

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1124874

ATTACHMENT A

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. 1323.1/2010 submitted to EPA on 18 January 2011;
- an environmental impact statement titled "Environment Impact Statement Concrete Products Batching Plant 33 – 41 Cowpasture Road Wetherill Park, NSW" report No. 110083_EIS_V2 dated 28 January 2011 relating to the development; and
- the following drawings:
 1. Drawing No. P100.TM.10-36/1 date 15-02-11 titled "Mobil Mat Mo2250-3000 Layout drawing" drawn by Wiggert & Co for Austral Precast Pty Ltd.
 2. Drawing No. 1605-10 sheet DO1 Issue A dated 22-12-10 titled "Stormwater Drainage Concept Plan" drawn by Algorry Zappia & Associates Pty Ltd for Austral Precast Pty Ltd.

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.

L3. Concentration limits

Not applicable

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 Concrete waste from the batching and recycling process must not be stored out in the open at anytime.

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L6. Noise limits

L6.1 Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note that the limits apply to the operation of the project and represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.

Noise Limits (dB(A))

Property	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
R2	46	35	35	45
R7	39	35	35	45
Any other residence	35	35	35	45

Note: Property identification numbers refer to *Environmental Assessment – Concrete Products Batching Plant*, Benbow Environmental, January 2011.

L6.2 For the purpose of Condition 6.1:

- 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 from 6pm to 10pm on any day,
- 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 within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition **L6.1**.

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_{A1}(1 minute) noise limits in condition **L6.1**.

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

- wind speeds up to 3 m/s at 10 metres above ground level; or
- temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10 metres above ground level.

Hours of Construction

L6.6 All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

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Noise Compliance Monitoring

L6.7 A noise compliance assessment shall be submitted to the DECCW within three months of commencement of operations at the premises. The assessment shall be prepared by a suitably qualified and experienced acoustical consultant and shall assess compliance with noise limits presented in L6.1.

Noise Management Plan

L6.8 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

- a) all measures necessary to satisfy the limits in Table L6.1 at all times,
- b) a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

L6.9 The proponent must prepare and implement a detailed Construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to;

- (a) identification of each work area, site compound and access route (both private and public)
- (b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- (c) identification of all potentially affected sensitive receivers,
- (d) the construction noise and vibration objectives identified in the Environmental Assessment,
- (e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment,
- (f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- (g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
- (i) measures to monitor noise performance and respond to complaints.

Recommended inclusions in the Planning Approval

That a Traffic Noise Management Strategy (TNMS) be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following;

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day,
- communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures for drivers to minimise impacts at identified sensitive receivers,

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- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

L6.10 Truck movements to and from the site be restricted to daytime hours only to minimise the impact on sleep during the night time period.

Operating conditions

01. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licensee to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

02. 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 The dust controls specified in section 3 (Description of Proposed Development) of the document titled "Environmental Impact Statement Concrete Production Batching Plant 33-41 Cowpasture Road Wetherill Park, NSW Report No. 110083-EIS-V2 dated 28 January 2011), must be fully implemented and maintained.

03. Stormwater/sediment control - Construction Phase

03.1 An Erosion and Sediment Control Plan (ESCP) 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 construction activities.

03.2 Appropriate erosion and sediment control must be installed and maintained on the premises to ensure compliance with Section 120 of the POEO Act at all times

04. Stormwater/sediment control - Operation Phase

04.1 All activities conducted on the premises must comply with Section 120 of the Protection of the Environment Operations Act 1997 (POEO) at all times.

05. Waste Water Utilisation Areas

Not applicable.

Monitoring and recording conditions

Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.

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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:

- (a) in a legible form, or in a form that can readily be reduced to a legible form;
- (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- (c) 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;

- (a) the time(s) at which the sample was collected;
- (b) the point at which the sample was taken; and
- (c) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

Not applicable.

M3. Requirement to monitor volume or mass

Not applicable.

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.

General Conditions

G1.1 The concrete batching facility and associated equipment must be fully enclosed and bunded as per the document titled "*Environmental Impact Statement Concrete Production Batching Plant 33-41 Cowpasture Road Wetherill Park, NSW Report No. 110083-EIS-V2 dated 28 January 2011*".

G1.2 The wastewater and concrete recycling system must be fully enclosed and bunded.

O4.3 The waste skip (used to collect the recycled concrete waste) serving the concrete recycling facility must be contained in a roofed and bunded area.

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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:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) 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:

- (a) must be maintained in a proper and efficient condition; and
- (b) 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;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) 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.

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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:

- 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 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.

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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:

- the licence holder; or
- 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:

- (where this licence applies to premises, an event has occurred at the premises; or
- 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;
 - a. 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
 - b. 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;

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- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - a. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - b. 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.