

Appendix A – EPA CONCURRENCE AND GTAs

General Terms of Approval

Notice No: 1642177



Mr Andrew Crump
Town Planner
Cabonne Shire Council

Attention: Andrew Crump

Notice Number 1642177
File Number "File Number"
Date 23-Sep-2024

Re: Proposed McNaught's Gravel Quarry - General Terms of Approval

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the McNaught's Gravel Quarry located at Canowindra Road, Canowindra (the proposal), received by the Environment Protection Authority (EPA) on 10 July 2024.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to conditions. The applicant will need to obtain an environment protection licence for *extractive activities* and *crushing, grinding or separating* before starting construction of the quarry. The EPA website explains how to apply for a licence (<https://www.epa.nsw.gov.au/licensing-and-regulation/licensing>).

The EPA's assessment of the project was limited to activities at the quarry site, which would require an environment protection licence, and did not consider noise or dust issues on public roads.

The EPA's General Terms of Approval (GTAs) for this proposal are provided in **Attachment A**. If Cabonne Shire Council grants development consent for the proposal, then these conditions should be incorporated into the consent.

It should be noted that the EPA has adopted more streamlined GTAs to avoid conflicts with development approvals, to limit the need for ongoing modifications to development approvals for small matters that are the responsibility of the EPA, and to provide the EPA with greater flexibility regarding site specific environmental conditions to be placed on any environment protection licence.

The EPA has also provided at **Attachment B** for Cabonne Shire Council's and the Proponent's reference, more specific draft conditions that would be present on the Environment Protection Licence, if consent is granted (noting that all Environment Protection Licences contain general conditions for all licensees). However, these draft conditions should not be included in the consent document, unless deemed necessary for Cabonne Council's own specific purposes.

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These GTAs relate to the Proposal as described in the development application and accompanying information uploaded to the CNR Portal. In the event that the proposal is modified either by the proponent prior to the granting of consent or as a result of the conditions proposed to be attached to the consent and/or Environment Protection Licence, it will be necessary to consult with the EPA about the changes before the consent is granted. This will enable the EPA to determine whether its General Terms of Approval need to be modified in light of the changes.

In assessing the proposal, the EPA has also identified the following environmental issues that Cabonne Shire Council may wish to consider in its overall assessment of the application:

1. The EPA notes that a licensed discharge point from the sediment control basin is proposed and draws Council's attention to the following:

- practical options to avoid discharge have not been demonstrated;
- practical options to minimise environmental impact where discharge is necessary have not been addressed;
- the nature and degree of discharge impacts on the receiving environment have not been described;
- how predicted impacts will be monitored and assessed have not been described.

2. The EPA notes there are no discharge conditions on the licence. However, this condition may be included if the EPA gives written consent.

If you have any questions or wish to discuss this matter, further please contact Catherine Booth on (02) 8275 1576.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'F. Hennessy', is positioned above the printed name.

.....
Frederick Hennessy

Unit Head

Environment Protection Authority

(by Delegation)

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Attachment A

EPA's General Terms of Approval for DA 2024/166

1. Except as expressly provided by these General Terms of Approval (GTA) or by any conditions of consent granted by Cabonne Shire Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority (EPA), works and activities must be carried out in accordance with the proposal contained in:
 - a. the development application DA 2024/166 submitted to Cabonne Shire Council on 25 June 2024.
 - b. the Environmental Impact Statement for McNaught's Quarry prepared by RW Corkery & Co, dated June 2024 relating to the development; and
 - c. all additional information provided to Cabonne Shire Council and uploaded to the NSW Planning Portal (Agency Concurrence and Referral Portal).
2. Should any conflict exist between the aforementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force Environment Protection Licence issued by the EPA.
3. An Environmental Management Plan must be prepared and implemented within three months of development consent being granted. The plan must include, but not be limited to:
 - a. The identification and mitigation of potential impacts to surface water and soils;
 - b. Air quality (dust) management measures;
 - c. Noise management measures;
 - d. Waste handling measures; and
 - e. Reference to all air, water, noise, waste mitigation measures identified in the Environmental Impact Statement.
4. Hours of operation
 - All construction work at the premises must only be conducted between 7:00 am and 6:00 pm Monday to Friday, and 8:00 am to 1:00 pm Saturday. No construction activities to be conducted on Sundays or public holidays.
 - Activities at the premises, other than construction work, may only be conducted between 7:00 am and 6:00 pm Monday to Friday, and 8:00 am and 1:00 pm Saturday. No licensed activities to be conducted on Sundays or public holidays.
 - This condition does not apply to the delivery of material outside the hours of operation permitted by licence condition if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
 - The hours of operation specified in licence conditions may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.
5. Truck movements and equipment maintenance relating to the proposal may only be undertaken during the following hours:
 - 7:00 am to 6:00 pm, Monday to Friday
 - 8:00 am to 1:00 pm, Saturdays
 - at no time on Sundays or public holidays.

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6. Trucks entering and leaving the premises that are carrying potentially dust generating loads on public roads must be covered at all times, except during loading and unloading.
7. All internal roads must be maintained in a condition that prevents or minimises the emission into the air of pollutants (which includes dust).
8. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
9. A dust suppression system must be installed including but not limited to: a sprinkler system and a water cart prior to the commencement of operations at the premises.
10. Dust sprays and/or dust suppression systems must be installed and operating on all crushing, grinding and screening equipment at the premises during hours of operation.
11. Production Limit
 - a. Extraction from the premises must not exceed 150,000 tonnes during any consecutive 12 month period.
 - b. For the purposes of determining compliance with this condition, a record of each vehicle carrying each load from the premises must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of loads for each vehicle type by the known capacity of each relevant vehicle.
12. The Proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the Proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.
13. Stormwater/sediment control - Construction Phase

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).
14. Stormwater/sediment control - Operation Phase

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).
15. Blast management

A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

 - compliance standards;
 - mitigation measures;
 - remedial action;

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- monitoring methods and program;
- monitoring program for flyrock distribution;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;
- measures to ensure no damage by flyrock to people, property, livestock and powerlines.

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Attachment B

Mandatory Conditions for all EPA licences

Administrative conditions

Fit and Proper Person

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

Pollution of waters

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.

Waste

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.

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.

Note: Licence Condition is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

Noise limits

Noise from the premises must not exceed 40 dB(A) LAeq (15 Minute) during the day and 35 dB (A) LAeq (15 minute) at any other time at a noise sensitive location except as expressly provided by this licence.

Where LAeq means the equivalent continuous noise level - the level of noise equivalent to the energy-average of noise occurring over a measurement period.

The noise limits in the above Licence Condition apply under all meteorological conditions except for:

- a. Wind speed greater than 3 metres per second at 10 metres above ground level
- b. Stability category F temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level, or
- c. Stability category G temperature inversion conditions.

Noise from the premises must not exceed the limits in the above Licence Condition positively adjusted by 5dB, during these meteorological conditions:

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- a. Wind speeds greater than 3 metres per second at 10 metres above ground level
- b. Stability category F temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level, or
- c. Stability category G temperature inversion conditions.

For the purposes of the above Licence Conditions;

- a. Data recorded by a Bureau of Meteorology meteorological station at Orange and/or Cowra must be used to determine meteorological conditions, and
- b. Temperature inversion conditions (stability category) must be determined by the sigma-theta method referred to in Fact Sheet D of the *Noise Policy for Industry*.

To determine compliance with this condition:

- a) with the LAeq (15 minute) noise limits in the above Licence Condition, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises
 - within 30 metres of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises, or, where applicable
 - within approximately 50 metres of the boundary of National Park or a Nature Reserve.
- b) with the noise limits of the above Licence Condition, the noise measuring equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location, or
 - at the most affected point within an area at a location prescribed by Condition a) above.

A non-compliance of Noise Licence Condition, as applicable, will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by Condition a) and b) above, and/or
- at a point other than the most affected point at a location.

For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the *Noise Policy for Industry* must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

The noise emission limits identified in the above Noise Licence Conditions 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;
- 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.

Blasting

Overpressure

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The airblast overpressure level from blasting operations at the premises must not exceed 120 dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

The airblast overpressure level from blasting operations at the premises must not exceed 115 dB (Lin Peak) at any noise sensitive location for more than 5% of the total number of blasts in each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Note: The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Note: If blasting is required for any reasons during the construction or operational stage of the proposed development, blast impacts should be demonstrated to be capable of complying with the guidelines contained in *Australian and New Zealand Environment Council - Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990).

Ground vibration (ppv)

Ground vibration peak particle velocity from the blasting operations at the premises must not:

- Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

Blasting operations on the premises may only take place between 9:00 am and 3:00 pm Monday to Friday. Blasting must not take place on weekends or public holidays.

All residents within 2km of the premises must be notified by text message, email or telephone call, 24 hours prior to any blasting taking place.

The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

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Maintenance of plant and equipment

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.

Odour

Note: *The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.*

Dust

Activities occurring at the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

Any plant in or on the premises must be operated by such practical means to prevent or minimise the generation of air pollution, including dust emissions.

Any plant in or on the premises must be maintained at all times in a condition that will minimise the generation of air pollution, including dust emissions.

All trafficable areas in or on the premises must be maintained at all times in a condition that will minimise the emission of wind-blown or traffic generated dust to the air.

Trucks entering or leaving the premises that are carrying loads of potentially dust generating materials must have their loads covered at all times on the premises, except during loading and unloading.

Prior to leaving the premises, vehicles must be clean and sealed in a manner that will not cause materials used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle onto a road external to the premises.

Monitoring and recording conditions

Monitoring records

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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 licence conditions.

All records required to be kept by the 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.

The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- a) the time(s) at which the sample was collected;
- b) the point at which the sample was taken; and
- c) the name of the person who collected the sample.

Blast Monitoring

For the purpose of blast monitoring, the ground vibration or the overpressure must be measured and recorded, for all blasts carried out at the premises, at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels.

a. Instrumentation used to measure and record airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: *The location or point of impact can be different for each development. Measurements should be taken within the grounds of 'noise sensitive sites' (e.g. residences, hospitals, schools etc). Measurement locations can be:*

- *At the residential boundary; or*
- *30 metres from residences in rural situations where the boundary is more than 30 metres from residences.*

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

To determine compliance with Blast Monitoring Licence Conditions:

a. Airblast overpressure and ground vibration levels must be measured and electronically recorded in accordance with the ANZECC guidelines for all production blasts carried out in or on the premises; and

b. The written record must include:

- i. the time and date of each blast;
- ii. the station at which the noise was measured;
- iii. the ground vibration for each blast;
- iv. evidence that during the past 12 month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and

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- v. the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115 dB(L).

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.

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

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 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.

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

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b. 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,

- 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

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

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

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

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

- a. the licence holder; or
- b. 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.

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Notification of environmental harm

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

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

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

Written report

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

- a. where this 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.

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

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

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

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

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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.

Ms Kelly Walker
Senior Planner
Andrew Crump Town Planning
4/149 Summer Street
ORANGE NSW 2800

By email: kelly@andrewcrump.com.au

Dear Ms Walker

28 November 2024

DA 2024/166 – CNR-70749 – Canowindra Road Quarry, Cabonne Council

I refer to recent correspondence related to the Development Application for the Canowindra Road Quarry.

The Environment Protection Authority (EPA) had issued its General Terms of Approval (GTA) and uploaded to the CNR portal 23 September 2024.

Having considered the recent amendments to DA 2024/166 by the proponent, the EPA acknowledges the removal of blasting from the application. The GTAs can be issued as currently drafted and the EPA will adjust licence conditions to reflect no blasting at the premises, if consent is granted.

If you have any further questions about this matter, please contact Catherine Booth on (02) 8275 1576.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fred Hennessy', is written over a light blue horizontal line.

Fred Hennessy
Unit Head
Regulatory Operations