
  - "Development Application 73/09 Response to Request by DECCW for More Information on Groundwater" prepared by Sustainable Soils Management, dated December 2010. "
  - "Desktop Review of Hydrogeology Beneath Proposed Carrigan Feedlot" prepared by Sustainable Soils Management, dated January 2011,
  - "DECCW, EPA section- Request for Additional Information re: DA73/09", prepared by David Kinsey (undated).
  - Letter addressed to Narromine Shire Council dated 11 June 2010 entitled "Re: Development Application 73-09 "Carrigan" Feedlot".
  - Letter addressed to Narromine Shire Council dated 15 February 2011 entitled "Re: Development Application 73-09 Additional Information Dept ECCW, EPA section.

**Note:** The applicant must also apply for and obtain an environment protection licence or variation to their existing environment protection licence prior to commencing any activities associated with the proposal.

#### *Fit and Proper Person*

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.

### DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

#### *Location of monitoring/discharge points and areas*

The following point(s) referred to in the table are identified in this licence for the purposes of monitoring and/or the setting of limits for discharges of pollutants to water from the point.

The following utilisation area(s) referred to in the table are identified in this license for the purposes of monitoring and/or the setting of limits for any application of solids or liquids to utilisation area(s).



EPA identification number	Type of monitoring point	Type of discharge point	Description of location
Point 1	Effluent Quality and Quantity Monitoring	Effluent Monitoring	Effluent Pond
Point 2	Manure Quality and Quantity Monitoring	Manure Monitoring	Manure Stockpile within Controlled Drainage Area
Point 3	Soil Monitoring		Waste Application Area 1 located on the property "Carrigan".
Point 4	Soil Monitoring		Waste Application Area 2 located on the property "Carrigan".
Point 5	Soil Monitoring		Waste Application Area 3 located on the property "Carrigan".
Point 6	Soil Monitoring		Waste Application Area 4 located on the property "Carrigan".
Point 7	Soil Monitoring		Waste Application Area 5 located on the property "Carrigan".
Point 8	Groundwater Monitoring		Groundwater Monitoring Bore GW008014 located on the property "Carrigan".
Point 9	Surface Water Monitoring		Narromine Trangie Irrigation Supply Channel Inlet

**Note:** The monitoring requirements may be modified by the EPA subject to ongoing review of license conditions and monitoring results.

## LIMIT CONDITIONS

### *Pollution of waters*

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.

### *Potentially Offensive Odour*

The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

**Note:** Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection license as a potentially offensive odour and the odour was emitted in accordance with the conditions of a license directed at minimising odour.

No condition of this license identifies a potentially offensive odour for the purpose of Section 129 of the Protection of the Environment Operations Act 1997.

## Noise Limits

**L6.1** Noise generated at the premises must not exceed the noise limits presented in the table below:

Table 6.1- Noise Limits (dB(A))

Location/Time	Day	Evening	Night	Night
Nearest Affected Receiver	LAeq, 15min	LAeq, 15min	LAeq, 15min	L <sub>Amax</sub>
	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

**L6.2** For the purposes of condition **L6.1**.

Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public holidays. Evening is defined as the period 6pm to 10pm. Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

**L6.3** Noise from the premises is to be measured at the most affected point within the residential boundary or at the most affected point at the nearest affected receiver within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the  $L_{Aeq(15 \text{ minute})}$  noise limits in condition **L6.1**, unless otherwise noted.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

**L6.4** Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the  $L_{Amax}$  noise limits in condition **L6.1**.

**L6.5** The noise emission limits identified in condition **L6.1** apply under meteorological conditions of:

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

Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above ground level.

**L6.6** The noise limits in **L6.1** do not apply to construction activities. Construction shall be limited to the hours of 7am to 6pm Monday to Friday and 8am to 1pm Saturdays and at no other time without the prior approval of the EPA unless inaudible at any noise sensitive location not associated with the development. Inaudible means construction activities should not be heard by the human ear.

## Waste

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.

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.



### ***Livestock Limits***

The number of livestock to be held at the feedlot must not exceed 2,000 head of cattle or 10,000 head of sheep or a mixed proportion of cattle and sheep not exceeding the above numbers on a comparative basis.

For the purpose of this condition 1 Standard Cattle Unit (SCU), weighing approximately 600kg is equivalent to approximately 10 sheep weighing 50kg each.

## **OPERATING CONDITIONS**

### ***Dust***

All operations and activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

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

### ***Stormwater/sediment control - Construction Phase***

A Stormwater Management Scheme must be prepared for all aspects of the construction phase of the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises during construction. 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).

### ***Maintenance of Holding Ponds***

The holding ponds must be maintained to ensure that sedimentation does not reduce their capacity by more than 20% of the design capacity.

### ***Maintenance of Holding Pens***

The holding pen surface must be maintained to prevent infiltration.

### ***Effluent Application***

Effluent application must not occur in a manner which causes surface runoff.

Spray from effluent must not drift beyond the boundary of the premises.

Livestock access to any effluent application area must be denied during irrigation and until the applied effluent has dried.

### ***Solids Storage***

Solids must be stored on an impermeable pad within the controlled drainage area.

### ***Retention of Utilisation Area***

The licensee must retain the utilisation areas.

At least 14 days prior to a utilisation area being rendered unavailable for use, the EPA must be advised in writing of this intention.

### ***Management of Utilisation Area***

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

The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purposes of this condition, 'effectively utilise' includes the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

## **MONITORING 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***

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



**Point 1**

Pollutant	Unit of Measure	Frequency	Sampling Method
Conductivity	µS/cm	Yearly	Grab Sample
Biological Oxygen Demand	mg/L	Yearly	Grab Sample
Nitrogen (Ammonia)	mg/L	Yearly	Grab Sample
Total Nitrogen	mg/L	Yearly	Grab Sample
Reactive Phosphorus	mg/L	Yearly	Grab Sample
Phosphorus (Total)	mg/L	Yearly	Grab Sample
Chloride	mg/L	Yearly	Grab Sample

**Point 2**

Pollutant	Unit of Measure	Frequency	Sampling Method
Conductivity	µS/cm	Yearly	Grab Sample
Nitrogen (Ammonia)	mg/kg	Yearly	Grab Sample
Chloride	mg/kg	Yearly	Grab Sample
Total Nitrogen	mg/kg	Yearly	Grab Sample
Reactive Phosphorus	mg/kg	Yearly	Grab Sample
Phosphorus (Total)	mg/kg	Yearly	Grab Sample

**Points 3, 4, 5, 6 and 7**

Pollutant	Unit of Measure	Frequency	Sampling Method
Reactive Phosphorus	mg/kg	Yearly	Special Method 1
Phosphorus Sorption Capacity	kg/ha	Yearly	Special Method 1
Total Nitrogen	mg/kg	Yearly	Special Method 1
Nitrate	mg/kg	Yearly	Special Method 1
Total Organic Carbon	%	Yearly	Special Method 1
Conductivity	µS/cm	Yearly	Special Method 1
Exchangeable Calcium	%	Yearly	Special Method 1
Exchangeable Magnesium	%	Yearly	Special Method 1
Exchangeable Potassium	%	Yearly	Special Method 1
Exchangeable Sodium	%	Yearly	Special Method 1
pH	pH	Yearly	Special Method 1
Cation Exchange Capacity	cmol(+)/kg	Yearly	Special Method 1

Exchangeable Sodium Percentage	%	Yearly	Special Method 1
Available Phosphorus	mg/kg	Yearly	Special Method 1

**Note:** for the purposes of the table(s) above Special Method 1 means that representative composite soil samples must be taken of the top and subsoils if effluent or manure is applied to the utilisation area.

### Point 8

Pollutant	Unit of Measure	Frequency	Sampling Method
Calcium	mg/L	Every 6 months	Grab Sample
Magnesium	mg/L	Every 6 months	Grab Sample
Potassium	mg/L	Every 6 months	Grab Sample
Sodium	mg/L	Every 6 months	Grab Sample
Bicarbonate	mg/L	Every 6 months	Grab Sample
Sulphate	mg/L	Every 6 months	Grab Sample
Carbonate	mg/L	Every 6 months	Grab Sample
Nitrate	mg/L	Every 6 months	Grab Sample
Chloride	mg/L	Every 6 months	Grab Sample
pH	pH	Every 6 months	Grab Sample
Conductivity	µS/cm	Every 6 months	Grab Sample
Nitrogen (Ammonia)	mg/L	Every 6 months	Grab Sample
Nitrogen (Total)	mg/L	Every 6 months	Grab Sample
Phosphorus (Total)	mg/L	Every 6 months	Grab Sample
Standing Water Level	m	Every 3 months	In Situ

### M3 Testing Methods- Concentration Limits

Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by the conditions above 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.



#### **M4 Requirement to Monitor Volume or Mass**

For each discharge point or utilisation area specified below, the licensee must monitor:

- (a) the volume of liquids discharged to water or applied to the area;
- (b) the mass of solids applied to the area;
- (c) the mass of pollutants emitted to air.

At the frequency and using the method and units of measure, specified below.

##### **Point 1**

Frequency	Unit of Measure	Sampling Method
Monthly	KL/week	Special method 3

**Note:** For the purposes of the table(s) above, Special Method 3 means by calculation (volume flow rate or pump capacity multiplied by operating time) of the volume of liquid effluent applied to the utilisation areas.

##### **Point 2**

Frequency	Unit of Measure	Sampling Method
Monthly	Tonnes	Special method 4

**Note:** For the purposes of the table(s) above, Special Method 4 means the amount of solids taken from the manure stockpile and applied to the utilisation areas.

##### **Point 9**

Frequency	Unit of Measure	Sampling Method
Monthly	KL/week	Special method 5

**Note:** For the purposes of the table(s) above, Special Method 5 means by calculation (volume flow rate or pump capacity multiplied by operating time) of the volume of raw water applied to the utilisation areas.

#### **Disposal of Solids from the premises**

If solids are removed from the premises, the licensee must record:

- Date.
- Estimated weight of solids, and
- The identity of the person.

## REPORTING CONDITIONS

### *Reporting conditions*

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.

### *Monitoring Report*

The licensee must supply with the Annual Return a report, which provides:

- An analysis and interpretation of monitoring results, and
- Actions to correct identified adverse trends.

## GENERAL CONDITIONS

### *Signage*

Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

## POLLUTION REDUCTION PROGRAMS

### *Update and Implement Environmental Management Plan*

The licensee must update and submit to the EPA a revised Environmental Management Plan (EMP) covering all aspects of the construction and operation of the feedlot prior to construction works proceeding.

The revised EMP must be consistent with most recent documentation regarding Environmental Management as listed in the EPA's General Terms of Approval as well as conditions contained in the General Terms of Approval in relation to environmental management and monitoring.



## ATTACHMENT 2

### 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 CONDITIONS

##### 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:

- a) 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 period, 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 for the transfer of the licence is granted and ending on the last day of the reporting period.

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

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
  - 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 can not 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 of 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.