

# General Terms of Approval - Issued

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Notice No: 1593894

Ms Gail Connolly  
General Manager  
Georges River Council  
PO Box 205, Hurstville BC, NSW, 1481

Attention: Larissa Ozog

Notice Number      1593894  
Date                    04-Nov-2020

**Re: DA2020/0017 - Kingsgrove Resource Recovery Facility - 2F The Crescent, Kingsgrove**

## **Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application and accompanying information provided by W & J Property Investments Pty Ltd (**the Applicant**) for the construction and operation of a resource recovery facility (**the Proposal**) at 2F The Crescent, Kingsgrove (**the Premises**) received by the Environment Protection Authority (**EPA**) on 4 February 2020.

After several requests for more information and liaison with the Applicant, the EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence. The general terms of approval for this proposal are provided in **Attachment A**. If Georges River Council (**Council**) grants development consent for this proposal these conditions should be incorporated into the consent. **Attachment B** includes mandatory conditions for all EPA licences.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

### **Environment protection licence (EPL) requirements**

It should also be noted by the Applicant that there are several requirements for holders of environment protection licenses, including a limit on the maximum amount of waste permitted onsite at any one time, monthly recording and reporting, and provision of a financial assurance. The EPA will discuss these matters further with the Applicant at the licensing stage.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'CFE', with a large, looping flourish extending to the right.

**Celeste Forestal**  
**Unit Head**  
**Metropolitan North - Sydney**  
(by Delegation)

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## Attachment A - General Terms Of Approval

### Information supplied to the EPA

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 DA2020/0017 submitted to Georges River Council on 20 January 2020;
  - any environmental impact statement relating to the development (*Environmental Impact Statement - Kingsgrove resource recovery facility - 2F The Crescent Kingsgrove NSW 2208*, Prepared by EMM for W & J Lee Property Investments Pty Ltd on January 2020); and
  - all additional documents supplied to the EPA in relation to the development, including (but not limited to):
    - *Soil & Water Report - W & J Lee Property Investments - 2F The Crescent, Kingsgrove*, Prepared by Barker Ryan Stewart Pty Ltd in April 2020.
    - *Proposed Floor Plan*, Prepared by Robert Lee Architects Pty Ltd, Revised on 03 July 2020 (DRG No. DA-03D - RevD).
    - *Re DA2020/0017 - 2f The Crescent Kingsgrove - EPA request for additional information* Letter response to EPA request for additional information Prepared by EMM on 6 May 2020 (J190122 / RP#3 / v1).
    - *Re: DA2020/0017 - The Crescent Kingsgrove - EPA request for additional information* Letter response to EPA request for additional information Prepared by EMM on 28 July 2020 (J190122 / RP#4 / v1).
    - *Re: Proposed resource recovery facility, The Crescent, Kingsgrove - Responses to EPA matters* Letter response to EPA request for additional information Prepared by EMM on 13 October 2020 (J190122 / RP#EPA3 / v1).
    - *Material Handling Process* (provided on 6 May 2020) for:
      - Plasterboard,
      - Green Waste and Timber (revised 28 July 2020),
      - Brick and Concrete,
      - Paper and Cardboard,
      - Ferrous and Non-Ferrous metals,
      - ENM and Recovered Fines inc Orders, and
      - Rigid Plastics.
    - *Noise Impact Assessment - Proposed Resource Recovery Facility - 2F The Crescent Kingsgrove, NSW* Prepared by Spectrum Acoustics on October 2020 (Document No: 161305-6824-R6).
    - *Air quality impact assessment - Kingsgrove resource recovery facility - 2F The Crescent Kingsgrove NSW 2208* Prepared by EMM on 5 December 2019 (J190122 / RP4 / v1).
    - *Dust Management Plan - Resource recovery facility - 2F The Crescent, Kingsgrove* Prepared by EMM on 16 January 2020 (J190122 / RP1 / v1).

### Fit and Proper Person

2. 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 section 83 of that Act.

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## Limit conditions

### Pollution of waters

3. 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.

### Waste

4. 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 limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.
5. The types of waste permitted to be received at the Premises include:

Code	Waste	Description	Activity	Other Limits
NA	Building and demolition waste	As defined in the POEO Act, as in force from time to time.	Resource recovery Waste Storage	
NA	Garden waste	As defined in the POEO Act, as in force from time to time.	Resource recovery Waste Storage	Garden waste may only be stored in one 15 m <sup>3</sup> skip bin at the premises.
NA	Virgin excavated natural material	As defined in the POEO Act, as in force from time to time.	Resource recovery Waste Storage	
NA	Wood waste	As defined in the POEO Act, as in force from time to time.	Resource recovery Waste Storage	

6. The amount of waste received at the Premises cannot exceed 35,000 tonnes in any 12 month period.
7. Putrescible waste must not be received or processed at the Premises.

### Hours of operation

8. The premises operating hours for processing are limited to:
- 8.a) Manual separation and storage of segregated materials and cleaning and clearing floor within the processing shed - 6.00am to 7.00am Monday to Saturday
  - 8.b) All permitted processing activities - 7.00am to 5.30pm Monday to Saturday
  - 8.c) No operations on Sundays and Public Holidays
9. Only the following activities at the premises may be conducted between the hours of 5.30pm and 7.00am on any day.
- Truck ingress and egress.

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- Staff passenger vehicle ingress and egress.
- Operation of the weigh bridge and inspection point.
- Tipping of inbound material from skip/truck inside the processing shed with the door shut.
- Operation of one excavator and one wheel loader inside the processing shed with the door shut.
- Reloading of rejected material inside the processing shed with the door shut.
- Storage and handling of skip bins inside the processing shed with the door shut.
- Operation of essential systems for safety such as ventilation, fogging, lighting, within the processing shed.

## Noise

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

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
Residential receivers in Beverly Hills (Postcode 2209)	48	47	43	52
Residential receivers in Kingsgrove (Postcode 2208)	48	46	43	52

11. For the purposes of condition 10:

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

12. Noise-enhancing meteorological conditions

- 12.a) The noise limits set out in condition 10 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

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- 12.b) For those meteorological conditions not referred to in condition 12.a), the noise limits that apply are the noise limits in condition 10 plus 5dB.

13. For the purposes of condition 12:

- 13.a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Canterbury Racecourse (Station ID:066194)
- 13.b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

13.b)i) Use of sigma-theta data (section D1.4).

14. To assess compliance:

- a) with the LAeq(15 minutes) or the L<sub>A</sub>max noise limits in condition 10 and 12, 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 10
- b) with the LAeq(15 minutes) or the L<sub>A</sub>max noise limits in condition 10 and 12, 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 14. a).

15. A non-compliance of conditions 10 and 12 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 14 (a) or 14 (b).

**NOTE to 14 and 15:** 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.

16. 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) should be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

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

## Operating conditions

### Odour

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*Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.*

## **Dust**

18. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises emission of air pollutants from the premises.
19. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.
20. All onsite roads and car parking areas must be sealed with concrete or asphalt.
21. All material unloading, storage, shredding, screening and loading must be undertaken within an enclosed building.
22. The sorting shed is to be fitted with an internal water fogging system control.
23. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during material inspection, loading and unloading.
24. Idling of trucks must be minimised where possible.
25. All plant and equipment (including excavators, forklifts, shredder, trommel) must be maintained in accordance with manufacturer requirements to minimise malfunction that could result in abnormal air quality emissions.
26. Water sprinklers and/or misting sprays in the enclosed building must be utilised at all times when plant is operational.
27. An air quality management plan must be implemented prior to the commencement of any dust generating activities associated with the proposed facility. The air quality management plan must include, but not be limited to:
  - *Site specific benchmarking of emission controls with best management practice;*
  - *Key performance indicator(s);*
  - *Monitoring method(s);*
  - *Location, frequency and duration of monitoring;*
  - *Record keeping;*
  - *Response mechanisms; and*
  - *Compliance reporting.*

28. The licensee must ensure that no material including sediment is tracked from the Premises.

## **Processes and Management**

29. Waste must be handled as described in the relevant Material Handling Processes provided in Appendix E of the Letter prepared by EMM dated 6 May 2020 (J190122 / RP#3 / v1) and as an Attachment of the Letter prepared by EMM dated 28 July 2020 (J190122 / RP#4 / v1).
30. The doors to the sorting shed must be kept closed during unloading, sorting, processing and stockpiling of waste.
31. The doors to the sorting shed must only be kept open when trucks are permitted to enter to unload or collect material from the sorting shed.
32. All sorted waste (other than soil) must be stored in skip bins 1.6 m high within the sorting shed.
33. All waste is to be stored in the sorting shed as presented on the Revised Floor Plan provided (dated 03 July 2020, Reference: "Proposed Floor Plan" DA-03D RevD).

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34. Unsorted incoming material must not make contact with any sorted or processed material in the sorting shed.

## **Water**

35. The On Site Detention (OSD) tank should be sized consistent with the practices and principles of relevant best practice guidelines (e.g. Managing Urban Stormwater: Soils and Construction - Volume 2B Waste Landfills (DECC 2008)) and commensurate with any potential risk to receiving waters.

36. If the applicant intends to discharge from site during construction and/or operation they will need to apply for a licensed discharge point and provide supporting information consistent with Section 45 of the Protection of the Environment Operations Act 1997 to inform a licensing decision.

37. Captured water from the sorting shed collection pit must be disposed of by an authorised contractor to a facility that can lawfully accept that type of waste.

## **Monitoring and recording conditions**

### **Monitoring records**

38. 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 must be recorded and retained as set out in conditions 39 and 40.

39. 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.

40. The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

### **Requirement to Monitor Noise**

41. Attended noise commissioning monitoring must be undertaken in accordance with Condition 14 and must:

41.a) occur within 6 months of the premises opening;

41.b) occur at a time when the premises is operating in a manner representative of its approved operations.

41.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.

41.d) occur for two consecutive operating days.



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## Reporting conditions

*Note: Mandatory condition to be used on all general terms of approvals*

42. The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.
43. A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the noise commissioning monitoring. The assessment must be prepared by a competent person and include:
  - 43.a) an assessment of compliance with noise limits presented in Condition 10 and 12; and
  - 43.b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition 10 and 12.

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## Attachment B - Mandatory Conditions for all EPA licences

### Operating Conditions

#### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner

This includes:

- a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

#### Maintenance of plant and equipment

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

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### Monitoring and recording conditions

#### Recording of pollution complaints

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

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;

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

- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

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

#### Telephone complaints line

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

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

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

### Reporting conditions

#### Annual Return documents

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## What documents must an Annual Return contain?

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

1. a statement of compliance, and
2. a monitoring and complaints summary,

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

## Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

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

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

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

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

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

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

## Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by 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').

## Notification where actual load can not be calculated

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

## Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

## Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or

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

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

## Notification of environmental harm

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

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

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

## Written report

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

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

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

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

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

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- 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.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## General conditions

### Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

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

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The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.