Section 55 Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence - 12170

Department of **Environment & Climate Change** NSW

Licence Details	
Number:	12170
Anniversary Date:	16-May
Review Due Date:	16-May-2013

Licensee
GOSFORD CITY COUNCIL
PO BOX 21
GOSFORD NSW 2250

Licence Type
Premises

Premises
WATERS OF MANGROVE CREEK DAM AND MOONEY DAM
-
GOSFORD NSW 2250

Non Scheduled Activity
Application of Algicide(s)

Fee Based Activity	**Scale**
Other activities	0 - All

Region
North East - Hunter
Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302
Phone: 02 49086800
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PO Box 488G NEWCASTLE
NSW 2300

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act); and
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees.

The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

GOSFORD CITY COUNCIL
PO BOX 21
GOSFORD NSW 2250

subject to the conditions which follow.

1 Administrative conditions

A1 What the licence authorises and regulates

A1.1 This licence regulates water pollution resulting from the activity/ies specified below carried out at the premises specified in A2.

Application of Algicide(s)

A1.2 Not applicable.

A1.3 Not applicable.

A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WATERS OF MANGROVE CREEK DAM AND MOONEY DAM
-
GOSFORD
NSW
2250
-

A3 Other activities

A3.1 Not applicable.

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:
(a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
(b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to air and water and applications to land

P1 Location of monitoring/discharge points and areas

P1.1 Not applicable.

P1.2 Not applicable.

P1.3 Not applicable.

3 Limit conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Load limits

L2.1 Not applicable.

L2.2 Not applicable.

L3 Concentration limits

L3.1 Not applicable.

L3.2 Not applicable.

L3.3 Not applicable.

L4 Volume and mass limits

L4.1 Not applicable.

L5 Waste

L5.1 Not applicable.

L6 Noise Limits

L6.1 Not applicable.

L7 Algicide limits

L7.1 The licensee may only apply algicides registered by the Australian Pesticides & Veterinary Medicines Authority (APVMA).

L7.2 The licensee must not apply algicide(s) unless the algal cell density exceeds 7,500cells/mL of an algal species that is likely to pose a health threat to consumers.

4 Operating conditions

O1 Activities must be carried out in a competent manner

O1.1 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.

O2 Maintenance of plant and equipment

O2.1 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.

O3 Application of algicide(s)

O3.1 The Licensee must take all reasonable steps to warn users of waters in the vicinity of the algicide(s) application about any risks to human health or of harm to the environment which may arise from the application of the algicide(s) in the waters.

O3.2 At minimum, the Licensee must erect a warning sign adjacent to the waters where the algicide(s) is applied which:
(a) states at minimum, in legible English, and in any other language as may be considered reasonably necessary:

WARNING

Water may contain dangerous chemicals. The public is advised not to use, drink or swim until further notice.

(b) states appropriate current business and after hours telephone numbers that the public may contact the Licensee on regarding the algicide application;
(c) is maintained to ensure it remains in place and is visible to the public until the water is safe for use; and
(d) is not removed until the water is safe for use.

O3.3 At minimum, the Licensee must at least 7 days prior to the application of the algicide(s) in the waters, give written notification to any occupier of the waters or any occupier of land adjacent to the waters into which algicide(s) are to be applied, of the Licensee's intention to apply algicide(s) in the waters which includes at a minimum the following details:

(a) what algicide(s) is to be applied,
(b) when the algicide(s) is to be applied,
(c) a warning not to use, drink or swim in the water until further notice,
(d) that further information can be obtained from the Licensee, and
(e) the Licensee's name and contact phone number.

O3.4 At minimum, the Licensee must at least 7 days prior to the application of the algicide(s) to the waters, publish a notice in a newspaper circulating in the locality of the waters, notifying of the Licensee's intention to apply algicide(s) to the waters which includes at a minimum the following details:

(a) what algicide(s) is to be applied,
(b) when the algicide(s) is to be applied,
(c) a warning not to use, drink or swim in the water until further notice,
(d) that further information can be obtained from the Licensee, and
(e) the Licensee's name and contact phone number.

Note: It is for the Licensee to determine what other reasonable steps it may need to take to warn other water users of any risks to human health or of harm to the environment which may result from the application of the algicide(s) in the waters and to prevent such injury or harm from occurring.

5 Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence 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 for the purposes of this licence:
(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 Not applicable.

M3 Testing methods - concentration limits

M3.1 Not applicable.

M3.2 Not applicable.

M4 Recording of pollution complaints

M4.1 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.

M4.2 The record must include details of the following:
(a) the date and time of the complaint;
(b) the method by which the complaint was made;
(c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
(d) the nature of the complaint;
(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
(f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 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.

M5.2 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.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:
(a) the date of the issue of this licence or
(b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

M6 Requirement to monitor volume or mass

M6.1 Not applicable.

M7 Environmental Monitoring

M7.1 The licensee must monitor algae and zooplankton concentrations in the waters of the premises dam(s) once daily for at least three consecutive days prior to any algicide treatment and for the next three days after treatment.

M7.2 The results of algae and zooplankton monitoring required by this licence must be reported as an estimated number of cells/mL of each species.

M7.3 Sites for algal and zooplankton monitoring in the premises dam(s) must be representative and include sites near the dam wall, the mid-dam and the outer dam.

M7.4 After each algicide(s) treatment, the licensee must monitor the waters of the premises dam(s) for any visible environmental impacts on fish and/or macroinvertebrates.

Any impacts on fish and/or macroinvertebrates must be reported to the EPA in accordance with conditions R2.1 and R2.2.

M7.5 The licensee must monitor, by sampling and obtaining results by analysis, the concentration of Total Copper in the waters of the premises dam(s) once daily for at least three consecutive days prior to any algicide(s) treatment and for the next three days after treatment.

The monitoring of the concentration of Copper in the waters of the premises dam(s) must be done in accordance with the EPA's Approved Methods Publication.

M7.6 The licensee must monitor, by sampling and obtaining results by analysis, the concentration of Total Copper in the sediments of the premises dam(s), 1 to 3 days prior to any algicide(s) treatment and 1 to 3 days after any algicide(s) treatment.

The monitoring of Copper in sediments in the premises dam(s) must be carried out in accordance with USEPA 1994 Method 200.7.

M8 Requirement to record application of algicide(s)

M8.1 The Licensee must maintain a written register in which is recorded the following details in relation to each algicide(s) application in waters by the Licensee:

(a) location of where the algicide(s) was applied and the area of water covered by the application,
(b) date of algicides(s) application
(c) algal species treated,
(d) name of algicide(s) applied and formulation /mixing details of the algicide(s),
(e) the amount of algicide(s) used,
(f) the wind speed (m/s) and direction at the time of the algicide(s) application
(g) the air temperature (degrees Celsius) at the time of the algicide(s) application,
(h) if applicable, whether it was low tide or high tide at the time of the algicide application,
(i) rainfall (mm) over the 24 hour period immediately prior to and following the algicide(s) application,
(j) names of person(s) applying the algicide(s) and supervisor,
(k) the date and time of any query by any person in relation to the algicide(s) application,
(l) the method by which any such query was made,
(m) the name and contact details of the person making any such query,
(n) the nature of any such query, and
(o) any action taken by the Licensee in relation to any such query.

Details must be entered into the register within 3 working days of the application of the algicide(s), or in the case of a query, within 3 working days of the query being received by the Licensee.

Details must be kept on the register for at least 4 years after the algicide(s) application to which they relate was undertaken.

The register must be held at the principal office of the Licensee (or such other office as is notified in writing to the EPA by the Licensee) and be available for inspection by any authorised officer of the EPA who asks to see it.

6 Reporting conditions

R1 Annual return documents

What documents must an Annual Return contain?

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
(a) a Statement of Compliance; and
(b) 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

R1.2 An Annual Return must be prepared in respect of each reporting period, 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.

R1.3 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.

R1.4 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').

Notification where actual load can not be calculated

R1.6 Not applicable.

Licensee must retain copy of Annual Return

R1.7 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

R1.8 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.

R1.9 A person who has been given written approval to certify a certificate 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 of this licence.

R2 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.

R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 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

(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;

(d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

(e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

(f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and

(g) any other relevant matters.

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.

R4 Monitoring report

R4.1 Results of all environmental monitoring as required by conditions M7.1, M7.5 and M7.6 must be forwarded to the Regional Office of the EPA within 21 days of any algicide(s) application to the premises dam(s).

General conditions

G1 Copy of licence kept at the premises

G1.1 A copy of this licence must be kept at the premises 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.

Note: For the purpose of condition G1.1 the premises is defined as the principal office of the licensee.

Pollution studies and reduction programs

U1 Not applicable.

Special conditions

E1 Not applicable.

Dictionary

General Dictionary

In this licence, unless the contrary is indicated, the terms below have the following meanings:

3DGM [in relation to a concentration	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or

limit]	more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 1998.
flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
industrial waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
inert waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
reprocessing of waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
treatment of waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements

utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste code	Means the waste codes listed in Appendix 5 of the EPA document A Guide to Licensing Part B.
waste type	Means Group A, Group B, Group C, inert, solid, industrial or hazardous waste

Mr David Darvall

Environment Protection Authority

(By Delegation)

Date of this edition - 03-Apr-2008

End Notes

1	Licence varied by notice 1063899, issued on 16-Aug-2006, which came into effect on 16-Aug-2006.
2	Licence varied by notice 1082123, issued on 03-Apr-2008, which came into effect on 03-Apr-2008.