

RECOMMENDED CONDITIONS

APPLICATION 2019/143 PROPOSED NON-PUTRESCIBLE WASTE DISPOSAL FACILITY (LANDFILL) – TUMBLONG RESERVE ROAD, TUMBLONG LOT 7004 DP1028797, LOT 7300 DP1149008, LOT 10 DP1210362 AND PART CROWN ROAD BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, and decommissioning of the development.
2. All and any existing consents that currently apply to the land shall be surrendered to Cootamundra-Gundagai Regional Council prior to the commencement of operations included in this consent.
3. The development shall comply with Section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided in an EPL.
4. The local community, and in particular the owners of nearby residences, shall be kept informed of the progress of the construction phase of the Project. This shall include notifications of traffic disruptions and controls, disruption to access to the site and private property, and work required outside of the nominated work hours. To this end the applicant shall establish and maintain a local community liaison committee which shall consist of representatives of the landfilling operator, Cootamundra-Gundagai Regional Council, representatives from residents of the dwellings noted as R1 – R5 in the Environmental Impact Statement and supporting studies submitted with the application and representatives from adjoining landholders.
5. The Local Community Liaison Committee shall be established within one (1) month of the commencement of landfill operations on site.
6. The first meeting of the Local Community Liaison Committee shall be held within six (6) weeks of the commencement of landfill operations on site.
7. A charter of operations of the Local Community Liaison Committee shall be negotiated at the first meeting and submitted to Cootamundra-Gundagai Regional Council.
8. The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

Note: No works shall commence on Crown land until such time as the land tenure is finalised.

9. The Applicant shall carry out the development in accordance with the plans and supporting documentation recommendations and specifications submitted in support of the application including the Environmental Impact Statement, Part A Rev 2 (dated November 2019) and prepared by Salvestro Planning and InSitu Advisory.

Note: Attachment A – General Terms of Approval – NSW Environment Protection Authority form part of this consent. The applicant must also adhere to the conditions contained in Attachment A.

LIMITS OF CONSENT

10. The Applicant shall not:
 - a. receive more than 60,000 tonnes per annum of non-putrescible material from the VISY Pulp and Paper Mill located at Tumut NSW; and
 - b. receive waste from any other site or source; and

- c. exceed total airspace capacity for waste disposal as stipulated by an EPL; and
- d. receive, store, handle or dispose of General Solid Waste or other classes of waste that are not authorised for receipt on site by an EPL.

HOURS OF OPERATION

Standard hours for construction

- 11. Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Friday, or between 7.00 am and 12.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

Standard hours for operation

- 12. Activities at the premises, other than construction work, may only be carried on between Monday to Friday 7.00am to 5.00pm, Saturdays 7.00am to 1.00pm and no operational activities are to occur on Sundays or Public Holidays.
- 13. This condition does not apply to the delivery of material outside the hours of operation if that delivery is one for which prior approval has been obtained from the NSW Police Force and prior notification given to the EPA, or in an emergency, to avoid the loss of lives or property or to prevent environmental harm
- 14. The hours of operation may be varied with written consent from both the local authority and the NSW EPA.

STRUCTURES ON SITE

- 15. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

- 16. The Applicant shall submit a detailed design plan of the buildings and a site plan, including internal access roads that clearly demonstrate the location of all proposed structures on site and the location of the weighbridge.

Note: This condition does not apply to any structures identified as exempt or complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

PRIOR TO WORKS COMMENCING ON SITE

- 17. The Applicant shall provide, and receive approval for, a site plan detailing the following prior to the commencement of any construction works onsite:
 - a. the location of all structures including the site office, staff amenities, carpark, weighbridge, and septic tank system,
 - b. internal access roads and traffic movement areas,
 - c. location of cover material stockpile.

REQUIRED MANAGEMENT PLANS

- 18. In accordance with the expert reports submitted with the application, and relevant agency guidelines the following plans shall be prepared and submitted to Council for endorsement:
 - Construction Quality Assurance Plan in accordance with E3 of Environment Protection Authority General Terms of Approval (Attachment A);
 - Construction Environmental Plan in accordance with Section 5 of Construction Environmental Plan for Proposed Landfill Development Bangus Gravel Pit Landfill (CQA), prepared by InSitu Advisory Pty Ltd, dated 22 October 2019;
 - Sediment Control Plan in accordance with O3.1 of Environment Protection Authority General Terms of Approval (Attachment A);
 - Stockpile Management Plan in accordance with condition 87;
 - Landfill Environmental Management Plan in accordance with Section 11.1 of Environmental

Impact Statement proposed Waste Disposal Facility (Landfill), Tumblong (MHE) prepared by Salvestro Planning dated November 2019 (Revision 2.0);

- Biodiversity Management Plan in accordance with condition 34;
- Bushfire Emergency Management Plan in accordance with condition 54;
- Transport Management Plan in accordance with condition 49;
- Biosecurity Management Plan in accordance with condition 44;
- Preliminary Rehabilitation Plan in accordance with condition 72;
- Final Rehabilitation Plan in accordance with condition 73.

SECURITY FENCE

19. The Applicant shall install a permanent chain wire mesh security fence 1.8m high on the development site boundaries before the works begin and must be kept in place until after the completion of the works if the works:
- a. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b. could cause damage to adjoining lands by falling objects, or
 - c. involve the enclosure of a public place or part of a public place.
 - d. could cause the escape of litter from site

STORAGE

20. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

WASTE

21. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
22. Copies of receipts stating the following must be given to the principal certifying authority:
- a. the place to which waste materials were transported,
 - b. the name of the contractor transporting the materials,
 - c. the quantity of materials transported off-site and recycled or disposed of.
23. During construction all vehicles:
- a. entering or leaving the site must have their loads covered, and
 - b. before leaving the site, must be cleaned of dirt, sand, and other materials, to avoid tracking these materials onto public roads.
24. At the completion of the works, the work site must be left clear of waste and debris.
25. Provision must be made for temporary builders' toilet facilities on site prior to the commencement of excavation or other associated building works.
26. Prior to commencement of works, permanent toilet facilities must be provided in accordance with the provision of the BCA, AS1428 and requirements of SafeWork NSW and have an on-site effluent disposal system approved under the Local Government Act 1993 prior to the operation of the waste disposal facility.

SOIL, WATER AND LEACHATE

Stormwater Management

27. The Applicant shall:
- a. design and install the stormwater management and collection system, in accordance with the conceptual design in the EIS and applicable Australian Standards and to the satisfaction of the NSW EPA;
 - b. ensure that the system capacity has been designed in accordance with the Blue Book Volumes 1 and 2B;
 - c. divert existing clean surface water around operational areas of the site;

- d. direct all sediment laden water in overland flow away from the leachate management system; and
 - e. prevent cross-contamination of clean and sediment or leachate laden water.
28. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

Water

29. The Applicant shall prepare and submit to Council details of the water requirements for operational use and confirmation of water supply. This is to include water required for wheel washing, dust suppression, staff amenities and use, and static water supply for firefighting purposes. If stormwater from the sediment dam is to be used, a water balance is to be provided to ensure needs can be met.

Note: Leachate is not to be used for dust suppression outside of the active cell or for any purpose not specified in the EPL

Private Water Supply conditions

30. If the proposed development cannot be connected to a reticulated potable water supply, then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.
31. An appropriate Quality Assurance Program, in compliance with the NSW Health requirements, the Public Health Act 2010 and Regulation 2012 is to be provided to NSW Health. The Quality Assurance Program must be complied with.

Leachate

32. Revised Leachate modelling and design is to be provided to NSW EPA as required by GTA Condition E1.1. No construction is to commence on the Leachate Dam without compliance with the condition and approval by the NSW EPA.

Bunding

33. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin (Environment Protection Authority, 1997).

BIODIVERSITY

34. In accordance with the recommendations of the Biodiversity Development Assessment Report, prepared by Advitech Environmental, dated 6 November 2019 the applicant must prepare a Biodiversity Management plan. As a minimum it shall address, but not necessarily be limited to, the following:
- a. Delineate vegetation clearing limits, including the marking and protection of trees that are to be retained;
 - b. Develop protocols and management plans to control invasion and spread of pathogens and weeds;
 - c. Develop procedures for unexpected threatened species finds and fauna handling.
35. Prior to works commencing on site the applicant must contact an animal rescue agency or wildlife group or vet to ensure they are willing and available to be involved in fauna rescue and assist injured animals. All handling of fauna must be undertaken by a licenced wildlife carer or ecologist.
36. Limits of clearing, including where isolated trees are to be retained, are to be delineated using appropriate signage and barriers, identified on construction drawings, and identified during staff and contractor inductions.
37. Areas of vegetation to be retained are to be fenced off to prevent unintentional damage.

38. All woody debris are to be reused on site for habitat improvement and must not be mulched or chipped.
39. Woody debris must be lifted, not dragged, to an appropriate place outside of the construction footprint, in an adjacent area to enhance habitat. If long logs are to be cut to facilitate relocation, they must be cut away from hollow ends.
40. If unexpected threatened faunal or flora species are discovered work must cease immediately until they are reviewed and assessed by an ecologist.
41. Care must be taken by all vehicle operators to avoid potential collision with fauna, such as macropods, that traverse the site. A site speed limit of 40km/h is to be implemented and sign posted.
42. The proponent is to acquit liability of the required Biodiversity credits by making a payment to the Biodiversity Conservation Trust fund in an amount of \$32,166.74 in respect to flora and fauna as identified in the BAM Credit Summary and Payment Report prepared by Advitech Environmental , Assessment Id 00018119/BAAS19023/19/00018120, finalised 6/11/2019.

Landfill Gas

43. Should environmental monitoring at the site suggest that landfill gas emissions are near permissible levels, the Applicant shall assess and implement as necessary, in consultation with the NSW EPA, the inclusion of a landfill gas collection and treatment system.

BIOSECURITY

Pest, Vermin & Noxious Weed Management

44. The Applicant shall prepare a Biosecurity Management Plan which shall address, but not necessarily be limited to, the following:
 - a. implement suitable measures to manage pests, vermin and declared noxious weeds on site; and
 - b. inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity or economic loss to the surrounding area.
 - c. A Biosecurity Management Plan be prepared in accordance with the DPI requirements contained in their Attachment 1: SEARS Recommendations ref OUT 19/3517 Dated 18/03/2019 and to their satisfaction.

Windblown litter

45. The applicant must have in place procedures and measures to minimise the tracking of waste from the site and windblown litter.
46. Windblown litter patrols shall not enter adjoining properties without the permission of the landowner.

TRAFFIC & ACCESS

47. Access to the landfill site via the intersection of the Hume Highway and Old Hume Highway is restricted to general access vehicles only. The transportation of materials/goods to or from the landfill site is restricted to general access vehicles.
48. The Applicant shall keep accurate records of the amount of material imported to and exported from the site and associated traffic movement numbers to and from of the subject site (on a monthly basis). These records shall be made available on the operator's website at the end of each calendar year or at the request of either of the Council or Transport for NSW.
49. The required Transport Management Plan shall be prepared in consultation with Council and

Transport for NSW for the development and haulage of material. This plan shall focus on the management of traffic generated by the development, the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. As a minimum it shall address, but not necessarily be limited to, the following:

- a. all heavy vehicles and/or with dog trailers are not to exceed 19metres in length,
- b. measures to ensure heavy vehicles adhere to the designated haulage route,
- c. measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently high frequency (campaign) trucking schedule,
- d. plans to address poor visibility due to adverse weather e.g. heavy rain periods, fog etc at the intersection of the Old Hume Highway with the Hume Highway,
- e. contingency plans to address disruptions to haulage or closure of the haulage route,
- f. measures to ensure that all loaded vehicles leaving the site are covered, and are cleaned of materials that may fall onto public roads,
- g. details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry,
- h. measures to be employed to limit disruption to other motorists, emergency vehicles and school bus timetables,
- i. a Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code,
- j. measures to minimise the impact of concurrence use of the site for gravel extraction and landfill operations, including (but not limited to):
 - procedures and contacts for Council to provide 48 hours notice to the landfill operator, confirming days and times when gravel is proposed to be extracted;
 - means of communication between landfill and gravel extraction vehicles (either by radio or in person) is to occur to avoid overlap on site;
 - measures to ensure clear segregation of vehicles (landfill and gravel extraction) on site is required at all times to minimise impacts inside the site boundary;
 - procedures and contact to assist Council to optimise gravel extraction from the site on days when landfilling operations are not occurring.
- k. the management of worker fatigue during trips to and from the site,
- l. appropriate vehicle maintenance and safety, and
- m. procedures to provide for training and compliance with and enforcement of the plan.

50. Works associated with the development shall be borne solely by the applicant and at no cost to Transport for NSW, Council or any other agency or external body.

51. Prior to the commencement of operations, the Applicant must complete road upgrade works, including:

- a. Tumblong Reserve Road to be sealed from the intersection of the Old Hume Highway to a point 20 metres past the existing access road located on the northern side of the existing quarry;
- b. Tumblong Reserve Road is to be dedicated as a public road in the name of Cootamundra Gundagai Regional Council;
- c. All internal roads on all sites are to be sealed;
- d. Construction of a vehicular access point off the Tumblong Reserve Road to both Lot 7004 DP 1028797 and Lot 10 DP 1210362 to the requirements of Council;
- e. The access points must be completed before the occupation certificate for the work on the site is obtained.

Note: Any works on Crown Roads or through Crown Land will require separate consent from Crown Lands. Any costs associated with obtaining consent, dedication or the construction for road works shall be borne solely by the applicant.

52. Any Crown Road Reserves that traverse the development and are relied upon for the operation of the development are to be purchased and closed at no cost to Council or the Crown.

53. The Applicant shall ensure that:
- internal roads, driveways and parking associated with the development are constructed and maintained in accordance with the latest versions of AS 2890.1 and AS 2890.2;
 - the swept path of the longest vehicle (19m max.) entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS Guide to Road Design;
 - all vehicles are wholly contained on site before being required to stop;
 - all loading and unloading of materials is carried out on site;
 - all trucks entering or leaving the site with loads have their loads covered; and
 - all vehicles leaving the site are cleaned of dirt, sand, and other materials before they leave the site.

HAZARD & RISK

Fire

54. The required Bushfire Management Plan is to be prepared in consultation with the NSW Rural Fire Service to mitigate residual risks of fire within the landfill facility and fires impacting upon the facility. The bushfire management plan is to include information on and procedures for:
- Vegetation management;
 - Removal of natural fire hazards, including storm debris and fallen tree limbs from the site;
 - Appropriate storage of flammable materials;
 - On-site firefighting resources such as fire extinguishers, fire blankets, hydrants and/or boosters, static water sources, portable pumps, hoses and nozzles;
 - Providing adequate access for firefighting appliances (e.g. RFS Category 1 Tanker) to and within the facility, including the boundary of the facility for property protection;
 - Staff training in extinguishing small fires, where safe to do so;
 - Staff training in emergency procedures and appropriate emergency meeting point(s);
 - Notification to the Rural Fire Service of any activities that include the lighting of fires;
 - Notification of any incidents involving fire to the Rural Fire Service as well as the Environment Protection Authority, in accordance with the facility's EPL and Pollution Incident Response Management Plan.

Bushfire Control Requirements

55. An inner protection area (paved or mown) of 3 metres shall be maintained around the office building.
56. A dedicated firefighting water cart shall be provided on site at all times. The capacity of the cart is to be greater than 2,500 litres. The cart is to be provided with a rubber hose reel of at least 30 metres in length and a cab controlled water monitor located on the front bumper bar, cab roof of tank.
57. A dedicated fire service water tank of at least 10,000 litres is to be provided on site. The tank is to be non-combustible, be fitted with a 65mm Storz coupling and be located in such a manner to provide unimpeded access by the attending fire service vehicles.
58. All structures on site are to be non-combustible.
59. All structures are to be located on the southern boundary of the Crown road to allow for a 10m asset protection zone.
60. The office and amenities building shall be located on a concrete slab and provided with metal mesh screens to all openable doors, windows and vents.
61. The temporary stockpile area is not to be used to store any combustible material at any time.
62. Clear access across the landfill site shall be maintained for access for heavy fire fighting vehicles.

Dust

63. The premises shall be maintained in a condition which minimises or prevents the emission of dust from the premises.

64. The Applicant shall implement an ongoing hydroseeding program for the stockpile area which shall include maintenance of cover during progressive removal of the gravel material.
65. The Applicant shall:
 - a. implement best management practice, including all reasonable and feasible dust and odour mitigation measures to prevent and minimise dust emissions from operations;
 - b. prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
 - c. regularly assess air quality monitoring data and relocate, modify, and/or stop operations to ensure compliance with the relevant conditions of this consent and conditions of an EPL
 - d. minimise surface disturbance of the site, other than as permitted under this consent.
 - e. all loaded vehicles entering or leaving the site have their loads covered; and
 - f. all loaded vehicles leaving the site must exit via a wheel wash or alternative approved in writing by the NSW EPA.

SIGNAGE

66. The Applicant shall install all necessary signs in consultation with Council.
Note: This condition does not apply to any signage identified as exempt or complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

HERITAGE

67. The development shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until approval in writing from the NSW Police and/or the OEH has been obtained.
68. Should the parameters of the proposed work extend beyond that assessed in the OzArk Environment & Heritage Aboriginal Archaeological Impact Assessment dated October 2019, further archaeological assessment should be undertaken in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide OEH, 2011) and the *Code of Practice for Investigation of Aboriginal Objects in NSW* (Code of Practise, DECCW, 2010)
69. All staff involve in the landfill activities must be made aware of the legislative protection of Aboriginal objects under the National Parks and Wildlife Act, 1974 and the contents of the Unanticipated Finds Protocol.
70. In the event of skeletal remains being identified during works, the Unanticipated Skeletal Remains Protocol shall be followed.
71. All staff involved with the landfill activities must undergo cultural heritage induction to ensure they recognise Aboriginal artefacts.

REHABILITATION OF THE SITE

72. Within twelve (12) months of the commencement of landfilling activities, the Applicant shall submit to Council and the NSW EPA for approval a conceptual Rehabilitation Plan which includes:
 - a. conceptual drawings of the final landform;
 - b. proposed final use of the land
 - c. artistic impressions of the final landform, including photomontages where applicable;
 - d. landscaping plan and details, including species, height at planting, height at maturity, timeframe to maturity, location and maintenance regime;
 - e. indication of topsoil source;
 - f. contingencies for early closure and/or suspension of filling activities;
73. Twelve months prior to the proposed cessation of landfilling activities, the Applicant shall submit to Council and the NSW EPA for approval a Rehabilitation Plan which includes:

- a. final landform including contours;
- b. depth and source of topsoil layer;
- c. test results for topsoil demonstrating that it is free from contaminants;
- d. seeding and proposed vegetation planting schedule nominating suitable plant species, maintenance and weed prevention strategies;
- e. soil and sedimentation controls during rehabilitation;
- f. closure plan as references in Environment Protection Authority General Terms of Approval (Attachment A) O7.2.

DEVELOPER CONTRIBUTIONS

74. Contribution shall be paid to Cootamundra Gundagai Regional Council in accordance with the adopted Contributions Plan for Development Generating Heavy Vehicle Usage of Local Roads Plan at the rate of \$1.74 per vehicle trip for incoming product.
75. Note: Calculated on ESA of 9.24×0.054 (\$ for Rural Collector Road) $\times 3.504$ (km).
76. Contribution shall be paid to Cootamundra Gundagai Regional Council in accordance with the adopted Contributions Plan for Development Generating Heavy Vehicle Usage of Local Roads Plan at the rate of \$1.13 per vehicle trip for outgoing product.
77. Note: Calculated on ESA of 6.0×0.054 (\$ for Rural Collector Road) $\times 3.504$ (km).
78. This amount shall be paid no less than 2 weeks after the end of each quarter and shall be accompanied by weighbridge dockets.
79. At the end of each final year the applicant shall make available to Council an audited return for product in and product out.
80. The applicant shall pay \$6,800 to Cootamundra Gundagai Regional Council, being 1% of the development cost in accordance with the Cootamundra Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018.

BIOSECURITY

81. The applicant shall provide evidence to Council that consultation with NSW Department of Primary Industries regarding the biosecurity issues that may arise for the proposed landfill operation. A copy of the requirements of that Department for the operation of the landfill shall be forwarded to Council and the requirements included in the Landfill Environmental Management Plan and the Biosecurity Management Plan.
82. The applicant shall provide details of the source of the material to be used for the lining of the landfill cells, leachate and sedimentation dams, where applicable, to demonstrate that it meets the permeability requirements.
83. The applicant shall provide details of the source of material to be used for the lining of the landfill cells, leachate and sedimentation dams, where applicable.
84. The applicant shall provide details of the amount and source of topsoil material imported to site for the final capping layer and rehabilitation of the landfill.
85. The applicant shall provide test results of imported topsoil and clay (where imported material is used) to demonstrate that it is free from contaminants and suitable for the intended use.
86. The volumes of imported fill shall be subject to the same contribution rates as that imposed for imported landfill material.

GRAVEL STOCKPILE MANAGEMENT PLAN

87. The applicant shall provide a management plan for the gravel stockpile which shall address, but not necessarily limited to, the following:

- a. location of the gravel material stockpile;
- b. ongoing seeding program of the stockpile including measures for progressive removal;
- c. measure to ensure that only 0.5ha of the stockpile is exposed to wind erosion at any one time;
- d. program for the progressive removal of the stockpile material.
- e. landscaping of the stockpile area shall be commenced within six months of commencement of the operations in accordance with a landscaping plan submitted to, and approved by, Council.

MANAGEMENT OF TOPSOIL STOCKPILES

88. The applicant is to ensure that any topsoil material is kept separate from any gravel resources and clearly protected from traffic during the operation of gravel extraction and landfilling operations.
89. The applicant shall ensure that the topsoil stockpiles are actively managed to minimise erosion, weed invasion and dust generation.

ATTACHMENT A – GENERAL TERMS OF APPROVAL – NSW ENVIRONMENT PROTECTION AUTHORITY 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 2019/143 submitted to Cootamundra Gundagai Regional Council dated 5 November 2019;
- The environmental impact statement titled '*Proposed Non-Putrescible Waste Disposal Facility (Landfill); Tumblong Road Reserve, Tumblong NSW 2729 Lot 7004, DP1028797 & Lot 7300 DP1149008 & Part Crown Road*' (November 2019) relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including a letter from InSitu Advisory Pty Ltd dated 16 December 2019, a letter from InSitu Advisory Pty Ltd dated 20 December 2019 and a letter from InSitu Advisory Pty Ltd dated 8 January 2020.

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 license under the *Protection of the Environment Operations Act 1997*, having regard to the matters in section 83 of that Act.

DISCHARGES TO AIR AND WATER AND APPLICATION TO LAND

P1. Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table are identified in the license for the purposes of the monitoring and/or setting of limits for discharges of pollutants to the air from the point.

Air

EPA Identification	Type of Monitoring Point	Type of Discharge Point	Location Description
9 - 13	Ambient air quality monitoring		Dust deposition gauge/s to be located at sites representative of nearest sensitive receptors - exact locations to be negotiated with the EPA

P1.2 The following points referred to in the table are identified in the license for the purposes of the monitoring and/or setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification	Type of Monitoring Point	Type of Discharge Point	Location Description
Points 1 - 6	Groundwater quality monitoring		Six piezometers - exact locations to be negotiated with the EPA
7	Leachate quality monitoring		Leachate storage dam - exact location to be negotiated with the EPA
8	Wet weather discharge waste quality monitoring	Wet weather discharge water quality monitoring	Overflow from sediment dam - exact location to be negotiated with the EPA

P1.3 The following points referred to in the table are identified in the license for the purposes of the monitoring and/or setting of limits for the emission on noise from the premise.

Noise

EPA Identification	Type of Monitoring Point	Type of Discharge Point	Location Description
14 - 18	Noise monitoring		Noise monitoring to be at sites representative of nearest sensitive receptors – exact locations to be negotiated with the EPA

LIMIT CONDITIONS

L1. Pollution of waters

L1.1 Except as may be expressly provided by a license under the *Protection of the Environment Operations Act 1997* in relation of the development section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. Concentration Limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.

Water and/or Land Concentration Limits

Point 8

Pollutant	Unit of Measure	100 percentile concentration limit
pH	pH	6.5-8.5
Total suspended solids	Milligrams per litre	50

L2.5 The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharged from the sediment basins provided that:

- a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 31.2 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- b) all practical measures have been implemented to dewater all sediment dams within 5 days of

rainfall such that they have sufficient capacity to store run off from a 31.2 millimetres, 5 day rainfall event.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside 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.

This condition does not limit any other conditions in this license.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , in force from time to time	Waste Disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 Tonnes per annum.

L3.2 Only paper machine rejects, dregs and grits, boiler sand/fly ash and recrystallisation plant residue that has come from the Visy Pulp and Paper Mill, located at Tumut NSW and meets the definition of General Solid (non-putrescible) Waste can be accepted at the premises.

L3.3 Waste disposal at the premises must cease 10 years from the date the first load of waste is received at the premises, unless otherwise approved in writing by the EPA.

L3.4 The volume of waste disposed at the premises must not exceed a total airspace capacity of 485,000 cubic metres (m³).

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)
	Day
	L _{Aeq} (15 minute)
108 Old Hume Highway, Tumblong (Lot 2, DP 1109265)	40
68 Tumblong Reserve Road, Tumblong (Lot 3, DP 702858)	40
419 Old Hume Highway, Tumblong (Lot 99, DP 757213)	40
346 Old Hume Highway, Tumblong (Lot 55, DP 757213)	40
335 Tumblong Reserve Road, Tumblong (Lot 2, DP 390691)	40

L4.2 For the purposes of condition L4.1:

a) Day means the period from 7am to 6pm Monday to Friday and 7am to 1pm Saturday.

L4.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3 metres per second (m/s) at 10 metres above ground level.

- b) For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

L4.4 For the purposes of condition L4.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Gundagai, NSW.
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
- i. Pasquill-Gifford stability classification scheme (section D1.3.1).

L4.5 To assess compliance:

- a) with the L_{Aeq} (15 minutes) noise limits in condition L4.1 and L4.3, 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 the premises; or where applicable,
 - (ii) in an area within 30 metres of a residence facade, 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 L4.1.
- b) with the L_{Aeq} (15 minutes) noise limits in condition L4.1 and L4.3, 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 L4.5 (a).

L4.6 A non-compliance of conditions L4.1 and L4.3 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 L4.5 (a) or L4.5 (b).

NOTE to L4.5 and L4.6: 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.

L4.7 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.

L4.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L5. Hours of Operation

L5.1 All construction work at the premises must only be conducted between Monday to Friday 7am to 5pm and Saturday 7am to 12 noon. No construction work is to occur on Sundays or Public Holidays.

L5.2 Activities at the premises, other than construction work, may only be carried on between Monday to Friday 7am to 5pm, Saturdays 7am to 1pm and no operational activities are to occur on Sundays or Public Holidays.

L5.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1 or L5.2, if that delivery is required by police or other authorities for safety reasons;

and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

- L5.4** The hours of operation specified in conditions L5.1 and L5.2 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.

L6. Extraction Limits

- L6.1** The total material extracted for the construction of Cell 1 must not exceed 28,240m³.

- L6.2** The total material extracted for the construction of Cell 2 must not exceed 127,000m³.

OPERATING CONDITIONS

O1. Odour

- O1.1** The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

O2. Dust

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

- O2.3** Drop heights when loading haul trucks must be minimised at all times.

- O2.4** All internal roads up to the edge of the site boundary must be sealed.

- O2.5** All internal haulage must be undertaken on sealed roads.

- O2.6** No more than 0.5 Hectares of the temporary stockpile is to be exposed to wind erosion at any one time.

- O2.7** Hydromulch and hydroseeding must be used on 80% of the temporary stockpile.

O3. Stormwater/sediment control - Construction Phase

- O3.1** 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)

O4. Stormwater/sediment control - Operation Phase

- O4.1** 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).

O5. Emergency Response

05.1 The proponent must have in place and implement procedures to minimise the risk of fire at the premises.

05.2 The proponent must extinguish fires at the premises as soon as possible.

06. Processes and Management

06.1 The proponent must take all practicable steps to control entry to the premises.

06.2 The proponent must install and maintain lockable security gates at all access and departure locations.

06.3 The proponent must ensure that all gates are locked when the landfill is unattended.

06.4 The proponent must install and maintain security fencing at a height of 1.8 metres to prevent unauthorised access and stock access to the active landfill cell, leachate dam and leachate transfer pond.

06.5 The perimeter of the areas where waste has been landfilled must be contoured to prevent stormwater running onto these surfaces from all storm events less than or equal to a 1 in 10-year 24-hour duration storm event.

06.6 The drainage from all areas at the premises which will liberate suspended solids when stormwater runs over these areas must be diverted into sediment controls that have been designed and maintained in accordance with the guideline Managing Urban Stormwater : Volume 1 and Volume 2 Waste Landfills.

06.7 The proponent must control pests, vermin and weeds at the premises.

06.8 The licensee must ensure that adequately trained staff are available at the premises in order to administer the requirements of this license.

06.9 The proponent must install and operate a wheel wash, or alternative approved in writing by the EPA, to clean the wheels of all vehicles exiting the premises.

07. Waste Management

07.1 Cover material must be applied in accordance with the following requirements unless otherwise approved by the EPA:

- a) daily Cover - cover material must be applied to a minimum depth of 15 centimetres over all exposed landfilled waste prior to ceasing operations at the end of the day.
- b) intermediate Cover- cover material must be applied to a depth of 30 centimetres over surfaces of the landfilled waste at the premises which are to be exposed for more than 90days.
- c) cover material stockpiled - at least two weeks cover material must be available at the premises under all weather conditions.

07.2 The proponent must prepare and submit to the EPA within 12 months prior to the last load of waste being landfilled at the premise a closure plan prepared in accordance with section 76 of the *Protection of the Environment Operations Act 1997*.

07.3 There must be no incineration or burning of waste at the premises.

07.4 The proponent must minimise the tracking of waste and mud by vehicles.

07.5 The proponent must have in place and implement procedures to identify and prevent the disposal of any waste not permitted by this license to be disposed of at the premises.

07.6 The active tip face must not exceed 600 square metres (m²) in area at any one time.

O8. Leachate Management

O8.1 Water which contacts waste, other than virgin excavated natural material, must be managed as leachate.

O8.2 Leachate must only be disposed of by:

- a) evaporation;
- b) irrigation within the active cell of the landfill; or
- c) disposal at a facility licensed to accept such waste.

O8.3 Irrigation of leachate within in active cell must only be undertaken:

- a) during dry weather; and
- b) such that ponding or run off within the active cell does not occur and if the active tipping face is enclosed by a 300mm high earthen bund.

O8.4 Use of leachate as a dust suppressant outside of the active cell is prohibited.

O9. Other operating conditions

O9.1 Blasting at the premises is prohibited.

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 license 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 license must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- 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. Requirement to monitor concentration of pollutants discharged

M2.1 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:

Air

Point 9-13 – Ambient air quality monitoring

Pollutant	Unit of measure	Frequency	Sampling Method
Particulates – Deposited matter	Grams per square metre of matter	Once a month (minimum of 4 weeks)	AM-19

Water and Land

Point 1 – 6 Groundwater Quality Monitoring

Pollutant	Unit of measure	Frequency	Sampling Method
Alkalinity (as	Milligrams per litre	Quarterly	Grab sample

Calcium carbonate)			
Calcium	Milligrams per litre	Quarterly	Grab sample
Chloride	Milligrams per litre	Quarterly	Grab sample
Conductivity	Milli-siemens per centimeter	Quarterly	Grab sample
Nitrate + Nitrite (oxidized nitrogen)	Milligrams per litre	Quarterly	Grab sample
Nitrogen (ammonia)	Milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample
Potassium	Milligrams per litre	Quarterly	Grab sample
Sodium	Milligrams per litre	Quarterly	Grab sample
Standing water level	Metres	Quarterly	In situ
Sulphate	Milligrams per litre	Quarterly	Grab sample
Total dissolved solids	Milligrams per litre	Quarterly	Grab sample
Total organic carbon	Milligrams per litre	Quarterly	Grab sample
Total Phenolics	Milligrams per litre	Quarterly	Grab sample

Point 7 Leachate Quality Monitoring

Pollutant	Unit of measure	Frequency	Sampling Method
Alkalinity (as Calcium carbonate)	Milligrams per litre	Every 6 months	Grab sample
Calcium	Milligrams per litre	Every 6 months	Grab sample
Chloride	Milligrams per litre	Every 6 months	Grab sample
Conductivity	Milli-siemens per centimeter	Every 6 months	Grab sample
Fluoride	Milligrams per litre	Yearly	Grab sample
Lead	Milligrams per litre	Yearly	Grab sample
Magnesium	Milligrams per litre	Every 6 months	Grab sample
Manganese	Milligrams per litre	Yearly	Grab sample
Nitrate + Nitrite (oxidized nitrogen)	Milligrams per litre	Every 6 months	Grab sample
Nitrogen (ammonia)	Milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Grab sample
Potassium	Milligrams per litre	Every 6 months	Grab sample
Sodium	Milligrams per litre	Every 6 months	Grab sample
Sulphate	Milligrams per litre	Every 6 months	Grab sample
Total dissolved solids	Milligrams per litre	Quarterly	Grab sample
Total organic carbon	Milligrams per litre	Quarterly	Grab sample
Total Phenolics	Milligrams per litre	Quarterly	Grab sample

Point 8 Discharge from sedimentation pond

Pollutant	Unit of measure	Frequency	Sampling Method
pH	pH	Special Frequency 1	Representative sample
Total suspended solids	Milligrams per litre	Special Frequency 1	Representative sample

Note: For the purposes of this condition, 'Special Frequency 1' means as soon as practicable after overflow commences and in any case not more than 12 hours any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.3.

Note: The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the water quality is established.

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilization area required by condition M2.1 must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4. Noise Monitoring

M4.1 To assess compliance with the noise limits specified in condition L4.1, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below during a period of time representative of typical operating conditions and not undertaken during a shutdown period.

Point 14-18

Assessment Period	Minimum frequency in a reporting period	Minimum duration within an assessment period
Day	Special Frequency 2	15 minutes

Note: 'Special Frequency 2' means noise monitoring occurring at following times:

- (a) during construction activities – monthly (a minimum of 4 weeks);
- (b) during times when operational activities are only occurring – quarterly

REPORTING CONDITIONS

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any license 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 license conditions and provide a calculation of license 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.

R2. Other reporting conditions

R2.1 The proponent must complete and submit to the EPA an annual Waste Summary Report each financial year.

R2.2 The annual Waste Summary Report must be submitted to the EPA via the Waste and Resource Reporting Portal (WARRP) within 60 days of the end of the financial year.

R2.3 The proponent must submit to the EPA's Manager Regional Operations - Riverina Far West by email to riverina.farwest@epa.nsw.gov.au a quarterly summary of the total tonnage of waste received at the premises. The quarterly report must be submitted to the EPA within 14 days of the end of each quarter.

SPECIAL CONDITIONS

E1. Leachate Pond Assessment

E1.1 Prior to the commencement of the construction of the leachate ponds, the proponent must provide to the EPA for approval revised leachate modelling, determining the maximum cumulative volume consistent with the Environmental Guidelines, Solid Waste Landfills (EPA, 2016), to demonstrate that the leachate ponds will be appropriately sized to minimise spills. This must include justification for the assumed volume of leachate in the pond at the start of the model period.

E2. Stormwater Runoff Assessment

E2.1 Prior to the commencement of construction activities, the proponent must provide to the EPA for approval an assessment of the potential impact of stormwater discharges on the environmental values of the receiving waterways. This assessment should be consistent with the National Water Quality Guidelines and commensurate with the level of risk to the environment.

E3. Cell Design and Construction Quality Assurance Report

E3.1 The licensee must construct Cells 1 and 2 in accordance with the designs, specifications, methods and Construction Quality Assurance Plan contained in the Environmental Impact Statement titled *'Proposed Non-Putrescible Waste Disposal Facility (Landfill); Tumblong Road Reserve, Tumblong NSW 2729 Lot 7004, DP1028797 & Lot 7300 DP1149008 & Part Crown Road' (November 2019)* and report titled *'Proposed Landfill Development , Bangus Gravel Pit Landfill, Construction Quality Assurance (CQA) Plan Cell 1 & 2 Construction'* prepared by InSitu Advisory Pty Ltd and dated 22 October 2019. This includes a leachate barrier on the cell floor and walls comprising, from bottom to top:

- a) a 200 millimetre (mm) thick compacted sub-base
- b) a geosynthetic clayliner
- c) a 2 mm thick high-density polyethylene liner
- d) a protection geotextile
- e) a leachate collection layer comprising 300 mm of drainage gravel and collection pipework
- f) a separation geotextile.

E3.2 Following construction of each cell, the licensee must submit to the EPA's Manager Regional Operations - Riverina Far West by email to riverina.farwest@epa.nsw.gov.au for approval a Construction Quality Assurance (CQA) Report. The CQA Report must be produced by an independent and suitably qualified person and must contain:

- a) details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
- b) an account of any variations to the approved designs, methods and specifications; and
- c) an opinion by an appropriately qualified and experienced construction quality assurance practitioner that the works conform to the approved designs, methods, and specifications.

E3.3 Waste must not be placed in Cell 1 or Cell 2 until written approval is granted by the EPA.

E4. Final Capping

E4.1 The licensee must construct final capping on Cells 1 and 2 that includes the following capping layers, from bottom to top:

- a) a seal bearing surface 300 mm thick
- b) a sealing layer comprising a geosynthetic clay liner and a polyethylene geomembrane
- c) a protection geotextile
- d) a revegetation layer 1000 mm thick, including a 200 mm thick topsoil layer.

E4.2 At least 6 months prior to construction of final capping, the licensee must submit to the EPA for approval capping designs and a Construction Quality Assurance Plan. Construction must not commence until the EPA has approved these plans in writing.

E4.3 Following construction of final capping, the licensee must submit a Construction Quality Assurance Report containing:

- a) details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
- b) an account of any variations to the approved designs, methods and specifications; and

- c) an opinion by an appropriately qualified and experienced construction quality assurance practitioner that the works conform to the approved designs, methods, and specifications.

E5. Weighbridge Requirements

- E5.1** Prior to the acceptance of waste at the premises, the proponent must install a weighbridge that records the total tonnage of waste being disposed of at the premises.
- E5.2** The proponent must weigh and record all deliveries of waste being disposed of at the premises.

E6. Financial Assurance

- E6.1** A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as 'Authorised Deposit-taking Institutions' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA prior to construction or operation of the premises. The financial assurance must be in favour of the EPA in an amount to be determined by the EPA once a license application is received for the premises. The financial assurance is required to secure or guarantee funding for works or programs required by or under this license. The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person.
- E6.2** The financial assurance must include the following clause: "The Benefit of this guarantee is personal and not capable of assignment but claims by the Favouree may be paid at the Favouree's direction to other persons".
- E6.3** The licensee must provide to the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA).
- E6.4** The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.
- E6.5** The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the license which has not been undertaken by the license holder.
- E6.6** The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- E6.7** The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:
- (a) the financial assurance required by condition E1.1, and
 - (b) the adjusted financial assurance as required by condition E1.3, E1.5 and E1.6.

E7. Annual Environmental Monitoring Report

- E7.1** The licensee must supply to the EPA an Annual Environmental Monitoring Report concurrently with the submission of the Annual Return.
- The report is to supplement the Annual Return and must include but need not be limited to:
- a) Results of all monitoring data in graphical and tabulated format. This data is to include both historical monitoring data and data from the current reporting period.
 - b) An analysis and interpretation of monitoring results; and
 - c) Actions to correct identified adverse trends.

E8. Complaints Handling Procedure

- E8.1** The proponent must prepare a complaint handling procedure for implementation at the premises. The procedure must include details of proposed actions to be taken upon receipt of a complaint at the premises.

MANDATORY CONDITIONS FOR ALL EPA LICENSES

ADMINISTRATIVE CONDITIONS

Other activities

This license applies to all other activities carried on at the premises, including:

- Waste Disposal (application to land); and
- Extractive Activities

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:

- must be maintained in a proper and efficient condition; and
- 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 license 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 license.

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

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

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

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

- a) Statement of Compliance; and
- b) Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this license. 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

Where this license 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 license 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 license is granted and ending on the last day of the reporting period.

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

Where this license 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 license - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the license - the date from which notice revoking the license operates.

Deadline for Annual Return

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

Notification where actual load cannot be calculated

(Licenses with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

A person who has been given written approval to certify a Statement of Compliance under a license 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 license.

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

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 license applies), the authorised officer may request a written report of the event.

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

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

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

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 license kept at the premises or on the vehicle or mobile plant**

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

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

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