

General Terms of Approval - Issued



Notice No: 1509154

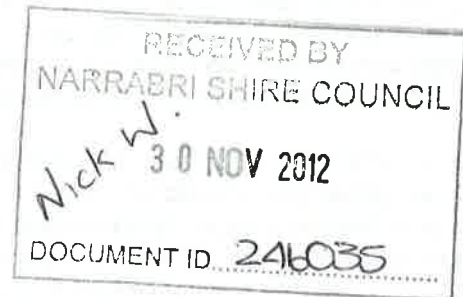
General Manager

PO Box 261

NARRABRI NSW 2390

Attention: Mr Nick Wilton

Notice Number 1509154
File Number LIC12/323
Date 29-Nov-2012



Re: DA 60/2013 - Proposed extractive Industry (Quarry) Expansion 975 Wave Rock Road, Tarriaro

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the Wave Hill Quarry Expansion received by the Environment Protection Authority (EPA) on 21 September 2012.

The EPA has reviewed the information provided and has determined that it is able to vary the premises existing Environment Protection Licence (No. 20139) to cater for the proposal, subject to a number of conditions. 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. These general terms need to be read in conjunction with the existing premises Environment Protection Licence (No. 20139). If Narrabri Shire 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 EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

In assessing the proposal EPA has also identified a number of environmental issues that Narrabri Shire Council may wish to consider in its overall assessment of the application. These issues are discussed below and include the following issues:

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1. Heavy vehicle traffic to and from similar developments have been a source of significant complaints and community concerns at other locations due to noise and dust impacts at residences along public road haulage routes, and road safety and maintenance issues. The EPA recommends that Council negotiates with the proponent to ensure that it makes appropriate contributions to the sealing and upgrade of the haulage routes in a timely manner to address these issues. Council may also wish to define a principle haulage route to and from the site to ensure that the NSW Road Noise Policy arterial/sub-arterial road traffic noise criteria can be applied to these activities. Council may also wish to consider prohibiting haulage along alternative routes to limit impacts.
2. The site is located less than 1500 metres away from another quarry operated by Boral. The proponent has not assessed cumulative noise, air and blasting impacts at the receptor location positioned between these two sites, because this residence is located on the same land allotment as the Boral quarry (Lot 80 in DP 754937). However, it appears the proponent has no agreement with this landholder and that it is not owned by Boral which may mean it could become a source of complaints in future. The EPA has addressed this issue by incorporating a range of conditions (e.g. air/dust monitoring and air impact validation) that can be triggered in the event of it receiving verified complaints from surrounding residences. The EPA has also incorporated an air quality and dust management validation reporting process to ensure that the site is managed to accepted industry best practice standards. Regular noise monitoring has also been required to ensure compliance with noise limits.
3. The magnitude of impacts predicted as a result of operations at the site are dependant on compliance with the operating hours proposed for certain activities. To ensure compliance the EPA has incorporated video monitoring conditions that can be triggered in the event of verified complaints about operating hours at the site.
4. The development application foreshadowed blasting on Saturdays between 9:00am and 3:00pm. This is not consistent with the ANZECC (1990) *Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration*, therefore blasting hours have been restricted to 9:00am to 3:00pm Monday to Friday. Similarly, rock hammering is considered a high impact activity that should not occur on weekends.
5. The EPA has made provision for the requested 24hr exceptional circumstances operations to supply high priority Shire or Roads and Maritime Services projects only with written prior approval from Council and the EPA. However, as the noise assessment provided with the DA indicates background noise is below 30dBA at all times, the default (and most stringent) noise limits of 35dBA (LAeq (15 minute)) have been applied and must be complied with at all times of the day, evening or night time periods.
6. Given the public concern about this proposal expressed during public exhibition, the EPA has applied a condition to it's General Terms of Approval that require the applicant to establish a community environment liaison committee, comprising representatives of the community and the applicant, that will meet at least once every six months. The EPA may reduce the frequency of these meetings, or consider removing this condition from the premises Environment Protection Licence if the applicant can demonstrate that community representatives are not participating in community environment liaison committee meetings and that concerns raised at previous committee meetings have been adequately addressed.
7. The proposed quarry expansion does not involve any associated increase in the footprint of the site. This presumably therefore means that the working life of the site will be reduced by the proposed expansion.

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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 or armidale@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Karl Turnbull', written over a horizontal dotted line.

Karl Turnbull
Acting Unit Head
North - Armidale

(by Delegation)

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Administrative conditions

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 DA 60/2013 submitted to Narrabri Shire Council on 9 July 2012;
- any environmental impact statement entitled "Environmental Impact Statement for the Expansion of Wave Hill Quarry, Narrabri - Lot 77 DP 754937 and Lot 89 DP 821255, Parish of Eulah, County of Nandewar" prepared by SMK Consultants and dated May 2012 relating to the development.

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. Concentration limits

L2.1 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.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land

POINT: Overflow from the spillway of the sediment basins [exact locations to be confirmed]

Pollutant	Units of Measure	50 Percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil & Grease	milligrams per litre				10

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pH	pH	6.5 - 8.5
Total Suspended Solids	milligrams per litre	50

L2.4 The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharged from the sediment basins provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 42 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 42 millimetre, 5 day rainfall event.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 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.

L4. Noise limits

L4.1 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 6 to the EIS submitted to Narrabri Shire Council in support of DA60/2013:

Locality and Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
Location 1 - The residence marked as 'House 1' in Figure 1 of the Wave Hill Quarry Noise and Vibration Assessment by Vipac Engineers & Scientists Pty Ltd dated 9/01/2012 provided as Appendix 6 to the EIS submitted to Narrabri Shire Council in support of DA 60/2013	35	35	35	45
Location 2 - The residence marked as 'House 2' in Figure 1 of the Wave Hill Quarry Noise and Vibration Assessment by Vipac Engineers & Scientists Pty Ltd dated 9/01/2012 provided as Appendix 6 to the EIS submitted to Narrabri Shire Council in support of DA 60/2013	35	35	35	45
Location 3 - The residence marked as 'House 3' in Figure 1 of the Wave Hill Quarry Noise and Vibration Assessment by Vipac Engineers & Scientists Pty Ltd dated 9/01/2012 provided as Appendix 6 to the EIS submitted to Narrabri Shire Council in support of DA 60/2013	35	35	35	45
Location 4 - Any other affected residence	35	35	35	45

L4.2 For the purpose of the condition above;

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- 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.

L4.3 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 Monitoring Point W1 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.

L4.4 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.
- 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.

L4.5 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.

L5. Hours of operation

L5.1 All construction work at the premises must only be conducted between 7.00 am and 5.00 pm Monday to Saturday. No construction work may be carried out during Sundays and public holidays.

L5.2 Activities at the premises may only be carried out at the times specified in the table below:

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Activity	Monday to Friday	Saturday	Sunday	Public Holidays
Dispatch of trucks to haul aggregate or arrival of trucks delivering products	7.00am to 6.00 pm	7.00am to 5.30pm	Nil	Nil
Arrival and loading of trucks to haul aggregate	6.30am to 5.30pm	7.00am to 5.30pm	Nil	Nil
Light vehicle traffic associated with employees or light service vehicles entering or leaving the site	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Maintenance of plant and equipment including workshop activity, repairs/alterations to processing equipment and unloaded test runs.	6.00am to 10.00pm	7.00am to 5.00pm	7.00am to 5.00pm	7.00am to 5.00pm
Crushing and screening operations	7.00am to 6.00pm	7.00am to 6.00pm	Nil	Nil
Stockpiling operations	6.00am to 6.00pm	7.00am to 6.00pm	Nil	Nil
Drilling	9.00am to 3.00pm	Nil	Nil	Nil
Rock hammering	9.00am to 3.00pm	Nil	Nil	Nil
Exceptional circumstances – all crushing, loading and product haulage activities within and from the site to enable manufacture and delivery to high priority RTA or Shire Projects only. Haulage outside normal operating hours is to be limited to four (4) trucks only.	24 hours with written notification and approval from Narrabri Shire Council and the Environment Protection Authority	24 hours with written notification and approval from Narrabri Shire Council and the Environment Protection Authority	24 hours in emergencies only with written notification and approval from Narrabri Shire Council and the Environment Protection Authority	Nil

L5.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1 or L5.2, 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 must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.4 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.

L7. Blasting

L7.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. 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.

L7.2 The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. 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.

L7.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. 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.

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L7.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. 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.

L7.5 To determine compliance with condition(s) L2.1, L2.2, L2.3 and L2.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises [exact location to be confirmed] 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 blast limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in these General Terms of Approval at an "noise sensitive locations" other than the locations identified in the above condition.

L7.6 Blasting operations on the premises must only be carried out between the hours 9am to 3pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays

L7.7 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.

L7.8 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

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

L8. Production Limit

L8.1 Extraction from the premises must not exceed 200,000 tonnes during any consecutive 12 month period.

L8.2 For the purposes of determining compliance with this condition, all trucks carrying loads from the quarry must be weighed at the site weigh bridge before leaving the site, and records of the weight of each load must be maintained by the applicant and provided to an EPA Authorised Officer upon request.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

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O2. Blasting

Blast management protocol

O2.1 A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

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

Monitoring and recording conditions

M1 Monitoring records

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

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

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

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The

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applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Air Monitoring Requirements

POINT: At the nearest surrounding residences [exact locations to be confirmed]

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Special Frequency 1	AM-18
Solid Particles	grams per square metre per month	Continuous	AM-19

Water and/or Land Monitoring Requirements

POINT: Overflow from the spillway of the sediment basins [exact locations to be confirmed]

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Special Frequency 2	Representative sample
pH	pH units	Special Frequency 2	Representative sample
Total suspended solids	milligrams per litre	Special Frequency 2	Representative sample

For the purposes of this condition, 'Special Frequency 1' means sampling as required from time to time in writing by the EPA.

For the purposes of this condition, 'Special Frequency 2' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air 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 a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

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M3.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

M4. Weather monitoring

M4.1 Weather Monitoring Requirements

For each monitoring point specified below the applicant must monitor the parameters specified in Column 1 of the table below. The applicant must use the sampling method, averaging period, units of measure specified in the table and sample at the frequency specified opposite in the other columns:

POINT: W1 Site Meteorological Monitoring Station [exact location to be confirmed]

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	millimetres per hour	Continuous	1 hour	AM-4
Wind speed @ 10 metres	metres per second	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	degrees Celsius	Continuous	15 minute	AM-4
Temperature @ 10 metres	degrees Celsius	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	degrees clockwise from true north	Continuous	15 minute	AM-4
Solar radiation	watts per square metre	Continuous	15 minute	AM-4
Additional requirements- Siting				AM-1, AM-4 and Special Method 2

M4.2 For the purposes of this conditions 'Special Method 2' means that the applicant must install a permanent meteorological station and logger.

The location of the site chosen for the station and the details of the equipment, measurement and maintenance/service procedures and schedules to be installed/implemented must be submitted in writing to the EPA, and approved in writing by the EPA, before any sampling or analysis is carried out. The meteorological station must be calibrated at least once every 12 months. The EPA must be provided with the data from the station upon request in a Microsoft Office compatible format.

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M5. Noise monitoring

M5.1 To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition L4.4 titled Determining Compliance, outlined above and:

- a) at Locations 1, 2 and 3 listed in the Noise Limits table;
- b) occur every six months in a reporting period and where required in writing by the EPA, during extended 24 hour exceptional circumstances operations;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - i) 1.5 hours during the day;
 - ii) 30 minutes during the evening; and
 - iii) 1 hour during the night.
- d) occur for three consecutive operating days.

Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established.

M5.2 To assess compliance with the noise limits presented in the Noise Limits table for Location 4, attended noise monitoring must be undertaken in accordance with the condition L4.4 titled Determining Compliance, outlined above, only if required to do so at a location, frequency and manner specified in writing by the EPA.

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.

General Conditions

G1. Community liaison

G1.1 The applicant must establish a community environment liaison committee, comprising representatives of the community and the applicant, that will meet at least once every six months. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions.

Note: Where the applicant can demonstrate that community representatives are not participating in community environment liaison committee meetings and that concerns raised at previous committee meetings have been adequately addressed, the EPA may consider reducing the frequency of required committee meetings, or removing this condition from the premises Environment Protection Licence.

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Special Conditions

E1. Validation of sedimentation pond capacity and management procedures

E1.1 The applicant must prepare and submit to the EPA's Armidale office within 3 months of any development consent being issued by Narrabri Shire Council permitting an increase in production to 200,000 tonnes per annum, a sedimentation system validation report that assesses the sedimentation systems and management procedures at the site against the requirements of the following guidelines:

- *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, March 2004* available from Landcom; and
- *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries June 2008* available from <http://www.environment.nsw.gov.au/resources/stormwater/08208soilsconststorm2e.pdf>.

The sedimentation system validation report must include (but need not be limited to) the following:

- An assessment of the capacity of each sedimentation pond (sediment storage and stormwater capture capacity) against the requirements of the documents listed above for the soil types present at the premises
- An assessment and validation of the Soil Hydrologic Group used in the sedimentation pond design calculations for all soils within the controlled drainage area/catchments at the site;
- Detailed survey data for each controlled catchment area to confirm and validate the size of each catchment used in the sedimentation pond design calculations;
- Documentation of the procedures and/or other processes that will be employed to ensure that the sedimentation ponds can be managed as required by conditions L2 and M2 of these General Terms of Approval; and
- Details of the design and location of any ancillary infrastructure (e.g. water storages, pumps, and control mechanisms) required to facilitate compliance with conditions L2 and M2 of these General Terms of Approval.

Due Date: Within 3 months of any development consent being issued by Narrabri Shire Council permitting an increase in production to 200,000 tonnes per annum

E2. Real Time Video Monitoring and Recording

E2.1 The applicant must, upon written notification from the EPA and following verified complaints about out of hours operations at the site, install, operate and maintain real time video equipment that monitors the entrance/s to the licensed premises to monitor compliance with condition L5 of these General Terms of Approval. The video monitoring must operate 24 hours a day seven days a week and must record continuously. These recordings must be kept for a minimum of three months from the time of recording and must display the time and date on the recorded image.

E2.2 The applicant must submit to the EPA's Armidale office for approval a proposal which details the type of real time video monitoring and recording equipment to be installed and used at the site, the locations where it will be installed and the measures that will be incorporated to ensure it cannot be tampered with or altered to enable out of hours

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operations to go undetected within one month of receiving written notification from the EPA in accordance with condition E2.1 above. Installation must be completed by a suitably qualified person and must occur within one month of the equipment being approved in writing by the EPA.

E3. Air Quality and Dust Management Validation

E3.1 The applicant must prepare and submit to the EPA's Armidale office within 12 months of any development consent being issued by Narrabri Shire Council permitting an increase in production to 200,000 tonnes per annum, an Air Quality and Dust Management Validation Report that:

- Provides a detailed quantitative assessment of air quality prepared by a suitably qualified air quality specialist that examines air quality impacts (project specific and cumulative) against the air quality impact goals/criteria (PM10 and Total Suspended Particulates) established by the EPA, the National Environment Protection Council (see the Ambient Air National Environment Protection Measure) and any other relevant authorities at all surrounding receptor locations and which has been prepared in accordance with the EPA's Approved Methods and relevant guidance;
- Examines the air quality management controls in use at the site and compares them against accepted industry best management practice (including those documented for the coal mining industry available on the EPA's website at: <http://www.environment.nsw.gov.au/resources/air/KE1006953volume1.pdf>) to determine whether additional controls should be implemented to ensure that the applicant can comply with condition O1.1 of these General Terms of Approval and sections 124 to 126 of the *Protection of the Environment Operations Act 1997*; and
- Provides a detailed water balance that demonstrates that the site will have sufficient water available from available supply options to maintain best practice dust management controls during a range of climatic scenarios that are likely to occur during the operating life of premises (e.g. 90th percentile, 50th percentile and 10th percentile years) and that mechanisms are available to overcome any water deficiencies, or modify operations during extreme dry periods to maintain compliance with condition O1.1 of these General Terms of Approval and sections 124 to 126 of the *Protection of the Environment Operations Act 1997*.

Due Date: Within 12 months of any development consent being issued by Narrabri Shire Council permitting an increase in production to 200,000 tonnes per annum.

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Attachment – 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.

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

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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.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

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

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

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

- 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 of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

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

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

Written report

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

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

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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.