

General Terms of Approval - Issued



Notice No: 1561599

The General Manager
Penrith City Council
PO Box 60,
Penrith NSW 2751

Attention: Jane Hetherington

Notice Number	1561599
File Number	EF17/1968
Date	12-Mar-2018

**Re: Development Application No. DA17/1089 - 33-37 Plasser Crescent, North St Marys
General Terms of Approval**

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

I refer to the development application DA-17/1089 and accompanying information received by the Environment Protection Authority ("EPA") on 20 November 2017 from Penrith City Council (the "Council"). The application is for a materials storage and waste transfer station facility upgrade (the "Proposal") to be located at Lot 16 DP263353, known as 33-37 Plasser Crescent, North St Marys NSW (the "Premises"). The applicant for the proposal is Macleans Waste Management Pty Ltd (the "Applicant").

On 15 December 2017 the EPA wrote to Council and requested more information from the Applicant to properly assess the Proposal. On 19 January 2018 Council sent the EPA additional information that was requested from the Applicant.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant 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 Attachment B. Attachment A contains conditions specific to the proposal and Attachment B is generic conditions that are applicable to all sites that will obtain an Environment Protection Licence. If 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

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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.

In assessing the proposal EPA has also identified a number of environmental issues Council may wish to consider in its overall assessment of the application. These include:

1. Air quality
2. Surface water and sediment
3. Waste storage and management

If you have any questions, or wish to discuss this matter further please contact Louis Scipione on 9995 5826.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Ruth Owler', written in a cursive style.

Ruth Owler

Unit Head

Waste & Resource Recovery

(by Delegation)

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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 DA17/1089 submitted to Penrith City Council on 11 November 2017;
- Macleans Waste Management Facility Upgrade Environmental Impact Statement Rev02, Dated 12 January 2018; and
- All additional documents supplied to the EPA in relation to the development, including;
 1. Truck movement Path diagram 33-37 Plasser cres Nth St Marys dated, 15 January 2018
 2. Memo Stormwater Concept Plan 33 Plasser Crescent NSt Marys dated, 19 December 2017
 3. Amended Stormwater Concept Plan 33 Plasser Crescent N St Marys, not dated
 4. Floor Plan New Equipment 33-37 Plasser Cr N St Marys dated, 23 June 2017
 5. Site Development Application submission responses dated 21 January 2018
 6. DA fee quote from Penrith City Council, dated 23 October 2017
 7. Development Application Form dated 11 November 2017
 8. PL 17/0041 Pre-lodgement meeting advice, dated 18 May 2017
 9. Community Update 33-37 Plasser Cr St Marys dated, 18 September 2017
 10. Cost Estimate 33-37 Plasser Cres N St Marys dated, 21 September 2017
 11. Environmental Management Plan 33-37 Plasser Cr N St Marys dated, 28 June 2017
 12. Environmental Controls Map 33-37 Plasser Cr N St Marys dated, 18 September 2017
 13. Elevation Plan 33-37 Plasser Cr N St Marys dated, 2 November 2017
 14. Floor Plan New Equipment 33-37 Plasser Cr N St Marys dated, 7 August 2017
 15. Landscape Plan 33-37 Plasser Cr N St Marys dated, 20 September 2017
 16. Schedule of Finishes 33-37 Plasser Cr N St Marys dated, 1 November 2017
 17. Site and Floor Plan 33-37 Plasser Cr N St Marys dated, 2 November 2017
 18. Site Survey Plan 33-37 Plasser Cr N St Marys dated, 8 June 2017
 19. Stormwater Drainage Plan 33-37 Plasser Cr N St Marys dated, 24 May 2017
 20. Waste Management Plan 33-37 Plasser Cr N St Marys dated, 2 November 2017

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* (the "POEO Act"), having regard to the matters in s.83 of that Act.

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Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided in any other conditions of a licence, the Applicant must comply with section 120 of the POEO Act must be complied with in connection with the carrying out of the development.

L2 Waste

L2.1 The Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, re-processing 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 POEO Act.

L2.2 This condition only applies to the storage, treatment, processing, re-processing or disposal of waste at the premises if it requires an environment protection licence under the POEO Act.

L2.3 The waste types permitted to be received at the Premises are:

- Building and demolition waste;
- Soils that meet the CT1 thresholds of General Solid Waste in Table 1 of the Waste Classification Guidelines;
- Metal waste; and
- paper and cardboard;

L2.4 No more than 30,000 tonnes of waste per annum can be received at the premises.

L2.5 No more than 200 tonnes of waste can be stored at the premises at any one time.

L2.5 No form of asbestos waste is permitted to be received under any circumstances at the premises.

L3. Noise limits

L3.1 The operation of all plant and equipment shall not give rise to and equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level.

Hours of operation

L4.1 Activities at the premises must be conducted between 7:00am and 5:00pm Monday to Friday, 7:00am to 3:00pm on Saturday and 10:00am to 2:00pm on Sunday. No activities can be conducted on Public Holidays.

Operating conditions

O1. Maintenance of plant and equipment

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O2.1 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.

O3. Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3.2 The premises must be maintained in a condition which prevents the emission of dust from the premises.

O3.3 No material, including sediment or oil, is to be tracked from the premises.

O3.4 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O4. Emergency response

O4.1 As part of this licence application requirements the Applicant must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan ("PIRMP") for the premises.

Note: The Applicant must develop the PIRMP in accordance with the requirements in Part 5.7A of the POEO Act and associated regulations.

O5. Processes and management

O5.1 Any waste for processing, storage or resource recovery at the premises must be assessed and classified in accordance with the *EPA Waste Classification Guidelines* as in force from time to time.

O5.2 Each type of waste stored onsite for recovery/recycling must be stockpiled separately.

O5.3 All waste processing and storage must be undertaken inside the building.

O5.4 All waste material stored onsite is to be contained within a designated area such as a waste bin or bay.

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 POEO Act 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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E1. Special Conditions

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 an "authorised deposit taking institution" under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australia Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issuing of the Environment Protection Licence (amount to be negotiated with the EPA as part of the licence application process).

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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:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- 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

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.

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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
- 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:

- 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,

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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

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.