

General Terms of Approval - Issued



Notice No: 1504919

General Manager
PO Box 555
TAMWORTH NSW 2340

Attention: Mr David Koppers

Notice Number	1504919
File Number	251469A1
Date	28-Mar-2012

Re: Development Application No. DA0199/2012 - BMR Quarries Pty Ltd, Expansion and Extension of Mt Winton Quarry to 150,000 tonnes per year (16 years)

I refer to the development application and accompanying information provided for the Mt Winton Quarry Expansion and Extension proposal received by the Office of Environment and Heritage (OEH) on 24 November 2011. Please note the Environment Protection Authority (EPA) now undertakes statutory role for matters integrated under the Protection of the Environment Operations Act.

The EPA has reviewed the information provided and has determined that it is able to vary the premises existing Environment Protection Licence (No. 12427) to cater for the proposal, subject to a number of conditions. These conditions are provided at Attachment A, and the applicant will need to make a separate application to the EPA to vary this licence once it is ready to proceed with the development. The premises licence variation application form can be downloaded from the following web link:

<http://www.environment.nsw.gov.au/resources/licensing/20120243varpremises.doc>

The general terms of approval for this proposal are attached. If Tamworth Regional Council grants development consent for this proposal these conditions should be incorporated into the consent.

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

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If you have any questions, or wish to discuss this matter further please contact Mr Lindsay Fulloon on (02) 6773 7000.

Yours sincerely

Robert O'Hern
Head Regional Operation Unit
Armidale Region
(by Delegation)

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Attachment A - General Terms of Approval - Conditions

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA0199/2012 submitted to Tamworth Regional Council on 15 November 2011;
- the environmental impact statement titled *BMR Quarries, Environmental Impact Statement for Expansion of Production at Mount Winton Quarry* dated November 2011 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including *BMR Quarries, Mount Winton Quarry Proposed expansion EIS- Additional Information for OEHL regarding ACH and Dust* and the letter from Constructive Solutions dated 6 March 2012 carrying the subject line *DA0199/2012 OEHL Additional Information for Mount Winton Quarry - water calculations*.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The proponent 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.

L2.2 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.

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L3. Noise limits

L3.1 Noise generated from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are drawn from the Noise Assessment provided as Appendix F to the EIS submitted in support of DA0199/2012:

Locality and Location	Day LAeq (15 Minute)
Location 1 - The residence on the property "Boomdaroo" marked as "R1" on the Site Plan provided as Figure 1 within the Noise Impact Assessments submitted as Appendix F to the EIS submitted for DA0199/2012	35
Location 2 - The residence on the property "Greendale" marked as "R2" on the Site Plan provided as Figure 1 within the Noise Impact Assessments submitted as Appendix F to the EIS submitted for DA0199/2012	35
Location 3 - The residence on the property "Rockne" marked as "R3" on the Site Plan provided as Figure 1 within the Noise Impact Assessment submitted as Appendix F to the EIS submitted for DA0199/2012	35
Location 4 - Any other affected residence	35

L3.2 For the purpose of the condition above;

- a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- b) Evening is defined as the period 6pm to 10pm.
- c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L3.3 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:

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

For the purposes of this condition:

- i) Data recorded by the meteorological station identified as [EPA Identification Point(s) No. - to be nominated by the proponent] must be used to determine meteorological conditions; and
- ii) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L3.4 Determining Compliance

To determine compliance:

- a) with the LAeq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) within 30 metres of a dwelling façade, 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
 - iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

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- b) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
- i) at the most affected point at a location where there is no dwelling at the location; or
 - ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- i) at a location other than an area prescribed in part (a) and part (b); and/or
- ii) at a point other than the most affected point at a location.

L5.5 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted between 7.00 am and 5.00pm Monday to Saturday. No construction work may be carried out during Sundays and public holidays.

L4.2 Activities at the premises, other than construction work, may only be carried on between 7.00 am and 5.00pm Monday to Saturday.

L4.3 Conditions L6.1 and L6.2 do not apply to the delivery of materials outside the hours of operation permitted by conditions L6.1 and L6.2, 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 the affected residences as soon as possible, or within a reasonable period in the case of an emergency.

L4.4 The hours of operation specified in conditions L6.4 and L6.5 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.

L5. Blasting

L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (L in Peak) at any time. 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.

L5.2 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.

L5.3 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.

L5.4 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.

L5.5 Blasting operations at the premises may only take place between 9:00am-5:00pm Monday to Friday. Blasting is not permitted on public holidays.

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Blasting outside the hours specified above can only take place with the written approval of the EPA.

L5.6 The hours of operation for blasting operations specified in this licence may be varied by the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, and where the EPA gives written consent to the variation.

L5.7 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

L5.8 To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4

a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at any point within 30 metres of any non-project related residential building or other sensitive locations such as a school or hospital for all blasts carried out in or on the premises; and

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

Note: A breach of the the blast limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at any "noise sensitive locations" other than the locations identified in the above condition.

L6. Production Limit

L6.1 Extraction from the premises must not exceed 150,000 tonnes during any consecutive 12 month period.

Operating conditions

01. Dust

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

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

Monitoring and recording conditions

M1. Monitoring records

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

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

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

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

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;

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- the point at which the sample was taken; and
- the name of the person who collected the sample.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Crushing, grinding or separating

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

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.

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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

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

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,

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

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

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

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

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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').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

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

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.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA (and the other agencies nominated in Part 5.7 of the Act) 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

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

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

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

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

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

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

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.

