

GILGANDRA SHIRE COUNCIL

DA 2021/379 ASSESSMENT REPORT

APPENDIX 1

Schedule of Conditions and GTAs

Berakee Quarry DA 2021/379

FINAL CONDITIONS

September 2021

Development Consent No: DA 2021/379

Description of Development: Extractive Industry – Berakee Quarry

Subject Land: Lot 1 DP 1265657 (quarry); Lot 52 DP 43558 and
Lot 2 DP 1265657 (private haul road)

Property Address: 2697 Oxley Highway, Collie

Date of Determination: ??? 2021

Date of Determination Notice: ???? 2021

Date Development Consent to Operate from: ??? 2021

Consent to Lapse on: ??? 2026

Plans and Extent of Approval

- 1 Development of the site shall be carried out in accordance with the approved plans, specifications and documentation submitted with the application in the Environmental Impact Statement (EIS) prepared by Umwelt (Australia) Pty Limited, Ref 20112_RO2_Berakee Quarry Extension_EIS_Final_Jan 2021, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:

Locality Plan Figure 1.1

Geology Figure 2.2

Quarry Site Layout Figure 3.1

Conceptual Final Landform and Land Use Figure 3.3

Existing Water Management System and Catchments Figure 5.3

Operational Water Management System Plan Figure 5.4

Operational Water Management System Schematic Figure 5.5

- 2 Phase 1 extraction and processing activities, as defined by the environmental assessment entitled “Berakee Quarry Extension – Environmental Impact Statement” prepared by Umwelt (Australia) Pty Limited dated January 2021, are limited to no more than 490,000 tonnes extracted or processed per annum. This level of extraction can be undertaken for a period of five years from the date of consent or until basalt from this quarry is no longer needed for the Inland Rail Project within Gilgandra Shire.
- 3 Phase 2 extraction and processing activities, as defined by the environmental assessment entitled “Berakee Quarry Extension – Environmental Impact Statement” prepared by Umwelt (Australia) Pty Limited dated January 2021, are limited to no more than 120,000 tonnes extracted or processed per annum once Phase 1 is completed.
- 4 The maximum amount of material to be extracted from the approved operation (Phase 1 and Phase 2 in combination) must not exceed 4.95 million tonnes.
- 5 The maximum disturbance area on Lot 1 DP 1265657 due to the approved operations (including extraction, processing, stockpiling and water management areas) must not exceed 17 hectares.

General Terms of Approval (EPA)

- 6 The applicant shall comply with the General Terms of Approval Notice No 1608747 dated 9 June 2021 from the NSW EPA (copy attached). Should any conflict exist between the GTAs and consent then this consent shall prevail to the extent of any inconsistency.

The proponent, or any subsequent proponent, must hold an environment protection licence issued by the Environment Protection Authority prior to and while undertaking any scheduled activity listed under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

Termination of Prior Approvals

- 7 Upon approval of this development application, the previous development consents (DA 2017/218 dated 29 January 2018 and DA 2017/218A dated 25 June 2019) become redundant and are no longer valid.

Prior to Commencement

- 8 The right of carriageway easement (to be used as a private haul road) is to be implemented and remain on the certificate of title for both Lot 52 DP 43558 and Lot 2 DP 1265657 for the life of the quarry.

- 9 A sign must be erected on the development site at 2697 Oxley Highway showing:
- a) The address of the quarry and the name of the quarry owner or operator and a telephone number on which that person may be contacted outside working hours.
 - b) Also stating that unauthorised entry to the site is prohibited.

Operational Matters

- 10 The maximum daily number of truck movements for Phase 1 must not exceed 70 truck movements per day (being 35 truck movements in and 35 truck movements out of the premises). The maximum hourly number of truck movements must not exceed 20 (being 10 truck movements in and 10 out of the premises).
- 11 The maximum daily number of truck movements for Phase 2 must not exceed 30 truck movements per day (being 15 truck movements in and 15 truck movements out of the premises) once Phase 1 is completed. The maximum hourly number of truck movements must not exceed 10 (being five truck movements in and five out of the premises).
- 12 Construction works and quarry operation for Phase 1 of the quarry (including extraction, processing, stockpiling and haulage movements) are to be limited as follows:
- a) Monday to Friday – 6.00 am to 6.00 pm.
 - b) Saturday – 7.00 am to 6.00 pm.
 - c) At no time on Sundays or public holidays.
- 13 At the completion of Phase 1, construction works and quarry operation for Phase 2 of the quarry (including extraction, processing, stockpiling and haulage movements) are to be limited as follows:
- a) Monday to Friday – 7.00 am to 6.00 pm.
 - b) Saturday – 7.00 am to 4.00 pm.
 - c) At no time on Sundays or public holidays.
- 14 The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and to Gilgandra Shire Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Roads and Traffic

- 15 At the completion of Phase 1, unless otherwise agreed by Gilgandra Shire Council through a Formal Contract Agreement between the proponent and Gilgandra Shire Council, quarry trucks (laden or unladen) are not permitted to use Council's local road network.
- 16 The maximum size quarry truck that can access this quarry site is restricted to a 26-metre B-double or PBS Level 2B vehicles.
- 17 The use of Ostlers Lane and Berida–Innisfail Road is prohibited for any truck movements associated with the quarry other than in an emergency.
- 18 Prior to operation of the quarry, the current private haul road off the Oxley Highway is to provide suitable storage capacity for the largest class of vehicle accessing the subject land. Any gate, grid or similar structure installed in the access is to be set back a minimum of 40 metres from the edge of the Oxley Highway. It is the applicant's responsibility to regularly inspect the intersection of the private haul road and the Oxley Highway, and maintain it in good condition.
- 19 Any work on the private haul road within 40 metres of Boothaguy Creek (including culverts or drains) will require a separate consent or modification to this consent. A Controlled Activity Approval under the *Water Management Act 2000* will also be required.
- 20 If any works are required in the Oxley Highway road reserve, a formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and TfNSW prior to works commencing.
- 21 A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of the Oxley Highway.
- 22 Signs are to be erected (subject to an ROL) warning both east and westbound Oxley Highway traffic that trucks are turning/entering up ahead.
- 23 Prior to operation of the quarry, a 200-metre section of the right of carriageway (starting at the existing seal at the intersection/access gates) shall be sealed at full cost to the developer. Ongoing maintenance of this section will be required to maintain the seal to an acceptable wearing standard.
- 24 Prior to operation of the quarry, a Traffic Management Plan (TMP) including a Driver Code of Conduct must be prepared in consultation with Council, the principal contractor(s) and TfNSW. The TMP is to cover strategies to mitigate the effects of quarry related traffic on State and local roads including noise control, dust suppression, volume of heavy traffic and road safety.

The TMP is to be implemented for the life of the development and is to be reviewed and updated in response to any changes in operation conditions.

Copies of relevant sections of the TMP and Driver Code of Conduct shall be provided to contractors and employees as part of the site induction.

- 25 To prevent damage to public roads, all laden quarry trucks need to comply with mass limits.
- 26 The quarry operator must ensure that all loads are covered prior to leaving the quarry site to prevent loose materials falling onto the roadway or the creation of excessive dust.

Vegetation Management and Site Rehabilitation

- 27 Prior to expansion of the excavation or stockpiling area, a Vegetation Management Plan (VMP) must be prepared for the balance of Lot 1 DP 1265657 (outside the disturbance footprint) and approved by Council. This area is approximately 52 hectares. The VMP must be prepared in accordance with Best Practice Guidelines available from public access websites.

The VMP must include, but may not be limited to:

- a) A review of the landscape context of the site to inform the proposed ecological restoration methodology. This should include an assessment of the distribution of native vegetation communities, threatened species and ecological communities known or likely to occur, and habitat connectivity across the broader landscape.
 - b) Identification of Vegetation Management Zones (VMZs) on the site to facilitate planning and implementation of works.
 - c) Detailed actions within VMZs, including representative plant community types (PCTs) to be restored, restoration methodologies and implementation schedules. This must include tree planting that will result in a woodland with not less than 30 trees per hectare capable of storing carbon to offset quarry emissions.
 - d) A list of performance indicators for each year of the program to provide a means of measuring the progress of restoration works.
 - e) Details of reporting and monitoring to be carried out, including the frequency of monitoring reports and the location of photo points.
- 28 The area subject to the Vegetation Management Plan must be fenced and signposted. The footprint is to be mapped and fenced using GPS coordinates. The applicant must ensure that no clearing or other works are undertaken beyond the approved excavation and stockpiling area in order to construct the fence.

- 29 A section 88B instrument is to be placed on the title of Lot 1 DP 1236657. The section 88B instrument is to provide for an easement of conservation as follows:

A restriction applying to the entirety of the area to which the approved Vegetation Management Plan applies. The restriction on user must prohibit, except as otherwise permissible by law, all of the following within the area covered by the restriction on user:

- a) the destruction or removal of any local native trees, shrubs, grasses or other vegetation, or the planting of any flora other than local native flora;
- b) any act or omission which may adversely affect any local native flora or any native fauna or their related habitats;
- c) any act or omission which may result in the deterioration in the natural state or in the flow, supply, quantity or quality of any body of water or in the natural moisture regime of the area;
- d) the creation or maintenance of any tracks through the area;
- e) the removal, introduction or disturbance of any soil, rock or other minerals;
- f) any structures or dwellings;
- g) deposition or accumulation of rubbish or refuse, including garden refuse and weed propagules, or the use of any of the area for storage of any substance or material.

The section 88B instrument must contain a provision identifying Gilgandra Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user.

- 30 Tree hollow habitat – Prior to expansion of the excavation or stockpiling area on the site in accordance with this approval, a minimum of 20 fauna nesting boxes are to be installed in the area subject to the Vegetation Management Plan (VMP) to provide short-term fauna habitat.
- 31 Ecological restoration works – Replanting and restoration works must be undertaken and continued until the performance criteria have been achieved in accordance with the approved Vegetation Management Plan for a minimum period of five years, during which annual monitoring reports must be submitted to Council for approval. To demonstrate that all works required have been completed and that key performance indicators have been met, the annual monitoring report from a qualified and experienced ecologist and/or bush regenerator must be submitted and approved by Council. Fauna nesting boxes must be monitored, maintained and replaced if damaged for a minimum period of five years.

- 32 Clearing of native vegetation that would be authorised under Schedule 5A and Division 5 of the *Local Land Services Act 2013* (LLS Act) is not permitted to be carried out without development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* on any part of Lot 1 DP 1265657.

(Note: In accordance with the Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act), section 1.3(e) of that Act, the purpose of this condition is “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats”.

Section 60Q(2) of the LLS Act provides that:

“Schedule 5A does not permit clearing or any other activity—

- (a) without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or*
- (b) in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.”*

Similarly, section 60S(4) of the LLS Act provides that:

“A land management (native vegetation) code does not permit clearing or any other activity—

- (a) without an approval or other authority required by or under another Act or another Part of this Act, or*
- (b) in contravention of any provision of or made under another Act or another Part of this Act”*

As this condition is imposed under section 4.17 of the EP&A Act, sections 60Q and 60S of the LLS Act apply and the clearing of native vegetation under Schedule 5A and Division 5 of the LLS Act is not permitted.)

- 33 Within 12 months of commencing the quarry operation, the applicant will prepare a site rehabilitation plan for the excavation and stockpiling area based on the information in section 3.13.1 and Figure 3.3 of the EIS, and submit this for Council's approval.

Soil, Water and Dust

- 34 The site shall be protected from erosion and sediment loss during construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

(Note: All erosion and sediment control measures must be in place prior to the quarry operation commencing.)

- 35 Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated in the ANZECC Guidelines and Water Quality Objectives in NSW (2000).
- 36 Prior to quarrying operations on the subject property commencing, the proponent shall prepare a Water Management Plan that identifies and implements strategies that:
 - Mitigate the risk of dirty or contaminated water discharging off the site during the operational phase,
 - Minimise importing water and maximise reuse of captured/recycled water during the operational phase,
 - Provide appropriate measures to protect the environment from dirty or contaminated water, including sediment and erosion control, during construction.
- 37 All earthworks, filling, building, roads or other works are to be designed and constructed, including stormwater drainage, so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- 38 Quarry operations, including haulage, will be reduced during periods of low water availability to prevent dust lift-off from the quarry operation and truck movements on the private haul road.
- 39 Quarry operations will cease in 10th percentile dry years to prevent dust lift-off from the quarry operation and truck movements on the private haul road when water for dust control is not available.
- 40 The following will be undertaken to control dust emissions on the site:
 - Water sprays will be applied prior to and following drilling (for blasting).
 - Water sprays will be applied during loading and unloading of materials.
 - Water and/or polo citrus additive will be applied at transfer points of the crushing and screening plant.
 - A water cart will be operated on the hardstand and frequently trafficked areas, including the private haulage route.

Site Office and Work Area

- 41 Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000-litre tank for firefighting purposes. A 65 mm Storz fitting and ball or gate valve shall be installed on the 20,000-litre tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (Building Code of Australia) and the *Disability (Access to Premises—Buildings) Standards 2010* of the *Disability Discrimination Act 1992*.

A Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed footings for prefabricated buildings are in accordance with the applicable standards.

- 42 Prior to harvesting potable water from the site, a Private Water Supply Quality Assurance Program must be prepared by a suitably qualified consultant in accordance with the *Public Health Act 2010* and the *Public Health Regulation 2012*, and must be approved by Council.
- 43 Any diesel or other fuel stored on the site shall be in a bunded location that meets Australian Standards for safety and environment protection (AS 1940:2017, The Storage and Handling of Flammable and Combustible Liquids).
- 44 The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the *Local Government (General) Regulation 2005* and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to section 68 of the *Local Government Act 1993*.
- 45 Prior to quarrying operations on the subject property commencing, a minimum of 24 car parking spaces including one disability space shall be constructed to accommodate workers' vehicles.
- 46 Any external lighting located on the quarry site will be shielded and limited to less than 50,000 lumens.
- 47 All waste generated on site is to be disposed of at an approved waste management facility regulated or licensed to receive such waste. Any waste oil generated at the site will be placed within bunded tank(s) within the crushing and stockpile area. It will be collected on a regular basis by a licensed waste contractor and transported to a licensed waste disposal/recycling facility.

- 48 A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating a vehicle or mobile plant.

Blasting

- 49 Blasting at the quarry will only be carried out between 9.00 am and 3.00 pm Monday to Friday, and all neighbours will be given not less than 24 hours' notice.
- 50 No ammonium nitrate or any other blasting related material is to be stored on the subject land.

Aboriginal Cultural Heritage

- 51 Inductions for staff undertaking the proposed work should indicate the location of the scarred tree and explain the legislative protection requirements for all Aboriginal sites and objects in New South Wales under the NPW Act and the relevant fines for non-compliance. Staff should be briefed on the Unanticipated Find Protocol, the Unanticipated Skeletal Remains Protocol and the identification of Aboriginal objects within the local region, with particular emphasis placed upon stone artefact identification.
- 52 In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) shall be notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

SCHEDULE A: REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From 1 July 2018, Council is required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Gilgandra Local Environmental Plan 2011.
The proposed development complies with relevant State Environmental Planning Policies.
The proposed development complies or is generally consistent with relevant provisions of Gilgandra Development Control Plan 2011.
The proposed development complies with <i>Environmental Planning and Assessment Regulation 2000</i> considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality subject to the proposed conditions of approval.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application. Conditions have been imposed to specifically address issues raised in submissions, including reducing the hours of operation, dust control, noise control, biodiversity protection and access to water for use on the site.
The proposed development is unlikely to prejudice or compromise the public interest.

NOTES—

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of any proposed buildings or structures.
- (2) Any proposed building or structure is required by the Deemed-to-satisfy NCC and the Premises Standards to provide disabled access. However, notwithstanding this, the applicant's attention is drawn to the owners' and employers' obligations under the NSW Anti-Discrimination Act whereby the

design of the premises and workplace should not discriminate against disabled persons visiting and obtaining access to such premises. It should be noted that compliance with the BCA and the Premises Standards is not a defence against prosecution, or the issue of a rectification order under the subject Act in respect of all disability access issues. Accordingly, Council recommends that the applicant and owner investigate their liability under such Acts.

- (3) Any proposed building or structure is to provide a list of Fire Safety Measures which must be submitted with the Construction Certificate application pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000*. The Regulation prescribes that the information to be submitted must include:
 - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (4) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (5) It is a statutory requirement that an Approval to Operate a System of Sewage Management must be obtained from Council prior to occupation of the building and/or commissioning of the sewage management facility (eg septic tank, AWTS, etc). This approval to operate the sewage management system is time limited and must therefore be renewed on a regular basis by the owner of the premises. Accordingly, the applicant to this consent should ensure that the owner of the subject premises is made aware of the following:
 - (a) That an Approval to Operate a System of Sewage Management must be obtained from Council prior to occupation of the building and/or commissioning of the sewage management facility; and
 - (b) That such approval, once obtained, must be renewed on a regular basis.

- (6) Any proposed building or structure requires the owner of the building to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building – as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must also be forwarded by the owner to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and be displayed within the subject building in a prominent position.

- (7) Any proposed building or structure requires the owner of the building to submit to Council at least once in each period of 12 months following the completion of the building, an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statement(s) must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and be displayed within the subject building in a prominent position. In this regard, Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being afss@fire.nsw.gov.au

- (8) Approvals that will be required to be obtained under section 68 of the Local Government Act include:
- Install and construct a human waste storage facility and drain connected to such facility: and
 - Operate a system of sewage management (within the meaning of section 68A).

- (9) Offensive noise as defined under the *Protection of the Environment Operations Act 1997* shall not be emitted from the proposed development.

Air impurities as defined under the *Protection of the Environment Operations Act 1997* shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

RIGHT OF APPEAL

Section 8.3 of the *Environmental Planning and Assessment Act 1979* confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.

Essential Energy makes the following general comments:

- (i) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- (ii) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- (iii) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (iv) Prior to carrying out any works, a 'Dial Before You Dig' enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
- (v) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Work Near Overhead Power Lines Code of Practice 2006* and *Work Near Underground Assets – Guide*.

General Terms of Approval - Issued



Notice No: 1608747

The General Manager
Gilgandra Shire Council
Returned via CNR Portal

Attention: Mr Lindsay Mathieson

Notice Number 1608747
File Number EF20/31189
Date 09-Jun-2021

Dear Mr Mathieson

**Proposed expansion of extractive activities at the Berakee Quarry DA2021/379
Issued pursuant to Section 4.46 *Environmental Planning and Assessment Act 1979***

I refer to the Development Application and accompanying supporting information provided by or on behalf of Regional Hardrock Gilgandra Unit Trust (Regional Group Australia Pty Ltd) (Proponent) for the proposed Berakee Quarry expansion at 2697 Oxley Highway, Collie, NSW (Premises) received by the Environment Protection Authority (EPA) on 7 April 2021 (date of the complete application).

The EPA has reviewed the Development Application and accompanying supporting information provided and has determined that it is able to vary the existing environment protection licence for the Proposal, subject to conditions. The Proponent will need to make a separate application to the EPA to vary environment protection licence 21093 (Licence), should approval for the Proposal be granted. If approval is granted, applications for a variation to the Licence can be made via the eConnect Portal.

The EPA's General Terms of Approval (GTAs) as a minimum for this Proposal are provided at Attachment A. I have attempted to streamline the GTAs to provide greater operational flexibility for the EPA from an environment protection licensing perspective but have also provided the EPA's Licence conditions at Attachment B if Gilgandra Shire Council (Council) wish to include them as GTA's within any approval, if approval is granted. Attachment B is an indication of all changes to the Licence that will be made if approval is granted. I have also included a condition at the end of Attachment B that should not be included as any GTA conditions as further negotiation between the EPA and the Proponent is required.

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

The key environmental risks from an environment perspective are in relation to:

1. Noise and vibration;

General Terms of Approval - Issued



Notice No: 1608747

2. Point and fugitive dust; and
3. Erosion and sediment control and site wide water management.

The EPA has also reviewed and considered the Public Submissions received as provided by Council on 3 May 2021.

The Public Submissions generally relate to objections on the grounds of operating hours, air quality, water management and the intersection of the private haul road with the Oxley Highway. The EPA believes the issues raised that relate to the EPA's area of responsibility can be managed through appropriate conditions.

If you have any questions about this matter, please contact Josh Loxley on (02) 6883 5326 or by email at central.west@epa.nsw.gov.au.

Yours sincerely

MATTHEW CORRADIN
Unit Head
Regulatory Operations
(By Delegation)

General Terms of Approval - Issued



Notice No: 1608747

ATTACHMENT A - EPA GENERAL TERMS OF APPROVAL

- 1) Except as expressly provided by any conditions of approval issued by Gilgandra Shire Council, these General Terms of Approval or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities at the Premises, being the Berakee Quarry at Lot 1; DP 1265657 (and including Private Haul Road Lot 2; DP 1265657 via private agreement and Lot 52; DP 43558 under right of carriageway) must be carried out in accordance with the information contained in:
 - a) the Development Application dated 9 February 2021 submitted to Gilgandra Shire Council by Umwelt (Australia) Pty Limited on behalf of Regional Hardrock Gilgandra Unit Trust for DA2021/379;
 - b) the environmental assessment titled "Berakee Quarry Extension Environmental Impact Statement" prepared by Umwelt (Australia) Pty Limited and dated January 2021 relating to the Development Application identified above;
 - c) the specialist assessments accompanying the Environmental Assessment identified above; and
 - d) the additional information prepared by Umwelt (Australia) Pty Limited and submitted to the EPA on 1 April 2021 in response to the EPA Stop-The-Clock letter dated 15 March 2021.
- 2) Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Gilgandra Shire Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.
- 3) The Proponent, or any subsequent proponent operating the Premises, must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to and while undertaking any scheduled activity listed under Schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 4) The Proponent, or any subsequent proponent operating the Premises, must comply with any additional requirements imposed by an in-force environment protection licence issued by the Environment Protection Authority, as varied from time to time.
- 5) Stage 1 extraction and processing activities, as defined by the Environmental Assessment titled "Berakee Quarry - Environmental Impact Statement" prepared by Umwelt (Australia) Pty Limited dated January 2021, are limited to no more than 490,000 tonnes extracted or processed per annum.
- 6) Stage 2 extraction and processing activities, as defined by the Environmental Assessment titled "Berakee Quarry - Environmental Impact Statement" prepared by Umwelt (Australia) Pty Limited dated January 2021, are limited to no more than 120,000 tonnes extracted or process per annum once Stage 1 is completed.
- 7) The maximum disturbance area due to the approved operations (including extraction, processing, stockpiling and water management areas) must not exceed 17 hectares (ha).
- 8) The maximum daily number of truck movements must not exceed 70 trucks movements per day (being 35 truck movements in and 35 truck movements out of the Premises), not limiting conditions 5) or 6) above.

General Terms of Approval - Issued



Notice No: 1608747

- 9) The Proponent must install a meteorology station at the Premises in accordance with AS/NZS 3580.14:2014.
- 10) The Proponent, or any subsequent proponent operating the Premises, must operate the meteorology station on-site that measures and records air temperature at 2 metres, air temperature at 10 metres, wind direction at 10 metres, wind speed at 10 metres, sigma theta, rainfall and relative humidity.
- 11) The Proponent must keep a record of the amount of material extracted, processed and sold to consumers, in tonnes, on a per day or per week basis, or both.
- 12) Any record required to be kept in accordance with any conditions of approval issued by Gilgandra Shire Council, these General Terms of Approval or the conditions of an in-force environment protection licence issued by the Environment Protection Authority must be retained for a minimum of four (4) years.

General Terms of Approval - Issued



Notice No: 1608747

ATTACHMENT B - EPA CONDITIONS TO BE INCLUDED ON THE LICENCE

Administrative Conditions

A1 What the licence authorises and regulates

A1.1) This environment protection licence authorises the carrying out of the following activities at the premises specified in condition A2 below. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation (as per the *Protection of the Environment Operations Act 1997*).

Unless otherwise further restricted by a condition of this Development Approval or an environment protection licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Schedule Activity	Fee Based Activity	Scale
Extractive activities	Extractive activities	100000-500000
Crushing, Grinding or separating	Extractive activities	100000-500000

A1.2) Notwithstanding condition A1.1 above, extractive activities and crushing, grinding or separating activities at the premises must not exceed:

- 490,000 tonnes per annum during Stage 1 activities as defined by the Environmental Assessment titled "Berakee Quarry Extension - Environmental Impact Statement" prepared by Umwelt (Australia) Pty Limited dated January 2021; and
- 120,000 tonnes per annum during Stage 2 activities as defined by the Environmental Assessment titled "Berakee Quarry Extension- Environmental Impact Statement" prepared by Umwelt (Australia) Pty Limited dated January 2021.

A2 Premises or plant to which this licence applies

A2.1) This environment protection licence applies to the following premises:

- Berakee Quarry at 2697 Oxley Highway, Collie, NSW being Lot 1 in DP 1265657, Lot 2 DP 1265657 and Lot 52 in DP 43558.

A3 Information supplied to the EPA

A3.1) Works and activities must be carried out in accordance with the proposal contained in the environment protection 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:

- 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
- the licence information form provided by the Proponent to the Environment Protection Authority to assist the Environment Protection Authority in connection with the issuing of the licence.

General Terms of Approval - Issued



Notice No: 1608747

A3.2) Any other document and/or management plan is not to be taken as part of the documentation in condition A3.1 above, other than those documents and/or management plans specifically referenced in this environment protection licence.

Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1) The following points referred to in the table below are identified in this environment protection licence for the purposes of weather monitoring, or as otherwise stipulated in this licence.

EPA identification no.	Type of monitoring point	Location description
1	Meteorological weather monitoring	Meteorological weather station installed in accordance with AS/NZS 3580.14:2014 with the exact location to be negotiated with Gilgandra Shire Council (if required) and the Environment Protection Authority if approval is granted and prior to undertaking any site activities related to the Development Approval.

P1.2) The following points referred to in the table are identified in this environment protection licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

EPA identification no.	Type of monitoring point	Location description
2	Discharge to waters Discharge quality monitoring	Sediment basin 1 with the exact location to be negotiated with Gilgandra Shire Council (if required) and the Environment Protection Authority if approval is granted and prior to undertaking any site activities related to the Development Approval.

Limit Conditions

L1 Noise limits - Construction

L1.1) Unless otherwise further restricted or otherwise stipulated by a condition of this environment protection licence, construction activities at the premises must only occur during the following time periods:

General Terms of Approval - Issued



Notice No: 1608747

- a) 6am to 6pm Monday to Friday;
- b) 6am to 6pm Saturdays; and
- c) at no time on Sundays or Public Holidays.

L1.2) Condition L1.1 above does not apply to the delivery of material outside the hours of the permitted timeframes 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 must be provided to the EPA and affected residents as soon as possible, or within 24 hours in the case of emergency.

L1.3) The licensee must implement all reasonable and feasible noise and vibration mitigation measures to minimise construction noise and vibration impacts in accordance with the "Interim Construction Noise Guidelines" (DECC, 2009) and "Assessing Vibration: a technical guideline" (DEC, 2006).

L2 Noise limits - Operation

L2.1) Unless otherwise further restricted or otherwise stipulated by a condition of this environment protection licence, operational activities (including extraction and processing and truck loading and despatch) at the premises must only occur during the following time periods:

- a) 6am to 6pm Monday to Friday;
- b) 6am to 6pm Saturdays; and
- c) at no time on Sundays or Public Holidays.

L2.2 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)		
	Morning Shoulder		Day
	LAeq(15 minute)	LAmix	LAeq (15 minute)
	35	52	40

L2.3) For the purposes of condition L2.2 above:

- a) Morning Shoulder means the period from 6am to 7am Monday to Saturday; and
- b) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

L2.4) The noise limits set out in condition L2.2 of this environment protection licence apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind

General Terms of Approval - Issued



Notice No: 1608747

	speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

L2.5) For those meteorological conditions not referred to in condition L2.4 above, the noise limits that apply are the noise limits in condition L2.2 of this environment protection licence plus 5dB.

L2.6) For the purposes of condition L2.4 of this environment protection licence:

- a) The meteorological conditions are to be determined from meteorological data obtained from the onsite meteorological weather monitoring station required by this environment protection licence ; and
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017): Pasquill-Gifford stability classification scheme (section D1.3.1).

L2.7) To assess compliance:

- a) with the LAeq(15 minutes) or the LMax noise limits in conditions L2.2 and L2.4 of this environment protection licence, the noise measurement equipment must be located:
 - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - iv. at any other location identified in condition L2.2 of this environment protection licence.
- b) with the LAeq(15 minutes) or the LMax noise limits in conditions L2.2 and L2.4 of this environment protection licence, the noise measurement equipment must be located:
 - i. at the reasonably most affected point at a location where there is no residence at the location; or,
 - ii. at the reasonably most affected point within an area at a location prescribed by condition L2.7 (a) above.

L2.8) A non-compliance of conditions L2.2 and L2.4 of this environment protection licence will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L2.7 (a) or L2.7 (b) of this environment protection licence.

General Terms of Approval - Issued



Notice No: 1608747

Note: to conditions L2.7 and L2.8: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L2.9) For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L2.10) Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L3 Blast limits

L3.1) The airblast overpressure level from blasting operations at the premises must not exceed 120dB (LinPeak) 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.

L3.2) The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over 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.

L3.3) Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec 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.

L3.4) Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over 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.

L3.5) Blasting at the premises may only take place between 9:00am-3:00pm Monday to Friday. Blasting is not permitted on Saturday, Sundays or public holidays.

L3.6) Blasting outside of the hours specified in condition L3.5 above can only take place with the written approval of the EPA.

L3.7) The airblast overpressure and ground vibration levels in conditions L3.1 to L3.4 of this environment protection licence do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

L3.8) Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

General Terms of Approval - Issued



Notice No: 1608747

L4 Pollution of waters

L4.1) Except as may be expressly provided in any other condition of this environment protection licence, the licensee must comply with section 120 of the *Protection of the Environment Operations Act 1997*.

L5 Concentration limits

L5.1) For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L5.2) Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L5.3) To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L5.4) Water and/or land concentration limits.

Point(s) 2

Pollutants	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	97 percentile concentration limit	100 percentile concentration limit
Oil and Grease	mg/L				10
pH	pH				6.5-8.5
Total Suspended Solids	mg/L				50

L5.5) The total suspended solids concentration limits stipulated by condition L5.4 above for EPA Identification Points 2 are deemed not to apply when:

- the discharge from the stormwater control structures (sediment basins) occurs solely as a result of rainfall measured at the premises which exceeds a total of 50.7 millimetres of rainfall over any consecutive 5 day period; and
- all other conditions of this environment protection licence are complied with.

Note: A 50.7mm rainfall event is defined by the EPA endorsed publication "Managing urban stormwater: soils and construction" (Landcom, 2004) as the rainfall depth in millimetres for a 95th percentile, 5 day rainfall event for Dubbo which is also consistent with the storage capacity (recommended minimum design criteria) for Type D sediment basins for mines and quarries (see "Managing urban stormwater: soils and construction, Volume 2E, mines and quarries" (DECC, 2008)).

L6 Waste

L6.1) 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

General Terms of Approval - Issued



Notice No: 1608747

generated at the premises to be disposed of at the premises, except as expressly permitted by an environment protection licence under the *Protection of the Environment Operations Act 1997*.

L7 Odour

L7.1) No condition of this environment protection licence identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997*.

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

L8 Other limits

L8.1) The maximum daily number of truck movements must not exceed 70 trucks movements per day (being 35 truck movements in and 35 truck movements out of the Premises), not limiting conditions 5) or 6) above.

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 Dust

O3.1) The premises must be maintained in a condition which prevents or minimises the emission of dust from the premises.

O3.2) All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of dust from the premises.

General Terms of Approval - Issued



Notice No: 1608747

O3.3) Trucks entering and leaving the premises that are carrying loads of materials which have the potential to cause emissions dust must have their loads covered at all times, except during loading and unloading.

O4 Emergency response

Note) The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises in accordance with Part 5.7A of the *Protection of the Environment Operations Act 1997* and Part 3A of the *Protection of the Environment Operations (General) Regulation 2009*.

O5 Processes and management

O5.1) The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken

O5.2) The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basin(s) installed on the premises.

O5.3) The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.

O5.4) Unless otherwise approved in writing by the Environment Protection Authority, where stormwater control structures (sediment basins) are necessary or are designed, sediment basins and associated drainage must be installed and commissioned prior to the commencement of any grubbing or clearing works within the catchment area of the sediment basin that may cause sediment to leave the site (excluding that work required for the sediment basins and associated drainage).

O5.5) The stormwater control structures (sediment basins) identified as EPA Identification Point(s) 2 must be drained or pumped out as necessary to maintain the basins design storage capacity within 5 days following rainfall.

O5.6) The licensee must undertake maintenance as necessary to desilt any stormwater control structures (sediment basins) identified as EPA Identification Point(s) 2 in order to retain the basins design storage capacity.

O6 Waste management

O6.1) The licensee must, as far as possible, follow the waste hierarchy principals contained within the *Waste Avoidance and Resource Recovery Act 2001* when dealing with any waste generated at the premises.

O6.2) The licensee must assess and classify any waste generated at the premises in accordance with the "Waste Classification Guidelines – Part 1: Classifying waste", as in force from time to time, and manage this waste in a lawful manner.

General Terms of Approval - Issued



Notice No: 1608747

O6.3) The licensee must maintain a waste register that tracks any waste received at or transported from the premises that clearly identifies each entity and vehicle involved in the waste transaction and the premises from which or to which the waste originated or was transported to.

O7 Other operating conditions

O7.1) The licensee must store and handle all liquid chemicals and hazardous materials used at the premises within bunded areas that are constructed and maintained in accordance with the following:

- a) any relevant Australian Standards for the liquids being stored;
- b) within a bunded area with a minimum bund capacity of 110% of the volume of the largest single stored vessel within the bund;
- c) the Storing and Handling Liquids: Environmental Protection Participant's Manual (DECC, 2007); and where any conflict exists between these requirements, the most stringent requirements apply.

O7.2) For the purpose of this condition, any tanks or other storage vessels that are interconnected and may distribute their contents either by gravity or automated pumps must be considered a single vessel.

O7.3) Prior to the commencement of any surface disturbance and/or construction activities, the licensee must install and maintain appropriate erosion and sediment control measures at the premises in accordance with the publication Managing Urban Stormwater: Soils and construction – Volume 1 (Landcom, 2004) and Managing Urban Stormwater: Soils and construction – Volume 2E, Mines and Quarries (DECC, 2008).

Monitoring and Recording Conditions

M1 Monitoring records

M1.1) The results of any monitoring required to be conducted by this environment protection or a load calculation protocol must be recorded and retained as set out in these conditions.

M1.2) All records required to be kept by this environment protection 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 Environment Protection Authority 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 environment protection 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.

General Terms of Approval - Issued



Notice No: 1608747

M2 Requirement to monitor concentration of pollutants discharged

Weather Monitoring

M2.1) the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding units of measure, frequency, averaging period and sampling method, specified opposite in the Columns 2, 3, 4 and 5 respectively.

Parameter	Units of measure	Frequency	Averaging	Sampling Method
Air temperature at 2 metres	°C	Continuous	1 hour	AM-4
Air temperature at 10 metres	°C	Continuous	1 hour	AM-4
wind direction at 10 metres	°(Degrees)	Continuous	15 minute	AM-2 & AM-4
wind direction at 10 metres	m/s (metres per second)	Continuous	15 minute	AM-2 & AM-4
Sigma Theta	°(Degress)	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M2.2) The licensee must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications and keep relevant records associated with this calibration in accordance with condition M1.2 of this environment protection licence.

M2.3) The licensee must develop and implement a quality assurance/quality control procedure for the data collected from the meteorological monitoring station. Outcomes from the procedure must kept in accordance with condition M1.2 of this environment protection licence.

Noise monitoring

M2.4) The licensee, following the receipt of a noise related complaint and if required by the environment protection authority, must undertake noise monitoring as required in writing by the environment protection authority.

Blast monitoring

M2.5) The licensee must undertake blast monitoring as outlined below to determine compliance with Conditions L3.1 to L3.4:

General Terms of Approval - Issued



Notice No: 1608747

- 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(s) at which the noise was measured;
 - iii. the ground vibration for each blast;
 - iv. the airblast overpressure for each blast;
 - v. 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
 - vi. 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 115dB(L).
- c) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 2006.

Water and land monitoring

M2.6) For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.7) Water and/ or Land Monitoring Requirements

Point(s) 2

Parameter	Sampling Method	Unit of measure	Averaging	Frequency
Oil and grease	Representative Sample	mg/L		Daily during discharge
pH	Representative Sample	pH		Daily during discharge
Total Suspended solids	Representative Sample	mg/L		Daily during discharge

M3 Testing methods – concentration limits

M3.1) Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

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.

General Terms of Approval - Issued



Notice No: 1608747

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 environment protection 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 this environment protection 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) The preceding two conditions do not apply until 1 month from: the date of the issue of this environment protection licence.

Reporting Conditions

R1 Annual return documents

R1.1) The licensee must complete and supply to the environment protection authority an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

General Terms of Approval - Issued



Notice No: 1608747

At the end of each reporting period, the environment protection authority will provide to the licensee notification that the Annual Return is due.

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 environment protection 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 an environment protection licence must be made in the approved form for this purpose.

R1.4) Where this environment protection licence is surrendered by the licensee or revoked by the environment protection authority 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.

R1.5) The Annual Return for the reporting period must be supplied to the environment protection authority via eConnect environment protection authority or 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').

R1.6) The licensee must retain a copy of the Annual Return supplied to the environment protection authority for a period of at least 4 years after the Annual Return was due to be supplied to the environment protection authority.

R1.7) Within the Annual Return, the Statements 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 environment protection authority to sign on behalf of the licence holder.

R1.8) 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

General Terms of Approval - Issued



Notice No: 1608747

control, the licensee must notify the environment protection authority in writing as soon as practicable, and in any event not later than the due date. The notification must specify:

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

R2 Notification of environmental harm

Note) The licensee or its employees must notify all relevant authorities 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 *Protection of the Environment Operations Act 1997*.

R2.1) Notifications must be made by telephoning the Environment Line service on 131 555.

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

R3 Written report

R3.1) Where an authorised officer of the environment protection authority suspects on reasonable grounds that:

- a) where this environment protection 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 environment protection authority 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.

General Terms of Approval - Issued



Notice No: 1608747

R3.4) The environment protection authority 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 environment protection authority within the time specified in the request.

R4 Other reporting conditions

R4.1) The licensee must notify the environment protection authority of any exceedances of any emission limit, concentration limit, noise limit or blast limit included as a condition of this environment protection licence at central.west@epa.nsw.gov.au in accordance with condition R2.1 of this licence as soon as practicable after becoming aware of the exceedance.

General Conditions

G1 Copy of environment protection licence kept at the premises or plant

G1.1) A copy of this environment protection licence must be kept at the premises to which the licence applies.

G1.2) The environment protection licence must be produced to any authorised officer of the environment protection authority who asks to see it.

G1.3) The environment protection licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Contact number for incidents and responsible employees

G2.1) The licensee must operate 24-hour telephone contact lines for the purpose of enabling the environment protection authority to directly contact one or more representatives of the licensee who can:

- a) respond at all times to incidents relating to the premises; and
- b) contact the licensee's senior employees or agents authorised at all times to:
 - i) speak on behalf of the licensee; and
 - ii) provide any information or document required under this condition.

G2.1) The licensee is to inform the environment protection authority in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

G3 Signage

G3.1) Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

General Terms of Approval - Issued



Notice No: 1608747

E1 Additional condition to be negotiated between the EPA and the Proponent.

E1.1) The licensee must ensure that it has sufficient water for all stages of operations, and if necessary, adjust the scale of the operations on site to match its available water supply including dust management.