

## General Terms of Approval - Issued

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Notice No: 1513025

- 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
- 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;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; or 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.

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.

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## Telephone complaints line

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

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

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

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a Statement of Compliance; and
  - 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 this licence. Do not complete the Annual Return until after the end of the reporting period.*

- Where this licence is transferred from the licensee to a new licensee,
  - 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
  - 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 in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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### ***Reporting conditions***

R1.1 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.

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**O1.2** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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

## **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.

## **O3. Stormwater/sediment control - Construction Phase**

**O3.1** A Soil and Water Management Plan (SWMP) 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 SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

## **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. Asbestos contamination remediation**

**O5.1** The EPA recommends that the Department of Planning and Infrastructure (DPI) seeks clarification from NSW WorkCover regarding the use of an appropriately licensed contractor to excavate and handle soil contaminated with friable asbestos material. This recommendation is made in regards to the following statement in the RAP:

*"All remediation works (excavation, transport and containment of contaminated soil) will be conducted by an AS2 licensed contractor (Basset), under the supervision of an AS1 licensed contractor (Empire)".*

**O5.2** The EPA understands that the Proponent has engaged an Accredited Site Auditor to prepare a Site Audit Statement (SAS) at the completion of the remediation and validation works. However, the EPA notes that Dept of Planning did not request a SAS as a condition of consent under the Concept Approval granted on 8 December 2011. It is noted that investigations carried out at the site as part of the Environmental Assessment (EA), upon which Concept Approval was granted, did not identify the potential for contamination to be present at the site.

Based on the identification of asbestos contamination at the site following Concept Approval and the need to modify the existing approval, the EPA recommends that Dept of Planning includes a condition of consent requiring a SAS to be prepared by an EPA accredited Site Auditor certifying that the site is suitable for the proposed land use following the completion of the remediation. It is important that the Site Auditor has the opportunity to review and approve the RAP prior to implementation of the RAP.

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In assessing the proposal, the EPA has also identified a number of issues that DPI may wish to consider in its overall assessment of the application. These issues are discussed in the attachment A and include the following :

1. use of appropriate licensed contractors for the remediation work;
2. a Site Audit Statement (SAS) to be prepared by accredited Site Auditor (SA);
3. requirements on the preparation of Site Management Plan (SMP) and Health and Safety Plan (HASP);
4. discussion with NSW WorkCover on the SMP & HASP prior to determination;
5. all management plans to be reviewed by Site Auditor before implementation; and amendment of page 45 of the Remediation Action Plan (RAP).

If you have any questions, or wish to discuss this matter further please contact Nazrul Chowdhury on (02) 9995 6862

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Sheehy', written over a dotted line.

**Greg Sheehy**

**Manager**

**Metropolitan - Sydney Industry**

(by Delegation)