

General Terms of Approval - Issued



Notice No: 1544789

The General Manager
PO Box 146
WINDSOR NSW 2756

Attention: Mr Andrew Johnston - Senior Town Planner

Notice Number	1544789
File Number	EF14/9445
Date	23-Apr-2018

Re: DA0618/16 for the construction and operation of an Asphalt Batching and Recycling Plant at 60 Argyle Street, South Windsor (Lot 2 DP 1123169)

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information prepared by Benbow Environmental for the construction and operation of an Asphalt Batching and Recycling Plant at 60 Argyle Street, South Windsor, Lot 2 DP 1123169 (**the Proposal**) received by the Environment Protection Authority (**EPA**) on 6 September 2016.

The proposal has been reviewed and a determination made that an environment protection licence (**EPL**) can be issued for the Proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain an EPL.

The general terms of approval for this proposal are provided at Attachment A and B. If Hawkesbury City Council grants development consent for this proposal these conditions should be incorporated into the 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 the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

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In addition the applicant will be required to

- Install a weighbridge at the facility as required by Clause 36 of the Protection of the Environment (Waste) Regulation 2014. The weighbridge will require related software to record quantities of waste in the form and manner specified in the Waste Levy Guidelines. Any vehicle that enters or leaves the premises for a purpose relating to the operation of the facility must be weighed by the weighbridge on entry and exit. A plan indicating the proposed vehicle flow controls, including the entry and exit points must be provided to the EPA.
- Provide monthly reports to the EPA detailing the quantity and types of waste received at the facility as required by Clause 22 of the Protection of the Environment (Waste) Regulation 2014.

Conditions of Consent

1. The screening, mixing and hot storage sections of the plant must be enclosed. The enclosure must be designed and maintained to achieve negative pressure, with emissions directed to the bag house.
2. Crushing of reclaimed asphalt pavement (**RAP**) must be conducted in enclosed plant.
3. The asphalt truck loadout area must be enclosed, with emission capture directed to the bag house.
4. The asphalt plant is only permitted to operate on natural gas.
5. Bitumen tanks must be designed to not preclude the retrofit of additional odour controls.
6. For all emission sources at the site the proponent must prepare an air quality and odour management plan that includes, but is not limited to:
 - Proactive and reactive management measures;
 - Key performance indicator(s) that are quantifiable, measurable and auditable;
 - Monitoring method(s);
 - Location, frequency and duration of monitoring;
 - Record keeping;
 - Response mechanisms; and
 - Compliance reporting.

Recommended Construction Hours

The EPA recommends that any construction work carried out at the Premises only take place within standard construction hours as per the *Interim Construction Noise Guideline*.

Monday to Friday 7am to 6pm
Saturday 8am to 1pm
No work on Sundays or public holidays.

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If you have any questions, or wish to discuss this matter further please contact Katharine Falconer on 9995 6287.

Yours sincerely

A handwritten signature in blue ink that reads 'B. Lake'.

.....
Belinda Lake

Unit Head

Waste & Resource Recovery

(by Delegation)

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Attachment B – Mandatory Conditions for all EPA licences

Licence Conditions

Administrative conditions

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 DA0618/16 submitted to Hawkesbury City Council in August 2016;
- environmental impact statement *"Report No.141067-03_EIS_Rev2 for proposed asphalt plant - 60 Argyle Street, South Windsor "* August 2016 relating to the development; and
- all additional documents supplied to the EPA in relation to the development including:
 - Benbow additional information 141067-04_Let_Rev1 - 1 March 2017 including *revised air impact assessment 141067-04AQIA_Rev1 (28 February 2017)* and revised noise impact assessment 141067-043_NIA_Rev 4 (1 March 2017).
 - Benbow additional information 141067-04_Let5 24 August 2017 including *revised air impact assessment 141067-04_AQIA_Rev4 (24 August 2017)* and revised noise impact assessment 141067-03_NIA_Rev 5 (12 September 2017).
 - Benbow additional information 141067-04_Let6_Rev3 - 27 September 2017 including *revised air impact assessment 141067-04_AQIA_Rev4 (24 August 2017)* and revised noise impact assessment 141067-03_NIA_Rev 5 (12 September 2017).
 - Benbow additional information 141067-04_Let7 12 March 2018 including *Level II air quality impact assessment 141067-04_AQIA_Rev5 (March 2018)*

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

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. Waste

L2.1 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

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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.

- L2.2** 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.

Waste	Description	Activity
Asphalt waste (including asphalt resulting from road construction and waterproofing works)	As defined in Schedule 1 of the POEO Act in force from time to time	Resource Recovery Waste Storage
Virgin Excavated Natural Material	As defined in Schedule 1 of the POEO Act in force from time to time	Resource Recovery Waste Storage

- L2.3** The total quantity of Recycled Asphalt Product (RAP) received at the premises for storage and/or resource recovery must not exceed 100,000 tonnes per annum.
- L2.4** The authorised amount of waste permitted on the premises cannot exceed XX tonnes at any one time. (Amount to be determined by the EPA prior to the issue of an environment protection licence).

L3. Noise limits

- L3.1** Noise from the premises must not exceed the following limits in the table below:

Location	NOISE LIMITS dB(A)	
	Day LAeq (15 minute)	Evening LAeq (15 minute)
<i>1 James Meehan Street, Windsor</i>	50	39
<i>12 Kingsley Close, South Windsor</i>	46	39
<i>49 Mileham Street, South Windsor</i>	54	39
<i>81 Mileham Street, South Windsor</i>	46	39

- L3.2** For the purpose of condition L3.1;

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

- L3.3** The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.

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- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

L3.4 For the purposes of condition L3.3

- a) Data recorded by a Bureau of Meteorology meteorological station at Richmond RAAF AWS must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Fact Sheet D of the Noise Policy for Industry.

L3.5 To determine compliance:

- a) with the $L_{eq}(15 \text{ minute})$ noise limits in condition L3.1, 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.
- b) with the noise limits in condition L3.1, 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 condition L3.5(a).

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by condition L3.5(a) and L3.5(b);
- at a point other than the most affection point at a location

L3.7 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measure by the noise monitoring equipment.

Definition

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

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 L3.1 to L3.7.

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Note: Noise measurement

For the purpose of noise measures required for this condition, the LA10 noise level must be measured or computed at any point over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the facade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

Note: *To identify targets or noise measures to be taken, use: the EIS (if it addresses noise matters satisfactorily and clearly expresses targets/mitigation measures to be adopted); or the Environmental Noise Control Manual.*

The issue of temperature inversions is complex both in determining when they occur and how they influence noise impacts. Therefore the extent of their impact should be managed in the licence using a noise monitoring and complaints based approach. Where complaints are significant the company should be required to develop management strategies.

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted between Monday to Friday 7am to 6pm, Saturday 8am to 1pm and no work on Sundays or public holidays.

L4.2 Activities at the premises, other than construction work, may be carried on between 7am to 9pm Monday to Saturday and 8am to 9pm on Sundays

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.2, 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.

L4.4 The hours of operation specified in conditions L4.1 and L4.2 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.

Operating conditions

01. Odour

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.

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*

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defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

02. Dust

- 02.1** Activities occurring in or on the premises must be carried out in a manner that prevents or minimises the generation of dust
- 02.2** The premises must be maintained in a condition which prevents or minimises the emission of dust from the premises.
- 02.3** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- 02.4** The licensee must ensure no visible dust leaves the premises.
- 02.5** The licensee must ensure that no material, including sediment is tracked from the premises.

03 Processes and Management

- 03.1** Sand and aggregate must be stockpiled within three sided structures. Stockpile heights must be at least 0.5 metres below the top of the wall and at least 0.5 metres inside the open end of the enclosure.

04. Stormwater/sediment control - Construction Phase

- 04.1** 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 construction activities. The SWMP 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).

05. Stormwater/sediment control - Operation Phase

- 05.1** A Stormwater Management Scheme must be prepared and implemented for the development. 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).

06. Emergency response

- 06.1** The applicant must develop and implement a Pollution Incident Response Management Plan (PIRMP) which documents systems and procedures to deal with all types of incidents (spills, explosions or fire) that may occur at the premises or outside the premises (eg: during transfer) which are likely to cause harm to the environment.

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Monitoring and recording conditions

M1.1 Air Monitoring Locations

EPA identification no	Type of monitoring point	Type of discharge point	Location description
1	Discharge to air	Discharge to air	Point source discharge from bag house servicing the asphalt plant and associated enclosures.

M1.2 Air Monitoring Requirements

Point 1

Pollutant	Unit of measure	Frequency	Test Method
Selection of sampling positions	-	-	TM-1
Solid particles	milligrams per cubic metre	Special frequency 1	TM-15
Oxides of nitrogen	milligrams per cubic metre	Special Frequency 1	TM-11

Special frequency 1 means post commissioning

Special conditions

E1 Financial Assurance

- E1.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issuing of the licence.
- E1.2 The financial assurance must be in favour of the Environment Protection Authority in the amount of (figure to be determined by the EPA). The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence. The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person. The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by APRA.

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- E1.3 The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.
- E1.4 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- E1.5 The EPA may claim on a financial assurance under S303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.
- E1.6 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

E2 Environmental obligations of licensee

- E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:
 - a) Clean up an spill, leak or other discharge of any waste(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
 - b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
 - c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.
- E2.2 In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is like to occur, the licensee must:
 - a) Make all efforts to contain all fire water on the premises;
 - b) Make all efforts to control air pollution from the premises;
 - c) Make all efforts to contain any discharge, spill or run-off from the premises;
 - d) Make all efforts to prevent flood water entering the premises;
 - e) Remediate and rehabilitate any exposed areas of soil and/or waste;
 - f) Lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of;
 - g) At the request of the EPA, monitor groundwater beneath the premises and its potential to migrate from the premises;
 - h) At the request of the EPA, monitor surface water leaving the premises; and
 - i) Ensure the premises is secure.
- E2.3 After the licensee's premises cease to be used for the purposes to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:
 - a) Remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and

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- b) Rehabilitate the premises, including conducting an assessment of the site and if required remediation of any site contamination.

E3 Post commissioning report

Within 12 months of post commissioning the licensee must submit a post commissioning test report to the EPA. The post commissioning report must include the analytical results of the post commissioning sampling required under condition M1.2 and a comparison with any prescribed concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*. The EPA may amend this licence upon review of the post commissioning report.

E4 Post commissioning odour audit

Within 12 months of post commissioning the licensee must submit a post commissioning odour audit report to the EPA. The odour audit report must be prepared by a suitably qualified third party engaged by the licensee. The odour audit must include, but is not limited to:

- a) The results of any odour sampling conducted to inform the performance of odour mitigation measures implemented at the premises. Any odour sampling must be conducted in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*;
- b) Analysis of any odour complaints received and any actions taken to address verified complaints;
- c) An evaluation of the performance of odour mitigation and management measures implemented at the premises, including the bitumen tank scrubber;
- d) Where analysis undertaken in parts (b) and (c) indicates the potential for adverse odour beyond the site boundary investigation into additional reasonable and feasible mitigation measures must be conducted; and
- e) The nomination of a timeframe to implement any additional measures identified in part (d).

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- Bitumen pre-mix and hot-mix

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:

- 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;

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- 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:

1. a Statement of Compliance
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions
4. a Statement of Compliance - Load based fee,
5. a Statement of Compliance - Requirement to prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to publish Pollution Monitoring Data, and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At 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.

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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 eConnect EPA or 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.

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.

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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.

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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.