

DATE OF DETERMINATION	23 July 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 22 July 2020, opened at 4:00pm and closed at 5:10pm.

MATTER DETERMINED

PPSNTH-23 – Tweed Shire Council - DA19/0803 at 298 Bartletts Road, Stotts Creek – organics processing facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 4:1 in favour, against the decision Stephen Phillips.

REASONS FOR THE DECISION

The Panel approves the application for the following reasons:

1. The proposal will enable local processing and reuse of materials for beneficial purposes, thus reducing the need for long distance truck haulage of wastes and avoiding the attendant environmental and traffic impacts.
2. The proposal will reduce the volume of material going to landfill and help to achieve waste avoidance and resource recovery targets adopted by the NSW government.
3. The proposal is permissible in the SP2 Infrastructure zone, is consistent with the zone objectives and satisfies all relevant provisions of the Tweed LEP and applicable SEPPs.
4. With the conditions imposed, the proposal will have no unsatisfactory impacts on the built or natural environments including on neighbours and the local road network.
5. The Panel has carefully considered the issues raised by objectors and believes they have been resolved either through safeguards incorporated into the design of the proposal or by conditions imposed on it.
6. For the reasons given above approval of the proposal is in the public interest.

Stephen Phillips disagreed with the majority decision for the following reasons:

Regardless of the environmental benefit(s), the proposed development equates to an intensification of existing land use that will manifest in the form of extended operating hours and an acknowledged negative impact on air quality (odour) and noise.

Air-quality

Odour is a subjective assessment and offensiveness varies from person to person.

The risk to air quality from the proposed development was deemed HIGH by the EIS which further offered no guarantee of compliance with expected standards.

The report (ERM 2019) informing the EIS was based on a single site inspection on the 10/07/2019 and the output from a dispersal surface model that applied a low-power (distribution-free) statistical analysis (Mann Whitney U test). In my opinion, this approach predisposed the analyses to a high risk of a Type 1 statistical error in terms of informing the modelling output.

Because of this, I could not have confidence in the modelling output and so accept the conclusions of the air-quality report as an unbiased, robust and/or well informed assessment of likely impact.

Noise

Tunnel and bio-filter fans required to service the proposed development are required to run continuously.

Despite the presence of 3 residential properties located at distances of approximately 300 m, 600 m, and 900 m away from the location of the proposed activity, the noise study (ttm 2019) was informed by a single noise receptor located 1.5 km away from the proposed development to the south-west, and by noise-data collected from other sources/areas unrelated to the site.

No Maximum Noise Level Event Assessment was undertaken despite the need for the aforementioned fans to run 24hrs day⁻¹.

In response to questions from the panel, Mr. Emery (for SOILCO) advised that monitoring data from other similar developments confirmed conclusions reached by the report. However, there was no data in either the ttm report or the EIS that enabled me to independently verify Mr. Emery's assertion.

Because of this, I could not accept the noise report as an unbiased, robust and/or well informed assessment of likely impact.

Conclusion

In my opinion, neither of the preceding reports satisfied the need for an unbiased, robust and objective assessment of the two key environmental considerations of odour and noise that were associated with the proposed development. Because of these considerations I could not approve the proposed development.

In reaching this conclusion I acknowledge that the primary non-agricultural landuse in the area of the proposed development is resource recycling, and that the proposed development is consistent with this existing landuse. However, that is not an excuse for an absence of more robust assessment process informing the EIS process, more so when there is the potential from a negative impact on nearby residences.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments. The final set of conditions is attached as Schedule 2.

- Condition 5 amended to refer to applicant instead of owner.
- Condition 7 amended by replacing "be in general accordance" with "be generally in accordance".
- Condition 13 amended by adding "roads, parking areas," in front of "footings".
- Condition 19 amended by adding "from Council's General Manager or delegate" after "approval".
- Condition 29 amended by adding "including a construction management plan" after "approved management plans".


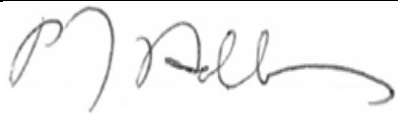


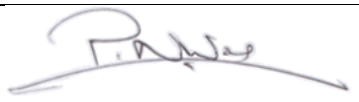
- Condition 51 amended so that it reads “and approved management plans to the satisfaction of NSW Environment Protection Authority.” after the odour assessment reference.
- Condition 69 amended by adding “so as to comply with AS4282, 2019,” after “shielded”.
- Condition 70 to be amended to refer to “operator” instead of “operator/owner”
- Condition 71 to be amended so that it reads “and approved management plans to the satisfaction of NSW Environment Protection Authority.” after the odour assessment reference.
- Condition 73 to be amended so that it reads “to the satisfaction of NSW Environment Protection Authority.” after “approved Waste Management Plan”.
- Add two new conditions:
 79. Prior to the commencement of operations the applicant is to retain, at its expense, a suitably qualified and independent expert to undertake an audit of compliance with all conditions of this consent, including those in the EPA’s General Terms of Approval. The expert appointed is to be approved by Council’s Director of Planning (or equivalent). The audit and accompanying report are to be completed within 21 days of commissioning and the report is to be published on Council’s website. Should the compliance audit identify any non-compliances, the expert is to recommend suitable measures to address them and the applicant is to implement the recommended measures within a timeframe agreed between the applicant and the expert.
 80. On the third anniversary of the commencement of operations, the applicant is to commission a suitably qualified independent expert to review compliance with all conditions of this consent and the performance of the facility over the three year time period. The expert appointed is to be approved by Council’s Director of Planning (or equivalent). The review is to be based on the extent of compliance, monitoring records and complaints received. The review is to include any measures the expert believes are necessary to achieve compliance and/or satisfactory performance. All recommendations are to be addressed by the applicant within three months of the review’s publication date or some other time period agreed between the reviewer and the applicant. The review report and applicant’s response to recommendations are to be published on Council’s website.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Odour impact to nearby residences
- Noise impact to nearby residences
- Traffic impact
- Impact on property values
- Bird activity, in relation to Gold Coast Airport

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel has added two additional conditions and amended the recommended conditions to strengthen the proposed safeguards.

PANEL MEMBERS	
Paul Mitchell OAM (Chair) 	Penny Holloway 
Stephen Gow 	Stephen Phillips 
Ned Wales 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-23 – Tweed Shire Council - DA19/0803
2	PROPOSED DEVELOPMENT	Construction and operation of a new Organics Processing Facility (OPF) at the subject site. The proposed OPF also seeks approval to compost organic wastes, and manufacture and distribute a range of soil, compost & mulch products.
3	STREET ADDRESS	298 Bartletts Road, Stotts Creek
4	APPLICANT OWNER	SoilCo Pty Limited Tweed Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy XXXX State Environmental Planning Policy No. 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Tweed Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tweed Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 3 July 2020 Written submissions during public exhibition: four (4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Peter Flanagan Council assessment officer – Colleen Forbes On behalf of the applicant – Charlie Emery, Jason Fox, Wayne Harris On behalf of the EPA – Scott Hunter
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 23 July 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Stephen Phillips and Ned Wales <u>Council assessment staff</u>: Colleen Forbes Final briefing to discuss council's recommendation, 23 July 2020, 3:30 pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales

		<u>Council assessment staff</u> : Colleen Forbes, Angie Cousens, Robert Handy, and Jacqui Cord
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

GENERAL

1. The development shall be completed in accordance with the Environmental Impact Statement and associated responses to requests for information and the following plans:
 - **DA03 (Issue 01) - Site Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA04 (Issue 01) - Operation Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA05 (Issue 01) - Floor Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA06 (Issue 01) - Office Floor Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA07 (Issue 01) - Elevations** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA08 (Issue 01) - Sections** prepared by Stuart Mason Designs and dated 6 November 2019; and
 - **DA09 (Issue 01) - Perspective** prepared by Stuart Mason Designs and dated 6 November 2019,except where varied by the conditions of this consent.

[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
3. 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]
4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]
5. The applicant is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]
6. Bushfire Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

- (a) The entire Organics Processing Facility site must be maintained to the standard of an 'Inner Protection Area' as outlined within Planning for Bush Fire Protection 2019 for the life of the development.

[GEN0320]

7. Stormwater management shall be generally in accordance with the Stormwater Management Plan prepared by GREENTEC Consulting dated April 2019, except where varied by the conditions of this consent.
- [GENNS01]
8. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [GENNS02]
9. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Geotechnical Report undertaken by Soil Surveys dated September 2019, except where varied by the conditions of this consent.
- [GENNS03]
10. The developments car park and internal vehicular circulation shall be designed and constructed in accordance with Council's Development Control Plan A2 "*Site Access and Parking Code*", providing a minimum 2 coat bitumen spray seal.
- [GENNS04]
11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council prior to the occupation of the building or issue of Interim or Final Occupation Certificate (whichever comes first), to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, an Occupation Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: Nil (to be confirmed at application)

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. Section 7.11 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current

version/edition of the relevant Section 7.11 Plan current at the time of the payment.

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.

(a) Tweed Road Contribution Plan:

15.3863 Trips @ \$2202 per Trips \$20,328.60

(\$1,807 base rate + \$395 indexation)

(\$13,552.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector10_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

1.4743 ET @ \$2252.11 per ET \$3,320.29

(\$1,759.90 base rate + \$492.21 indexation)

CP Plan No. 18

[PCC0215]

13. The roads, parking areas, footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

14. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.B2 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

[PCC1105]

15. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

16. An application shall be lodged together with any prescribed fees including inspection fees and

approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

17. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

18. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

19. Prior to the issue of a construction certificate the applicant shall obtain approval from Council's General Manager or delegate to install an on-site sewage management system.

[PCCNS01]

20. Application for a water meter (if applicable) shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements. Individual metering beyond this point shall be managed by occupants. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCCNS02]

21. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to issue of the first of any Construction Certificate. The detailed plan of landscaping shall be based on the Landscape Works Package - Stotts Creek Organics Processing Facility dated November 2011 prepared by Taylor Brammer Landscape Architects and shall reflect the following:
 - a. Comprise a proportion of 80% native species local to the Tweed Shire and suitable for the site; and
 - b. Include in the plant schedule the number of plants to be installed for each species and plant stock size.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

22. 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 Certifying Authority 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]

23. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved Management Plans or the like, shall be

installed/operated in accordance with those conditions or plans.

[PCW0015]

24. The erection of a building in accordance with a development consent must not be commenced until:
- (a) 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 an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) 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
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) 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]

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

[PCW0225]

26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

27. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, 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 certifying authority 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]

28. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

DURING CONSTRUCTION

29. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans including an approved construction management plan, approved trade waste agreement, approved construction certificate, drawings and specifications.

[DUR0005]

30. 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]

31. The provision of 3 off street car parking spaces including parking for the disabled where applicable in addition to 1 parking space for an articulated delivery vehicle. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

32. 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 Friday from 7.00am to 6.00pm

Saturday from 8.00am to 1.00pm

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]

33. 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]

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

[DUR0405]

35. 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 WorkCover NSW requirements

36. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

37. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

38. Any earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1, unless advised otherwise by an engaged Geotechnical Engineer.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches, including all trenches for services, shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

[DUR0795]

39. 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]

40. 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]

41. 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]

42. Appropriate arrangements to the satisfaction of Council's General Manager or delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

43. The site shall not be dewatered unless written approval to carry out dewatering operations is received from Council's General Manager or delegate.

[DUR2425]

44. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

45. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

46. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

47. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

48. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

49. Pre-treatment devices (if applicable) must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

50. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device (if applicable) has been installed, inspected and Council has

received a copy of the Waste Contractor's Service Agreement

[DUR2685]

51. The development shall be constructed in accordance with the recommendations of the Environmental Noise Assessment (TTM, 24 March 2020, Reference: 19GCA0068 R01_6), Odour Assessment (ERM, 19 March 2020, Project No.: 0515136 Version V5), approved management plans and to the satisfaction of NSW Environment Protection Authority.
52. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines".

The importation of waste to the site is restricted to the following:

- a. Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
- b. Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

The exportation of waste from the site must be transported to a licenced waste facility or an approved site subject to a resource recovery order and exemption.

Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

53. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

54. 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]

55. 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]

56. 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]

57. Prior to issue of an Occupation Certificate, all water sensitive design facilities are to be completed in accordance with the approved Stormwater Management Plan.

[POC0995]

58. Prior to the occupation of any building and prior to the issue of any occupation certificate a

final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

59. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

60. Prior to the issue of an occupation certificate, the applicant or licensee must prepare, implement, and maintain an Air Quality and Odour Management Plan in consultation with a suitably qualified Odour Control Specialist to the satisfaction of NSW Environment Protection Authority.
61. Prior to the issue of an occupation certificate, the applicant or licensee must prepare, implement, and maintain a Noise and Vibration Management Plan in consultation with a suitably qualified Acoustic Consultant to the satisfaction of NSW Environment Protection Authority.
62. Groundwater monitoring bores shall be installed to the satisfaction of NSW Environment Protection Authority.

[POCNS01]

63. All landscaping must be completed in accordance with the approved detailed plan of landscaping to the satisfaction of Council's General Manager or delegate prior to the issue of Occupation Certificate. Landscaping must be maintained at all times during the operational phase of the development.

[POCNS02]

USE

64. 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]

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

[USE0145]

66. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

67. All externally mounted 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 General Manager or his delegate 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]

68. Hours of operation of the business are restricted to the following hours:

- * 7.00am to 7.00pm - Mondays to Fridays
- * 8.00am to 4.00pm - Saturdays, Sundays, and Public Holidays
- * The use of the air management system outside of the above hours is permitted subject to noise not being audible in a habitable room of any

residential premises

- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

69. All externally mounted artificial lighting, including security lighting, is to be shielded so as to comply with AS4282, 2019, to the satisfaction of the General Manager or delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

70. Upon receipt of a noise complaint that Council deems to be reasonable, the operator is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

71. The development shall be carried out in accordance with the recommendations of the Environmental Noise Assessment (TTM, 24 March 2020, Reference: 19GCA0068 R01_6), Odour Assessment (ERM, 19 March 2020, Project No.: 0515136 Version V5), and approved management plans and to the satisfaction of NSW Environment Protection Authority.

[USE0305]

72. All plant and equipment installed or used in or on the premises:

- Must be maintained in a proper and efficient condition, and
- Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

73. No waste, except for the composted product and virgin excavated natural material, shall be stored outside the processing building. All wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan and to the satisfaction of NSW Environment Protection Authority.

[USE0875]

74. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.

[USE1035]

75. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

76. If a water meter is installed, a backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.

[USE1455]

77. The processing building doors must be closed at all times except for vehicle entry and exit. All material loading and unloading operations inside the processing building must be undertaken when doors are closed.

78. The processing building shall be maintained under negative pressure at all times to the satisfaction of NSW Environment Protection Authority.

[USENS01]

Compliance

79. Prior to the commencement of operations the applicant is to retain, at its expense, a suitably qualified and independent expert to undertake an audit of compliance with all applicable conditions of this consent, including those in the EPA's General Terms of Approval. The expert appointed is to be approved by Council's Director of Planning (or equivalent). The audit and accompanying report are to be completed within 21 days of commissioning and the report is to be published on Council's website. Should the compliance audit identify any non-compliances, the expert is to recommend suitable measures to address them and the applicant is to implement the recommended measures within a timeframe agreed between the applicant and the expert.
80. On the third anniversary of the commencement of operations, the applicant is to commission a suitably qualified independent expert to review compliance with all conditions of this consent and the performance of the facility over the three year time period. The expert appointed is to be approved by Council's Director of Planning (or equivalent). The review is to be based on the extent of compliance, monitoring records and complaints received. The review is to include any measures the expert believes are necessary to achieve compliance and/or satisfactory performance. All recommendations are to be addressed by the applicant within three months of the review's publication date or some other time period agreed between the reviewer and the applicant. The review report and applicant's response to recommendations are to be published on Council's website.

Protection of the Environment Operations Act 1997

General Terms of Approval

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 DA19/0803 submitted to Tweed Shire Council on 20 November 2019;
- the Environmental Impact Statement titled *Organics Processing Facility Stotts Creek Resource Recovery Centre 298 Bartletts Road, Stotts Creek dated 7 November 2019 version 1* and the attached appendices
- the following revised documents, responses to submissions and letter addressing EPA technical (air) comments;
- Noise Assessment *Environmental Noise Assessment Organics Processing Facility at 298 Bartletts Road, Stotts Creek NSW version 6 dated 24 March 2020 written by TTM*
- Odour Assessment *Stotts Creek Organics Processing Facility Odour Assessment version 5 dated 19 March 2020 written by ERM Australia Pacific Pty Ltd*
- Submissions response letter addressed to Tweed Shire Council from Soilco and dated 30 March 2020

- Response to comments raised in a teleconference between EPA Technical Air Specialists and Soilco on 29 April 2020 captured in letter addressed to Tweed Shire Council dated 01 May2020

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 Act1997 must be complied with in and in connection with the carrying out of the development.

L1.2 The leachate storage system must be designed, operated and maintained in a manner that ensures it can capture the leachate and runoff generated by any 1 in 10yr 24hr storm event without overflowing.

L2. Waste

L2.1 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 the column titled "Activity" in the table below.

Any waste received at the premises is subject to those 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	Other Limits
N/A	Food Waste	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Composting Waste storage	See conditions L2.3 and L2.5
N/A	Garden Waste	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Composting Waste storage	See conditions L2.3 and L2.5
N/A	Virgin excavated natural material	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Resource recovery Waste storage	See conditions L2.3 and L2.5

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 total amount of wastes received at the premises in any 12 month period must not exceed:

- For food waste and garden waste, a combined total of 25,000 tonnes.
- For virgin excavated natural material, a total of 10,000 tonnes.

L2.4 A maximum of 27,500 tonnes of soil conditioner can be manufactured and distributed from the premises in any 12 month period.

L2.5 The authorised amount of waste (for the purposes of waste levy liability)

permitted on the premises will be specified on the licence as determined by the Environment Protection Authority.

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.

Table L3.1 Noise limits at location of sensitive receivers

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
Bartletts Rd, Eviron (Lot 8, DP 564356)	40	38	35	52
157 Hawkens Lane, Eviron (Lot 2, DP 705781)	40	35	35	52
Bartletts Rd, Eviron (Lot 1, DP 1159352)	40	35	35	52
17 Cudgen Rd, Stotts Creek (Lot 10, DP1014723)	40	35	35	52

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

- 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.

L3.3 Noise-enhancing meteorological conditions

- 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 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 F with wind speeds up to and including 2m/s at 10m above ground level.

- 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:

- The meteorological conditions are to be determined from meteorological

data obtained from the meteorological weather station installed at the premises.

- 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).

L3.5 To assess compliance:

- a) with the LAeq(15 minutes) or the LMax noise limits in condition L3.1 and L3.3, 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 L3.1
- b) with the LAeq(15 minutes) or the LMax 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 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, unless inaudible at any residential premises.

Exceptions to construction hours

The following activities may be carried out outside the recommended construction hours:

- a) construction that causes LAeq(15minute) noise levels that are:
 - i) no more than 5dB above Rating Background Level at any residence in accordance with the

Interim Construction Noise Guideline (DECC, 2009); and

- ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

L3.10 The hours of construction specified in conditions L3.9 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.

Definition

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

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, re-processing, 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. Odour

O3.1. The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.

O3.2. No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

O3.3 All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.

O3.4 The premises must be maintained in a manner that prevents and minimises the emission of air pollutants from the premises.

O3.5 Maintain an odour complaint logbook. In the event of a complaint, conduct an immediate investigation of the odour sources, take appropriate action to eliminate any identified excessive odour, and document the outcomes of the investigation and the actions taken.

O3.6 The processing building doors must be closed at all times except for vehicle entry

and exit.

O3.7 The processing building must be designed, constructed and maintained with complete enclosure and operated under negative pressure at all times.

O3.8 All material loading and unloading operations inside the processing building must be undertaken when doors are closed.

O3.9 All operations undertaken inside the processing building (i.e. material handling, sorting, screening and composting tunnels operations) must be undertaken when doors are closed.

O3.10 The air drawn from the composting tunnels and the processing building must be connected to and treated by the biofilter.

O3.11 No waste, except for the composted product and virgin excavated natural material, is to be stored outside the processing building.

O3.12 Oversized compost and contaminated material extracted from the waste must be stored within the processing building under negative pressure and must be disposed of at a facility that can lawfully receive the waste.

O4. Air Quality and Odour Management Plan

O4.1 Prior to commencement of operations the licensee must prepare, implement and maintain, in consultation with an appropriately qualified Odour Control Specialist, an Air Quality and Odour Management Plan which describes measures to minimise odour impacts from the premises. The appropriately qualified Odour Control Specialist must be approved in writing by the EPA prior to preparing the Plan. The Plan must include, but not necessarily be limited to:

- a) objectives and targets
- b) key performance indicators
- c) identification of all point and diffuse sources of odour associated with the operation
- d) a detailed description of the odour mitigation methods and management, and maintenance practices, that will be used throughout the operation to ensure offensive odour impacts do not occur off-site. The detailed description of the biofilter is to include the design specifications.
- e) benchmarking of the management practices at the premises against industry best practice for minimising odour emissions, including the design of the biofilter
- f) location, frequency and duration of proposed monitoring to ensure effectiveness of the odour mitigation and management methods
- g) details of proposed contingency measures (in addition to house-keeping measures), should odour impacts occur
- h) a communications strategy for handling potential odour complaints that includes recording, investigating, reporting and actioning
- i) an odour complaints register to be reported to the EPA as required in the Annual Return. The register must document investigations undertaken to identify the cause(s) of odour and action(s) to rectify the complaints
- j) system and performance reviews for continuous improvement.

O4.2 Prior to commencement of operations, the licensee must provide the EPA with the Air Quality and Odour Management Plan.

O4.3 The facility must be designed, constructed, operated and maintained in a

manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures including the biofilter's design and any best practice or contingency measures identified in the Air Quality and Odour Management Plan.

O4.4 Within 12 months of the commencement of operations the licensee must engage a suitably qualified and experienced odour control specialist to report on the odour emission performance, and the control and management efficiency of all odour emission sources at the premises. The odour control specialist chosen must be approved by the EPA in writing before commencing this work. The licensee must provide the EPA with a copy of this post commissioning study report. The report must include, but is not limited to:

- a) The results of post commissioning testing (odour and parameters) undertaken in accordance with the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales to demonstrate the odour control performance of all odour mitigation and management measures. This is to include, but not be limited to, testing to demonstrate the biofilter is achieving the control efficiency stated in the manufacturer's design specifications;
- b) Proposed odour management performance parameters that are consistent with the manufacturers' design specification provided for the biofilter. This is to include, the proposed on-going monitoring of the biofilter performance parameters to ensure compliance with the manufacture's design specification at all times;
- c) If applicable, any additional management works and/or management practices to ensure that odour emissions are minimised as far as is practicable; and
- d) Analysis of any odour complaints received.

O5. Dust

O5.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O5.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O6. Stormwater and sediment control - Construction Phase

O6.1 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).

O7. Stormwater management - Operation Phase

O7.1 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).

O8. Leachate Management

O8.1 The licensee must install and have operational on all leachate transfer pipes and storage tanks a leak detection system.

O9. Noise - Hours of Operation

O9.1 All work at the premises must only be conducted between 7am and 7pm Monday to Friday and between 8am and 4pm Saturdays, Sundays and public holidays.

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:

- 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 Meteorological Monitoring Station

M2.1 The meteorological weather station must be maintained to be capable of continuously monitoring the parameters specified in condition M2.2.

M2.2 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.

Table

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air Temperature at 2 metres	°C	Continuous	1 hour	AM-4
Air temperature at 10 metres	°C	Continuous	1 hour	AM-4
Wind direction at 10 metres	°C	Continuous	15 minute	AM-2 & AM-4
Wind speed at 10 metres	m/s (metres per second)	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°C	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

Total solar radiation	Watts per square metre	Continuous	15 minute	AM-2 & AM-4
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Note 1 - Any other method approved in writing by the EPA

Note 2 - The weather monitoring instrumentation installed and operated at the site must have a stall speed or lower limit of measure for measuring wind speed less than 0.2m/s.

M2.3 The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to EPA upon request.

M3. Groundwater Monitoring

M3.1 Prior to the commencement of operations the licensee must install a groundwater monitoring bore located at site SS-BH09 identified in Plan C36 in Appendix B of the EIS.

M3.2 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Point 1 - Groundwater Monitoring Bore Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (as calcium carbonate)	mg/L	Every 6 months	Representative sample
Ammonia	mg/L	Every 6 months	Representative sample
Biochemical oxygen demand	mg/L	Every 6 months	Representative sample
Calcium	mg/L	Every 6 months	Representative sample
Chloride	mg/L	Every 6 months	Representative sample
Nitrate	mg/L	Every 6 months	Representative sample
pH	mg/L	Every 6 months	Probe
Potassium	mg/L	Every 6 months	Representative sample
Sodium	mg/L	Every 6 months	Representative sample
Sulfate	mg/L	Every 6 months	Representative sample

M4 Requirement to Monitor Noise

M4.1 Attended noise monitoring must be undertaken at the locations identified in condition L3.1 and in accordance with Condition L3.5 and must:

- occur 6 months after the issue of the occupation certificate; and
- every 6 months thereafter for a period of 2 years from the commencement of operations.

M4.2 Attended noise monitoring in condition M4.1 must 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

- c) 1 hour during the night.
- d) Occur for three consecutive operating days.

M4.3 The licensee, following the receipt of a noise complaint and if requested by the EPA, must undertake noise monitoring as required in writing by the EPA.

M5 Recording of pollution complaints

M5.1 The results of any monitoring required to be conducted by this licence must be recorded and retained as set out in this condition.

M5.2 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.

M5.3 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.

M5.4 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.5 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 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.

M6.2 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.

M6.3 This condition does not apply until 3 months after this condition takes effect.

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:

- a) Statement of Compliance;
- b) Monitoring and Complaints Summary,
- c) Statement of Compliance - Licence Conditions
- d) Statement of Compliance - Requirement to prepare and test Pollution Incident Response Management Plan
- e) Statement of Compliance - Requirement to publish Pollution Monitoring Data; and

- f) Statement of Compliance - Environmental Management Systems and Practices.

At 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.

R1.2 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.

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 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 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.

R1.8 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.

R2. Notification of environmental harm

R2.1 Notifications must be made by telephoning the EPA’s Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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

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; 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.

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.

R3.5 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of each monitoring event required by condition M4.1. The noise compliance assessment report must be prepared by a suitably qualified and competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1 and L3.3.

General Conditions

G1 Copy of licence kept at the premises

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.