

General Terms of Approval - Issued



Notice No: 1556472

Fairfield City Council
PO Box 21
Fairfield NSW 1860

Attention: Hayley Tasdarian

Notice Number 1556472
File Number EF17/3355
Date 11-Sep-2017

Re: DA382.1/2017 - 177 Newton Rd, Wetherill Park

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

I refer to the development application and accompanying information provided for DA382.1/2017 provided to the Environment Protection Authority (EPA) on 1 August 2017.

The EPA understands that the Pronto Bins (**the Proponent**) is proposing to construct and operate a resource recovery facility (**the Proposal**) at 177 Newton Road, Wetherill Park (**the Premises**). The Proposal involves the receipt of 25,000 tonnes of building demolition waste per annum.

EPA has reviewed the information provided and has determined that it can issue a licence for the Proposal, subject to a number of conditions. The Proponent will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this Proposal are provided at Attachment A and B. If Fairfield 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 EPA to determine whether its general terms need to be modified in light of the changes.

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In assessing the Proposal EPA has also identified several environmental issues that Fairfield City Council may wish to consider in its overall assessment of the application. These issues include:

- The Proposal does not include a wheel wash. Although reference to washing of delivery trucks is reference it is not clear how or when this will occur. The Proponent must take steps to prevent sediment and waste tracking from the Premises. The Proponent must also ensure good housekeeping is maintained to prevent the risk of water pollution entering drains outside of the building on the Premises.
- The Proposal will be required to meet the EPA's new minimum standards for managing construction and demolition waste in NSW. Refer to the EPA's website for more information <http://www.epa.nsw.gov.au/wasteregulation/managing-construction-demolition-waste-minimum-standards.htm>
- If asbestos is found in a load of waste, the entire load must be rejected. Picking of asbestos is not permitted.
- Any fuel storage tanks installed on the Premises must meet the requirements of *Australian Standard 1940-2004 Storage and handling of flammable and combustible liquids*.

It should also be noted that there are several requirements for holders of environment protection licenses, including monthly recording and reporting; installation of a weighbridge; and provision of a financial assurance. This will be discussed further at the licensing stage.

If you have any questions, or wish to discuss this matter further please contact Melissa ward on 9995 5747.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CFE' followed by a stylized flourish.

CELESTE FORESTAL
Unit Head Waste Compliance
Environment Protection Authority
(by Delegation)

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ATTACHMENT A – SPECIFIC GENERAL TERMS OF APPROVAL

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 DA382.1/2017 submitted to Fairfield City Council;
- the "Environmental Impact Statement" dated July 2017 and prepared by Think Planners relating to the development; and
- all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

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 to be received at the Premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the Premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the Premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Code	Waste	Description	Activity	Other Limits
NA	Building and demolition waste	As defined in Schedule 1 of the POEO Act, as in force from time to time	Resource Recovery Waste Storage	

L2.2 The authorised amount of waste permitted on the Premises cannot exceed 10,000 tonnes at any one time.

L2.3 The amount of waste received and processed at the Premises must not exceed 25,000 tonnes per annum.

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L2.4 All waste receipt, storage, processing and dispatch must be carried out inside the building.

L3. Hours of operation

L3.1 All construction work at the Premises must only be conducted between:

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

L3.2 Activities must only be carried out between the hours of 0600 and 1800 Monday to Friday, 0800 and 1800 Saturday and at no time on Sunday and Public Holidays.

L3.3 Deliveries may be accepted at the Premises outside of standard operating hours outlined in condition L3.2.

L3.4 The hours of operation specified 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

02. Dust

02.1 Activities must be carried out in a manner that minimises the generation of dust at the Premises.

02.2 The licensee must prevent the emission of dust from the Premises.

02.3 The licensee must ensure that no material including sediment is tracked from the Premises.

02.4 All trafficable surfaces must be sealed with concrete or asphalt.

02.5 All stockpiled material must be located within bays inside the building at all times.

02.6 Misting sprays must be installed along all building openings.

02.7 Misting sprays must be utilised at all times when handling, sorting, crushing and screening activities are being undertaken inside the building.

03. Construction Phase Management Plan

03.1 A Construction Environmental Management Plan (CEMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise and prevent emissions to air, noise and water and manage waste generation and disposal during construction activities.

04. Stormwater/sediment control - Construction Phase

04.1 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. 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).

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05. Operations Phase Management Plan

05.1 An Operation Environmental Management Plan (OEMP) must be prepared and implemented. The plan must:

- document waste receipt, inspection and handling procedures to ensure legislative requirements are met;
- include detailed site plans identifying storage areas for each type of waste; processing areas for each type of waste; and location of all environmental controls; and
- include subplans that describe the measures that will be employed to minimise and prevent emissions to air, noise and water during operational activities; and
- the sub plans must include, but are not limited to:
 - Key performance indicator(s);
 - Monitoring method(s);
 - Location, frequency and duration of monitoring;
 - Record keeping;
 - Response mechanisms; and
 - Compliance reporting.

05.2 The Operation Environmental Management Plan (OEMP) must be prepared and implemented must prior to the commencement of any operational activities on the Premises.

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.

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ATTACHMENT B – MANDATORY CONDITIONS FOR ALL EPA LICENCES

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:

- 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:

- 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.

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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

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.

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

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- 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.

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:

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- 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 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.