**Recommended Conditions for DA23/0113 waste transfer station upgrade (NRPP) at Lot 1 DP 1185359; No. 16 Naru Street CHINDERAH**

**GENERAL**

1. The development shall be completed in accordance with the proposal contained in:

· the development application DA23/0113 submitted to Tweed Shire Council in March 2023;

· the environmental impact statement titled ‘JEP Pty Ltd - A1 Skip Bins - EIS Report - Waste Transfer Station Upgrade 010323', dated 01 March 2023, relating to the development; and

· all additional documents supplied to the EPA in relation to the development, including the document titled JEP Pty Ltd - A1 Skips - RTS#2 Report 100723', dated 10 July 2023.

In the event of any inconsistency between the conditions of this approval and the documents referred to in Condition 1, including the Proponent’s Environmental Impact Statement, the conditions of this approval and general terms of approval issued by the EPA shall prevail.

[GEN0005]

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

1. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

1. For the purposes of this application, where the activity is declared to be a scheduled activity under the *Protection of the Environment Operations Act 1997* for which a licence is required, the appropriate regulatory authority is NSW Environment Protection Authority (EPA). Where the site is no longer declared to be a scheduled activity, the appropriate regulatory authority is Tweed Shire Council.
2. The applicant/owner shall maintain an approval to operate the private ejection sewage pump station issued by Council under Section 68 of the *Local Government Act 1993*.
3. The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the Biosecurity (Invasive Ant Carriers) Control Order 2023 (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

· organic mulch (which includes manure, bark, wood chips, hay, straw, sileage, and sugar cane bagasse);

· baled materials;

· potted plants;

· agricultural or earth-moving machinery;

· fill or soil (which includes anything with soil on it such as turf); and

· mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within 5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

 [GENNS01]

1. The proposal is required to comply with Essential Energy requirements, noting that 66Kv overhead power line running North, South along the Western boundary of the property. As such, the development is to comply with the following:

· All works comply with SafeWork clearance requirements. It is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

· Essential Energy is to be consulted for further comment if the proposed development changes;

· Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

· Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;

· Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

[GENNS02]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

1. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

​

A Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

​

|  |
| --- |
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|  |  |  |
| --- | --- | --- |
| a. | ​Contribution Plan No 4 - Tweed Road Contribution Plan: | ​ |
|  | 19.48 trips @ $1,584.33 per trip ​($1,137.00 base rate + $447.33 indexation) | ​$18,517.81 |
| ​ | ($12345 has been subtracted from this total as this development is deemed an "Employment Generating Development") CP04 Road Contributions (6-Kingscliff) | ​ |

​

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates in the relevant Plan as at the date the condition is imposed (which may have been indexed or varied from the original contribution rates in the Plan by a clause adopted in the Plan).

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

​**NOTE: All Section 7.11 Contribution payments are non-refundable.**

[PCC0215]

**PRIOR TO COMMENCEMENT OF WORK**

1. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifier advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

1. The erection of a building (line marking, the installation of fire safety measures, the increase in height of the concrete storage bays by 1m and the addition of a grated trench drain and below-ground impervious concrete sump) in accordance with a development consent must not be commenced until:
	1. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or a registered certifier, and
	2. the person having the benefit of the development consent has:
		1. appointed a principal certifier for the building work, and
		2. notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
	3. the principal certifier has, no later than 2 days before the building work commences:
		1. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
		2. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
	4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
		1. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
		2. notified the principal certifier of any such appointment, and
		3. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

1. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifier" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

1. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2021**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

**DURING CONSTRUCTION**

1. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, drawings and specifications.

[DUR0005]

1. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

1. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

1. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

1. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

1. The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

1. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW requirements and Work Health and Safety Regulation 2017.

[DUR0415]

1. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

· Noise, water or air pollution.

· Dust during filling operations and also from construction vehicles.

· Material removed from the site by wind.

[DUR1005]

1. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

1. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

1. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

1. An occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

1. A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.

Within 5 years from the date of issue of any Partial Occupation Certificate for part of a building an Occupation Certificate for the “Whole Building” must be applied for and obtained from the nominated Principal Certifying Authority.

[POC0355]

1. Prior to the issue of a Whole Occupation Certificate, all conditions of consent are to be met.

[POC1055]

1. Prior to the issue of an Occupation Certificate the WRTS is to be upgraded in accordance with the recommendations of the ‘Fire Compliance Assessment’ prepared by Lethlean Fire and Environment dated 2 December 2022.

[POCNS01]

**USE**

1. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

1. All air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the appropriate regulatory authority such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

 [USE0175]

1. Vehicles entering or exiting the site between 6.30am and 7.00am are limited to smaller vehicles (e.g. cars and vans) and a maximum of two (2) movements for trucks up to 16 tonnes only.
2. Noise generating activities including the operation of noise generating plant or equipment is not permitted before 7.00am.
3. All deliveries and pickups relating to the business are to occur within the approved hours.

 [USE0185]

1. All externally mounted artificial lighting, including security lighting, shall comply with Australian Standard AS4282:2019 *Control of the obtrusive effects of outdoor lighting* and be shielded to the satisfaction of the appropriate regulatory authority where necessary or required to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. Externally mounted lighting shall not spill beyond the boundary of the site.

 [USE0225]

1. The development shall be carried out in accordance with the recommendations of the Environmental Noise Impact Report dated 13 February 2017 (crgref: 15184 report rev.1) and 13 February 2023 (crgref: 15184 report rev.6) and Addendum Letter dated 18 May 2023 (CRGref: 15184 Addendum Letter 18\_05\_23) prepared by CRG Acoustic Pty Ltd except where amended by this approval or to the satisfaction of the NSW Environment Protection Authority (EPA).
2. The development shall be carried out in accordance with the recommendations of the Air Quality and Odour Impact Assessment for Waste Transfer Station Upgrade at 16 Naru Street, Chinderah prepared by Trinity Consultants Australia dated 7 February 2023 (Report: 227401.0147.R01V03) except where amended by this approval or to the satisfaction of the NSW Environment Protection Authority (EPA).

 [USE0305]

1. All wastes shall be collected, stored, and disposed of in accordance with any approved Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd dated 13 August 2023 (V3) or to the satisfaction of the NSW Environment Protection Authority (EPA).

 [USE0875]

1. The site shall be managed in accordance with approved management plans or to the satisfaction of the NSW Environment Protection Authority (EPA).
2. The 24 tonne truck movements and all other onsite operational activities and equipment associated with the waste recycling (i.e. loader, excavator, sorting equipment and activities) are to remain limited to between 7.00am to 6.00pm Monday to Saturday.
3. Skip chains shall be acoustically treated via the use of damping material such as heavy vinyl or rubber (i.e. conveyor rubber) to mitigate the metal impact between the skip chain and the truck/skip in accordance with the recommendations of the Environmental Noise Impact Report prepared by CRG Acoustic Pty Ltd dated 13 February 2023 (crgref: 15184 report rev.6) or to the satisfaction of the NSW Environment Protection Authority (EPA).
4. All waste processing activities are to be carried out strictly in accordance with any Environment Protection Licence issued by NSW Environment Protection Authority (EPA) for the premises.

[USENS01]

**GENERAL TERMS OF APPROVAL**

**PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

**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 DA23/0113 submitted to Tweed Shire Council in March 2023

· the environmental impact statement titled ‘JEP Pty Ltd - A1 Skip Bins - EIS Report - Waste Transfer Station Upgrade 010323', dated 01 March 2023, relating to the development; and

· all additional documents supplied to the EPA in relation to the development, including the document titled JEP Pty Ltd - A1 Skips - RTS#2 Report 100723', dated 10 July 2023.

**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.

**2 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.

**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.

Any waste received at the premises must only be used for activities referred to in relation to that waste in the 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 conditions in this licence.

|  |  |  |  |
| --- | --- | --- | --- |
| **Code** | **Waste** | **Description**  | **Activity**  |
| NA | General solid waste (non-putrescible) | As defined in Schedule 1 of the POEO Act, as in force from time to time | Resource Recovery |

**L2.2** In accordance with Condition 2.1, the total amount of all waste received at the premises must not exceed 15,000 tonnes per annum.

**L2.3** The total authorised amount of waste permitted on the premises at any one time must be determined prior to the license being issued.

**L3. Odour**

**L3.1** No condition of this approval identified a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

**L4. Stormwater/sediment control**

**L4.1 Construction Phase** - 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).

**L4.2 Operation Phase** - A report conducted by a suitably qualified person on the performance of the “Multiceptor” and stormwater system must be provide every 6 months for the first 12 months of operation. This report must include at a minimum: TSS, water quality, metals, oils and nutrients.

**L5 Noise Limits**

**L5.1** 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) |
|  | Morning Shoulder | Day |
|  | LAeq(15 minute) | LAmax | LAeq(15 minute) |
| 16 Anne Lane, Chinderah (Lot 105, DP 755701) | 37 | 65 | 49 |
| 25-33 Anne Lane, Chinderah (Lot 3, DP 1110494) | 35 | 56 | 44 |
| 109 Naru Street, Chinderah (Lot 115, DP 56789) | 35 | 43 | 42 |
| 30 Naru Street, Chinderah (Lot 5, DP 1185359) | 40 LAeq(15 minute) when in use |

**L5.2** For the purposes of condition L5.1:

a) Morning Shoulder means the period from 6:30am to 7am Monday to Saturday. b) Day means the period from 7am to 6pm Monday to Saturday.

**L5.3** Noise-enhancing meteorological conditions

a) The noise limits set out in condition L5.1 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. |
| Morning shoulder | 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. |

b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L5.1 plus 5dB.

**L5.4** For the purposes of condition L5.3:

a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Coolangatta (Station ID 94592)**

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).

**L5.5** To assess compliance:

a) with the LAeq(15 minutes) or the LAmax noise limits in condition L5.1 and L5.3, 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 L5.1

b) with the LAeq(15 minutes) or the LAmax noise limits in condition L5.1 and L5.3, 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 L5.5 (a).

**L5.6** A non-compliance of conditions L5.1 and L5.3 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 L5.5 (a) or L5.5 (b).

**NOTE to L5.5 and L5.6**: 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.

**L5.7** 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.

**L5.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

**L6 Hours of Operation**

**L6.1** The approved operating hours are:

a) 7:00 AM to 6:00 PM from Monday to Saturday;

b) Vehicle movements between 6:30 AM - 7:00 AM Monday to Saturday limited to passenger vehicles and trucks of up to 16 tonnes; and

c) No operations are to be carried out on Sundays or Public Holidays;

**3 Operating Conditions**

**O1 Activities must be carried out in a competent manner**

**O1.1** 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.

**O2 Maintenance of plant and equipment**

**O2.1** All plant and equipment installed at the premises or used in connection with the licensed activity:

a) must be maintained in a proper and efficient condition; and

b) must be operated in a proper and efficient manner.

**O3 Dust**

**O3.1** The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

**O4 Emergency response**

**O4.1** Within 3 months of the date of the issue of this licence, the licensee must develop, or update, an emergency response plan which documents the procedures to deal with all types of incidents (e.g. spill, explosions or fire) that may occur at the premises or outside of the premises (e.g. during transfer) which are likely to cause harm to the environment.

**O5 Processes and management**

**O5.1** The licensee must ensure that any general solid waste (putrescible) and general solid waste (non-putrescible) received for storage or recovery or processing at the premises is assessed and classified in accordance with the Waste Classification Guidelines as in force from time to time.

**O5.2** The licensee must ensure that each waste for recovery/recycling is stockpiled separately.

**O6 Leachate Management**

**O6.1** All stormwater discharge from the waste storage areas is to be captured, contained and disposed of in accordance with 1.JEP Pty Ltd - A1 Skips - RTS#2 Report 100723.

**4 Monitoring and Recording Conditions**

**M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

**M1.2** All records required to be kept by this licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) 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 for the purposes of this licence:

a) the date(s) on which the sample was taken;

b) the time(s) at which the sample was collected;

c) the point at which the sample was taken; and d) the name of the person who collected the sample.

**M2 Recording of pollution complaints**

**M2.1** The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

**M2.2** The record must include details of the following:

a) the date and time of the complaint;

b) the method by which the complaint was made;

c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

d) the nature of the complaint;

e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

f) if no action was taken by the licensee, the reasons why no action was taken.

**M2.3** The record of a complaint must be kept for at least 4 years after the complaint was made.

**M2.4** The record must be produced to any authorised officer of the EPA who asks to see them.

**M3 Telephone complaints line**

**M3.1** The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

**M3.2** The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

**M3.3** The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

**M4 Other monitoring and recording conditions.**

**Rejected Loads Register**

**M4.1** The licensee must maintain a Rejected Loads Register for all incidences of incoming non-compliant waste loads at the premises.

**M4.2** The Rejected Loads Register must include all of, but not be limited to the following information:

(a) the date and time of the incident;

(b) the registration of the involved vehicle;

(c) persons or agents of the licensee who witnessed the incident;

(d) the type and quantity of the incoming waste load; and

(e) reason for which the waste load was rejected;

Note: The Rejected Loads Register should include the drivers licence details and company details where practicable

**M4.3** The records in the Rejected Loads Register must:

a) be kept for at least 4 years after the incident to which they relate took place; and

b) be produced in a legible form to any authorised officer of the EPA who asks to see them.

**M5 Requirement to Monitor Noise**

**M5.1** Attended noise monitoring must be undertaken in accordance with Condition L5.5 and must:

a) occur at each location specified in Condition L5.1;

b) occur annually in a reporting period;

c) 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;

· 30 minutes during the evening; and

· 1 hour during the night.

d) occur for three consecutive operating days.

**Note:** Subject to any express provision to the contrary in this 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.

**5 Reporting Conditions**

**R1 Annual return documents**

**R1.1** The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,

2. a Monitoring and Complaints Summary,

3. a Statement of Compliance - Licence Conditions,

4. a Statement of Compliance - Load based Fee,

5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,

6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and

7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

**R1.2** An Annual Return must be prepared in respect of each reporting period, 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.

**R1.3** 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.

**R1.4** 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.

**R1.5** The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or 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').

**R1.6** 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.

**R1.7** Within the Annual Return, the Statements 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.

**R2 Notification of environmental harm**

Note: The licensee or its employees must notify all relevant authorities 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.

**R2.1** Notifications must be made by telephoning the Environment Line service on 131 555.

**R2.2** The licensee must provide written details of the notification to the EPAwithin 7days of the date on which they became aware of the incident.

**R3 Written report**

**R3.1** Where an authorised officer of the EPA suspects on reasonable grounds that:

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

b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

**R3.2** 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.

**R3.3** 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;

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; and

g) any other relevant matters.

**R3.4** 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.

**R4 Noise Monitoring Report**

**R4.1** 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:

a) an assessment of compliance with noise limits presented in Condition L5.1 and L5.3; and

b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L5.1 and L5.3.

**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 L5.1 to L5.8.

· 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 (Australian Standard AS 1055:2018 Acoustics: description and measurement of environmental noise).

· LAFmax - the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 Electroacoustics - Sound level meters - Part 1: Specifications set to ‘A’ frequency weighting and fast time weighting.

**6 General Conditions**

**G1 Copy of licence kept at the premises or plant**

**G1.1** A copy of this licence must be kept at the premises to which the licence applies.

**G1.2** The licence must be produced to any authorised officer of the EPA who asks to see it.

**G1.3** The licence must be available for inspection by any employee or agent of the licensee working at the premises

**7 Special Conditions**

**E1 Requirement to Maintain Financial Assurance**

**E1.1** (a) 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 "Authorised Deposit-taking Institutions" 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. The financial assurance must be in favour of the EPA. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence. The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person.

(b) The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by the Australian Prudential Regulatory Authority (APRA).

(c) The financial assurance will be calculated after the EPL is applied for.

(d) The financial assurance must be provided to the EPA within 3 months of its calculation.

**E1.2** The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises are environmentally secure.

**E1.3** The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder**.**

**E1.4** The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

**E1.5** The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:

a) the financial assurance required by condition E1.1; or

b) the adjusted financial assurance as required by condition E1.3 and E1.4

**E2 Environment Obligations of Licensee (Works and Programs)**

**E2.1** 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.

**E2.2** 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;

(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.

**E2.3** 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;

(b) rehabilitate the site, including conducting an assessment of and if required remediation of any site

**E3 EPA May Claim on a Financial Assurance**

**E3.1** The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.