

**DETERMINATION OF A DEVELOPMENT APPLICATION
PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

I, the Minister for Urban Affairs and Planning, determine the Development Application referred to in Schedule 1 - under Section 80 of the *Environmental Planning and Assessment Act 1979* and Clause 8 of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development* - by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for imposing these conditions are to:

- (i) minimise any adverse environmental effects of the development;
- (ii) provide for the on-going environmental management of the development; and
- (iii) provide for regular environmental monitoring and reporting on the performance of the development.

Andrew Refshauge MP

Minister for Urban Affairs and Planning

Sydney

2001

File No. S01/00537

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Application made by:	Highland Pine Products Pty Ltd ("The Applicant")
To:	The Minister for Urban Affairs and Planning ("the Minister")
In respect of:	Lot 10 DP 855384 and Lot 86 DP 574012
For the following development:	A joint venture under the name Highland Pine Products, to combine the operations of two separate sawmills in the Oberon industrial area owned by Carter Holt Harvey Wood Products Australia Ltd (CHH) and Boral Ltd. The development involves the extension of the CHH logyard, the upgrading of the existing CHH greenmill and drymill, the expansion of the existing CHH kiln chambers and finished goods area, and the construction of a portable office building, carpark and pedestrian walkway.
Development Application:	DA No. 403-11-00 lodged with the Department of Urban Affairs and Planning on 30 November 2000, accompanied by a Statement of Environmental Effects prepared for Highland Pine Products by Amanda McLeod BSc, Environmental Coordinator for CHH, dated November 2000.
State Significant Development:	Under Section 76A(7) of the Act, the proposed development is classified as State Significant development because it satisfies the criteria in Schedule 1 of <i>State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development</i> as it fits within the definition of a ‘timber, pulp or paper processing’ facility and has a capital investment value in excess of \$20 million.
BCA Classification:	Class 5 – Office building; Class 8 – Building for manufacturing; Class 10b – Car parking areas, roads.
Note:	<ol style="list-style-type: none"> 1) To work out when this consent becomes effective, refer to Section 83 of the Act; 2) To work out when this consent is liable to lapse, refer to Section 95 of the Act; and 3) If the Applicant is dissatisfied with this determination, Section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is

exercisable within 12 months of receiving notice of this determination.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA 403-11-00 -Mod-1	17 September 2002	Minister for Planning	Update of architectural plans and drawings
DA 403-11-00 -Mod-2	6 February 2024	Team Leader	Modification to install new plant and equipment and extension of the greenmill

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

DEFINITIONS

The Act	Environmental Planning and Assessment Act 1979
The Applicant	Highland Pine Products Pty Ltd
Boral	Boral Ltd
CHH	Carter Holt Harvey Wood Products Australia Ltd
Council	Oberon Council
DA	Development Application
The Department	The Department of Urban Affairs and Planning
The Director-General	The Director-General of the Department of Urban Affairs and Planning, or her delegate
EMP	Environmental Management Plan
EPA	Environment Protection Authority
L _{A10} (15 minute)	The sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period
m	Metres
SEE	Statement of Environmental Effects

1. GENERAL

Obligation to Minimise Harm to the Environment

- 1.1 The Applicant must implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation, and where relevant, the decommissioning of the development.

Terms of Approval

- 1.2 The Applicant must carry out the development generally in accordance with:
- (a) DA No. 403-11-00 submitted to the Department of Urban Affairs and Planning;
 - (b) SEE, titled "Statement of Environmental Effects – Highland Pine Joint Venture - Oberon, NSW", dated November 2000 and prepared by Highland Pine Products;

- (c) additional information, dated 12 April 2001, regarding noise issues at 'Oorong', supplied to the Department by Highland Pine Products on 17 April 2001;
- (d) additional information, dated 12 April 2001, regarding predicted traffic movements for the proposed development, supplied to the Department by Highland Pine Products on 17 April 2001;
- (e) additional information, dated 12 April 2001, regarding the construction schedule for the proposed development, supplied to the Department by Highland Pine Products on 17 April 2001;
- (f) site drawing – “Highland Pine Products Combined Site Layout Proposed, Revision A” prepared by MICV Engineering Services Pty Ltd, Drawing No. HPP-CS-001, dated 12 April 2001, as amended by site drawing – “Highland Pine products Pty Ltd Proposed Storage Area Site 1 & 2 Layout”, prepared by George Pabis, Drawing No. HPP07501, dated 3 June 2002;
- (g) additional information, dated 11 May 2001, regarding noise emission limits for the proposed development, supplied to the Department by Highland Pine Products on 15 May 2001;
- (h) modification application DA 403-11-00-Mod-2, including Modification Report titled 'Section 4.55 Modification Report, Details of Proposed Development' prepared by ESHR Group Pty Ltd dated 2023 and all accompanying documents including Request for Information responses.
- (i) relevant prescribed conditions in clause 98 of the *Environmental Planning & Assessment Regulation 2000*; and
- (j) the conditions specified in Schedule 2 of this consent.

If there is any inconsistency between the above, these conditions must prevail.

Licensing Variation

- 1.3¹ Prior to the commencement of any construction activities, the Applicant must apply to the EPA for a License variation for the development.

Surrender of DA 27/95

- 1.4 Within twelve months following the conclusion of commissioning of the development, the Applicant must submit an application to the Minister to surrender Development Consent DA 27/95 in accordance with Section 80A(1)(b) of the EP&A Act, in so far as that consent applies to the land covered by this consent.

Note: Prior to the Minister approving the surrender of DA 27/95, the Applicant will be required to demonstrate to the Minister that it has fulfilled all obligations relating to Condition 19 of DA 27/95.

Restriction to Operations

¹ EPA General Term of Approval

1.5 Timber production shall be limited to a total of 265,980 m³ per year.

Hours of Operation

1.6² Unless otherwise agreed with the Director-General, construction activities will be restricted to the following times:

- Monday to Saturday 7am to 6pm;
- No construction work to take place on Sundays or Public Holidays.

1.7³ Activities at the premises, other than construction work, may be carried out at any time.

1.8⁴ Construction activities may be conducted outside the times specified in Condition 1.6, if:

- (a) they are completely contained within existing buildings at the sawmill facility;
- (b) a delivery of material is required, outside the hours specified, by Police or another authority for safety reasons; and/or
- (c) the operation or personnel or equipment is endangered;

and prior notification is provided to the EPA, Council and affected residents, within a reasonable time limit.

1.9⁵ The approved hours as specified in Condition 1.6 may be varied with the prior written consent of the EPA, only where the EPA is satisfied that the amenity of residents in the locality will not be adversely affected. If the approved hours are varied under this Condition, the Applicant is to provide the Department with a copy of the EPA's written consent.

Structural Adequacy

1.10 Before the commencement of construction work on any aspect of the development, the Applicant must obtain a construction certificate for this aspect of the development from the Principal Certifying Authority.

² EPA General Term of Approval

³ EPA General Term of Approval

⁴ EPA General Term of Approval

⁵ EPA General Term of Approval

- 1.11 Before commencement of operations permitted by this consent, the Applicant must obtain an occupation certificate for the buildings and structures which comprise the development, from the Principal Certifying Authority.

2. COMPLIANCE REPORTING

- 2.1 Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.
- 2.2 The Applicant must ensure that all contractors and sub-contractors are aware of, and comply with, the conditions of this consent and the approved Construction Management Plan (see Condition 3.1).
- 2.3 Prior to construction on any aspect of the development commencing, the Applicant must certify in writing, to the satisfaction of the Director-General, that it has obtained all the necessary statutory approvals for the construction works, and complied with all the relevant conditions of this consent and/or any other statutory requirements for this development pertaining to that aspect of the development to be constructed.
- 2.4 Prior to commencement of operations of the development, the Applicant must certify in writing, to the satisfaction of the Director-General, that it has obtained all the necessary statutory approvals for operations, and complied with all the relevant conditions of this consent and/or any other statutory requirements for this development.

3. ENVIRONMENTAL MANAGEMENT PLANS

Construction Management Plan

- 3.1 The Applicant must prepare and implement a Construction Management Plan for the development. This plan must:
- (a) describe the proposed construction works;
 - (b) outline the proposed construction work program;
 - (c) identify all the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
 - (d) set standards and performance measures for each of the relevant environmental matters associated with the construction work;
 - (e) describe what actions and measures will be implemented to mitigate the potential impacts of the construction works, and to ensure that these works will comply with the relevant standards and performance measures;
 - (f) describe in detail what measures and procedures will be implemented to:
 - manage construction traffic;

- manage construction noise, including noise monitoring as indicated in Condition 5.4;
 - mitigate any potential dust impacts;
 - prevent soil contamination;
 - register and respond to complaints during the construction period;
 - ensure the occupational health and safety of construction workers; and
 - respond to any emergencies;
- (g) explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected;
- (h) describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;
- (i) include the following:
- an Erosion and Sediment Control Plan (See Condition 4.8);
 - a detailed Stormwater Management Scheme for the site (See Condition 4.9); and
 - a detailed Landscape Management Plan (see Conditions 4.19 – 4.21).
- 3.2 No construction work may occur on any aspect of the proposal before the Construction Management Plan for that particular aspect of the development has been approved by the Director-General.
- 3.2A. Prior to the commencement of construction works associated with the approval of any modification application, the Construction Management Plan required under Condition 3.1 of this consent must be reviewed, and the Director-General must be notified in writing of the outcomes of any review.
- 3.2B. Where the outcomes of the review required under Condition 3.2A identify that the Construction Management Plan (see Condition 3.1) needs updating, the updated Construction Management Plan must be submitted to the Director-General for approval at least one month prior to the commencement of construction works associated with the approved modification.
- 3.2C Construction of works associated with an approved modification must not commence until the Construction Management Plan (including any updated plan required under Condition 3.2B), is approved by the Director-General.

Environmental Management Plan

- 3.3 The Applicant must prepare and implement an Environmental Management Plan for all operations at the site. This plan must:
- (a) describe the proposed operations;
 - (b) identify all the relevant statutory requirements that apply to the operation of the development;
 - (c) set standards and performance measures for each of the relevant environmental issues;
 - (d) describe what actions and measures will be implemented to mitigate the potential impacts of the development, and to ensure that the development meets these standards and performance measures;
 - (e) describe what measures and procedures will be implemented to:
 - register and respond to complaints;

- ensure the operational health and safety of the workers; and
 - respond to potential emergencies, such as plant failure;
- (f) describe the role, responsibility, authority, and accountability of all the key personnel involved in the operation of the development;
- (g) incorporate the detailed Environmental Monitoring Program (see Condition 5.1);
- (h) include the following:
- management strategies for the control of noise, dust and stormwater;
 - a Landscape Management Plan (see Conditions 4.19 – 4.21); and
 - a Waste Management Plan (see Condition 4.11).
- 3.4 The Applicant must ensure that a copy of the Environmental Management Plan is submitted to Council and is publicly available.
- 3.5 The Applicant must review and update this Environmental Management Plan regularly, or as directed by Director-General.
- 3.6 The Environmental Management Plan must be approved by the Director-General prior to commissioning of the development.

4. ENVIRONMENTAL STANDARDS

Noise

- 4.1 The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits outlined in the EPA Licence (EPL-11229) for the development.
- 4.1⁶ ~~Noise emissions from the operation of the proposed development must not exceed the levels for the time periods specified in the following table when measured at any residence not owned by or under the control of the Applicant.~~

Location	Noise Limits LA10(15 minute) dB(A)		
	Day (7am to 6pm)	Evening (6pm to 10 pm)	All other times
Residential areas within Oberon	46	41	36
Residential areas adjacent to industrial areas or main roads	51	46	41
Residences within industrial areas	56	51	46

~~The noise limits in the above table:~~

⁶ EPA General Term of Approval

- ~~apply to noise emissions under prevailing wind conditions of up to 3m/s from the south-west, but;~~
- ~~may be exceeded at a residence where the Applicant can demonstrate to the satisfaction of the Director General that a negotiated agreement between the Applicant and the owner of the residence has been reached with regard to noise at the affected residence.~~

~~4.2⁷—Noise is to be measured at the nearest or most affected residences to determine compliance with Condition 4.1.~~

~~**Note:—Noise measurement**~~

~~For the purpose of noise measures required for Condition 4.1, the L_{A10} noise level must be measured or computed at any point over a period of 15 minutes using “FAST” response on the sound level meter.~~

~~For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development.~~

~~Measurement locations can be:~~

- ~~1 metre from the facade of the residence for night time assessment;~~
- ~~at the residential boundary;~~
- ~~30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.~~

~~4.3⁸—The noise emission limits identified in Condition 4.1 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:~~

- ~~documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and~~
- ~~where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.~~

Dust

4.4⁹ All activities in or on the premises must be carried out in a manner that will minimise the generation or emission of wind-blown or traffic generated dust from the premises using the measures proposed in the SEE.

⁷ EPA General Term of Approval

⁸ EPA General Term of Approval

⁹ EPA General Term of Approval

- 4.5 All areas in or on the premises must be maintained in a manner that will minimise the generation or emission of wind-blown or traffic generated dust from the premises using the measures proposed in the SEE.
- 4.6¹⁰ Trucks carrying residues from the site must be covered at all times, except during loading and unloading. Residues are taken to include sawdust, shavings, chips and bark.

Pollution of waters

- 4.7¹¹ Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation to 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.
- 4.8¹² Prior to construction, the Applicant must prepare an Erosion and Sediment Control Plan which describes what measures will be used to minimise soil erosion and the discharge of sediment and other pollutants to nearby land, water or drains during construction activity. This plan must be prepared in accordance with the requirements for such plans in the Department of Housing's publication "*Managing Urban Stormwater: Soils and Construction*".

Note: *This condition may be satisfied by the appropriate amendment of the exiting Erosion and Sediment Control Plan for the site, prepared under DA 27/95.*

- 4.9¹³ Prior to operation, the Applicant must prepare a detailed Stormwater Management Plan for the site, which has been prepared in consultation with Council, to mitigate the impacts of stormwater runoff from the development and its operations. The plan should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the plan should be consistent with the guidance contained in "*Managing Urban Stormwater: Council Handbook*" (available from the EPA).

Note: *This condition may be satisfied by the appropriate amendment of the existing Stormwater Management Plan for the site, prepared under DA 27/95.*

Waste Management

¹⁰ EPA General Term of Approval

¹¹ EPA General Term of Approval

¹² EPA General Term of Approval

¹³ EPA General Term of Approval

4.10¹⁴ The Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

Note: *This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.*

4.11 The Applicant must prepare and implement a Waste Management Plan for the development in consultation with Council. This plan must describe in detail the waste management system, including:

- (a) the types and quantities of waste which will be generated at the site; and
- (b) how waste will be stored on-site, transported, and disposed of off-site.

Note: *This condition may be satisfied by the appropriate amendment of the existing Waste Management Plan for the site, prepared under DA 27/95.*

4.12 The Waste Management Plan prepared in accordance with Condition 4.11 must have been approved by the Director-General prior to commissioning of the development.

4.13 After reviewing the Waste Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

Parking

4.14 The Applicant must design and construct a new parking area for employees and visitors, providing a total of no fewer than 150 parking spaces on the site.

4.15 The carpark design must conform to AS 2890.1 – 1993.

4.16 Visitor and service vehicle parking spaces must be clearly signposted and designated.

4.17 Traffic calming devices must be installed in the car park to the satisfaction of Council.

Lighting

¹⁴ EPA General Term of Approval

- 4.18 The Applicant must ensure that any external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary.

Landscape Management

- 4.19 The Applicant must prepare and implement a detailed Landscape Management Plan for the development. This plan must:
- (a) describe in detail the existing and proposed future landform of the site;
 - (b) describe in detail how the site will be landscaped, including the location and species of all planting; and
 - (c) explain how this landscaping will be managed and maintained over time.

***Note:** This condition may be satisfied by the appropriate amendment of the existing Landscape Management Plan for the site, prepared under DA 27/95.*

- 4.20 The Landscape Management Plan prepared in accordance with Condition 4.19 must have been approved by the Director-General and implemented prior to the commencement of operations.
- 4.21 After reviewing the Landscape Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

5. ENVIRONMENTAL MONITORING

- 5.1 The Applicant must prepare and implement a detailed Environmental Monitoring Program for the development in consultation with the EPA. The program must:
- (a) identify what environmental issues will be monitored;
 - (b) set standards and performance measures for these environmental issues;
 - (c) describe in detail how these issues will be monitored, who will conduct the monitoring, how often the monitoring will be conducted, and how the results of this monitoring will be recorded and reported to the Director-General and other relevant authorities;
 - (d) indicate what actions will be taken, or procedures followed, if any non-compliance is detected; and
 - (e) include a Noise Compliance Monitoring Program (see Condition 5.5) to determine the level of compliance with the noise criteria in Condition 4.1.

- 5.2 The data obtained from the Environmental Monitoring Program shall be made available for, and where appropriate incorporated into, the broader monitoring program for the Oberon Industrial Area.

Monitoring records

- 5.3¹⁵ The results of any monitoring required to be conducted by this consent, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol, must be recorded and retained in accordance with EPA requirements, at A2.1.1 and A2.1.2 of Attachment A to this consent.

Noise Compliance Monitoring Program

- 5.4 The Applicant must conduct noise monitoring during the construction phase, at the site boundaries and the nearest potentially affected residential areas. Monitoring must be conducted in accordance with EPA guidelines.
- 5.5 The Applicant must conduct noise monitoring during the operation phase to assess compliance with noise limits set out in Condition 4.1. The frequency of monitoring must be as follows:
- (a) within 3 months of the commencement of commissioning of the development; and
 - (b) annually thereafter.

General

- 5.6 The Environmental Monitoring Program prepared in accordance with Condition 5.1 must have been approved by the Director-General before the development may be commissioned.
- 5.7 After reviewing the Environmental Monitoring Program, the Director-General may require the Applicant to address certain matters identified in the program. The Applicant must comply with any reasonable requirements of the Director-General.

6. ENVIRONMENTAL REPORTING

Annual Environmental Management Report

¹⁵ EPA General Term of Approval

- 6.1 Twelve months after commissioning of the development, and annually thereafter for the duration of the development, the Applicant must submit an Annual Environmental Management Report to the Director-General and the Council. This report must:
- (a) identify all the standards, performance measures, and statutory requirements the development is required to comply with;
 - (b) review the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements;
 - (c) identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;
 - (d) include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints;
 - (e) include the detailed reporting from the Environmental Monitoring Program (see Conditions 5.1 - 5.6), and identify any trends in the monitoring over the life of the project;
 - (f) where non-compliance is occurring, describe what actions are or will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented;
 - (g) incorporate the requirements of the EPA with regard to the Annual Return required by any license under the *Protection of the Environment Operations Act 1997*. The requirements of the EPA with regard to the Annual Return are at A3 of Attachment A to this consent.
- 6.2 After reviewing the Annual Environmental Management Report, the Director-General may require the Applicant to address certain matters identified in the Report. The Applicant must comply with any reasonable requirements of the Director-General.

Independent Environmental Audit

- 6.3 Within 12 months of conclusion of commissioning of the development, and every three years thereafter, unless the Director-General otherwise directs, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - (b) be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;
 - (c) assess the environmental performance of the development, and its effects on the surrounding environment;

- (d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
- (e) review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary,
- (f) recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.

6.4 Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the Report. The Applicant must comply with any reasonable requirements of the Director-General.

7. SECTION 94A CONTRIBUTIONS

7.1 Prior to the issue of a construction certificate for the proposed development, the Applicant shall contribute \$67,500 (0.25% of the total cost of the development) to Oberon Council, in contributions to bush fire services, in accordance with Oberon Council's *Development Contributions Plan 2000*.

7.2 Prior to the issue of a construction certificate for the proposed development, the Applicant shall contribute \$30,660 in road maintenance contributions for construction civil works, in accordance with the Oberon Council *Development Contributions Plan 2000*.

8. DISPUTE RESOLUTION

8.1 If the Applicant, Oberon Council, and/or any NSW Government agency, other than the Department of Urban Affairs and Planning, cannot agree on any aspect of this consent, other than a General Term of Approval, the matter may be referred by any of these parties to the Director-General or, if necessary, the Minister, whose determination on the dispute shall be binding on all parties.

ATTACHMENT A – MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

A1. OPERATING CONDITIONS

A1.1 Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

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

A1.2 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.

A2. MONITORING AND RECORDING CONDITIONS

A2.1 Monitoring records

The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in A2.1.1 and A2.1.2 below.

A2.1.1 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.

A2.1.2 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.

A2.2 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.

A2.3 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.

A3. REPORTING CONDITIONS

A3.1 Annual Return documents

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.

A3.2 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.

A3.3 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.

A3.4 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 licence not later than 60 days after the date the transfer was granted (the 'due date').

A3.5 Notification where actual load can not be calculated

(Licences 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:

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

A3.6 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.

A3.7 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:

- the licence holder; or
- 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.

A3.8 Notification of environmental harm

Note: *The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable 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.

A3.9 Written report

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

- where this licence applies to premises, an event has occurred at the premises; or
- 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:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- 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;
- 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.

A4. GENERAL CONDITIONS

A4.1 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.