

# General Terms of Approval - Issued

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Notice No: 1573083

Mr Boris Santana  
Principal Planner  
Development Assessment  
Locked Bag 7064  
Liverpool BC  
NSW 1871

Attention: Mr Boris Santana

Notice Number      1573083  
Date                    19-Feb-2020

**EPA Issue of General Terms of Approval for construction and operation of a marina at Lot 7  
DP1065574, 146 Newbridge road, Moorebank NSW 2170 - DA-611/2018**

Dear Mr Santana

I refer to the development application DA-611/2018 and supporting information received by the NSW Environment Protection Authority (EPA) on 28 June 2019 for the development of a marina at Georges Cove, Lot 7 DP1065574, 146 Newbridge Road, Moorebank.

On 23 October 2019 the EPA met with Liverpool City Council and the proponent to discuss concerns relating to potential noise impacts on the proposed residential development to the north of the site and the assessment and management of contamination at the site. As a result of this meeting, the proponent submitted further information to the EPA regarding the contamination issues at the site on 5 November 2019 and acoustic assessment for the proposed marina on 7 November 2019.

The EPA has reviewed the Environmental Impact Statement (EIS), the public submissions submitted to Liverpool Council as they relate to the activities and impacts regulated by the EPA under the Protection of the Environment Operations Act 1997 (POEO Act) and further information provided by the proponent to determine General Terms of Approval (GTAs) for this proposal. If Council decides it appropriate to grant development consent for this proposal, the EPA GTAs need to be incorporated into the consent.

The EPA has not assessed whether the land will be suitable for the proposed development. Any assessment of the suitability of the site for the proposed land use will need to be undertaken by Council.

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The EPA's GTAs for this proposal are provided in Attachment A. These GTAs relate to the development as proposed in the EIS and other documents provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of a condition proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTAs need to be modified in light of the changes.

Although the EPA has issued GTAs for this proposal, there are a number of outstanding concerns with the proposal as submitted that the EPA wishes to draw attention to. These are outlined below:

## **1. Requirement for Environment Protection Licence (EPL) for construction/operation of the marina**

Schedule 1 of the POEO Act requires that the construction and development of a marina with the capacity to handle more than 80 vessels (excluding rowing boats, dinghies and other small craft) at any time triggers the requirement for an EPL. The term "other small craft" is not explicitly defined in the POEO Act. It is the EPA's view that "other small craft" means of the same kind as rowing boats and dinghies and therefore an EPL is required for this development. This is contrary to the view of the proponent, who has interpreted "other small craft" to mean craft less than 15m in length.

Additionally, the NSW EPA recommends that construction of any approved development is managed through a Scheduled Development Works licence, issued under the POEO Act, to ensure that potential emission sources (including discharges to water) are adequately controlled.

## **2. Existing EPLs for the site**

The EPA notes that there are two EPLs currently in place at the location of the proposed development, namely EPL4612 for extractive activities and EPL10490 for waste storage and recovery. If the proponent wishes to vary or surrender either EPL to ensure the accuracy of the premises area and/or accuracy of the activities being undertaken on the site, an application must be made to the EPA. Any amendments or variations to any relevant EPL must be granted prior to works that require an EPL commencing on site.

It should also be noted that the EPA intends to exclude the private marina club house and the restaurant/function centre from any future EPL that is issued for 'Marina and boat repairs' and as such Council should be note that regulation of these aspects of the development will fall on Council and NSW Liquor and Gaming.

## **3. Noise impacts of marina development on the Moorebank East Residential Development (MERD)**

It is the EPA's view that the proponent has been unable to demonstrate that the noise impacts from the marina on the MERD can be appropriately mitigated at the source to ensure an acceptable level of

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impact. As a result, the EPA is unable to derive noise limits to protect the MERD from noise impacts from the marina and noise limits for this receiver have not been included in the GTAs.

If Council issues development consent for this proposal, it is recommended that these impacts are addressed through the planning process. The EPA recommends that the planning approval includes a requirement for the preparation of an Operation Noise Management Plan that identifies, based on detailed design, how the proposed noise limits in the GTAs will be achieved and how the measures outlined in the information provided in relation to the acoustic assessment on 7 November 2019 will be effectively incorporated into the operation of the Marina to ensure that potential impacts at the MERD are minimised to the extent practicable.

In addition, it is recommended that Council imposes land use planning controls on any approval for the MERD to ensure that it is designed and constructed to achieve satisfactory internal noise levels. It is also recommended that Planning Certificates issued under section 10.7 of the Environmental Planning and Assessment Act 1979 for residential premises within the MERD identify that the premises may be impacted by noise from the Marina and that in some instances windows and doors may need to be maintained in the closed position to provide a satisfactory level of noise amenity. These premises will require mechanical ventilation to satisfy Building Code of Australia fresh air requirements with windows closed. This will ensure that prospective purchasers are made fully aware of the potential for noise intrusion.

## **4. Private marina club house and the restaurant / function centre**

The proposed Marina Development includes two occupancies that could generate music and patron noise, namely the private marina club house and the restaurant / function centre. Music and patron noise should be regulated via the planning approval, and potentially conditions in liquor licenses issued by the NSW Liquor and Gaming under the Liquor Act. It is essential that these buildings be designed, constructed and operated in a manner that enables the specified noise limits to be fully achieved.

In addition, it is recommended that the planning approval includes suitable hours of operation restrictions on both the private marina club house and the restaurant / function centre, and noise limits based on the criteria normally applied by NSW Liquor and Gaming in liquor licences.

## **5. Site contamination**

Whilst the Secretary's Environmental Assessment Requirements (SEARs) required a detailed site assessment as part of the EIS, a preliminary site assessment has been completed for this proposal. The proponent has argued that a Detailed Site Investigation (DSI) should be completed once the large stockpile of material in the south of the site is moved, allowing for improved access for assessment. The EPA considers that this is acceptable where sufficient oversight is provided by an auditor. The EPA has therefore specified that a DSI should be required as part of the GTAs and that the Remedial Action Plan (RAP)/Long Term Environment Management Plan (LTEMP) be updated to address any of the findings, and the process overseen by a site auditor.

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If you have any questions or wish to discuss this matter further please contact Ms Bernie Turner on 9995 6844.

Yours sincerely

A handwritten signature in black ink that reads 'Erin Barker'.

.....  
**Erin Barker**

**Unit Head**

**Metropolitan - Sydney Industry**

(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 DA-611/2018 submitted to Liverpool City Council on 8 August 2018;
- Environmental Impact Statement (Georges Cove Marina) relating to the development submitted to the EPA on 1 July 2019; and
- all additional documents supplied to the EPA in relation to the development, including the Preliminary Marina Concept Design and Environmental Assessment, Environmental Impact Statement and associated appendices, Noise and Vibration Impact assessment and supplementary information supplied in response to EPA requests for further information.

### ***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 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.

### ***L3. Noise***

**L3.1** Noise generated at the premises (excluding music/patron noise activities from the function centre) must not exceed the noise limits in the table below.

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Location	Noise Limits in dB(A)			
	DAY LAeq (15minute)	EVENING LAeq (15minute)	NIGHT LAeq(15minute)	NIGHT LAFmax
149 Maddecks Road, Moorebank (Lot 5330, DP 1179881)	53	43	39	52
12 Silverleaf Lane, Moorebank (Lot 5452, DP 1180881)	49	43	38	52
99 Travers Street, Moorebank (Lot 5586, DP 1188507)	53	43	39	52
Milperra Sports Field	53 dB(A) When-In-Use			

**L3.2** Berthing activities (including but not limited to operation of vessel engines; refuelling activities, sewage pumping activities and dry dock operations) on the premises must only take place within the hours of 7.00am to 10.00pm Monday to Saturday, 8.00am to 10.00pm Sunday and Public Holidays.

**L3.3** Workshop and/or maintenance activities on the premises that are audible outside the premises must only take place within the hours of 7:00am to 6:00PM Monday to Friday and within 7:00am to 1:00pm Saturdays.

**L3.4** Construction activity is permitted:

- a) 7:00am and 6:00pm Monday to Friday;
- b) 8:00am and 1:00pm Saturday.

No construction activity is permitted on Sundays or Public Holidays.

**L3.5** For the purposes of condition L6.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

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## L3.6 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; or Stability category F with wind speeds up to and including 2m/s at 10m above ground level.

b) For those meteorological conditions not referred to in condition L3.6(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

**L3.7** For the purposes of condition L3.6 the meteorological conditions are to be determined from meteorological data obtained from the nearest appropriate Bureau of Meteorology weather station.

**L3.8** For the purpose of demonstrating compliance with the noise limits in condition L3.1, the noise monitoring equipment must be located at the reasonably most affected external point at the location, but no closer than 3m to a vertical reflecting surface and between 1.2 to 1.5m above ground level for single storey residences and at a height between 1.2 to 1.5m above finished 1<sup>st</sup> floor level for two storey residences.

NOTE: A noise level exceeding the limits in L3.1 measured at a location other than the reasonably most affected external point but satisfying the other positional requirements of L3.8 will be regarded as a non-compliance.

**L3.9** 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.

## Operating conditions

### 01. Dust

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

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

### 02. Stormwater/sediment control - Construction Phase

**02.1** 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 Planning, Industry and Environment).

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## ***03. Stormwater/sediment control - Operation Phase***

**03.1** 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).

## ***04. Preparation of a Construction Noise Management Plan***

**04.1** Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Noise Management Plan (CNMP) prior to the commencement of scheduled development works, that will ensure compliance with the requirements of Condition O10 and includes, but is not necessarily limited to:

- a) Identification of each work area, site compound and access route (both private and public).
- b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes.
- c) Identification of all potentially affected sensitive receivers using the construction noise objectives identified in accordance with the *Interim Construction Noise Guideline* (DECC 2009), vibration objectives as identified in accordance with the document *Assessing Vibration: A Technical Guideline* (DEC 2006), and the road traffic noise objectives as identified in accordance with the *NSW Road Noise Policy* (DECCW 2011).
- d) Assessment of noise and vibration from the construction methods (including noise from construction traffic) against the objectives identified in (c) above.
- e) Where the noise objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures be implemented to minimise construction noise and vibration.
- f) Description of management methods and procedures and specific noise mitigation measures that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers/bunds.
- g) Procedures for notifying residents of construction and vibration activities that are likely to affect their noise and vibration amenity.
- h) Measures to monitor noise performance and respond to complaints.
- i) The CNMP must be submitted to the EPA before any construction works take place.

## ***05. Chemical Storage***

**05.1** All chemicals and oils stored on site must be stored within the confines of marina buildings in adequate containment facilities to contain leaks and spills.

**05.2** Any cabinets used to store chemicals and oils must be stored inside the confines of the marina building(s).

## ***06. Fuel Tanker Loading and Unloading Facility***

**06.1** The fuel tanker loading and unloading facility must be adequately bunded to contain any leaks and spills that occur at the fuel tanker loading and unloading facility. The bunding must be maintained in a serviceable condition at all times.



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**06.2** The fuel tanker loading and unloading facility must be isolated from the stormwater system.

**06.3** The fuel dispensing facility must be adequately bunded and roofed. The bund and roof must be maintained in a serviceable condition at all times.

## **07. Site contamination**

**07.1** Prior to any handling, processing, and/or relocation of the large stockpile of material in the south of the site, the applicant must assess the stockpile in accordance with the NSW EPA's Sampling Design Guidelines 1995. Subsequent management of the stockpile material must be in accordance with the findings of the assessment. Any material leaving the site must first be classified in accordance with the EPA's Waste Classification Guidelines, and then managed in accordance with that classification.

**07.2** The applicant must undertake a detailed site investigation (DSI) in accordance with the *NSW EPA Guidelines for Consultants Reporting on Contaminated Sites* 2011, including but not limited to:

- a) A detailed hazardous ground gas assessment and monitoring program
- b) Acid sulfate soils assessment
- c) An assessment of bioavailability of contaminants in the sediment
- d) A hazardous materials assessment for the site, to include but not limited to materials such as asbestos.

**07.3** The applicant must engage a site auditor accredited under the Contaminated Land Management Act 1997 (CLM Act) to review and approve the proposed design, staging and timing of the DSI prior to its implementation.

**07.4** At the completion of the DSI, the applicant must update the Remedial Action Plan (RAP), and where relevant the Long Term Environment Management Plan (LTEMP), to address the findings of the DSI. The updated RAP must include:

- a) Reconsideration of the site specific remediation criteria for water in the basin to ensure they remain appropriate
- b) An updated conceptual site model (CSM) detailing the potential contamination risks to human health and the environmental receptors in the vicinity of the site, including potential off-site contaminant sources (including a visual representation of the CSM)
- c) An acid sulfate soils management plan, where relevant
- d) An unexpected finds protocol. The protocol should include detailed procedure for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The proponent should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.
- e) Consideration of the potential for Landfill Gas risk, and ensure works are compliant with Environmental Guidelines: Solid Waste Landfills (NSW EPA, 2016) and requirements of the POEO Act (1997), and to ensure mitigation strategies during the construction and post construction phases.

**07.5** Prior to implementation of the updated RAP, the applicant must engage a site auditor accredited under the CLM Act to review the RAP and issue a Section B site audit statement certifying that the site can be made suitable for the proposed land-use if remediated in accordance with the RAP, and where relevant, the Long Term Environment Management Plan.

**07.6** The proponent must adhere to the management measures (if any) accepted by the Auditor in the Section B site audit statement.

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**07.7** Following completion of the building works and prior to occupation, the applicant must engage a site auditor accredited under the CLM Act to issue a Section A2 site audit statement certifying suitability of the land for the proposed land use subject to compliance with the LTEMP.

**07.8** The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.

**07.9** The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of CLM Act.

**07.10** The EPA must be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* ([www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf))

**07.11** The EPA recommends use of "certified consultants". Please note that the EPA's Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

## **08. Waste Management - Construction**

**08.1** The proponent must assess, classify and manage any waste generated at the premises in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste prior to dispatching waste off site.

**08.2** The licensee must not cause, permit or allow any waste generated:

- a) outside the premises to be received at the premises, except for materials that meet the EPA's Resource Recovery Exemptions for engineered fill purposes
- b) at the premises to be disposed of at the premises, except as permitted in Condition 08.3.

**08.3** Excavated material suitable for re-use within the premises may be transported from one part of the premises to another part by road in accordance with Condition 08.4.

**08.4** The proponent must ensure that:

- a) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to minimise any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and
- b) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the premises, is removed to the greatest extent practicable before the vehicle, trailer or motorised plant leaves the premises; and
- c) road surfaces subject to the tracking of material by vehicles leaving the premises are effectively cleaned at the end of each work day.

## **09. Waste Management - Operational**

**09.1** The proponent must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from

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time to time.

**O9.2** All activities at the premises must be carried out in a manner that will prevent waste from polluting waters.

**O9.3** The proponent must provide facilities to ensure the collection storage and disposal of waste generated at the premises so that it does not pollute waters.

**O9.4** For the purposes of condition O9:

- a) Waste generated at the premises includes waste collected from vessels at the premises and may include but not be limited to contaminated bilge water, litter, garbage, fuel, oil and waste from abrasive cleaning, sanding, scraping and painting.
- b) Facilities may include but not be limited to tarpaulins, waste bins, pump-out facilities, signage and agreements with those operating on the site.

Note: All wastes that contain organotin biocides must be collected, stored and disposed of in accordance with the Organotin Waste Chemical Control Order 1989.

## **O10. Dangerous Goods/Chemical Management**

**O10.1** The proponent must ensure that environmental risks associated with the storage, procession and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with *The Storage and Handling of Dangerous Goods Code of Practice, 2005* which can be viewed online at:

[http://www.workcover.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0019/17074/storage-handling-dangerous-goods-1354.pdf](http://www.workcover.nsw.gov.au/__data/assets/pdf_file/0019/17074/storage-handling-dangerous-goods-1354.pdf)

**O10.2** The type, quantity and location of all dangerous goods, chemicals and waste needs to be easily identified by site personnel and included in subsequent management plans/documentation for the premises.

**O10.3** Effective controls need to be implemented and maintained in the storage, procession and handling of materials at the premises. These controls should also include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks.

Information on bunding and spill management can be found online at:

<http://www.epa.nsw.gov.au/mao/bundingspill.htm>

## **O11. Pollution Incident Response Management Plan**

**O11.1** A Pollution Incident Response Management Plan (PIRMP) needs to be developed for the premises (due to the premises requiring an EPA licence) which needs to follow requirements set out in the EPA's *Environmental Guidelines: Preparation of Pollution Incident Response Management Plans* which can be viewed online at <http://www.environment.nsw.gov.au/resources/legislation/201200227egpreppirmp.pdf>

**O11.2** The proponent should note and be aware of its responsibility to notify each relevant authority of any pollution incident, in accordance with Section 148 of the *Protection of the Environment Operations Act 1997*. This includes notifying the authorised relevant authority, which in this instance is likely to be the EPA. The PIRMP should detail incident triggers and notification protocols so that compliance with section 148 of the *Protection of the Environment Operations Act 1997* is achieved.

## **Monitoring and recording conditions**

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## ***M1 Monitoring records***

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken:

- a) the time(s) at which the sample was collected;
- b) the point at which the sample was taken

## ***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.

## ***Special Conditions***

### ***S2. Sampling and Analysis of the Sediment in the Dredged Ponds***

**S2.1** Prior to any earthwork(s) or dredging of the proposed marina lake taking place the proponent must take a number of sediment sample from the beds of dredged ponds and have the samples analysed by a NATA Certified Laboratory for heavy metals and other chemicals. The sampling must be undertaken in accordance with the EPA's Guideline titled "*Contaminated Sites Sampling Design Guidelines date September 1995*".

**S2.2 Within 20 working days** after the completion of the analysis the proponent must supply a report on the results of the analysis to the EPA for comment and assessment. No earthworks or dredging can be undertaken on the premises without written consent by the EPA.

### ***S3. Sampling of the Marina Lake Water Prior to the Break Through to the Georges River***

**S3.1** Prior to the break through of the marina lake to the Georges River the proponent must take water samples from the marina and have the sample analysed by a NATA Certified Laboratory for the list of substances listed in table 6.2 on pages 28 and 29 of Appendix D3 of the EIS. In addition to the substances listed in the table the water samples must also be analysed for As, Ba, Cd, Hg, Se, OC Pesticides, Oil and Grease, PAHs and Phenols and Turbidity (NTUs).

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**S3.2** The sampling and analysis must be undertaken in accordance with the approved methods outline in the EPA's document titled *Approved methods for the sampling and analysis of air pollutants in NSW dated January 2007*".

**S3.3 Within 20 working days** after the completion of the analysis the proponent must supply a report on the results of the analysis to the EPA for comment and assessment. The proponent must obtain written approval from the EPA before the break through of the marina lake to the Georges River can occur.

## **S4. Construction of the Marina Lake Foreshores**

**S4.1** Only uncontaminated material can be used in the construction and back filling of the marina lakes foreshores.

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## Attachment – Mandatory Conditions for all EPA licences

### Administrative conditions

### Operating conditions

#### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

#### Maintenance of plant and equipment

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

- c. must be maintained in a proper and efficient condition; and
- d. 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.

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The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- 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’).

#### *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

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## ***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.



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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.