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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.18)

Envirocivil NSW Pty Ltd
50 Tattersall Road
KINGS PARK NSW 2148

Determination Number:
SPP-19-00004

Property Description: Lots 13 & 14 DP 220004, 46 and 50 Tattersall Road, Kings Park

Development: Increase of the processing capacity of an approved resource recovery facility from 6,000 to 28,000 tonnes per year for solid and/or liquid organic and green waste and expansion of operations onto No 46 Tattersall Road, Kings Park

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY SYDNEY CENTRAL CITY PLANNING PANEL

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date: 26 October 2020

1 Advisory NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

1.2 Other Approvals

1.2.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3 Services

1.3.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

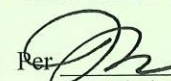
Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.3.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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Blacktown City Council
26 October 2020

1.3.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.3.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2 General

2.1 Scope of Consent

2.1.1 This consent relates to the following drawing/details submitted to Council with the development application, subject to compliance with any other conditions of this consent:

Plan reference	Revision issue	Dated
Plan prepared by Claron Consulting		
DA1.01 Site Plan	E	25.07.2019

2.1.2 This consent approves the ongoing operation of this approved resource recovery facility. The processing capacity is limited to a maximum of 28,000 tonnes per year for solid and/or liquid organic and green waste. The nature of waste types to be processed are mixed green waste collected from stormwater gross pollutant traps and street sweepings.

2.1.3 The development shall comply with the provisions of Blacktown DCP 2015, including Part A – Introduction and Design Guidelines, Part E – Development in the Industrial Areas, Part G – Site Waste Management and Minimisation and Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

2.3 NSW Environment Protection Authority Requirements

2.3.1 The development is to satisfy the General Terms of Approval issued by the NSW Environment Protection Authority, Notice Number 1600092 and dated 11 September 2020, as follows:

Administrative conditions

Note: Mandatory conditions for all General Terms of Approval

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Blacktown City Council
26 October 2020

2.3.2 Information supplied to the EPA

2.3.2.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- development application SPP-19-00004 submitted to Blacktown City Council in June 2019;
- any environmental impact statement relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including the letter from MRA Consulting Group dated 29 July 2020 submitted on behalf of the Applicant.

2.3.3 Fit and Proper Person

2.3.3.1 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.

2.3.4 Limit conditions

2.3.4.1 Pollution of waters

2.3.4.1.1 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.

2.3.5 Waste

2.3.5.1 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, and as set out below:

Code	Waste	Description	Activity	Other Limits
NA	Drilling mud	As defined in the EPA's Resource Recovery Order titled, "The treated drilling mud order 2014"	Waste processing Waste Storage	Must be managed in accordance with the EPA's Resource Recovery Order titled, "The treated drilling mud order 2014"
NA	Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment	As defined in the Protection of the Environment	Waste storage	

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26 October 2020

	devices or stormwater management systems, that has been dewatered so that it does not contain free liquids	Operations Act 1997		
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2.3.5.2 The quantity of material to be received at the Premises must not exceed 28,000 tonnes in any 12 month period.

2.3.5.3 All grit, sediment, litter and gross pollutants referred to in 2.3.5.1 must be disposed to an EPA licensed waste disposal facility when it is transported from the Premises (as committed to by the Applicant in the letter from MRA Consulting Pty Ltd dated 29 July 2020).

Note: No general Resource Recovery Order or Exemption exists at the date of the issue of these GTAs to apply grit, sediment, litter and gross pollutants to land, nor has a specific exemption has been issued to the Applicant.

2.3.5.4 Drilling mud must be stored separately from any other material, specifically grit, sediment, litter and gross pollutants.

2.3.5.5 All waste processing and storage including loading, unloading, sampling and processing must occur undercover and inside the building at the Premises.

2.3.6 Hours of operation

2.3.6.1 All activities at the premises (including processing, truck movements or plant and equipment) may only be carried on between the following times:

- 7am-6pm, Monday to Saturday
- 8am-6pm, Sundays
- At no time on public holidays.


Note: if the Applicant wishes to extend its operating hours, a Noise Impact Assessment must be submitted in accordance with the EPA's Noise Policy for Industry.

2.3.6.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition 2.3.6.1 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.

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Blacktown City Council
26 October 2020

2.3.7 Operating conditions

2.3.7.1 Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

2.3.7.2 Dust

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

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

2.3.8 Stormwater/sediment control - Operation Phase

2.3.8.1 All polluted water at the Premises (polluted water being any water that has come into contact with waste) must be collected at the Premises, and transported off the Premises for disposal at an EPA licensed waste facility that is lawfully able to receive that waste, or discharged to sewer in accordance with a relevant Trade Waste Agreement with Sydney Water.

2.3.9 Monitoring and recording conditions

Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition 2.3.10 will need to be included as a general term.

2.3.10 Monitoring records

2.3.10.1 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 must be recorded and retained as set out in conditions 2.3.10.2 and 2.3.10.3.

2.3.10.2 All records required to be kept by the licence must be:

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Blacktown City Council
26 October 2020

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

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

2.3.11 **Reporting conditions**

Note: Mandatory condition to be used on all general terms of approvals

2.3.11.1 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.

Attachment – Mandatory Conditions for all EPA licences

2.3.12 **Operating conditions**

2.3.12.1 **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.

2.3.13 **Maintenance of plant and equipment**

2.3.13.1 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.

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Blacktown City Council
26 October 2020

2.3.14 Monitoring and recording conditions

2.3.14.1 Recording of pollution complaints

2.3.14.1.1 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.

2.3.14.1.2 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.

2.3.15 Telephone complaints line

2.3.15.1 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.

2.3.15.2 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.

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

2.3.16 Reporting conditions

2.3.16.1 Annual Return documents

What documents must an Annual Return contain?

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

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Blacktown City Council
26 October 2020

- 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.

2.3.17 Period covered by Annual Return

- 2.3.17.1 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.

2.3.18 Deadline for Annual Return

- 2.3.18.1 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').

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Blacktown City Council
26 October 2020

2.3.19 Notification where actual load can not be calculated

(Licences with assessable pollutants)

- 2.3.19.1 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.

2.3.20 Licensee must retain copy of Annual Return

- 2.3.20.1 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.

2.3.21 Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

- 2.3.21.1 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.


2.3.22 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

- 2.3.22.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- 2.3.22.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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Blacktown City Council
26 October 2020

2.3.23 Written report

2.3.23.1 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.

2.3.23.2 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.

2.3.23.3 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.

2.3.24 General conditions

2.3.24.1 **Copy of licence kept at the premises or on the vehicle or mobile plant**

These conditions are imposed for the following reasons:

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Per 
Blacktown City Council
26 October 2020

- 2.3.24.1.1 A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- 2.3.24.1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- 2.3.24.1.3 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.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Parking and Traffic

- 3.2.1 The development is to retain the 7 existing on-site car parking spaces located in the front setback area of the site.
- 3.2.2 The largest vehicle permitted to access the site is an 8.8 m long medium rigid truck.

4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.1 Building Code of Australia Compliance

- 4.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
 - (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5 PRIOR TO DEVELOPMENT WORKS

5.1 Safety/Health/Amenity

- 5.1.1 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment

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Blacktown City Council
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Regulation 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

5.1.2 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

5.1.3 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

5.2 Notification to Council

5.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

5.3 Sydney Water Authorisation

5.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

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6 DURING CONSTRUCTION (BUILDING)

6.1 Safety/Health/Amenity

6.1.1 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

6.2 Building Code of Australia Compliance

6.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

6.3 Nuisance Control

6.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

6.3.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

6.4 Waste Control

6.4.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

6.5 Construction Inspections

6.5.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):


- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifier.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 
Blacktown City Council
26 October 2020

Any inspection conducted by an accredited certifier other than the nominated PC for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

7 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 7.1 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working with Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 7.2 Bunding is to be designed and installed in accordance with:
- Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
 - Department of Environment and Conservation Guidelines "*Surface water management on the covered forecourt areas of service stations*";
 - *Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids*; and
 - *Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.*
- 7.3 The processing area is to be constructed so that all water/waste generated by the activity is confined to the area and directed to a drain/collection pit that discharges to the Sydney Water sewer system. The discharge/connection to the sewer system shall comply with the requirements of Sydney Water.
- 7.4 The recommendations provided the Acoustic/Vibration Assessment prepared by Envirotech and dated September 2018 shall be carried out.
- 7.5 The recommendations provided in the Air Quality Impact Assessment prepared by Benbow Environmental and dated September 2018 shall be carried out.
- 7.6 The recommendations provided in the Phase 1 Environmental Site Assessment Report prepared by Benbow Environmental and dated August 2016 shall be carried out.

8 PRIOR TO OCCUPATION CERTIFICATE

8.1 Compliance with Conditions

- 8.1.1 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Kerry Robinson
CHIEF EXECUTIVE OFFICER
Per 
Blacktown City Council
26 October 2020

from the Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

- 8.1.2 The applicant shall demonstrate, to the satisfaction of the Certifying Authority, that the recommendations of the Environmental Impact Statement prepared by Claron Consulting, Acoustic/Vibration Assessment prepared by Envirotech and Air Quality Impact Assessment prepared by Benbow Environmental are implemented.

8.2 Sydney Water Requirements

- 8.2.1 The development is to satisfy the requirements of Sydney Water in their correspondence dated 2 August 2019 as follows:

i) Trade Waste

- The applicant may require an updated consent to discharge trade wastewater from Sydney Water.
- Trade Waste permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au
- A boundary trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.


ii) Section 73 Certificate

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

These conditions are imposed for the following reasons:

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Per 
Blacktown City Council
26 October 2020

9 OPERATIONAL

9.1 Use of Premises

9.1.1 The facility is permitted to operate as a 'Resource recovery facility' as defined under Blacktown Local Environmental Plan 2015 as follows:

'Resource recovery facility' means 'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.'

9.1.2 Deliveries to the site are predominantly to occur during normal daytime working hours, Monday to Friday. Any deliveries occurring outside of normal daytime working hours and on weekends are to be appropriately managed to minimise noise, vibration and odour impacts on surrounding properties.

9.1.3 The site currently is permitted to operate with up to 8 staff per day, and up to 4 additional sub-contractor truck operators at any one time.

9.1.4 The development shall not be used or converted for use for any purpose other than that:

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

9.1.5 Lot 13 (50 Tattersall Road) and Lot 14, DP 220004 (46 Tattersall Road) must remain together, in the event either site is no longer available for this activity due to a termination or cessation of 1 of the leases for whatever reason, thus the expanded use is to cease immediately and the development consent is to be surrendered back to Council.

9.2 Management of the Site

9.2.1 The applicant is to prepare and adhere to the mitigation and management measures provided in the following reports, as detailed in the Environmental Impact Statement submitted with the Development Application:

- Environmental Management Plan
- Emergency Response Plan
- Pollution Incident Response Management Plan (to be submitted to the NSW Environment Protection Authority for approval as required by the licensing requirements of the site).

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Kerry Robinson
CHIEF EXECUTIVE OFFICER
Per 
Blacktown City Council
26 October 2020

- Environmental Impact Statement prepared by Claron Consulting and dated May 2019 that comprises existing and proposed mitigation measures and a list of commitments to be adhered to by the management, employees and contractors operating with the site.

9.3 Parking and Traffic

9.3.1 The development is to retain the 7 existing on-site car parking spaces located in the front setback area of the site.

9.3.2 The largest vehicle permitted to access the site is an 8.8 m long medium rigid truck.

9.4 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

9.4.1 During operation, should the quantities of chemicals increase, a formal screening/assessment process will be followed as per the Department's guidelines, 'Hazardous and Offensive Development Application Guidelines – applying SEPP 33 – January 2011' and address the requirements of State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.

9.5 Environmental Health Matters

9.5.1 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.

9.5.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environmental Protection Authority's Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

9.5.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.


9.5.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

9.5.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 
Blacktown City Council
26 October 2020

occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

- 9.5.6 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 9.5.7 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.
- 9.5.8 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill cleanup equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the *Protection of the Environment Operations Act 1997*.
- 9.5.9 The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of:
- SafeWork NSW;
 - *Australian Standard 1940:2004 The Storage and Handling of Flammable and Combustible Liquids*; and
 - Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.
- 9.5.10 The recommendations provided the Acoustic/Vibration Assessment prepared by Envirotech and dated September 2018 shall be carried out.
- 9.5.11 The recommendations provided in the Air Quality Impact Assessment prepared by Benbow Environmental and dated September 2018 shall be carried out.
- 9.6 **NSW Environment Protection Authority Requirements**
- 9.6.1 The development is to satisfy the General Terms of Approval issued by the NSW Environment Protection Authority, Notice Number 1600092 and dated 11 September 2020, as listed in condition 2.3 of this consent and attached to this consent.
- 9.7 **Submission issues**
- 9.7.1 No asbestos shall be accepted into the site as part of the waste stream.
- 9.7.2 Burning of materials shall not occur on site.
- 9.7.3 Stormwater discharge shall be suitably managed in accordance with Sydney Water Trade Waste Approval.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

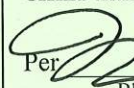
Kerry Robinson
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Per 
Blacktown City Council
26 October 2020

- 9.7.4 All water from the operational areas shall be kept and managed on site.
- 9.7.5 No industrial grade or large quantities of chemicals shall be stored on the premises.
- 9.7.6 The volume of 'Storage of Waste Materials' held on site at any given time shall not exceed the volume approved by the EPA and subject to the ongoing rigorous reporting procedures of the EPA.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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Per 

Blacktown City Council
26 October 2020

General Terms of Approval - Issued



Notice No: 1600092

Ms Luma Araim
Blacktown City Council

Luma.Araim@blacktown.nsw.gov.au

Notice Number 1600092
Date 11-Sep-2020

Re: Envirocivl Pty Ltd - 50 Tattersall Rd, Kings Park

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided by Envirocivl Pty Ltd (the Applicant) for activities at 50 Tattersall Rd, Kings Park (the Premises) received by the Environment Protection Authority (EPA) on 28 June 2019. The EPA subsequently requested additional information in order to conduct its assessment, and the final tranche of information was provided to the EPA on 30 July 2020.

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. If Blacktown 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.

Authorised amount and financial assurance

It should also be noted that there are several requirements for holders of environment protection licenses, including a limit on the maximum amount of waste permitted onsite at any one time, monthly recording and reporting and provision of a financial assurance. The EPA will discuss these matters further with the Applicant at the licensing stage.

If you have any questions, or wish to discuss this matter further please contact Deanne Pitts on (02) 9995 5752.

General Terms of Approval - Issued



Notice No: 1600092

Yours sincerely

A handwritten signature in black ink, appearing to read 'CF', with a large, stylized loop at the end.

Celeste Forestal
Unit Head
Metropolitan North - Sydney
(by Delegation)

General Terms of Approval - Issued



Notice No: 1600092

Administrative conditions

Note: Mandatory conditions for all general terms of approval

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 SPP-19-00004 submitted to Blacktown City Council in June 2019;
- any environmental impact statement relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including the letter from MRA Consulting Group dated 29 July 2020 submitted on behalf of the Applicant.

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.

L5. Waste

L5.1 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, and as set out below:

Code	Waste	Description	Activity	Other Limits
NA	Drilling mud	As defined in the EPA's Resource Recovery Order titled, "The treated drilling mud order 2014"	Waste processing Waste storage	Must be managed in accordance with the EPA's Resource Recovery Order titled, "The treated drilling mud order 2014"

General Terms of Approval - Issued



Notice No: 1600092

NA	Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices or stormwater management systems, that has been dewatered so that it does not contain free liquids	As defined in the Protection of the Environment Operations Act 1997	Waste storage	
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L5.2 The quantity of material to be received at the Premises must not exceed 28,000 tonnes in any 12 month period.

L5.3 All grit, sediment, litter and gross pollutants referred to in L5.1 must be disposed to an EPA licensed waste disposal facility when it is transported from the Premises (as committed to by the Applicant in the letter from MRA Consulting Pty Ltd dated 29 July 2020).

Note: No general Resource Recovery Order or Exemption exists at the date of the issue of these GTAs to apply grit, sediment, litter and gross pollutants to land, nor has a specific exemption has been issued to the Applicant.

L5.4 Drilling mud must be stored separately from any other material, specifically grit, sediment, litter and gross pollutants.

L5.5 All waste processing and storage including loading, unloading, sampling and processing must occur undercover and inside the building at the Premises.

Hours of operation

L6.1 All activities at the premises (including processing, truck movements or plant and equipment) may only be carried on between the following times:

- 7am-6pm, Monday to Saturday
- 8am-6pm, Sundays
- At no time on public holidays.

Note: if the Applicant wishes to extend its operating hours, a Noise Impact Assessment must be submitted in accordance with the EPA's Noise Policy for Industry.

L6.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 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.

General Terms of Approval - Issued



Notice No: 1600092

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O4. Stormwater/sediment control - Operation Phase

O4.1 All polluted water at the Premises (polluted water being any water that has come into contact with waste) must be collected at the Premises, and transported off the Premises for disposal at an EPA licensed waste facility that is lawfully able to receive that waste, or discharged to sewer in accordance with a relevant Trade Waste Agreement with Sydney Water.

Monitoring and recording conditions

Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.

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 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:

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

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;

General Terms of Approval - Issued



Notice No: 1600092

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

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.

General Terms of Approval - Issued



Notice No: 1600092

Attachment – 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:

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

General Terms of Approval - Issued



Notice No: 1600092

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.

General Terms of Approval - Issued



Notice No: 1600092

- 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.

General Terms of Approval - Issued



Notice No: 1600092

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:

- a. where this licence applies to premises, an event has occurred at the premises; or