

General Terms of Approval - Issued



Notice No: 1564813

Central Coast Council
P.O. Box 21
GOSFORD NSW 2250

Attention: Mr K. Singh

Notice Number	1564813
File Number	EF18/849
Date	14-May-2018

DA53515/2017 - Proposed Resource Recovery Facility - VV Bins Pty Ltd - 1 Vere Place, Somersby

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the proposed resource recovery facility received by the Environment Protection Authority (EPA) on 16 January 2018.

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 the EPA to obtain a licence to carry out scheduled development work **prior to commencing** any construction under this proposal and prior to receiving any waste at the premises.

If Central Coast Council grants development consent for the proposal, the EPA recommends the following conditions should be incorporated into (**not attached**) to the consent.

- Activity: Resource Recovery
- Waste Type / materials permitted to be accepted at the facility: Building and demolition waste that does not contain asbestos.
- Maximum amount of waste permitted to be received at the premises per year: 12,000 tonnes
- Hours of Operation: 7:00am to 5:00pm Monday to Friday

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

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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.

I also draw your attention to **Attachment A** and **Attachment B**, which **should not be included** in the consent but are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this DA 53515/2017 and Attachment B includes mandatory conditions for all EPA licences.


The applicant should be aware that as they wish to operate a waste facility, a waste levy liability, requirement to install a weighbridge and additional responsibilities may be applicable to the premises in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

In addition to the conditions listed the EPA will require the applicant to prepare, test and implement a Pollution Incident Response Management Plan (PIRMP) in accordance with the *Protection of the Environment Operations Act 1997* ("the POEO Act").

Before the EPA issues an environment protection licence, the EPA will assess whether the proposed licensee is a "fit and proper person" under the POEO Act. The proposed licensee will also be required to provide a financial assurance in the form of an unconditional, irrevocable bank guarantee before the licence is issued.

If you have any questions, or wish to discuss this matter further please contact Tristan Hinchcliffe on 02 4908 6896.

Yours sincerely

 14/5/2018

Steven James

Unit Head Waste Compliance - Hunter

Waste & Resource Recovery

(by Delegation)

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Attachment A

Administrative conditions

Information supplied to the EPA

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 53515/2017 submitted to Central Coast Council on 15 December 2017;
- the environmental impact statement by L.D.A. Services dated 13 December 2017 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including DA Plans by Halcrow & Associates dated 30-03-15, Sheets 1 – 4.

Fit and Proper Person

- 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

Pollution of waters

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.

Waste

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*.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	Building and demolition waste that	Resource Recovery	The quantity of waste accepted and

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		does not contain asbestos (as described in the NSW Waste Classification Guidelines)	Waste Storage	processed at the premises must not exceed 12,000 tonnes per year
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- The total amount of waste to be stored at the premises at any time must not exceed (TBD) tonnes at any one time.

Hours of operation

- Activities at the premises, other than construction work, may only be carried on between
7:00am to 5:00pm Monday to Friday
No work is permitted on Saturday, Sunday or Public Holidays

Construction hours of operation

- All construction work at the premises must only be conducted between:
7:00am to 5:00pm Monday to Friday
8:00am to 12:00pm Saturday
No work is permitted on Sundays or Public Holidays

Operating conditions

Odour

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: The Protection of the Environment Operations Act 1997 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.

- No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

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Dust

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

Air Quality Management Plan

- For all emission sources at the site the proponent must prepare an air quality management plan that sets out approaches to minimising dust emissions. The plan will provide a means of assessing the effectiveness of the dust minimisation measures detailing at least:
 - *Key performance indicator(s);*
 - *Monitoring method(s);*
 - *Location, frequency and duration of monitoring;*
 - *Record keeping;*
 - *Response mechanisms; and*
 - *Compliance reporting.*

Stormwater/sediment control - Construction Phase

- A *Soil and Water Management Plan (SWMP)* must be prepared and implemented for the premises. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Stormwater/sediment control - Operation Phase

- A Stormwater Management Plan must be prepared for the development and must be implemented. Implementation of the scheme must mitigate the impacts of stormwater run-off within and from the premises following the completion of construction activities. The Stormwater Management Plan should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

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- The Stormwater Management Plan is required to be submitted to the EPA and to the satisfaction of the EPA within 6 months of the issue of the Environment Protection Licence.

Processes and Management

- Each type of waste stored on site for recovery/recycling must be stockpiled separately.

Waste Management

- All waste processing must be carried on under the roof of the main shed waste receival area.
- All processed waste that is being stored prior to transport from the premises must be stored undercover to prevent the ingress of rain water and liberation of dust, sediment, leachate or other matter; or managed in some other way that achieves the same environmental outcome.

Monitoring and recording conditions

Monitoring records

- 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.
- 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.
- 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.

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Reporting conditions

Annual Return

- 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

Financial Assurance

- The Environment Protection Licence for the premises will be subject to conditions requiring the proponent to provide a financial assurance (amount "to be determined") to the EPA in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institution" under the *Banking Act 1959*.

Other

- While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:
 - a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
 - b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
 - c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA
- In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:
 - a) make all efforts to contain all firewater on the licensee's premises,
 - b) make all efforts to control air pollution from the licensee's premises,
 - c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
 - d) make all efforts to prevent flood water entering the licensee's premises,

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- e) remediate and rehabilitate any exposed areas of soil and/or waste,
 - f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
 - g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
 - h) at the request of the EPA monitor surface water leaving the licensee's premises; and
 - i) ensure the licensee's premises is secure.
- After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:
 - a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
 - b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

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Attachment B – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

- Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
must be maintained in a proper and efficient condition; and
must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

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Telephone complaints line

- The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a. Statement of Compliance; and
 - b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

- An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

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- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

- The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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.

Emergency response

- The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident. The licensee must develop the Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the *Protection of the Environment Operations Act 1997* and its regulations.

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 *Protection of the Environment Operations Act 1997*:

- Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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- 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.

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.

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- 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.