

General Terms of Approval - Variation



Notice No. - 1568282

The Applicant
CIP Constructions (NSW) Pty Ltd
Pymont NSW 2009

Attention: Paul Jewiss

Copy to: NSW Department of Planning and Environment

Notice Number 1568282
File Number DOC18/366273-01
Date 15-Aug-2018

Re: Nulon Motor Oils Facility, Bringelly Road Business Hub SSD 17_8900

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the Development Application and accompanying information supporting the proposed Nulon Motor Oils Facility (ref. SSD 17_8900) received by the NSW Environment Protection Authority ("EPA") on 18 January 2018.

In accordance with section 48 of the *Protection of the Environment Operations Act 1997* ("**POEO Act**"), the proposed development as described in the Environmental Impact Statement indicates that a licence is required for the premises at which the activity is carried on. The activities that meet the thresholds listed within the POEO Act include:

31A Petroleum products and fuel production noting that the applicant intends on producing more than 100 tonnes of petroleum products per year. This clause applies to petroleum products and fuel production, meaning the production of petroleum products (including aviation fuel, petrol, kerosene, mineral turpentine, fuel oils, lubricants, wax, bitumen, liquefied gas and the precursors to petrochemicals, such as acetylene, ethylene, toluene and xylene) by any means including by refining, fermentation, esterification or blending.

The EPA reviewed the information provided, including the response to submissions dated 7 March 2018 and determined that it was able to issue a licence for the proposal, subject to a number of conditions. The EPA issued General Terms of Approval ("**GTA**") in Notice No. 1565768 on 20 June 2018.

The Department of Planning and Environment ("**DPE**") provided the EPA with a revised Noise Impact Assessment for the proposed development on 2 August 2018. The EPA has reviewed the revised noise assessment and has subsequently varied the Noise Limit Conditions in the GTA.

On review of the available information, the EPA has also revised the Scheduled Activities to remove "Waste Storage" on the understanding that no wastes will be received at the premises.

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The varied General Terms of Approval for this proposal are provided at Attachment A. If **DPE** grants development consent for this proposal these conditions should be incorporated into the consent.

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

The applicant will need to make a separate application to EPA to obtain this licence.

If you have any questions, or wish to discuss this matter further please contact Larissa Borysko on (02) 9995 6843.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Flemming', with a long horizontal flourish extending to the right.

Craig Flemming
Unit Head
Metropolitan - Sydney Industry
(by Delegation)

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APPENDIX A

Administrative conditions

A1. What this Licence authorises and regulates

A1.1 These General Terms of Approval authorise the carrying out of the scheduled activities listed below at the premises specified in A2.

The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Scheduled Activity	Fee Based Activity	Scale
Chemical Storage	Chemical Storage Waste Storage	More than 5 but not more than 100 tonnes
Petroleum Products and Fuel Production	Petroleum Products and Fuel Production	More than 10,000 but not more than 200,000 tonnes

A2. Information supplied to the EPA

A2.1 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 SSD 17-8900 submitted to NSW Planning and Environment on 14 November 2017;
- Environmental Impact Statement *SSDA 17_8900 Nulon Motor Oils Warehouse*, dated 18 January 2018 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 - Summary Response to Agency Submissions. Bringelly Road Business Hub. SSDA 17_8900 - Nulon Motor Oils Warehouse. 16 May 2018. Ref. 17650
 - Noise Impact Assessment, Ref. 610.17734-R01, July 2018
 - Waste Classification Report, 11 May 2018
 - Nulon Process Diagram, Version 1.2, 20 April 2018
 - Environment Management Plan, Issue 7.3, June 2018
 - Civil Documentation and Specification, Revision C, April 2018
 - Air Quality Impact Assessment, 610.17717-R02, May 2018.

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A3. Fit and Proper Person

A3.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee 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.

L3. Noise limits

L3.1 Noise from the premises must not exceed:

- an LAeq (15 minute) noise emission criterion of 46 dB(A) during the day;
- an LAeq (15 minute) noise emission criterion of 46 dB(A) during the evening; and
- an LAeq (15 minute) noise emission criterion of 43 dB(A) during the night.

Note:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays.
- Evening is defined as the period from 6pm to 10pm all days.
- Night is defined as the period from 10pm to 7am Mondays to Saturday and 10pm to 8am Sunday and public holidays.

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

L3.2 Noise from the premises is to be measured at *R2 - 12 Bringelly Road, Horningsea Park* to determine compliance with this condition.

L3.3 All construction work at the premises must only be conducted between:

- Monday to Friday between 7am and 6pm

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- Saturday between 8am to 1pm

Operating conditions

01. Dust

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

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

02. Stormwater/sediment control - Construction Phase

02.1 An Erosion and Sediment Control Plan (ESCP) must be prepared prior to the works commencing, then implemented and updated as necessary throughout the construction phase. The ESCP 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.

02.2 The ESCP must be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (March 2004).

02.3 The ESCP must be submitted electronically to the NSW EPA at metro.regulation@epa.nsw.gov.au prior to the commencement of the construction works.

03. Activities must be carried out in a competent manner

03.1 Licensed activities must be carried out in a competent manner.

This includes:

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

04. Maintenance of plant and equipment

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

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

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Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

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

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.

Annual Return documents

What documents must an Annual Return contain?

R1.2 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.

R1.3 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.

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Period covered by Annual Return

R1.4 An Annual Return must be prepared in respect of each reporting, except as provided below

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

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

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

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

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

Deadline for Annual Return

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

R1.6 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

R1.7 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.

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R1.8 The record of a complaint must be kept for at least 4 years after the complaint was made.

R1.9 The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

R2.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

R2.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

R2.3 This condition does not apply until 3 months after this condition takes effect.

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

R2.4 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

Notification of environmental harm

R2.5 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.6 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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

Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

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

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

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

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

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

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

G1. Copy of licence kept at the premises or on the vehicle or mobile plant

G1.1 A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Special Conditions

E1. Post Commissioning Validation

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E1.1 The objective of this condition is to validate and verify the assumptions developed in predicting the ground level concentrations for acetone, ethylene glycol, trimethylbenzene, methyl ethyl ketone, toluene and odour.

E1.2 The applicant must engage a suitably qualified and experienced person to submit a post commissioning verification report to the EPA. The post commissioning verification report must:

- include the analytical results for post-commissioning testing undertaken from any discharge points as identified within the Air Quality Impact Assessment (SLR Consulting Australia report dated 16 May 2018).
- be conducted for those compounds identified within the Air Quality Impact Assessment (SLR Consulting Australia report dated 16 May 2018) including, but not limited to acetone, ethylene glycol, trimethylbenzene, methyl ethyl ketone, toluene and odour.
- unless agreed with the EPA, the applicant must collect, handle and preserve samples in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
- verify that post-commissioning testing and emission control performance applies to the entire range of products produced, and stored at the site;
- compare emission rates estimated from post-commissioning sampling against emission rates contained in the Air Quality Impact Assessment (SLR Consulting Australia report dated 16 May 2018); and
- where the comparison shows higher emissions rates from post commissioning sampling a revised impact assessment must be included within the post commissioning validation report.

E1.3 Within 6 months of the commencement of operations, the applicant must submit both:

- the post verification report required by Condition E1.2
- any recommendations to come from Condition E1.2.

This report must be submitted electronically to metro.regulation@epa.nsw.gov.au.

E2. Activated Carbon Filter Performance Review

E2.1 Prior to the commencement of operations, the applicant must develop a protocol for:

- detecting activated carbon bed breakthrough and
- scheduling carbon bed replacement.

E2.2 The protocol as described in Condition E2.1 must be submitted electronically to metro.regulation@epa.nsw.gov.au.