

From: Natalie Piggott
Sent: 25 May 2020 13:47:16 +1000
To: Hawkesbury City Council
Subject: FW: Andy's Earthworks Pty Ltd (DA0036/19) - 100 Fairey Road, South Windsor - GTAs Issued
Attachments: 20200525 - Andy's Earthworks - GTAs issued.pdf

From: Philippe Koenig [mailto:Philippe.Koenig@epa.nsw.gov.au]
Sent: Monday, 25 May 2020 1:38 PM
To: Natalie Piggott
Cc: Deanne Pitts; Celeste Forestal
Subject: Andy's Earthworks Pty Ltd (DA0036/19) - 100 Fairey Road, South Windsor - GTAs Issued

Hi Natalie,

Please find the EPA's General Terms of Approval – Issued for Andy's Earthworks Pty Ltd at 100 Fairey Road South Windsor attached. Please contact Deanne or myself if you require any additional information.

Regards,

Philippe Koenig

Operations Officer – Metro North

NSW Environment Protection Authority

02 9995 5940

Philippe.Koenig@epa.nsw.gov.au www.epa.nsw.gov.au [@NSW_EPA](https://twitter.com/NSW_EPA) [EPA YouTube](https://www.youtube.com/watch?v=...)

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555



I acknowledge and respect the Traditional Custodians of the land on which I work and live on.

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

General Terms of Approval - Issued



Notice No: 1595027

Ms Natalie Piggott
Senior Town Planner
Hawkesbury City Council

Natalie.PIGGOTT@hawkesbury.nsw.gov.au

Notice Number 1595027
File Number DOC19/1026708
Date 25-May-2020

HAWKESBURY
CITY COUNCIL
ABN 54 659 038
834

Dear Ms Piggott

**Re: Development Application (DA0036/19) - Construction Materials Crushing & Recycling Facility
Andy's Earthworks - 100 Fairey Rd, South Windsor**

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the construction and operation of a construction materials crushing & recycling facility (**the Proposal**) to be located at 100 Fairey Road South Windsor, Lot 4, DP264159 (**the Premises**) received by the Environment Protection Authority (**EPA**) on 1 November 2019. The applicant for the proposal is Andy's Earthworks Pty Ltd (**the Applicant**).

On 25 November 2019 and 6 March 2020, the EPA wrote to Hawkesbury City Council (**Council**) requesting more information from the Applicant to assist in issuing general terms of approval for the Proposal. On 14 April 2020 Council sent additional information provided by the Applicant to the EPA for review.

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 Applicant should be aware that there will be additional requirements at the licensing stage, such as provision of a financial assurance and weighbridge and reporting requirements.

General Terms of Approval - Issued



Notice No: 1595027

The general terms of approval for this proposal are provided at Attachment A. If Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to 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 the conditions 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 general terms need to be modified in light of the changes.

In assessing the Proposal, the EPA has also identified a number of environmental issues that Council may wish to consider in its overall assessment of the application. The EPA has provided conditions to address these issues, however Council may wish to expand on this in the consent. These issues are discussed in Attachment B and include the following issues:

1. Storage of waste outdoors.
2. Surface water discharge on the site has not been characterised.

If you have any questions, or wish to discuss this matter further please contact Philippe Koenig on (02) 9995 5940.

Yours sincerely

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

Celeste Forestal
Unit Head
Sydney Waste Compliance
(by Delegation)

General Terms of Approval - Issued



Notice No: 1595027

Attachment A

Standards for Managing Construction Waste in NSW

The Standards for managing construction waste in NSW (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/19p1542-standards-for-managing-construction-waste-in-nsw.pdf>) must be complied with during operation of the facility.

Weighbridge

A Weighbridge must be installed and operational prior to the issuing of an Environment Protection Licence (EPL).

Throughput

The maximum quantity of waste received at the facility will not be permitted to exceed 98,000 tonnes in any 12 month period. Any proposed increase will need to be assessed via a State Significant Development application, as per the *State Environmental Planning Policy (State and Regional Development) 2011* (as in force from time to time).

Land/Lot Lease

A land title search shows that part of the property where the Applicant proposes to develop is leased. When applying for an EPL, the Applicant will need to either apply for a part/lot or all activities that occur on the entire parcel of land will need to be covered by the EPL.

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 DA0036/19 submitted to Hawkesbury City Council on 1 November 2019;
- any environmental impact statement "Environmental Impact Statement, Proposed Construction Materials Processing & Recycling Facility, 100 Fairey Road, South Windsor NSW" dated 10 October 2019 and prepared by Benbow Environmental (181025_EIS_Rev6). relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:

General Terms of Approval - Issued



Notice No: 1595027

- “Soil and Water Assessment prepared for Andy’s Earthworks Pty Ltd, 100 Fairey Road, South Windsor NSW 2756” dated 12 November 2019 and prepared by Benbow Environmental (181025_SoilWater_Rep_Rev4).
- “Waste Management Assessment for Andy’s Earthworks Pty Ltd, 100 Fairey Road, South Windsor NSW” dated 3 February 2020 and prepared by Benbow Environmental (181025_Waste_Rep_Rev4).
- “Re: DA0036/19 – Construction Materials Crushing & Recycling Facility Andy’s Earthworks – 100 Fairey Rd, South Windsor” dated 3 February 2020 and prepared by Benbow Environmental (191223-02_Letter_Rev1).
- “Re: DA0036/19 – Construction Materials Crushing & Recycling Facility – Andy’s Earthworks – 100 Fairey Rd, South Winsor” dated 7 April 2020 and prepared by Benbow Environmental (191223-02_Let2_Rev3).

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

Note: Mandatory condition

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.

L1.2 All waste handling, loading, unloading, processing and storage must occur on hardstand. Hardstand areas where waste is being kept must be graded so to prevent runoff from water that has come into contact with waste. Water that comes into contact with waste must be collected and disposed of through a licensed waste contractor to a facility that can lawfully accept that type of waste.

L1.3 The Licensee must engage a suitably qualified and experienced person(s) to prepare a Surface Water Discharge Characterisation Assessment.

The Surface Water Discharge Characterisation Assessment must include, at a minimum:

- a. Identification of all the potential pollutants of concern which may be present in a discharge from the Premises. The list of pollutants must be developed in consultation with the EPA.
- b. Water sampling for all identified potential pollutants of concern in the sediment ponds.
- c. Sufficient sampling events to capture the full variability of water quality in the sediment ponds including average to worst case scenarios, guided by protocols to ensure that sampling events are triggered by the full range of operational processes that would materially impact water quality.
- d. An assessment of the potential impact of discharges on receiving waters based on the surface water characterisation and with reference to the ANZG (2018) assessment criteria for slightly to moderately disturbed ecosystems and the NSW Water Quality Objectives.
- e. Specify the analytical limits of reporting used for any data that is being assessed and:

General Terms of Approval - Issued



Notice No: 1595027

- compare the analytical limits of reporting to the relevant ANZG (2018) assessment criteria for slightly to moderately disturbed ecosystems;
 - where the limit of reporting does not provide a suitable basis for assessing risk of water pollution, propose alternative options to characterise the risk, including more sensitive laboratory testing or risk mitigation options.
- f. Where pollutants have the potential to cause non-trivial harm in discharges, an investigation of practical measures that could be taken to avoid or minimise pollution based on the Surface Water Discharge Characterisation. Consideration should include but not be limited to at-source controls on site, reducing wastewater run-off volumes (covering stockpiles, bunding, flow diversions) treatment options and associated wastewater storage requirements.

L1.4 No polluted water is to be discharged from the Premises.

Note: The Letter dated 07 April 2020 from Benbow Environmental (191223-02_Let2_Rev3) states numerous times, "No discharge of polluted water will be associated with the proposed development." The EPA notes that polluted waters are any waters that come into contact with waste at the Premises.

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.

L2.3 The amount of waste received at the Premises cannot exceed 98,000 tonnes in any 12 month period.

L2.4 The authorised amount of waste permitted on the Premises cannot exceed 20,000 tonnes at any one time.

L2.5 The waste types permitted to be received at the Premises are:

Waste	Description	Activity	Other Limits
Concrete	As described in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	N/A
Bricks	As described in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	N/A
Sandstone (Virgin Excavated Natural Material)	As described in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	N/A

L2.6 All waste handling, loading, unloading and processing must be undertaken inside a fully enclosed building.

L2.7 All waste storage must occur in designated bays that are covered with a permanent awning. Stockpile heights are limited to 5 metres high, and stockpile height markers must be installed in each bay.

General Terms of Approval - Issued



Notice No: 1595027

L2.8 Putrescible waste, special waste, restricted solid waste, hazardous waste and asbestos waste must not be received at the Premises.

L3. Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)
	Day
	LAeq(15 minute)
153 Ham Street, South Windsor (Lot 24, DP 263057)	42
64 James Meehan Street, South Windsor (Lot 23, DP 246385)	40
6 Chisholm Place, South Windsor (Lot 17, DP 246385)	40

L3.2 For the purposes of condition L3.1:

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

L3.3 Standard 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 and D with wind speeds up to and including 0.5m/s at 10m above ground level

- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

L3.4 For the purposes of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Richmond RAAF Base (ID 067105)**.

L3.5 To assess compliance:

- a) with the LAeq(15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
- approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,

General Terms of Approval - Issued



Notice No: 1595027

(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,

(iv) at any other location identified in condition L3.1

b) with the LAeq(15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:

(i) at the reasonably most affected point at a location where there is no residence at the location; or,

(ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

L3.6 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L3.9 Truck movements to and from the site be restricted to daytime hours only to minimise the impact on sleep during the night time period.

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the NSW Environment Protection Authority in October 2017.

Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.8.

LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (AS1055.1-1997).

Hours of operation

L3.10 All construction work at the premises must only be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and no time on Sundays and public holidays.

L3.11 Activities at the premises, other than construction work, may only be carried on between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and no time on Sundays and public holidays.

L3.12 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.10 or L3.11, 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: 1595027

L3.13 The hours of operation specified in conditions L3.10 and L3.11 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Noise Management Plan

L3.14 The Applicant must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

- All measures necessary to satisfy the limits in Table L3.1 at all times,
- A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
- Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- Measures to monitor noise performance and respond to complaints,
- Measures for community consultation including site contact details,
- Noise monitoring and reporting procedures.

L3.15 The Applicant must prepare and implement a detailed Construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to;

- identification of each work area, site compound and access route (both private and public)
- identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- identification of all potentially affected sensitive receivers,
- the construction noise and vibration objectives identified in the Environmental Assessment,
- assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment,
- where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,
- procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
- measures to monitor noise performance and respond to complaints.

Operating conditions

Note: Operating conditions to be used where applicable.

O1. Odour

O1.1 The Licensee must not cause or permit the emission of any offensive odour from the premises.

General Terms of Approval - Issued



Notice No: 1595027

02. Dust

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

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

02.3 Internal dust suppression sprays must effectively suppress dust emissions to result in no visible dust within the facility.

02.4 Dust suppression sprays must be installed on all points of processing plant that generate dust.

02.5 No material, including sediment or oil, is to be tracked from the Premises.

03. Stormwater/sediment control - Construction Phase

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

04. Stormwater/sediment control - Operation Phase

04.1 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).

05. Processes and Management

05.1 Any waste for processing or storage at the Premises must be assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

05.2 Each type of waste stored on the Premises for recovery and/or recycling must be stockpiled separately.

05.3 There must be no burning or incineration of waste at the Premises.

05.4 The Applicant must install and maintain sufficient wheel washing infrastructure at the Premises to mitigate the potential for sediment tracking from the Premises.

06. Emergency Response

06.1 As part of the licence application requirements the Applicant must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the Premises in accordance with the requirements in Part 5.7A of the POEO Act and associated Regulations.

General Terms of Approval - Issued



Notice No: 1595027

Special Conditions

A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as an 'authorised deposit-taking institution' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issuing of the Environment Protection Licence (amount will be set by the EPA as part of the licence application process).

Monitoring and recording conditions

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:

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;

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.

M1.4 Where required in writing by the EPA, the Licensee must carry out attended monitoring at sensitive receivers.

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.

General Terms of Approval - Issued



Notice No: 1595027

General Terms of Approval - Issued



Notice No: 1595027

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:

- 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.

General Terms of Approval - Issued



Notice No: 1595027

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: 1595027

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

General Terms of Approval - Issued



Notice No: 1595027

- 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

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1113401

Issue date of GTA: 03 June 2019

Type of Approval: Controlled Activity

Description: Designated development for a construction materials crushing and recycling plant processing facility

Location of work/activity: 100 Fairey Road SOUTH WINDSOR NSW 2756

DA Number: DA0036/19

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Erosion and sediment controls	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00665	A. This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00002	The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1113401

Issue date of GTA: 03 June 2019

Type of Approval: Controlled Activity

Description: Designated development for a construction materials crushing and recycling plant processing facility

Location of work/activity: 100 Fairey Road SOUTH WINDSOR NSW 2756

DA Number: DA0036/19

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

GT0030-00006 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Rehabilitation and maintenance

GT0007-00006 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0020-00004 The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA0036/19 as provided by Council:

- EIS
- Submitted Plans
- - VMP to be provided for 2nd order watercourse at west on site

25 March 2020

The General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

ATTENTION: NATALIE PIGGOTT

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA/0036/19
100 FAIREY ROAD, SOUTH WINDSOR**

I refer to Council's letter requesting concurrence for the above development application in accordance with Clause 84 of State Environmental Planning Policy (Infrastructure) 2007.

Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the Richmond heavy rail corridor and to process the concurrence for this development application.

As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the requirements of Clause 84(4) being:

- (a) any rail safety or operational issues associated with the aspects of the development, and
- (b) the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application **DA/0036/19** subject to Council imposing the operational conditions listed in Attachment A that will need to be complied with.

Should Council choose not to impose the operational conditions provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.

Please contact the Town Planning Unit via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

Anthony Moeller
Associate Director, Property & Revenue
Sydney Trains

ATTACHMENT A

- *No work is permitted within the rail corridor (including airspace), or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan is to be submitted to Sydney Trains for review. The Construction Traffic Management Plan shall include that all traffic to and from the development site, must not travel via Fairey Road Level Crossing. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming this condition has been satisfied.*
- *The Applicant shall not at any stage block Sydney Trains access to the rail corridor, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency vehicles.*
- *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.*
- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
 - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
 - *acts as the authorised representative of the Applicant; and*
 - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is West Interface and they can be contacted via email on West_Interface@transport.nsw.gov.au.*