

Meg Vile

From: Grace Bell <Grace.Bell@epa.nsw.gov.au>
Sent: Wednesday, 19 December 2018 2:02 PM
To: Internet
Cc: David Simm; Elfi Blackburn
Subject: General Terms of Approval - DA16-1085 - Transfer Station and Recycling Facility
Attachments: Waste Compliance - RWC - OUT - General T~ 1573338 - Maitland City Council - DA 16-1805 - Transfer and Recycling Facility.pdf

Good afternoon

Please find attached a copy of General Terms of Approval from the EPA for Maitland City Council DA 16-1085. The original signed notice will be mailed via registered post today.

Regards,

Grace Bell

Operations Officer – Hunter

Waste and Resource Recovery, NSW Environment Protection Authority

02 4908 6845 [Monday to Wednesday Only]

grace.bell@epa.nsw.gov.au www.epa.nsw.gov.au

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General Terms of Approval - Issued



Notice No: 1573338

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Mr David Simm

Notice Number 1573338
Date 19-Dec-2018

Maitland City Council Integrated Development Application no. 16-1805

Mount Vincent Road Waste Management Centre Proposed Waste Transfer and Recycling Facility

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the above development application and accompanying information provided by Maitland City Council (**Council**) for the proposed waste transfer and recycling facility at the Mount Vincent Road Waste Management Facility in East Maitland (**the Proposal**). The Environment Protection Authority (**EPA**) has reviewed the following two documents submitted for the proposal:

1. *Mount Vincent Waste Management Centre Waste Transfer and Recycling Facility Environmental Impact Statement* (March 2016) prepared by GHD and received by the EPA on 29 August 2016; and
2. *Mount Vincent Road Waste Management Facility EIS Response to Submissions* (March 2017) prepared by GHD and received by the EPA on 4 August 2017.

From this review, the EPA has determined it is able to issue general terms of approval for the Proposal, subject to a number of conditions. If the development application is approved, the EPA will be able to vary Environment Protection Licence 6116 (**the Licence**) to include the construction and operation of the proposed waste transfer and recycling facility at the Mount Vincent Waste Management Facility when a licence variation application is submitted by Council.

The general terms of approval for this proposal are provided in **Attachment A**, which relate to the development as proposed in the documents listed above. **Attachment B** provides the mandatory conditions that apply to all environment protection licences. The information supplied in Attachment A and Attachment B are intended to be incorporated into the Licence and **should not** be included as conditions of consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. 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 EPA about the changes before

General Terms of Approval - Issued



Notice No: 1573338

the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

The EPA would like to take this opportunity to note that Scheduled Development Work (construction) or Scheduled Activities (waste storage and resource recovery) detailed in the proposal are not permitted at the site until the Licence has been varied.

If you have any questions or wish to discuss this matter further, please contact Grace Bell on 02 4908 6845.

Yours faithfully

 19/12/2018
.....
Steven James
Unit Head Waste Compliance
Waste & Resource Recovery
(by Delegation)

General Terms of Approval - Issued



Notice No: 1573338

Attachment A – Specific Conditions

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 Maitland City Council development application no. 16-1805 and the supporting information:

- "Mount Vincent Waste Management Centre Waste Transfer and Recycling Facility Environmental Impact Statement" (March 2016) prepared by GHD and received by the EPA on 29 August 2016; and
- "Mount Vincent Road Waste Management Facility EIS Response to Submissions (March 2017) prepared by GHD and received by the EPA on 4 August 2017.

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.

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.

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*.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the POEO Act, as in force from time to time.	Waste Storage Resource Recovery	The quantity of waste accepted and processed at the premises must not exceed 30,000 tonnes per annum.

The total amount of waste to be stored at the premises at any one time must not exceed (TBC) tonnes at any one time.

Noise limits

Noise generated at the premises must not exceed the noise limits in Table 1 below. The location(s) referred to are the nearest potentially affected receptor(s) – identified in *Figure 2-1 Project Area – noise sensitive receivers and noise logging locations - Maitland City Council – Mount Vincent Road Waste Management Centre – Waste Transfer and Recycling Facility - Noise and Vibration Impact Assessment (Report # 22/17697) by GHD, dated January 2016.*

TABLE 1 - NOISE LIMITS IN dB(A)

General Terms of Approval - Issued



Notice No: 1573338

NOISE LIMIT LOCATION		NOISE LIMIT IN dB(A) FAST RESPONSE
Receiver Locality	Location	DAY TIME ONLY LAeq, 15min
L1 4 Wilton Drive	East Maitland	35
L2 1 Wilton Drive	East Maitland	38
L3 Watergum Street	East Maitland	35
L4 63 Tipperary Drive	Ashtonfield	35
R15 DA 112677	Mount Vincent	37

For Condition (A);

- Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00 am to 6:00 pm Sunday and Public Holidays.

The noise limits set out in condition (A) apply under all meteorological conditions, including inversion meteorological conditions determined by the recommended meteorological station.

For the purposes of condition (B):

- Data recorded by the meteorological station identified as EPA Identification Point (TBC) must be used to determine meteorological conditions; and
- Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in *Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions* in the NSW Noise Policy for Industry.

To determine compliance:

- with the LAeq(15 minute) noise limits in condition (A), the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- with the noise limits in condition (A), the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions (C).

A non-compliance of condition (A) will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- at a location other than an area prescribed by conditions (C) and/or
- at a point other than the most affected point at a location.

General Terms of Approval - Issued



Notice No: 1573338

For the purposes of determining the noise generated at the premises, the modification factors in *Fact Sheet C - Corrections for Annoying Noise Characteristics* of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Noise from the facility shall exclude tonal, low frequency noise or any other annoying characteristic at the noise sensitive receiver locations. Non-tonal or broadband alarms, proximity alarms, reversing cameras, flashing lights or any combination of these shall be applied to dedicated site plant and all other vehicle accessing the facility.

Operating conditions

Odour

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

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 licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*.

Dust

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

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. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Stormwater/sediment control - Operation Phase

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 construction 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).

Noise

Operating Hours are permitted between 8:00 am and 4:00 pm, 7 days a week.

Construction Hours are permitted as follows:

- 7:00 am to 5:00 pm Monday to Friday;
- 8:00am to 4:00 pm Saturdays; and
- No work on Sundays or Public Holidays.

Construction work associated with the project may be undertaken outside the hours specified in condition (D) if it is:

General Terms of Approval - Issued



Notice No: 1573338

- a) construction that causes LAeq(15min) noise levels that are:
 - i. no more than 5 dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - ii. no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other noise sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- d) approved through the process outlined in condition (E).

Construction specified under condition (D) may be varied with the prior written approval. Any request to alter the hours of construction shall be:

- a) considered on a case-by-case or activity-specific basis;
- b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
- c) accompanied by written evidence that appropriate consultation with potentially affected noise sensitive receivers and other relevant agencies has been and will be undertaken;
- d) all reasonable and feasible noise mitigation measures have been put in place; and,
- e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009).

Monitoring records

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).

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.

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.

To assess compliance with Condition (A), attended noise monitoring must be undertaken in accordance with Conditions (B) and:

- a) at L1, L2, L3, L4 and R15 as listed in Condition (A);
- b) occur at the time of commencement of typical production activity;
- c) occur during the day as defined in Condition (F) for a minimum of:
 - 30 minutes duration for each of the periods for typical production activity.

General Terms of Approval - Issued



Notice No: 1573338

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.

Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the commencement of typical production operations. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition (A); and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition (A).

Additions to Definition of Terms of the licence

- NSW Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise – "sound pressure levels" for the purposes of conditions (A) to (B).
- "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

General Terms of Approval - Issued



Notice No: 1573338

Attachment B – Mandatory 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:

- 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:

- 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.

General Terms of Approval - Issued



Notice No: 1573338

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
- b. 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,

- a. 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
- b. 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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. 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:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. 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.

General Terms of Approval - Issued



Notice No: 1573338

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 immediately 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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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 Terms of Approval - Issued



Notice No: 1573338

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.