

General Terms of Approval - Issued

Notice No: 1621829



General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460
Email: Patrick.Ridgeway@clarence.nsw.gov.au

Attention: Mr Patrick Ridgeway

Notice Number 1621829
Date 25-Aug-2022

Re: Proposed Resource Recovery Facility, 255 Orchard Road, Mountain View, NSW, 2460

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 & operation of a resource recovery facility (RRF) within an existing quarry received by the Environment Protection Authority (EPA) on 11 March 2022 and further information received 11 August 2022.

The proposal is for the construction and operation of a resource recovery facility at Lot 2, DP 1058903, 255 Orchard Road, Mountain View, NSW, 2460, that will process up to 99,000 tonnes per annum of construction and demolition waste and soils within the existing licensed quarry, Environment Protection Licence (EPL) 20042.

The EPA has reviewed the information provided and has determined that it is able to provide general terms of approval and vary EPL 20042 under Part 3 of the *Protection of the Environment Operations Act 1997* for the proposed RRF subject to a number of conditions.

Should Council grant consent, the applicant will need to make a separate application to the EPA to vary EPL 20042. Council should be aware of the conditions currently in place on EPL 20042.

The general terms of approval for this proposal are provided at attachment A. If Clarence Valley 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.

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If you have any questions, or wish to discuss this matter further please contact Johanne Hunt on (02) 9860-1476 or via email Johanne.hunt@epa.nsw.gov.au

Yours sincerely

.....
Simon Taylor
Acting Unit Head
Environment Protection Authority
(by Delegation)

Attachment A - EPA General Terms of Approval

Attachment B - Mandatory Licence Conditions

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ATTACHMENT A - EPA GENERAL TERMS OF APPROVAL

GENERAL

The proponent must ensure all activities are undertaken in compliance with the *Protection of the Environment Operations (POEO) Act 1997* and any associated Regulations.

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2022/0152 submitted to Clarence Valley Council on 8 March 2022;
- the environmental impact statement *Proposed Resource Recovery Facility, Thorley Sands & Gravel Quarry, 4 March 2022*, prepared by InSitu Advisory relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including; *InSitu Advisory Response to EPA 1 July 2022* and *Salvestro Planning response NIA 20 April 2022*.

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.

L5.2 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.

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L5.3 Only waste that meets the requirements established in a current Resource Recovery Order issued by the Environment Protection Authority is permitted to be received at the premises for processing and temporary storage.

L5.4 The maximum quantity of waste received at the facility must not exceed 99,000 tonnes per annum or in any 12-month period.

L5.5 The wastes permitted to be received at the Premises are:

Waste	Description	Activity	Other Limits
General solid waste (non-putrescible)	Building and demolition waste as defined in schedule 1 of the POEO Act, as in force from time to time	Resource Recovery Waste Storage	
General solid waste (non-putrescible)	Virgin excavated natural material as defined in schedule 1 of the POEO Act, as in force from time to time	Resource Recovery Waste Storage	
General solid waste (non-putrescible)	Excavated natural material as defined in section 1 and meeting the concentration limits and testing methods in section 4 of "The excavated natural material Order 2014", as in force from time to time	Resource Recovery Waste Storage	
General solid waste (non-putrescible)	Category 1 (CT1) soils as classified in accordance with the NSW EPA Waste Classification Guidelines 2014 and meeting the concentration limits and testing methods in such guidelines.	Resource Recovery Waste Storage	

L6. Noise limits

L6.1 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

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	L _{Aeq} (15 minute)
Any residential receiver	40

L6.2 For the purposes of condition L6.1:

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

L6.3 Noise-enhancing meteorological conditions

- a. The noise limits set out in condition L6.1 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.

- b. For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

L6.4 For the purposes of condition L6.3:

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

L6.5 To assess compliance:

- a. with the L_{Aeq}(15 minutes) noise limits in condition L6.1 and L6.3, 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 L6.1
- b. with the L_{Aeq}(15 minutes) noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:

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- 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 L6.5 (a).

L6.6 A non-compliance of conditions L6.1 and L6.3 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 L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: 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.

L6.7 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.

L6.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Hours of operation

L6.9 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.

L6.10 Activities at the premises, other than construction work, may only be carried on between 7am and 6pm Monday to Friday and between 7am and 1pm Saturdays and no time on Sundays and public holidays.

L6.11 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, 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.

L6.12 The hours of operation specified in conditions L6.9 and L6.10 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.

Operating conditions

O3. Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

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

03.3 All roads at the resource recovery facility must be sealed.

03.4 No demolition is to occur during the construction of the resource recovery facility.

03.5 Haulage roads must be watered during dry conditions.

04. Processes and management

Soil and Water Management-

04.1 The current *Soil and Water Management Plan (SWMP)* must be updated to incorporate the resource recovery facility and be fully implemented prior to the commencement of 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).

05. Odour

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

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.

Monitoring Conditions

M7.1 The meteorological weather station identified as EPA monitoring point 9 must be maintained so as to be capable of continuously monitoring the parameters specified in condition M7.2.

M7.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 9

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4

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Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:

- occur at the closest non-project related residential receiver location to the premises;
- occur annually in a reporting period;
- occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
- occur for three consecutive operating days.

Note: *Subject to any express provision to the contrary in the licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW.*

Reporting conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
- an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L6.1 and L6.3.

SPECIAL CONDITIONS

E1. Financial Assurance

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 a variation to EPL 20042 (amount will be set by the EPA as part of the licence application process).

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Attachment B– Mandatory Conditions for all EPA licences

Additions to Definition of Terms of the licence

- 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.
- L_{Aeq} (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 (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
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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.

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The record must include details of the following:

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

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

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

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

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

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

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

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

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

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

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

Deadline for Annual Return

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

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:

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- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

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

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

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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.