

## **ANNEXURE 3: DRAFT CONDITIONS**

### **General Conditions**

1. The development shall be carried out in accordance with the details set out in the following;

Development Application form lodged 13/8/14;

Environmental Impact Statement prepared by R.W. Corkery & Co.– July 2014;

Response to Government Agency Submissions, including Appendices 1-4, prepared by R.W. Corkery & Co. dated 5/1/15; and

Ecological Assessment Additional Information dated 27/11/14;  
except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

2. To confirm and clarify the terms of this approval, consent is given for the following

- Ongoing extraction of quartzose rock within the existing extraction area and a 1.4ha extension of the extraction area, producing up to 100,000 tonnes of rock per year (averaging 60,000 tonnes per year);
- Transportation of extracted rock to the State road network for delivery to the Sunnyside Crushing and Screening Plant located adjacent to the New England Highway, 10km northwest of Tenterfield;
- Backloading of clay fines and crusher fines from Sunnyside to Dowe's Quarry;
- Progressive emplacement of overburden and returned clay fines within and adjacent to the extraction area;
- Storage of surplus crusher fines from Sunnyside awaiting sale and transportation;
- Period of Extraction of Material of no more than 30 years from the date of consent; and
- Rehabilitation of the site.

***Reason: To ensure compliance with application and plans.***

### ***Identification of Extraction Boundary***

3. The 'proposed extended extraction area' boundary (as identified on the 'Dowe's Quarry Proposed Layout Figure A – EIS, July 2014, prepared by R.W. Corkery & Co.) shall be clearly marked out prior to the commencement of extraction operations. The identification marks shall remain for the life of the development, with all operators being made aware of the boundary markers.

***Reason: To ensure compliance with application and plans.***

## ***Archaeology***

4. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by NSW Office of Environment & Heritage) and the management outcome for the site included in the information provided to the AHIMS.

***Reason: To ensure compliance with application and plans.***

5. If human remains are located during the project, all works must halt in the immediate area to prevent any further impact to the remains. The NSW Police, the Aboriginal community and NSW OE&H are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, OE&H should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by NSW OE&H. In the event that a criminal investigation ensues, works are not to resume in the designated area until approval in writing has been received from the NSW Police and NSW OE&H.

***Reason: To ensure compliance with relevant legislation and to protect any items of Aboriginal archaeology.***

6. All reasonable efforts must be made to avoid impact to Aboriginal cultural heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and NSW OE&H. All staff and contractors are to be provided with induction and training in relation to the course of action and procedures to be followed in the case where any items are discovered.

***Reason: To ensure the protection of Aboriginal heritage.***

## ***Complaints Register***

7. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 2.0 kilometre distance of the boundary of the development site of the contact details and associated information.

***Reason: To ensure amenity of area is maintained***

## **During Extraction Operations**

### ***Extraction Operation Hours***

8. The extraction operation hours are limited to the following:

Monday to Friday – 7.00am to 5.00pm (Australian Eastern Daylight Time)  
Monday to Friday – 7.00am to 5.00pm (Australian Eastern Standard Time)

Saturday – 8.00am to 12.00noon (no blasting on Saturdays)

Sunday and Public Holidays – closed.

Blasting operations to be in accordance with the current NSW Environment Protection Licence – at time of consent; Monday – Friday – 10am to 3pm with NO blasting on weekends or public holidays

Maintenance activities for on site machinery may be undertaken 24 hours/7 days per week provided no noise or light spill is evident externally to the project site.

***Reason: To ensure compliance with application and plans.***

### ***Groundwater***

9. Should groundwater be intercepted at any stage during extraction operations, all works are to cease immediately and Council and the NSW Office of Water are to be notified immediately. No works will be permitted to recommence without the written authorisation of the NSW Office of Water.

***Reason: To ensure compliance with application and plans.***

### ***Documentation***

10. A copy of all the approved documents related to this consent, shall be kept by the operator at all times and shall be made available upon inspection by Council or an authorised government agency.

***Reason: To ensure all documents are available on inspection.***

## **Completion of Extractive Industry Operations**

11. At the completion of operations, as determined by Council, the quarry operator will commission the completion of a Contamination Assessment Report for the site. Any recommended remediation actions are to be completed by the quarry operator and shall be identified within the report.

***Reason: To ensure compliance with Council's requirements.***

- 12.** Rehabilitation of the site shall be undertaken in accordance with the submitted documentation including Figure 2.5 Final Landform and Rehabilitation. Rehabilitation shall be undertaken progressively and shall;
- Ensure species used during rehabilitation operations are consistent with vegetation community types located within the vicinity of the area to be rehabilitated and are suitable for the proposed final landform and land use.
  - Monitor all areas of progressive and final rehabilitation and undertake remedial action in the event that rehabilitation does not comply with the relevant completion criteria.

***Reason: To ensure the rehabilitation of the site.***

### **General Terms of Approval – Environment Protection Authority**

- 13.** The development shall be carried out in accordance with the General Terms of Approval issued by the Environment Protection Authority, attached in Annexure A to this consent.

***Reason: To ensure compliance.***

### **Biodiversity Offset Area**

- 14.** The applicant is to secure a 6.4 hectare Biodiversity Offset Area in consultation with the Office of Environment and Heritage (OEH) in accordance with the submitted documentation and Ecological Assessment reports. The Biodiversity Offset Area is to be finalised within twelve (12) months of the date of this consent. An additional three (3) months is to be permitted if the process is nearing completion at the twelve (12) month timeframe.

***Reason: To ensure biodiversity preservation as a result of the development.***

- 15.** All areas of proposed disturbance are to be clearly marked prior to the commencement of any clearing on site, with the following procedures implemented;
- When necessary, engage a suitably qualified or suitably experienced spotter-catcher to undertake an initial assessment of the area to be cleared for threatened species and to guide and inspect the felling of any hollow-bearing trees.
  - Check all trees for the presence of nesting or roosting fauna before felling or pushing, then start tree removal immediately after visual inspection.
  - When a tree with hollows requires removal, the tree is to be gradually nudged at intermitted intervals so that any animal occupying a habitat tree has the chance of vacating the area after the initial disturbance period.
  - Avoid leaving trees on ground unmanaged for more than two weeks as these would become habitat for hollow-dependant species.
  - Progressively clear vegetation as required throughout the life of the development
  - Salvage tree trunks, major limbs and, if practicable, minor branches for use in rehabilitation of disturbed areas within the Project Site.

## **Traffic Management**

- 16.** A Driver Code of Conduct (the 'Code') for the transport of quarry products on public roads shall be developed and implemented for all heavy vehicle operators that access the subject development, including haulage and delivery vehicles. All drivers will be required to sign a register of acceptance (or similar) of the Code, with the Code including as a minimum the following:
- Map of the primary haulage routes, highlighting critical locations, safety issues and other relevant traffic/transport issues;
  - Procedures and/or safety initiatives for trucks travelling through the residential precincts and school zones (including roads where school bus pickup/set down areas are located);
  - A School Bus Operating procedure (or similar);
  - Driver Behaviour;
  - Compliance with road rules and safety;
  - Minimising dust and noise emissions;
  - Inform drivers of known safety considerations along the proposed haul route (including school bus routes and timetables, school zones, concealed driveways, wet weather safety and other known local hazards);
  - Ensuring all loads are covered prior to leaving the Quarry site;
  - Ensuring all vehicles leaving the quarry site are clear of rock/extractive material by sweeping, cleaning draw bars and external truck/trailer components;
  - Regular tool box meetings;
  - A complaints resolution and disciplinary procedure; and
  - Any community consultation measures required to address busy haulage periods.

The Code of Conduct shall be made available to Council and RMS upon request.

***Reason: To ensure the safe operation of vehicles on the public road system.***

- 17.** A record of haulage movements from both Sunnyside Crushing and Screening Plant and Dowe's Quarry shall be maintained noting the direction, date and type of haulage vehicles utilised. The record of movements shall be submitted to Council every 12 months and/or upon request.

***Reason: To confirm and clarify the terms of the consent.***

- 18.** Warning signs shall be installed within the vicinity of the Quarry entrance off Mount Lindesay Road and Sunnyside Crushing and Screening Plant off New England Highway to advise motorists of the additional truck movements in the area. The location of the signage shall be determined in consultation with Council, RMS and installed in accordance with Australian Standard 1742 and relevant RMS supplements to Australian Standard 1742

***Reason: To ensure ongoing public safety of the road network***

- 19.** Where works are to be performed within the New England Highway and Mount Lindesay Road, a Traffic Management Plan (TMP) shall be prepared and signed off by a qualified person in accordance with AS 1742.3-2009 and RTA Traffic Control at Work Sites Manual – 2010. The TMP shall be approved by RMS and Council respectively. All of the required traffic management measures shall be installed prior to the commencement of any works and be maintained throughout the entire course of operations, and be performed in accordance with the approved TMP.

***Reason: To confirm and clarify the terms of the consent.***

### **Engineering Design and Road Construction**

- 20.** All of the works to be undertaken on the New England Highway and Mount Lindesay Road shall be certified by a chartered professional engineer and designed and constructed in accordance with applicable Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards

***Reason: To ensure compliance with the relevant standards.***

- 21.** A detailed set of construction drawings and specifications shall be provided to RMS and Council for review and approval prior to the commencement of any works at the intersection of New England Highway and Sunnyside Crushing Plant and access to Dowe's Quarry off Mount Lindesay Road.

***Reason: To ensure compliance with the relevant standards***

- 22.** Access points shall be in accordance with the Rural Property Access standard for articulated vehicles as defined by the Austroads Guide to Road Design Part 4, Figure 7.4.

***Reason: To ensure compliance with the relevant standards***

- 23.** Where work is to be undertaken on the New England Highway, Mount Lindesay Road and any connecting vehicular access, a geotechnical investigation and design of the road pavement shall be performed. The pavement design shall be carried out in accordance with the Austroads Pavement Design – A Guide to the Structural Design of Road Pavements 2004 with reference to the RMS supplements for Austroads/Australian Standards. The geotechnical work and pavement design shall be undertaken by a NATA accredited company and approved by RMS and Council respectively

***Reason: To ensure compliance with the relevant standards***

- 24.** All road works undertaken on Mount Lindesay Road shall be inspected by Council to ensure that the works are undertaken in accordance with the approved drawings and specifications and relevant Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards

***Reason: To ensure compliance with the relevant standards***

- 25.** One set of approved construction drawings shall be amended to show the "Work-As-Executed". These drawings, in both hard copy and electronic form, shall be provided to Council and RMS within one month of completion of the works. The drawings shall be certified by a registered surveyor or Chartered Professional Engineer, whichever is applicable.

***Reason: To ensure compliance with the relevant standards***

### **Intersection of New England Highway and Sunnyside Crushing and Screening Plant**

- 26.** The intersection of New England Highway and access to Sunnyside Crushing and Screening Plant shall be designed and constructed in accordance with relevant Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards. As a minimum, the following requirements apply:

- Should the Applicant wish to retain the northern access to the Plant, further consideration of its use and design will need to be demonstrated and approved by RMS; and
- The southern entrance to Sunnyside Crushing and Screening Plant shall be upgraded to incorporate a Basic Right Turn (BAR) treatment, inclusive of works at the southern entrance to improve the road pavement and seal and access to New England Highway.

***Reason: To ensure compliance with the relevant standards and ensure the ongoing safety of the public road network.***

- 27.** For all of the works to be undertaken on New England Highway, the developer will be required to enter into a 'Works Authorisation Deed' with RMS, with all works under the 'Works Authorisation Deed' being completed by a pre-qualified contractor to the satisfaction of RMS within 12 months of Development Consent.

***Reason: To ensure compliance with the relevant standards.***

- 28.** All of the road works to be undertaken by the developer on New England Highway shall be inspected by RMS to ensure the works are undertaken in accordance with the approved drawings and specifications and relevant Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards.

***Reason: To ensure compliance with the relevant standards.***

## **Mount Lindesay Road and Access Road to Dowe's Quarry**

**29.** The intersection of Mount Lindesay Road and access to Dowe's Quarry shall be designed and constructed in accordance with applicable Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards. As a minimum, the following requirements apply:

- The access road to Dowe's Quarry shall be constructed at 90 degrees to the road centreline of Mount Lindesay Road;
- The access road to Dowe's Quarry shall be constructed and sealed for a length of 600 metres (minimum), with 6.0 metres (min) formation width and 4.0 metres (min) sealed width for two way traffic flow;
- The access road to Dowe's Quarry shall incorporate passing bays and call points at the intersection of Mount Lindesay Road and access to Dowe's Quarry and at the end of the sealed section of the access road, to manage passing traffic on the access road;
- The intersection of Mount Lindesay Road and access to Dowe's Quarry shall be designed and constructed as a basic left turn treatment (BLA) on a rural road where the side road AADT is greater than or equal to 50 and/or specifically for articulated vehicles;
- The pavement and bitumen seal of the internal access road to the Quarry shall be maintained by the Applicant for the whole life of the development;

Desirably, the intersection of Mount Lindesay Road and access to Dowe's Quarry should be applied with an asphaltic concrete wearing course to protect the road pavement from damage resulting from the increased heavy vehicle usage, and constant breaking and 'screwing action' of laden/unladen vehicles entering and leaving the Quarry.

***Reason: To ensure compliance with the relevant standards.***

**30.** For all works on Mount Lindesay Road, the developer will be required to submit an application to Council under Section 138 of the Roads Act 1993, including payment of any fees associated with the application.

***Reason: To ensure compliance with the relevant standards.***

**31.** Access to the quarry site is to be undertaken as indicated on the submitted documentation. Evidence of coincident physical and legal access over the access road is to be provided to Council within three (3) months of the date of this consent. Such evidence may include, but is not limited to, the creation of a right of carriageway over the internal lots (excluding Lot 245 DP 751540) or consolidation of the lots such that all components of the access and quarry site are contained wholly within one land parcel.

***Reason: To ensure the quarry site has ongoing coincident physical and legal access.***



- 32.** The engineering design for all roadworks on public roads required as part of this consent shall be completed and submitted to Council and the RMS (where relevant) for assessment within three (3) months of the date of this consent.

All construction work required as part of this consent shall be completed within twelve (12) months of the date of this consent. Upon submission of satisfactory evidence, Council may permit an extension of the timeframe up to an additional six (6) months.

***Reason: To ensure works required as part of the consent are completed in a timely manner.***

### **Soil Management**

- 33.** An Erosion and Sediment Control Plan shall be prepared for all proposed road construction works and approved by Council. Such erosion and sediment control measures shall be implemented prior to the commencement of any works and be maintained throughout the entire course of the operations. All of the erosion and sediment control measures shall be removed when disturbed areas have been restored.

***Reason: To ensure compliance with the relevant standards.***

### **Section 94 Contributions**

- 34.** The registered proprietor is to submit to Council an annual report with an estimated quantity of material extracted in the calendar year. A contribution in accordance with Council's Section 94 Plan will be required at a rate of 4 cents per tonne per kilometre of material over shire roads. Any 'on farm' use of material can be excluded from calculations, but must be identified in the return with details of the material destination. Confirmation of the quantity extracted may be required on a 5 year basis to confirm accuracy of returns.

***Reason: To ensure compliance with the provisions of Council's Section 94 contributions plan.***

- 35.** Where there is no current Rural Address Number (RAN) the registered proprietor is to make an application to Council for a RAN.

***Reason: To ensure access to the property is appropriately identified.***

### **NOTE:**

#### **Public Utilities**

Council and RMS does not guarantee the location of existing above and belowground services in the area, if any. The developer must satisfy themselves as to the existence and location of these services and indemnify Council and RMS from any claims due to damage arising from the proposed works. The location of any public utilities (water, sewer, telecommunications etc.) shall be determined prior to the work commencing using Dial Before You Dig (1100).

## General Terms of Approval - Issued

---



Notice No: 1525218

General Manager  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

Attention: Tamai Davidson

|               |             |
|---------------|-------------|
| Notice Number | 1525218     |
| File Number   | EF14/25178  |
| Date          | 03-Oct-2014 |

**Development Application 2014/078 - Darryl McCarthy Constructions Pty Ltd - Dowe's Quarry, 668 Mount Lindesay Road, Tenterfield**

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

I refer to the development application and accompanying information provided by Darryl McCarthy Constructions Pty Ltd for the Dowe's Quarry, received by the Environment Protection Authority (EPA) on 27 August 2014.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions set out in its general terms of approval, at attachment A. The applicant will need to make a separate application to the EPA to obtain that licence.

If Tenterfield Shire Council grants development consent for this proposal, Council should incorporate these conditions into the consent.

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

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

## General Terms of Approval - Issued

---



Notice No: 1525218

1. Heavy vehicle traffic to and from similar developments have been a source of significant complaints and community concerns at residences along public road haulage routes due to noise and dust impacts 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 upgrading 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 development application foreshadowed blasting on Saturdays between 10:00am 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 10:00am to 3:00pm Monday to Friday.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Smith', written over a horizontal line.

Simon Smith

Manager Armidale Region

Environment Protection Authority

(by Delegation)

# General Terms of Approval - Issued

---



Notice No: 1525218

## Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

### ***A1. Information supplied to the EPA***

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

- the development application 2014/078 referred to the EPA by Tenterfield Shire Council on 19 August 2014; and
- the environmental impact statement titled '*Darryl McCarthy Constructions Pty Ltd, Environmental Impact Statement for the Continued Operation of the Dowe's Quarry via Tenterfield*' prepared by R.W. Corkery & Co. Pty Limited dated July 2014 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 The discharge points will be the spillway of three (3) sediment dams to be constructed on the premises. The exact co-ordinates will be provided after construction.

L2.2 For each discharge point, the concentration of a pollutant specified in Table 1, discharged at that point, must not exceed the concentrations limits specified for that pollutant in Table 1.

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

L2.4 The Total Suspended Solids concentration limits specified in Table 1, 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 47.4 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 47.4 millimetre, 5 day rainfall event.



# General Terms of Approval - Issued



Notice No: 1525218

**TABLE 1 - DISCHARGE POINTS: Overflow from the spillways of the three 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                                 |
| pH                     | pH units             |                                   |                                   |                          | 6.5 - 8.5                          |
| Total Suspended Solids | milligrams per litre |                                   |                                   |                          | 50                                 |

## 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.

**L3.3** Clay and crusher fine products from the applicant's 'Sunnyside Crushing and Screening Plant' that have been produced during the processing of raw quarry product from Dowe's Quarry may be received at the premises for storage and/or disposal purposes.

## L4. Noise limits

**L4.1** Noise generated from the premises must not exceed the noise limits in Table 2. The locations referred to in Table 2 are drawn from the Noise and Blasting Assessment provided as Appendix 7 to the Environmental Impact Statement submitted to Tenterfield Shire Council in support of Development Application 2014/078.

**L4.2** For the purpose of the condition above;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- 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 2, apply under all meteorological conditions except for the following:

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

For the purposes of this condition:

- Data recorded by the meteorological station identified as EPA Monitoring Point W1 must be used to determine meteorological conditions; and
- 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.

# General Terms of Approval - Issued



Notice No: 1525218

**TABLE 2: Locations and Noise Limits**

| Locality and Location  | Day LAeq (15 minute) | Evening LAeq (15 minute) | Night LAeq (15 minute) | Night LA1 (1 minute) |
|--|----------------------|--------------------------|------------------------|----------------------|
| <b>Location 1</b> - The residence marked as '3A' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078 | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 2</b> - The residence marked as '9' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078  | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 3</b> - The residence marked as '12' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078 | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 4</b> - Any other affected residence   | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |

## 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.



# General Terms of Approval - Issued



Notice No: 1525218

**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 3:

**TABLE 3: Activity times**

| Activity   | Monday to Friday | Saturday         | Sunday         | Public Holidays |
|--|------------------|------------------|----------------|-----------------|
| Dispatch of trucks to haul quarry product or arrival of trucks delivering products                     | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Arrival and loading of trucks to haul quarry product   | 7:00am to 5:00pm | 7:00am to 5:00pm | 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   | 24 hours a day   | 24 hours a day   | 24 hours a day | 24 hours a day  |
| Stockpiling operations   | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Drilling   | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Rock hammering   | 7:00am to 5:00pm | Nil              | Nil            | 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 L5.1 and L5.2 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.

## **L6. Blasting**

**L6.1** 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.

**L6.2** 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.

**L6.3** 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



# General Terms of Approval - Issued

---



Notice No: 1525218

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.

**L6.4** 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.

**L6.5** To determine compliance with condition(s) L6.1, L6.2, L6.3 and L6.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises [exact location(s) 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.

**L6.6** Blasting operations on the premises must only be carried out between the hours 10am to 3pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays.

**L6.7** 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.

**L6.8** 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.

## ***L7. Production Limit***

**L7.1** Extraction from the premises must not exceed 100,000 tonnes during any consecutive 12 month period.

**L7.2** For the purposes of determining compliance with this condition, a tally of trucks and trailers carrying loads from the quarry must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.

## **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.

### ***O2. Stormwater/sediment control***

**O2.1** A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during operations at the premises. The SWMP should be prepared in accordance with the requirements of the '*Managing Urban Stormwater: Soils and Construction*' guidelines including, *Volume 1, 4th edition* (Landcom,



# General Terms of Approval - Issued

---



Notice No: 1525218

March 2004) and *Volume 2E Mines and Quarries* (Department of Environment and Climate Change, June 2008) available at: <http://www.environment.nsw.gov.au/stormwater/publications.htm>.

## ***O3. Air quality management***

**O3.1** For all air emission sources at the premises, the applicant must prepare an air quality management plan that includes, but is not limited to:

- Key performance indicator(s) that are quantifiable, measurable and auditable;
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Record keeping arrangements;
- Response mechanisms; and
- Compliance reporting processes.

**O3.2** The applicant must apply and maintain a bitumen seal to a 400 metre section of the quarry access road beginning from the intersection with the Mount Lindesay Road and continuing towards the project site.

**O3.3** No crushing and screening of any material is to be conducted on the premises.

## **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 described in condition L2.1, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1 of Table 4. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

# General Terms of Approval - Issued



Notice No: 1525218

## Water and/or Land Monitoring Requirements

**TABLE 4 - POINT: Overflow from the spillways of each of the sediment basins [exact locations to be confirmed]**

| Pollutant              | Units of measure     | Frequency           | Sampling method       |
|------------------------|----------------------|---------------------|-----------------------|
| Oil and Grease         | milligrams per litre | Special frequency 1 | Representative sample |
| pH                     | pH units             | Special frequency 1 | Representative sample |
| Total suspended solids | milligrams per litre | Special frequency 1 | Representative sample |

For the purposes of this condition, 'Special frequency 1' 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 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 5. The applicant must use the sampling method, averaging period, units of measure specified in Table 5 and sample at the frequency specified opposite in the other columns:

**M4.2** For the purposes of these conditions 'Special Method 2' means that the applicant must install a permanent meteorological station and logger, or nominate a suitable alternative station that can be used when determining compliance with the noise limits defined at condition L4 and the concentration limits established at condition L2.

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, or the proposed alternative weather monitoring arrangements 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.



# General Terms of Approval - Issued



Notice No: 1525218

**TABLE 5 - POINT: W1 Site Meteorological Monitoring Station or appropriate alternative location(s) or existing stations [exact location(s) to be confirmed]**

| Parameter                        | Units of measure                  | Frequency  | Averaging period | Sampling method   |
|----------------------------------|-----------------------------------|------------|------------------|---|
| Rainfall                         | millimetres per day               | Continuous | Daily            | Rain gauge at the premises which is checked and emptied at the same time each day |
| 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   |
| Sigma theta @ 10 metres          | degrees                           | Continuous | 15 minute        | AM-4  |
| Additional requirements - Siting |                                   |            |                  | AM-1, AM-4 and Special Method 2   |

## M5. Noise monitoring

**M5.1** To assess compliance with the noise limits presented in Table 2 - Locations and Noise Limits, 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 Tabel 2;
- b) occur from time to time when requested in writing by the EPA,;
- 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 Table 2 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 Terms of Approval - Issued

---



Notice No: 1525218

## 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 Tenterfield Shire Council for the proposed development, 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* (Landcom, March 2004) available from <http://www.environment.nsw.gov.au/stormwater/publications.htm>; and
- *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries* (DECC, June 2008) available from <http://www.environment.nsw.gov.au/stormwater/publications.htm>.

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 Tenterfield Shire Council for the proposed development.

# General Terms of Approval - Issued

---



Notice No: 1525218

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:

- Not applicable.

## 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.



## General Terms of Approval - Issued

---



Notice No: 1525218

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.

## General Terms of Approval - Issued

---



Notice No: 1525218

### ***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,

## General Terms of Approval - Issued

---



Notice No: 1525218

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.