

General Terms of Approval

Notice No: 1643987



Central Coast Council
PO Box 20
Wyong NSW 2259

Attention: Jenny Tattam

Notice Number 1643987
Date 15-Oct-2024

General Terms of Approval - Increase in output and processing at the Fulton Hogan Industries Pty Ltd Bushells Ridge Asphalt Plant at 203 Tooheys Road, Bushells Ridge, NSW 2259

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

General Terms of Approval – Issued (Delegation - Environment Officer Class 11 and above)

I refer to the development application and accompanying information provided by Fulton Hogan Industries Pty Ltd (Fulton Hogan) for the proposed increase in production from 100,000 tonnes per annum (tpa) to 400,000 tpa and increase processing of reclaimed asphalt pavement (RAP) from 20,000 tpa to 99,000 tpa at the Bushells Ridge Asphalt Plant located at 203 Tooheys Road, Bushells Ridge NSW 2259 (premises), received by the Environment Protection Authority (EPA) via the CNR Portal (CNR-60607) on 28 September 2023.

Fulton Hogan holds Environment Protection Notice No. 21239 (Licence) permitting the scheduled activities of Waste Storage and non-thermal treatment of general waste at the premises.

The EPA has reviewed Fulton Hogan's response and has determined that the proposal can be managed appropriately to prevent or minimise environmental impacts subject to conditions.

The General Terms of Approval for this proposal are provided in **Attachment A**. If Central Coast Council grant development consent for this proposal, these conditions should be incorporated into the consent. If development consent is granted, the EPA also intends to vary the licence to include conditions including further reporting on surface water.

These General Terms of Approval relate to the development as proposed in the documents and information currently provided to the EPA. If 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 of Approval need to be modified.

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In assessing the proposal, the EPA determined that a Traffic Noise Management Strategy be developed by Fulton Hogan prior to commencement of construction and operation activities to ensure that feasible and reasonable noise management strategies are identified and applied, including:

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day,
- communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures for drivers to minimise impacts at identified sensitive receivers,
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

The EPA also held a meeting with Fulton Hogan and their consultants on 9 July 2024 and requested further information be provided to the EPA with regard to surface water and groundwater. The EPA reviewed the information provided in response to this request, and determined that it addressed most of the risks, however residual risks remain. Therefore, a water pollution discharge assessment and a subsequent water management options assessment should be undertaken to identify and mitigate any impacts that any discharges leaving the premises contribute to maintaining or restoring the environmental values of the receiving waterway, consistent with the NSW Water Quality Objectives.

The EPA also requires that all stockpiles, storage, and processing areas are adequately bunded or contained to ensure materials do not enter the stormwater system. Additionally, stockpile heights must not exceed 10 m and trucks entering and leaving the premises carrying loads must be covered at all times, except during loading and unloading.

If you have any questions or wish to discuss this matter, further please contact Patrick Cobb on 9585 6812.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Andrew Symons', is positioned above a horizontal dotted line.

Andrew Symons

Unit Head

Environment Protection Authority

(by Delegation)

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Attachment A - EPA's Recommended General Terms of Approval - Fulton Hogan Industries Pty Ltd Bushells Ridge Asphalt Plant Expansion

1. Information supplied to the EPA

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

- the development application DA/1474/2023 submitted to Central Coast Council on 20 September 2023;
- the environmental impact statement "Bushells Ridge Asphalt Plant Upgrade - Designated Development - Environmental Impact Statement" dated 22 June 2023 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 - "Air Quality Impact and Greenhouse Gas Assessment Bushells Ridge Asphalt Plant" dated 27 April 2023
 - "Bushells Ridge Asphalt Plant Noise Impact Assessment" dated April 2023
 - "Wastewater Management Report" dated 17 April 2023
 - "Stormwater Assessment" dated April 2024
 - "Response to Information Request - All Agencies" dated 29 April 2024
 - "Reclaimed Asphalt Plant Runoff - Near Zone Mixing Assessment" dated 5 September 2024
 - "Response to request for information for proposed expansion to asphalt plant at 203 Tooheys Road, Bushells Ridge (DA/1474/2023)" dated 22 July 2024.

2. Waste

2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in that column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other condition in this licence.

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Code	Waste	Description	Activity	Other Limits
NA	Glass	Recovered Glass Sand	Waste storage	Waste received must not exceed 10,000 tonnes per year
NA	Steel Furnace Slag		Waste storage	Waste received must not exceed 10,000 tonnes per year
NA	Waste tyres	Crumb Rubber	Waste storage	Waste received must not exceed 4,000 tonnes per year.
NA	Asphalt Waste (including asphalt resulting from road construction and waterproofing works)	Reclaimed Asphalt Pavement	Waste Processing (non thermal treatment) Waste storage	Waste received must not exceed 99,000 tonnes per year.

2.2 The licensee must not, at any one time, cause, permit or allow the storage waste on the premises in exceedence of the limits in the table below.

Waste	Description	Activity	Storage Limit
Glass	Recovered Glass Sand	Waste storage	Waste on the premises must not exceed 170 tonnes at any one time
Steel furnace slag		Waste storage	Waste on the premises must not exceed 600 tonnes at any one time
Waste tyre	Crumb Rubber	Waste storage	Waste on the premises must not exceed 100 tonnes at any one time
Asphalt Waste (including asphalt resulting from road construction and waterproofing works)	Unprocessed Reclaimed Asphalt Pavement	Waste processing (non thermal treatment) Waste storage	Waste on the premises must not exceed 18,431 tonnes at any one time
Asphalt Waste (including asphalt resulting from road construction and waterproofing works)	Processed Reclaimed Asphalt Pavement	Waste processing (non thermal treatment) Waste storage	Waste on the premises must not exceed 6,702 tonnes at any one time.

3. Noise limits

3.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Table 1 and Figure 2 of *Bushells Ridge Asphalt Plant Noise Impact Assessment*, SLR Consulting Australia ref: 610.16808-R01 v3.0, dated April 2023.

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Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
106 Tooheys Road, Bushells Ridge (Lot 1, DP 260217)	41	41	41	52
Any other residential receiver	40	35	35	52

3.2 For the purposes of condition 3.1:

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

3.3 Noise-enhancing meteorological conditions

- The noise limits set out in condition 3.1 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 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- For those meteorological conditions not referred to in condition 3.3(a), the noise limits that apply are the noise limits in condition 3.1 plus 5dB.

3.4 For the purposes of condition 3.3:

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Norah Head**.
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - Use of sigma-theta data (section D1.4).

3.5 To assess compliance:

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- a) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition 3.1 and 3.3, the noise measurement equipment must be located:
- (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - (ii) 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,
 - (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 3.1
- b) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition 3.1 and 3.3, 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 3.5 (a).
- 3.6** A non-compliance of conditions 3.1 and 3.3 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 3.5 and 3.6:** 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.
- 3.7** 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.
- 3.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.
- 3.9** All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays.
- 3.10** The proponent 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:
- a) all measures necessary to satisfy the limits in Table 3.1 at all times,
 - b) 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,
 - c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
 - d) Measures to monitor noise performance and respond to complaints,
 - e) Measures for community consultation including site contact details,
 - f) Noise monitoring and reporting procedures.

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3.11 The proponent 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;

- (a) identification of each work area, site compound and access route (both private and public)
- (b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- (c) identification of all potentially affected sensitive receivers,
- (d) the construction noise and vibration objectives identified in the Environmental Assessment,
- (e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment,
- (f) 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,
- (g) 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,
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
- (i) measures to monitor noise performance and respond to complaints.

4. Dust

4.1 Stockpile heights must not exceed 10m.

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

5. Stormwater

5.1 All RAP stockpile/storage/processing areas must be adequately bunded and/or contained to ensure the materials do not enter the stormwater system.

5.2 Stormwater treatment must be evaluated with a water pollution discharge assessment. Further information on water pollution discharge assessments can be found at [Water pollution discharge assessments \(nsw.gov.au\)](https://www.nsw.gov.au/water-pollution-discharge-assessments). The assessment must:

- a. be prepared in consultation with the EPA and consider the EPA's previous comments on the surface water assessments prepared for the development
- b. include a level of detail that reflects the potential risks to the environmental values of the receiving waterway
- c. provide details of the practical measures that have been implemented to avoid discharges (e.g. clean water diversions; runoff capture and reuse) and minimise pollution (e.g. erosion controls; water treatment; swale design; maintenance)
- d. quantify the frequency and volume of discharges
- e. include a characterisation of the post-development surface water quality based on sampling
 - i of a range of locations including inflows to and discharges from the treatment system

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ii under a range of conditions from typical through to worst case.

- f. assess the potential impact of the discharges on the environmental values of the receiving waterway, consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018).

5.3 Subject to the EPA's consideration of the water pollution discharge assessment, the applicant must prepare a Water Management Options Assessment to identify practical mitigation measures to ensure that any discharges contribute to maintaining or restoring the environmental values of the receiving waterway consistent with the NSW Water Quality Objectives. The options assessment must:

- a. be prepared in consultation with the EPA
- b. include consideration of a range of options including source controls (e.g. erosion controls, bunding), measures to avoid or minimise discharges (e.g. capture and reuse of runoff), and water treatment (e.g. sedimentation measures)
- c. predict the water quality outcomes under the various options with reference to the surface water characterisation (prepared as part of the water pollution impact assessment) and the expected changes to discharge regimes and/or treatment performance.
- d. of the options considered, identify reasonable and feasible mitigation measures to be implemented subject to consultation with the EPA.

5.4 Following completion of the Water Management Options Assessment and implementation of the associated mitigation measures, the applicant must revise the water pollution impact assessment based on post-implementation surface water monitoring and in consultation with the EPA to demonstrate that any discharges contribute to maintaining or restoring the environmental values of the receiving waterway consistent with the NSW Water Quality Objectives. The EPA may require further monitoring, assessment, and mitigation measures to address potential residual water pollution risks identified by the revised impact assessment.