

## Annexure 1 Conditions of Consent

That consent be granted to Development Application T6-14-53 for expansion of an existing extractive industry to 450,000 tonnes per annum on Lot 4 DP 622304 at 593 Gowings Hill Road Dondingalong subject to the following conditions of consent.

### A. GENERAL CONDITIONS

#### Terms of Consent

- A1 The development shall be carried out in accordance with the approved plans and the supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times.

Document	Date
Development application form	Lodged 24 February 2014
Environmental Impact Statement prepared by GHD, Volumes 1 and 2	February 2014
Geotechnical Recommendations prepared by GHD	1 July 2014
Greenhouse Assessment prepared by GHD	July 2014
Staging and Operational Plan prepared by Hopkins Consultants, Drawing Number 6787-0005-01, Rev A, Sheets 1 and 2	26 June 2014
Additional Information letter from GHD	3 July 2014
Response to Road Safety Audit Findings by GHD	22 August 2014

#### Habitat Offset

- A2 There shall be no vegetation removal on the site until:
- arrangements are in place for the protection in perpetuity of:
    - 7.3ha of potential koala habitat and 3.5ha of EEC (and including the required 10m buffer west of the quarry access road) retained on Lot 4 DP 622304, and
    - 7.5ha of revegetated land as koala habitat offset on Lot 852 DP 629622.
  - there is a legally binding agreement, to Council's satisfaction, between the developer and the owners of the land that allows and enables the developer to comply with the condition A3,
  - there is legally binding agreement between the developer and Council that ensures the protection of the habitat compensation offset areas in perpetuity

through the rezoning of land and the application of restrictive/positive covenants on title.

- d) the developer obtains Council approval for a Vegetation Management Plan for the offset land. Condition A4 describes the requirements for the Vegetation Management Plan.

A3 The agreement referred to in condition A2 b) shall:

- a) require the developer to request Council to rezone the habitat offset area as E2 Environmental Protection when Council next undertakes a general review of the local environmental plan and the owner and developer shall not object to the rezoning,
- b) require the developer to register on the title of the land, at its cost, positive covenants for the implementation and maintenance of the Vegetation Management Plan referred to in condition A4.

A4 The developer shall prepare a Vegetation Management Plan, to Council's satisfaction, for the two land components referred to in condition A2 that includes:

- a) In respect to the retained habitat areas:
  - i. A flora and fauna management plan in accordance with the mitigation measures described in section 5.5.4 of the EIS (GHD February 2014),
  - ii. Provision of a 10m wide vegetated buffer between the quarry footprint and the EEC west of the quarry access road,
  - iii. Protective measures required to be in place prior to commencement of any clearing on the site,
- b) In respect to the land to be revegetated:
  - i. pre-revegetation forest cover and composition;
  - ii. post-revegetation forest cover and composition targets;
  - iii. the species to be planted (all should be endemic natives not horticultural hybrids), number of trees/plants to be planted, location and density of replanted vegetation;
  - iv. PKFTs seedlings must be of a minimum size and maturity to best ensure survival. Any loss of seedlings within the agreed maintenance period must be replaced by the developer.
  - v. details of the sourcing of all seedlings (demonstrating local seedstock has been used);
  - vi. bush regeneration methods, timeframes and objectives;
  - vii. a schedule of management, monitoring and maintenance activities to ensure establishment and ongoing protection and management of replanted vegetation;
  - viii. the length of proposed monitoring and management periods, the timing of key milestones, and reporting requirements;
  - ix. provisions for planting mortality replacements; and

- x. responsible parties for undertaking and funding all works and activities included in the plan.
- c) In respect to hollow bearing tree/habitat tree clearance:
  - i. Surveys are to be undertaken by a suitably qualified ecologist or wildlife handler to identify the number and size of hollows to be lost within the quarry footprint,
  - ii. Incorporation into the Vegetation Management Plan, the number and location of suitable nesting boxes required to mitigate the number of hollows to be lost,
  - iii. Installation of the nesting boxes prior to removal of hollow bearing trees and in no case, no later than 12 months after commencement of consent.

#### **Obligation to Minimise Harm to the Environment**

- A5 In addition to meeting the specific performance criteria established under this consent, the Developer shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

#### **Extraction**

- A6 The total amount of extractive material extracted in any annual return period shall not exceed 450,000 tonnes. “Annual return period” means the period covered in any annual report required under condition C26. The developer shall ensure the development does not exceed this limit.

#### **Haulage Volume and Route**

- A7 The total amount of extractive material transported from the site in any annual return period shall not exceed 450,000 tonnes. The developer shall ensure the development does not exceed this limit.
- A8 Truck movements shall not exceed 90 loads (180 total movements in and out) in any one day. “Truck movements” includes truck and dog movements. The developer shall ensure the development does not exceed this limit.
- A9 The haul route for material shall be along Gowings Hill Road, right into West Street, left into South Street and right into Macleay Valley Way. If in the future South Street is extended from West Street to Gowings Hill Road, the haul route shall be along Gowings Hill Road, right into South Street and right into Macleay Valley Way. Trucks shall not use Middleton Street. The developer shall ensure all haul trucks adhere to this haul route.

#### **Life of Consent**

- A10 The period during which the development may be carried out is limited to 30 years from the date of commencement notified under condition B3. This condition does not prevent the undertaking of rehabilitation works under condition A11 after the expiration of 30 years.

#### **Site Rehabilitation**

- A11 At the expiration of the consent under condition A10, the developer shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the EIS: section 2.13 and Appendix B.

## **B. PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT**

### **Surrender of Existing Development Consents and Commencement of this Consent**

- B1. This consent does not operate until the surrender of consent to development application T4-90-48 and consent to development application T6-08-328 in accordance with Section 80A(1)(b) of the EP&A Act 1979 and in the manner prescribed by clause 97 of the EP & A Regulation 2000.
- B2. The notice of surrender of consent shall be accompanied by:
- a) A detailed topographic survey by a registered surveyor indicating extent and surface levels of the extraction areas immediately prior to the date of surrender of consent.
  - b) an assessment of all outstanding contributions payable under each surrendered consent, including sufficient documentation to establish the amount of material removed and a statutory declaration stating that the information is a true and accurate record of extraction under the relevant consents, and
  - c) payment of the assessed amount.
- B3. The developer shall notify Council in writing of the commencement date of operations under this consent. Council will provide written confirmation of the lapsing date for quarry operations under this development consent.

### **Construction Certificate Application**

- B4. The developer shall submit a Construction Certificate application for the proposed weighbridge, site office and amenities buildings.

A Long Service Levy must be paid to the Long Service Payments Corporation, based on the cost of the work and currently 0.35% of the cost. This is a State Government Levy and is subject to change. Payments may be made at Council's Administration Office. Cheques are to be made payable Council.

### **Acceptable Means to Weigh Material Hauled from the Site**

- B5. If haulage of extractive material from the site under this consent is to commence prior to the construction of the weighbridge, the developer shall provide an alternative suitable means to weigh all material hauled from the site. Details are to be submitted to Council for approval prior to commencement of haulage.

### **Vegetation Protection Works**

- B6. Where quarry operations are proposed to commence prior to the provision of habitat offsets required under condition A2, the developer shall:
- a) install a protective barrier between existing vegetation and all quarry operations. The barrier shall be sufficient to prevent accidental incursions beyond the existing extent of quarry operations.
  - b) Submit to Council a survey prepared by a registered surveyor identifying the location of barrier. Council shall inspect the location of the barrier to determine if the barrier is correctly located and may instruct the developer to move the barrier if it is considered that the barrier does not protect any area of existing vegetation. The developer shall relocate the barrier where directed and submit a revised

survey to Council.

- c) The developer shall be responsible for ensuring no incursions into the protected vegetation areas including instructing all operators on site to remain within the permitted area.

#### **Road Works**

- B7. The developer shall construct the following road works prior to commencement of truck movements associated with the development. The works are to be at the full cost of the developer. The developer is to submit an application under section 138 of the Roads Act 1993 and gain Council approval before undertaking the works. All works are to be undertaken in accordance with a Traffic Management Plan approved by Council.
- a) Upgrade of the intersection of the internal access road with Gowings Hill Road to an intersection type Austroads BAL, including signage, linemarking, alignment markers, missing guide posts and clearing of vegetation on the inside curve to improve sight distance,
  - b) Upgrade of the Gowings Hill Road/West Street intersection by the provision of a 1.2m wide traffic island in West St in accordance with Austroads Guide to Road Design Part 4A,
  - c) Upgrade of the West Street/ South Street intersection in accordance with the plan prepared by Hopkins Consultants Drawing Number 6787-0008, Rev B dated 20/08/2014. The design is to be further detailed to include additional road pavement extension, if required, to accommodate the swept paths of two opposing haulage trucks,
  - d) Gowings Hill Road Bus Route – undertake a review of bus stops to assess geometric constraints that limit sight distance, vegetation requiring removal and warning signs where relocation is impractical and undertake any identified works.

#### **Environmental Management Plan**

- B8. The developer shall prepare and implement an Environmental Management Plan for the development to the satisfaction of Council. The Plan must:
- a) Be submitted to Council for approval prior to commencement of operations under the consent,
  - b) Be prepared by a suitably qualified and experienced expert,
  - c) Identify the statutory approvals that apply to the development,
  - d) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development,
  - e) Describe the procedures that would be implemented to:
    - i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development,
    - ii) Receive, handle, respond to, and record complaints,
    - iii) Resolve any disputes that may arise,
    - iv) Respond to any non-compliance,
    - v) Respond to emergencies, and
  - f) include the implementation of the following operational conditions of this consent including:

- i) Operation of plant and equipment,
  - ii) Hours of operation,
  - iii) Requirements of any licences,
  - iv) Water quality management,
  - v) Air quality management,
  - vi) Noise management,
  - vii) Blasting Impacts management,
  - viii) Truck Management including Code of Conduct for haulage drivers,
  - ix) Ecological management including vegetation management and habitat offset revegetation,
  - x) Weed management,
  - xi) Greenhouse gas management,
  - xii) Waste management,
  - xiii) Cultural heritage management,
  - xiv) Hazards and risk management,
  - xv) Complaints management,
  - xvi) Geotechnical hold points,
  - xvii) Management of records of haulage amounts,
  - xviii) Rehabilitation preparation and management,
- g) The recommendations identified in chapter 6 of the EIS and summarised in Table 6-1, and the recommendations in the supplementary report titled "Greenhouse Assessment Proposed Expanded Quarry" (GHD July 2014) and the Geotechnical Recommendations (GHD 1 July 2014).

B9. Preparation of the Environmental Management Plan shall:

- a) Have regard to:
  - i) the Guideline for the Preparation of Environmental Management Plans prepared by the Department of Planning and Infrastructure, 2004,
  - ii) chapter 6 of the EIS and summarised in Table 6-1, and the recommendations in the supplementary report titled "Greenhouse Assessment Proposed Expanded Quarry" (GHD July 2014) and the Geotechnical Recommendations (GHD 1 July 2014), and
- b) include the monitoring and reporting requirements of the conditions of consent.

#### **Limit of Quarry Operations**

B10. The limit of the quarry footprint, including all proposed vegetation clearing, stockpiling, access road and site facilities, as identified in the approved quarry plan, shall be clearly marked on site using durable pegs or other markers and shall remain in place for the life of the consent. The developer shall ensure all contractors and employees on the site are made aware of the boundary markers and that no works extend beyond the markers.

#### **Initial Environmental Management Works**

B11. Prior to commencement of site operations, all initial environmental management works identified in the approved Environmental Management Plan and identified as being required prior to commencement of works shall be completed including:

- a) Vegetation protection works,



- b) Sediment and erosion control works,
  - c) Water quality management measures,
  - d) Groundwater monitoring bores,
  - e) Dust suppression measures,
  - f) Acoustic barriers.
- B12. Provision of toilet facilities at the rate of one toilet for every 20 persons or part thereof employed at the site. Each toilet must be an approved temporary chemical closet or there must be a licenced on site effluent disposal system installed. Application is to be made to Council under section 68 of the Local Government Act 1993 for the installation of an on site effluent disposal system.

#### **Utilities and Services**

- B13. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Development shall be undertaken. The cost of any such arrangements shall be borne by the developer.

#### **Certification that Works Required Prior to Commencement Have Been Completed**

- B14. The developer shall provide to Council written certification from relevant experts confirming that all consent conditions required to be satisfied prior to commencement of operations have been so satisfied.

### **C. OPERATIONAL CONDITIONS**

#### **Operation of Plant and Equipment**

- C1. The developer shall ensure that all plant and equipment used on site is maintained in a proper and efficient condition; and operated in a proper and efficient manner.

#### **Hours of Operation**

- C2. Hours of operation shall be limited to:

	Days	Hours
Blasting	Monday to Friday	9am-3pm
Drilling	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Crushing and Screening within Quarry Pit	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Stockpiling and Loading	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Transport (empty trucks in)	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Transport (loaded trucks out)	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Staff Maintenance and Servicing of Plant and Equipment Onsite	As required	
Emergency	As required	

#### General Terms of Approval – Environment Protection Authority and NSW Office of Water

C3. The development shall be carried out in accordance with:

- a) an Environmental Protection Licence issued by the Environment Protection Licence and in accordance with the General Terms of Approval attached in Annexure A to this consent.
- b) any controlled activity approval issued by the NSW Office of Water and in accordance with the General Terms of Approval attached in Annexure B to this consent.

The developer shall submit copies of licences and approvals to Council within 1 month of receipt and shall provide copies to Council of annual return documents submitted to the EPA in accordance with the licence.

#### Water Quality

C4. The developer shall:

- a) Implement sediment and erosion control measures for the quarry footprint, all internal roads, parking areas and any other site facilities. Measures are to be implemented in accordance with Managing Urban Stormwater Soils and Construction – Volume 2e Mines and quarries (DECC, 2008).
- b) Ensure no works are undertaken within the riparian zone of the unnamed watercourse within the site without a controlled activity approval under the Water Management Act 2000.
- c) Undertake groundwater monitoring on a monthly basis to ensure no impact on the local groundwater system. If excavation intercepts ground water at any time, an aquifer interference approval must be obtained under the Water Management Act 2000 before any further quarry operations take place.

#### Air Quality

C5. The developer shall:



- a) Implement dust mitigation measures described in section 5.4.4 of the EIS including water sprays on crushing and screening plant and haul truck routes,
- b) ensure dust emissions at any offsite residential receiver do not exceed the following criteria:

Pollutant	Averaging period	Criterion
PM10	24 hours	50 µg/m <sup>3</sup>
	Annual	30 µg/m <sup>3</sup>
TSP	Annual	90 µg/m <sup>3</sup>
Dust deposition (insoluble fraction)	Annual	2 g/m <sup>2</sup> /month*

\* Maximum Increment. Maximum allowable cumulative impact of 4 g/m<sup>2</sup>/month

- c) Undertake compliance dust emissions monitoring during the initial 3 months of operation to verify if the modelled levels are confirmed and submit a report on the results to Council within 1 month of the 3 month period.
  - d) Respond to any complaint from a resident at the nearest residential receivers R2, R9 and R10 identified in the EIS, that dust emissions at the residential receiver exceed any of the criteria, by undertaking monitoring and shall provide a copy of a report on the results to the complainant within 3 months of receiving the complaint.
  - e) Identify and implement additional mitigation measures if the results of monitoring identify that the dust emissions exceed any of the criteria at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.
- C6. Where a complainant under condition C5 d) receives from the developer a copy of a report of dust emissions monitoring that reveals any of the criteria are exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:
- a) Install mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the mitigation measures at the developer's cost, or
  - b) Purchase the owner's land in accordance with condition C11.

### Noise Management

- C7. The developer shall:
- a) Implement noise mitigation measures described in section 5.3.4 of the EIS including noise barriers adjacent to crushing and screening plants, compliance with the approved hours of operation, minimising materials dropping heights into or out of trucks, selection of equipment to minimise noise emissions, fitting of equipment with silencers and maintaining in good working order, removal of machinery producing noise in excess of normal industry standards and reducing the annoyance from reversing alarms as far as possible.
  - b) Ensure noise levels do not exceed an L<sub>Aeq</sub> (15 minute) noise emission criterion of 36 dB(A) measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
  - c) Undertake compliance noise monitoring during the initial 3 months of operation to verify if the modelled noise levels are confirmed and submit a report on the results to Council within 1 month of the 3 month period.

- d) Respond to any complaint from a resident at the nearest residential receivers R2, R9 and R10 identified in the EIS, that noise levels at the residential receiver exceed the specified criterion, by undertaking noise level monitoring and shall provide a copy of the report on the results to the complainant within 3 months of receiving the complaint.
  - e) Identify and implement additional mitigation measures if the results of noise monitoring identify that the noise criterion is exceeded at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.
- C8. Where a complainant under condition C7 d) receives from the developer a copy of a report of noise monitoring that reveals noise criterion is exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:
- a) Install noise mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the noise mitigation measures at the developer's cost, or
  - b) Purchase the owner's land in accordance with condition C11.

#### **Blasting Impacts**

C9. The developer shall:

- a) Implement blasting mitigation measures described in section 5.3.4 of the EIS by ensuring that blasting occurs at a minimum distance of 250m from the nearest receiver (R1) or reducing the charge mass per blast hole. The effectiveness of reducing charge mass is to be determined through monitoring.
- b) Ensure the airblast overpressure level from blasting operations must not exceed 115 dB (Un Peak) for more than 5% of the total number of blasts during each reporting period; and 120 dB (Un Peak) at any time, measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
- c) Ensure the ground vibration peak particle velocity from blasting operations must not exceed 5mm/s for more than 5% of the total number of blasts carried out during each reporting period; and 10 mm/s at any time measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
- d) Notify sensitive receptors prior to any planned blasting events.
- e) Implement measures for dust and flyrock suppression for each blast.
- f) Monitor each blasting event and shall provide a report on the results to the land owners of the nearest residential receivers R2, R9 and R10, within 1 month of the event.

#### **General Requirements for Monitoring**

C10. All monitoring of noise, air quality and blasting events and subsequent reporting shall be undertaken by an independent consultant with the appropriate qualifications and industry registration. The cost of monitoring and reporting is to be met by the developer.

#### **Environmental Performance Conditions: Acquisition Upon Request**

C11.

- a) This condition acknowledges that it is the developer's responsibility to comply

with the noise, air quality and blasting standards in conditions C5, C7 and C9 but recognises that breaches may occur due to a range of reasons and that land owners of the nearest residential receivers may be significantly affected by multiple breaches of noise, air quality and blasting standards.

- b) Where a land owner of a property listed in Table 1 to this condition receives three or more reports provided in accordance with condition C5 d), C7 d) or C9 f) within any 2 year period the land owner may require the developer to acquire the land owner's land in accordance with the acquisition procedure detailed in this condition by giving written notice to the developer.
- c) Within three (3) months from receiving a written request from the land owner with acquisition rights as determined in b) above, the developer must make a binding written offer to the land owner based on:
  - i) the current market value of the land owner's interest in the land at the date of the written request, as if the land was unaffected by the development the subject of this consent, having regard to:-
    - (1) the existing use and permissible use of the land in accordance with the applicable environmental planning instruments at the date of the written request to purchase the property;
    - (2) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the land owner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any conditions of this consent;
  - ii) the land owner's reasonable compensation for disturbance at the time of acquisition pursuant to this condition including:-
    - (1) legal costs reasonably incurred by the persons entitled to compensation in connection with the acquisition of the land,
    - (2) valuation fees reasonably incurred by those persons in connection with the acquisition of the land,
    - (3) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),
    - (4) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land acquired),
    - (5) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),
    - (6) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.
- d) In the event that the developer and the land owner cannot agree (within six (6) weeks of the written offer to the landowner), on the acquisition price referred

- above and/or the terms of the acquisition, then either party may refer the matter to the President of the NSW Division of the Australian Property Institute who is to appoint a qualified, independent valuer, or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the property and/or terms upon which the property is to be acquired.
- e) Within fourteen (14) days of receiving the independent valuer's determination, the developer must make a written offer to purchase the property at a price not less than the independent valuer's determination.
  - f) If the land owner refuses to accept the offer within six (6) months of the developer's offer, the developer's obligations to acquire the property shall cease.
  - g) The developer shall bear the costs of any valuation or survey assessment required by the independent valuer, Fellow of the Institute, and all relevant costs associated with determination of the acquisition price incurred through the processes referred to above.

Table 1: Land subject to acquisition upon request

R2 in EIS	Lot 542 DP 711113
R9 in EIS	Lot 851 DP 629622
R10 in EIS	Lot 4 DP 631818

#### **Truck Management**

- C12. The developer shall prepare and enforce a Truck Management Plan and Code of Conduct for drivers to ensure that trucks associated with the development adhere to the approved haulage route, operating hours for travel to and from the site, and other measures including travelling speeds, reducing traffic noise levels, maintaining appropriate distances between haul trucks, traffic safety consciousness and courteousness.
- C13. Vehicle wash down areas and other measures shall be provided to minimise tracking of soil and particulates from the site.

#### **Ecological Management**

- C14. No vegetation clearing is to be undertaken until habitat offsets are provided in accordance with conditions A2, A3 and A4.
- C15. The development shall comply with the Vegetation Management Plan approved under condition A4.
- C16. The developer shall undertake ecological condition assessment of the watercourse and riparian area on an annual basis to identify any impacts resulting from the quarry operation. Where impacts are identified, the annual report is to include recommendations for remedial works to address the impacts and the timeframe to be undertaken. The remedial works are to be implemented and the results are to be reported in the following annual report.

#### **Weed Management**

- C17. Measures shall be implemented to prevent the spread of weeds including identification surveys, hygiene procedures for equipment, footwear and clothing, weed disposal protocols and other site management measures.

### **Greenhouse Gas Management**

C18. The developer shall:

- a) implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
- b) investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigations.

### **Waste Management**

C19. Measures shall be implemented to manage waste in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the OEH Waste Classification Guidelines 2009 and the “principles of waste management hierarchy” and the mitigation measures detailed in the EIS.

### **Cultural Heritage Management**

C20. The developer shall provide all plant operators, that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, an introduction on how to identify Aboriginal objects and the procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

C21. If suspected Aboriginal material is uncovered within the site, work in the surrounding area is to stop immediately and the developer shall engage an appropriately qualified archaeological consultant to identify the material. The developer is bound to comply with its legislative requirements in respect to any Aboriginal material encountered on site.

### **Hazards and Risks Management**

C22. The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

### **Community Relations**

C23. The developer shall erect a sign at the entrance of the quarry with the phone number and permanent site contact details so that complaints concerning the operation of the quarry can be received and addressed in a timely manner.

C24. Records of all complaints and follow up actions are to be included in the annual report required by condition C26.

### **Environmental Management Plan**

C25. The developer shall implement the Environmental Management Plan approved in accordance with condition B5.

### **Monitoring and Annual Reporting**

C26. By the end of March each year, or other timing as may be agreed by Council, the developer shall submit an annual report in accordance with the Environmental Management Plan required by condition B5. Annual reports must review the environmental performance of the development including:



- a) A description of the development that was carried out in the previous year, and the development that is proposed to be carried out over the next year.
  - b) A comprehensive review of the monitoring results and complaints records of the development over the previous year, which includes a comparison of these results against the:
    - i) the relevant statutory requirements, limits or performance measures/criteria;
    - ii) requirements of any plan or program required under this consent;
    - iii) the monitoring results of previous years; and
    - iv) the relevant predictions in the EIS.
  - c) Identification of any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance.
  - d) Identification of any trends in the monitoring data over the life of the development.
  - e) Identification of any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies.
  - f) A description of measures that will be implemented over the next year to improve the environmental performance of the development.
- C27. Annual reports shall be submitted to Council within 1 month of the end of the reporting period.
- C28. Monitoring and environmental reporting is to be completed by an independent and appropriately qualified person for each aspect of the environmental management plan.

#### **Geotechnical Hold Points**

- C29. A geotechnical assessment is to be undertaken at the cost of the developer confirming the proposed quarry design is appropriate with respect to stability before any excavation occurs deeper than RL 22m AHD and beyond the red line, or deeper than RL 38m AHD and beyond the green line, as identified in the Geotechnical Assessment by GHD dated 1 July 2014.

#### **Contributions – Road Maintenance Levy**

- C30. From the date of commencement of the operation identified in condition B2, the developer shall pay a cash contribution to Council at the rate of \$0.77 per tonne (indexed as described below) of material extracted and transported from the land towards the upgrading and maintenance of Council's road system in accordance with the following:
- a) Submission of a quarterly return to Council specifying the amount of material in tonnes extracted and transported within the previous three months. The quarterly return is to be submitted within fourteen days of the end of each period and is to be in the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
    - i) Copies of all invoices and Company records relating to the amount extracted,
    - ii) Records of the weights recorded at the weigh bridge, or by any other approved



- method for weighing the material hauled,
- iii) Payment of the required contribution.
  - b) Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser.
  - c) The contribution rate shall be subject to indexation in accordance with the "Price Index of Materials Used in Building Other Than House Building", as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.
  - d) Council shall have the right to request and inspect all relevant records at any time, subject to prior written notice being provided by Council.

#### **Sinking fund for site rehabilitation**

C31. The developer shall:

- a) for the life of the quarry, maintain its obligation to contribute to the Rehabilitation Sinking Fund under the profit a prendre with the land owner,
- b) submit to Council a copy of the bank statement for the Rehabilitation Sinking Fund, with every 4<sup>th</sup> quarterly return referred to in condition C30 to demonstrate that adequate funds are available for rehabilitation of the site. The developer shall ensure the site is rehabilitated at the end of the life of the quarry and shall not release any of the sinking fund unless satisfied the site will be or has been rehabilitated in accordance with condition A11.

#### **Limit of Clearing and Quarry Operations**

C32. No works, activities or vegetation clearing shall occur outside of the marked boundary required by condition B10.

#### **Upgrade of Haul Access Road Intersection**

C33. The developer shall upgrade the intersection of the internal access road with Gowings Hill Road to an intersection type Austroads BAR within two years of commencement of the development under this consent. The works are to be at the full cost of the developer. The developer is to submit an application under section 138 of the Roads Act 1993 and gain Council approval before undertaking the works. All works are to be undertaken in accordance with a Traffic Management Plan approved by Council.





Our reference: EF13/8293 ;DOC14/37492-01  
Contact: Peter Lynch 66402502

15 APR 2014

Shane Reinhold  
Kempsey Council  
PO Box 3078  
West Kempsey NSW 2440

Dear Ms Reinhold

**The General Terms of Approval for the 593 Gowings Hill Road, Dondingalong - extension to existing quarry in a Kempsey Shire Council - development application T6-14-53 - lot 4 DP 622304**

I refer to your letter of 26 February 2014 in relation to the General Terms of Approval for the quarry at lot 4 DP 622304, 593 Gowings Hill Road, Dondingalong in Kempsey Shire Council

The EPA has reviewed the information provided and has determined that the EPA is able to issue an Environment Protection Licence for the proposal subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence prior to the commencement of operations. The General Terms of Approval (GTA) for this proposal are provided at Attachment A. If development consent for this proposal is granted, EPA recommends these general terms should be incorporated into the consent.

The 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 EPA about the changes before the consent is issued. This will enable us to determine whether our general terms need to be modified in light of the changes.

Should you wish to discuss the EPA's GTA for this project or require any further information please contact Peter Lynch on 6640 2502.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graeme Budd'.

**Graeme Budd**  
**Head Environmental Management Unit North Coast**  
**Environment Protection Authority**

Email: [grafton@epa.nsw.gov.au](mailto:grafton@epa.nsw.gov.au)  
PO Box 498, Grafton NSW 2460  
49 Victoria Street, Grafton NSW 2460  
Tel: (02) 6640 2500 Fax: (02) 6640 2539  
ABN 43 692 285 758  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

**ATTACHMENT A: Director General's Requirements for I refer to your letter of 26 February 2014 in relation to the General Terms of Approval for the quarry at lot 4 DP 622304, 593 Gowings Hill Road, Dondingalong in Kempsey Shire Council**

## **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:

Development Application T6-14-53 to Kempsey Shire Council - lot 4 DP 622304 as supplied to the EPA on 26 February 2014.

### **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.

## **Discharges to Air and Water and Applications to Land**

**P1.1** The following utilisation areas referred to in the table below are identified in the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, for the purposes of the monitoring and/or setting of limits for any application of solids or liquids to the utilisation area.

### **Water and land**

<b>EPA Identification no.</b>	<b>Type of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location Description</b>
Sediment Basin Discharge	Water	Water	Northern side of quarry

## **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 monitoring/discharge point or utilisation area specified in the table/s (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration 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 pollution of waters by any pollutant other than those specified in the table/s.

### **L2.4 Water and/or Land Concentration Limits**

**DISCHARGE POINT 1 (Sediment Basin Discharge)**

<b>Pollutant</b>	<b>Units of measure</b>	<b>100 % concentration</b>
Total Suspended Solids	mg/L	50
pH	pH units	6.5 - 8.5
Oil and grease	mg/L	Nil

**L2.5** The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 70 mm in total falling over any consecutive five day period.

**L2.6** If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS prior to its use.

**L2.7** If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.

**L2.8** If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.

**L2.9** If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must provide the EPA with any amendments the applicant makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

**L3. Waste**

**L3.1** The applicant 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 from the premises must not exceed an L Aeq (15 minute) noise emission criterion of 36 dB(A), except as expressly provided by these general terms of approval:

**L4.2** Noise from the premises is to be measured at residential receivers R1, R2, R9 R10 as identified in the GHD Noise Impact Assessment Report of *January 2014* for NSW Quarry Services Pty Ltd for Bates Quarry at Lot 4 DP 622304, 593 Gowings Hill Road, Dondingalong. This condition does not apply if written permission from the property owners for an exceedance of condition L4.1 has been provided to the EPA.

**L4.3** The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- Wind Speeds greater than 3 metres/second at 10 metres above ground level; or
- Temperature inversion conditions up to 3° C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Temperature inversion conditions greater than 3°C/100m.

## **L5 Blasting**

**L5.1** Blasting operations at the premises may only take place between 09:00 to 15:00 Monday to Friday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the above mentioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).

**L5.2** The airblast overpressure level from blasting operations in or on the premises must not exceed:  
a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and  
b) 120 dB (Lin Peak) at any time.

at any point within 1 meter of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative overpressure level.

**L5.3** The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:  
a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and  
b) 10 mm/s at any time.

At any point within 1 meter of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative ground peak velocity level.

**L5.4** All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

## **L6. Hours of operation**

**L6.1** Activities covered by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must only be carried out between the hours of 7:00 am and 6:00 pm Monday to Friday, and 8:00 am and 1:00 pm Saturday, and at no time on Sundays and Public Holidays.

**L6.2** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 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.

**L6.3** The hours of operation specified in condition L6.1 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.

## **Operating conditions**

### **O1. Dust**

**O1.1** Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.



## **O2. Processes and management**

**O2.1** Sediment basins shall be treated, if required, to reduce the Total Suspended Solids level to the concentration limit of 50 mg/L provided by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, before being released to the environment. Treatment can be with gypsum or any other material that has been approved in writing by the EPA.

**O2.2** The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

**O2.3** The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

**O2.4** Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

**O2.5** The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

**O2.6** The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a) the clear identification of each sediment basin and discharge point;
- b) the collection of representative samples of the water discharged from the sediment basin(s); and
- c) access to sampling point(s) at all times by an authorised officer of the EPA.

**O2.7** The applicant must endeavour to maximise the reuse of captured stormwater on the premises.

**O2.8** Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.

**O2.9** Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

**O2.10** The sediment basins must meet the design and operational standards of *Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries*. The sediment basins size has been calculated to be 1.92 ML as outlined in the *Soil and Water Management Plan, Bates Quarry, Dondingalong, NSW, prepared by Enviro Ag for NSW Quarry Services Pty Ltd, Australia*.

**O2.11** All liquid chemicals, fuels and oils must be stored in tanks or containers inside suitable bund(s). Bund(s) are to be designed, constructed and maintained in accordance with AS1940-2004 Storage and Handling of Flammable and Combustible Liquids.

## **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 EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;

- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

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

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

## ***M2. Requirement to monitor concentration of pollutants discharged***

**M2.1** The applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

### **POINT 1 Water and Land**

#### **Discharge point 1**

<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>
Total Suspended Solids	mg/L	Special Frequency 1.
pH	pH units	Special Frequency 1
Oil and grease	mg/L	Special Frequency 1

< *Special Frequency 1* > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 70 mm over any consecutive five day period.

## ***M3. Testing methods - concentration limits.***

**M3.1** Subject to any express provision to the contrary of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, 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. Environmental monitoring***

**M4.1** The applicant is required to install and maintain a rainfall depth measuring device.

**M4.2** Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L2.4.

## ***M6. Other monitoring and recording condition***

**M6.1** For the purposes of monitoring for compliance with the noise limit conditions of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, (condition L4)

noise emitted from the premises must be measured or computed at 30 metres from the nearest residential dwelling/s over a period of 15 minutes using the "FAST" response on the sound level meter. A modifying factor correction must be applied for tonal, impulsive, or intermittent noise in accordance with the document NSW Industrial Noise Policy (NSW EPA, January 2000).

### **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.

**Pollution Reduction Program. Noise Mitigation Works and monitoring.**

*The GHD Noise Impact Assessment Report of January 2014 for NSW Quarry Services Pty Ltd for Bates Quarry at Lot 4 DP 622304, 593 Gowings Hill Road, Dondingalong, states that: the model results indicate that noise levels generated from quarry operations are predicted to comply with the INP daytime noise criterion at most receivers, except at receivers R1, R2, R9, and R10.*

The licensee must

- (i) Engage a noise consultant to prepare a report detailing noise mitigation works so that the premise is compliant with the noise limits in the licence, that is a L Aeq (15 minute) noise emission criterion of 36 dB(A). (This report is to be submitted by the 1 July 2014.)
- (ii) Complete installation of noise mitigation works designed to reduce the noise impacts on residents. These works are to be completed by the 1 September 2014. A report documenting these completed works is to be submitted by the 1 September 2014.
- (iii) Engage a noise consultant to conduct compliance noise monitoring of normal quarry operations. The plant and equipment operating on site at the time of monitoring must be documented. The compliance noise monitoring must be conducted by 1 October 2014.
- (iv) Submit a report on the monitoring and outcomes of the above compliance noise monitoring. This report is to be submitted by 1 October 2014.

## **Attachment – Mandatory Conditions for all EPA licences**

### **Administrative conditions**

#### **Other activities**

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

- Extractive Activities; and

#### **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.

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.

#### ***Deadline for Annual Return.***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

#### ***Licensee must retain copy of Annual Return***

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

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

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

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

#### ***Notification of environmental harm***

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

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

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

#### ***Written report***

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



(a) where this licence applies to premises, an event has occurred at the premises; or  
(b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

- 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 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.

1  
1  
1  
1  
1  
1  
1  
1  
1  
1  
1  
1  
1



**Department of  
Primary Industries**  
Office of Water

Contact: Vanessa Sultmann  
Phone: 02 6676 7382  
Fax: 02 6676 7388  
Email: [Vanessa.Sultmann@water.nsw.gov.au](mailto:Vanessa.Sultmann@water.nsw.gov.au)  
Our ref: 30 ERM2013/0744  
Our file: 9057286  
Your ref: T6-14-53, D14/6318, LA 7597 SRR:KMP

The General Manager  
Kempsey Shire Council  
PO Box 3078  
West Kempsey NSW 2440

**Attention: Shane Reinhold**

10 April 2014

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: T6-14-53**

**Description of proposed activity: Increase Extraction Rate of Hard Rock Quarry**

**Site location: 593 Gowings Hill Road, Dondingalong**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

---

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484  
t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"No works are to commence over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) > [Approvals](#) > Controlled activities

The application indicates the possibility of intercepting groundwater. Any take of water as a result of minor temporary dewatering activities that is estimated to be less than 3 megalitres per year (3ML/yr) will generally not require a licence or approval from the Office of Water.

It is the applicant's responsibility to assess and monitor water take and impacts, and to advise the Office if they exceed these conditions, at which time a licence must be obtained. The applicant must also meet all requirements of other agencies and consent authorities as per usual.

If it is the applicant's estimation that water take will exceed 3ML/yr then they must apply for a licence under Part 5 of the Water Act 1912 prior to commencing the activity. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for dewatering.

The application indicates that groundwater monitoring bores are to be installed. If the monitoring bores will extract less than 1ML per year they will require a licence under Part 5 of the Water Act 1912 prior to their installation unless they meet the definition of an "exempt monitoring bore" under the Water Management (General) Regulation 2011. An existing license (30BL207105) authorises 3 monitoring bores. The applicant will need to apply for a new licence to encompass any additional bores. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for monitoring bores.

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Patrick Pahlow  
Senior Water Regulation Officer  
Office of Water - Water Regulation, North/North Coast

*per. M. Sten*

# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

**Our Reference:** 30 ERM2013/0744

**File No:** 9057286

**Site Address:** 593 Gowings Hill Road, Dondingalong

**DA Number:** T6-14-53

**LGA:** Kempsey Shire Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to T6-08-328 and provided by Council.  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of:  (i) Vegetation Management Plan (ii) Works Schedule (iii) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a>  (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
<b>Rehabilitation and maintenance</b>	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
<b>Reporting requirements</b>	

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484

t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912

**Our Reference:** 30 ERM2013/0744

**File No:** 9057286

**Site Address:** 593 Gowings Hill Road, Dondingalong

**DA Number:** T6-14-53

**LGA:** Kempsey Shire Council

Number	Condition
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
<b>Security deposits</b>	
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.
<b>Access-ways</b>	
10	N/A
11	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
13	N/A
<b>Disposal</b>	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
<b>Erosion control</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
<b>Maintaining river</b>	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484

t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912



**Our Reference:** 30 ERM2013/0744

**File No:** 9057286

**Site Address:** 593 Gowings Hill Road, Dondingalong

**DA Number:** T6-14-53

**LGA:** Kempsey Shire Council

Number	Condition
	hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	The Consent holder must ensure that any flood waters entering the excavation do so in a controlled manner to mitigate the risk of erosion of water front land.
22	The consent holder must provide full detail location and standard of construction of the bunds and levees proposed exclude flood water from entering the excavation.
<b>River bed and bank protection</b>	
22	N/A
23	N/A
<b>Plans, standards and guidelines</b>	
24	N/A
25	N/A
26	N/A
27	N/A
<b>END OF CONDITIONS</b>	

# General Terms of Approval

for work requiring a licence (dewatering)  
under Part 5 of the Water Act 1912

30 ERM2013/0744

File No: 9057286

593 Gowings Hill Road, Dondingalong

T6-14-53

Kempsey Shire Council

## Conditions

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484

t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912

593 Gowings Hill Road, Dondingalong

T6-14-53

Kempsey Shire Council

**Conditions**

purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
  - 1 -inspecting the said work
  - 2 -taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged

30 ERM2013/0744

File No: 9057286

593 Gowings Hill Road, Dondingalong

T6-14-53

Kempsey Shire Council

**Conditions**

through the council's sewerage treatment system.

20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in a Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

END OF CONDITIONS

# General Terms of Approval

for work requiring a licence (monitoring bores)  
under Part 5 of the Water Act 1912

30 ERM2013/0744

File No: 9057286

593 Gowings Hill Road, Dondingalong

T6-14-53

Kempsey Shire Council

## Condition

1. The licence shall lapse if the work is not commenced and completed within three years of the date of the issue of the licence.
2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW office of water:-
  - (a) details of the work set out in the attached form "A" (must be completed by a driller).
  - (b) a plan showing accurately the location of the work, in relation to portion and property boundaries.
  - (c) a one litre water sample for all licences other than those for stock, domestic, test bores and farming purposes.
  - (d) details of any water analysis and/or pumping tests.
3. The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.
4. If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:-
  - (a) backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or
  - (b) such methods as agreed to or directed by NSW Office of Water.
5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.
6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484

t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072

170912

30 ERM2013/0744

File No: 9057286

593 Gowings Hill Road, Dondingalong

T6-14-53

Kempsey Shire Council

Condition

END OF CONDITIONS



File No: NTH08/01429; CR2014/001796  
Your Ref: DA T6-14-53

The General Manager  
Kempsey Shire Council  
PO Box 3078  
WEST KEMPSEY NSW 2440

Attn: Mr Shane Reinhold – Town Planner

Dear Mr Reinhold,

**Development Application T6-14-53: Intensification of Extractive Industry, Lot 4 DP622304, 593 Gowlings Road, Dondingalong**

I refer to your letter of 7 April 2014 regarding the abovementioned development application forwarded to Roads and Maritime Services for consideration and apologise for the delay in providing a response.

**Roles & Responsibilities**

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

In accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* Clause 16(3), RMS is given the opportunity to review and provide comment on the subject development application.

**Roads and Maritime Response**

Roads and Maritime has reviewed the referred information and provides the following comments to assist the Consent Authority in making a determination:

1. The Traffic Impact Assessment dated February 2014 is considered to have addressed the Director General's environmental assessment requirements. The report has provided a number of recommendations, which Roads and Maritime considers could be adopted to address the identified road safety and traffic impacts of the development.
2. The Quarry Access Road and Gowlings Hill Road intersection needs to be appropriately delineated prior to the introduction of additional traffic movements.
3. As specified in the Traffic Impact Assessment, all heavy vehicle movements associated with the development are to be restricted from travelling through the School Zone on Middleton Street.

**Roads & Maritime Services**

4. The Consent Authority should consider a requirement for the Quarry Operator to prepare and adopt a Truck Management Plan inclusive of a Code of Conduct for haulage operators. The plan could identify the key procedures for haulage operations associated with the development and outline the induction process to ensure that all haulage vehicle operators are familiar with the adopted Code of Conduct. The plan should identify the process for addressing any non compliance with the Code of Conduct.

**Advice to the Consent Authority**

It is noted the Macleay Valley Way and South Street intersection forms the key connection point to classified road network for the South Kempsey Industrial Area. Consideration should be given to ongoing future development in this area and the potential demand for future intersection improvements to maintain the safety and efficiency of the classified road.

Where necessary appropriate future improvements may be identified and included in a suitable infrastructure contributions plan for the subject area. Any future improvements to Macleay Valley Way would need to be designed and constructed in accordance with the relevant Austroads Guidelines and Australian Standards.

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Matt Adams on 6640 1362 or email: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au).

Yours sincerely



Monica Sirol  
Network & Safety Manager, Northern Region

29 May 2014