

# Appendix A

## Without Prejudice Conditions of Consent

## Appendix 1 –

### Without Prejudice Conditions of Consent

That consent be granted to Development Application T6-14-272 for the extension of an existing extractive industry to extract up to 500,000 tonnes per annum on 627 Pacific Highway, South Kempsey, Lot 2 DP1194582, subject to the following conditions of consent.

The following conditions have been imposed in accordance with the requirements of Section 80A of the Environmental Planning Assessment Act 1979 having regard to the relevant matters identified under Section 79C of the Act.

### Definitions

Act, the	Environmental Planning and Assessment Act, 1979.
Aboriginal stakeholders	Kempsey Local Aboriginal Land Council, and any other relevant Aboriginal groups
Applicant	Pacific Blue Metal Pty Ltd, or anyone else entitled to act on this consent.
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Kempsey Shire Council
Development	The development that is approved by this development consent
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Incident	A set of circumstances that: <ul style="list-style-type: none"><li>• causes or threatens to cause material harm to the environment; and/or</li><li>• breaches or exceeds the limits or performance measures/criteria in this consent</li></ul>
Material harm to the	Actual or potential harm to the health or safety of human

environment	beings or to ecosystems that is not trivial
Mitigation	Activities associated with reducing the impacts of the development
NOW	Department of Primary Industries - NSW Office of Water
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, and ensure it is safe, stable and non-polluting
Site	Lot 2 DP1194582

## **A. GENERAL CONDITIONS**

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

- A1. In addition to meeting the specific performance criteria established under other conditions of this consent, the Applicant 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.

### **Terms of Consent**

- A2. 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.

<b>Document</b>	<b>Author</b>	<b>Date</b>
Development application form	Applicant	Lodged 2 September 2014
Environmental Impact Statement for the Extension of Farrawell's Quarry South Kempsey	R.W. Corkery and Co.	August 2014
Figure 1 Revised Quarry Site Layout and Blast Monitoring Site	R.W. Corkery and Co.	May 2015
Figure 2.2 Indicative Final Landform	R.W. Corkery and Co.	August 2014
Figure 4.5 Soil and Surface Water Management	R.W. Corkery and Co.	August 2014
Roads and Traffic (Response to RMS comments - received by Kempsey Shire Council via email on 31 October 2014)	R.W. Corkery and Co.	27 October 2014
Extension of Farrawell's Quarry South Kempsey (DA T6-14-272) Response to Submissions	R.W. Corkery and Co.	May 2015
Fauna Assessment, Farrawell's Quarry Extension, South Kempsey	Kendall & Kendall Ecological Services Pty Ltd	March 2015
Flora Assessment, Farrawell's Quarry Extension, South Kempsey	Idyll Spaces Environmental Consultants	24 February 2015

Level 2 Induction – Delivery Truck Operators/ Drivers Code of Conduct	Pacific Blue Metal Pty Ltd	17 March 2014
Air Quality Impact Assessment	ENVIRON Australia Pty Ltd	July 2014
Noise and Vibration Impact Assessment Farrawell's Quarry Extension South Kempsey, NSW	Spectrum Acoustics Pty Ltd	July 2014
The archaeological re-assessment of Site #30-3-0111 Farrawell's Quarry South Kempsey, NSW	Archaeological Surveys and Reports Pty Ltd	June 2014

### Extraction

- A3. The total amount of extractive material extracted in any annual return period shall not exceed 500,000 tonnes. "Annual return period" means the period covered in any annual report required under condition C48. The applicant shall ensure the development does not exceed this limit.

### Haulage Volume and Route

- A4. Truck movements shall not exceed 250 loads (500 truck movements) in any one day. "Truck movements" includes truck and dog movements. The applicant shall ensure the development does not exceed this limit.
- A5. The maximum number of truck loads leaving the quarry shall not exceed forty (40) per hour. The applicant shall ensure the development does not exceed this limit.
- A6. The haul route for trucks accessing the quarry shall be via the Pacific Highway exit at Macleay Valley Way/ Pacific Highway grade separated interchange and the Industrial Subdivision Access Road.

Trucks leaving the quarry are to follow the Industrial Access Road to the Macleay Valley Way/ Pacific Highway grade separated interchange. Trucks heading south shall use the Pacific Highway on-ramp at the Macleay Valley Way/ Pacific Highway grade separated interchange to enter onto the southbound lanes of the Pacific Highway.

Trucks heading north onto the Pacific Highway shall follow the Industrial Access Road to the Macleay Valley Way/ Pacific Highway grade separated interchange then along Macleay Valley Way to the Pacific Highway northbound on-ramp.

Trucks heading accessing local markets within and around Kempsey shall use the Macleay Valley Way/ Pacific Highway grade separated interchange and Macleay Valley Way into Kempsey.

### Life of Consent

- A7. The period during which the development may be carried out is limited to 20 years from the date of commencement notified under condition B14. This condition does not prevent the undertaking of rehabilitation works under condition A8 after the expiration of 20 years.

### Site Rehabilitation

- A8. At the expiration of the consent under condition A7, the Applicant shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in

accordance with the EIS: section 2.12 and Figure 2.2 Indicative Final Landform (R.W. Corkey and Co., August 2014). All rehabilitation shall be to the satisfaction of Council.

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

### **Surrender of Consent**

- B1. This consent does not operate until development consent T6-07-146 has been surrendered in the manner prescribed by clause 97 of the EP&A Regulation.

### **Community Relations**

- B2. The Applicant shall erect a sign:
- a) initially at the entrance to the Industrial Subdivision Access Road; and
  - b) once the Industrial Subdivision Access Road becomes Council property the sign is to be relocated to the entrance of the quarry.
- B3. The sign shall provide the phone number, postal address and email address of the permanent site contact so that complaints concerning the operation of the quarry can be received and addressed in a timely manner.
- B4. Records of all complaints and follow up actions are to be included in the compliance register required by condition C47 and the annual report required by condition C48.

### **Aboriginal Cultural Heritage Site Protection**

- B5. Adequate protective barriers/measures to the satisfaction of Council are to be established at the perimeter of the 10m buffer area surrounding the NPWS Site no. 30-3-111. The barrier shall be sufficient to prevent accidental incursions beyond the extent of quarry operations.
- B6. The Applicant is to submit detailed plans prepared by a suitably qualified and experienced engineer demonstrating how the stability of the NPWS Site no. 30-3-111 will be maintained as the quarry floor is lowered around it, as well as once quarrying has ceased and the final landform is created. Operations shall not commence until these plans have been approved by Council.

### **Vegetation Protection Works**

- B7. Prior to any clearing of the site, the Applicant shall:
- a) install a protective barrier/measures identified Section 2.4 of the EIS and as shown on *Figure 1 Revised Quarry Site Layout and Blast Monitoring Site* (R.W. Corkey and Co., May 2015) along the quarry site boundary. The barrier shall be sufficient to prevent accidental incursions beyond the approved extent of quarry operations.
  - b) Submit to Council a survey prepared by a registered surveyor identifying the location of the barrier.
  - c) Council shall inspect and approve the location of the barrier prior to clearing at the site to determine if the barrier is correctly located and may instruct the Applicant to move the barrier if it is considered that the barrier does not protect any area of vegetation not approved for removal. The Applicant shall relocate the barrier where directed and submit a revised survey to Council.

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

### **Environmental Management Plan**

- B8. The Applicant shall prepare and submit an Environmental Management Plan for the development to the satisfaction of Council prior to commencement of operations under the consent. The Plan must:
- a) Be prepared by a suitably qualified and experienced expert,
  - b) Identify the statutory approvals that apply to the development,
  - c) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development,
  - d) 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
  - e) Include the operational safeguards, controls and management procedures identified in the approved documentation and the recommendations of relevant studies undertaken in regards to the development;
  - f) Include the following management plans:
    - i) Water Management Plan that addresses in detail the following:
      - water balance;
      - erosion and sediment control;
      - surface water response plan;
      - monitoring and maintenance;
      - identification of responsible persons; and
      - review period;
    - ii) Traffic Management Plan {incorporating the *Level 2 Induction – Delivery Truck Operators/ Drivers Code of Conduct* (PBM, 17/3/14)};
    - iii) Waste Management Plan;
    - iv) Cultural Heritage Management Plan;
    - v) Complaints Management Plan;
    - vi) Dust Management Plan (in accordance with the relevant General Terms of Approval issued by the NSW EPA);
    - vii) Noise Management Plan;
    - viii) Blasting Impacts Management Plan;
    - ix) Weed Management Plan;
    - x) Greenhouse Gas Management;
    - xi) Hazards and Risk Management Plan; and
    - xii) Rehabilitation Preparation and Management Plan.
  - g) A copy of the EMP shall be kept on site at all times.
- B9. Preparation of the Environmental Management Plan shall have regard to the document

*Guideline for the Preparation of Environmental Management Plans* prepared by the Department of Planning, Infrastructure and Natural Resources, 2004 and shall include:

- a) detailed baseline data;
- b) a description of:
  - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - any relevant limits or performance measures/criteria;
  - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
- d) a program to monitor and report on the:
  - impacts and environmental performance of the development;
  - effectiveness of any management measures;
- e) a contingency plan to manage any unpredicted impacts and their consequences;
- f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- g) a protocol for managing and reporting any:
  - incidents;
  - complaints;
  - non-compliances with statutory requirements; and
  - exceedances of the impact assessment criteria and/or performance criteria; and
- h) a protocol for periodic review of the plan.

### **Initial Environmental Management Works**

- B10. Prior to commencement of operations under this consent all environmental management works in the approved Environmental Management Plan identified as being required 'prior to commencement' shall be completed and written certification from the Quarry Manager that this has been satisfied provided to Council.

### **Quarry Site Safety**

- B11. A chain wire mesh fence at least 1.8m in height is to be installed and maintained around the quarry site boundary as shown on *Figure 1 Revised Quarry Site Layout and Blast Monitoring Site* (R.W. Corkery and Co., 2015) to ensure the security of the quarry site.

### **Limit of Quarry Operations**

- B12. 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



duration of quarry operations. The Applicant shall ensure all contractors and employees on the site are made aware of the boundary markers and that no works extend beyond the markers.

### 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 Applicant.

### Commencement Date

- B14. The Applicant shall notify Council in writing of the commencement date of operations under this consent. Council will then provide written confirmation of the lapsing date for quarry operations under this development consent.

## **C. OPERATIONAL CONDITIONS**

### Environmental Management Plan

- C1. The Applicant shall implement and adhere to the Environmental Management Plan approved in accordance with condition B8.

### Operation of Plant and Equipment

- C2. The Applicant shall ensure that all plant and equipment used on site are maintained in a proper and efficient condition; and operated in a proper and efficient manner.

### Hours of Operation

- C3. Hours of operation shall be limited to the hours set out in Table C2.

*Table C2 – Hours of Operation*

Activity	Days	Hours
Quarry Extraction and Processing Activities	Monday to Friday	7.00am-5.00pm
	Saturdays	7.00am-1.00pm
	Sundays and Public Holidays	No Work
Staff Maintenance and Servicing of Plant and Equipment Onsite (only where not audible at any residence)	As required	
Emergency Works	As required	

### General Requirements for Monitoring

- C4. All monitoring and reporting in regards to noise and blasting events 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 Applicant.

### Truck Management

- C5. The *Level 2 Induction – Delivery Truck Operators/ Drivers' Code of Conduct* (PBM, 2014) shall be implemented and included within the quarry EMP by condition B8. This Code of Conduct

may be revised/ updated if approved by Council.

- C6. Vehicle wash down areas and other measures shall be provided to minimise tracking of soil and particulates from the site.

### Visual Impact Management

- C7. The existing vegetation located on the western boundary of the quarry is to be retained as long as practical to visually screen the quarry from the Pacific Highway and beyond.
- C8. Benches are to be rehabilitated as soon as practicable following the completion of quarrying in that area of the quarry site.

### Flora and Fauna Management

- C9. Clearing is to be undertaken in accordance with the recommendations within Chapter 5 of the *Fauna Assessment, Farrawells Quarry Extension, South Kempsey* by Kendall and Kendall Ecological Services Pty Ltd (March, 2015).
- C10. The recommendations referred to in Condition C9 are to be included in the EMP required by Condition B8.

### Surface Water Management and Erosion Control

- C11. All surface water management and soil erosion controls shall be constructed in accordance with the document *Managing Urban Stormwater Soils and Construction Volume 1, 4th Edition* (Landcom, 2004).
- C12. All surface runoff within the quarry shall be diverted to the four sediment basins in accordance with *Figure 4.5 Soil and Surface Water Management* (R.W. Corkery and Co., 2014).
- C13. The sediment basins A, B, E and F as shown on *Figure 4.5 Soil and Surface Water Management* (R.W. Corkery and Co., 2014) shall have the following minimum capacities:
- Basin A: Capacity 0.6ML/0.9ha;
  - Basin B: Capacity 0.8ML/1.2ha;
  - Basin E: Capacity 0.6ML/0.9ha; and
  - Basin F: Capacity 1.2ML/1.9ha.
- C14. Soil stripping shall not be undertaken during February and March in Catchments A and B as shown on *Figure 4.5 Soil and Surface Water Management* (R.W. Corkery and Co., 2014).
- C15. The construction of sediment basins shall be undertaken prior to new disturbance within the catchment area for that sediment basin as shown on *Figure 4.5 Soil and Surface Water Management* (R.W. Corkery and Co., 2014).
- C16. Soil/mulch stockpiles are to be located in the corridor around the perimeter of the extended quarry area as shown on *Figure 1 Revised Quarry Site Layout and Blast Monitoring Site* (R.W. Corkery and Co., 2015).
- C17. All stockpiles and associated surface water runoff controls shall be constructed in accordance with the document *Managing Urban Stormwater Soils and Construction Volume 1, 4th Edition* (Landcom, 2004).

### Air Quality Management

- C18. Disturbance shall be confined to within the quarry site boundary as shown on *Figure 1 Revised Quarry Site Layout and Blast Monitoring Site* (R.W. Corkery and Co., 2015).

- C19. Water sprays/ trucks shall be used to minimise dust emissions from exposed areas and internal quarry roads as required.
- C20. Dust collection equipment shall be used on the blast hole drilling machinery.
- C21. Soil disturbance activities shall be minimised during periods of high winds (>5m/second) when winds are in a west or north-westerly direction.
- C22. Water sprays shall be used at transfer points on processing equipment to minimise dust emissions as required.
- C23. A speed limit of 30km per hour shall be implemented on the Industrial Subdivision Access Road and within the quarry site.
- C24. All laden trucks shall cover loads prior to leaving the quarry in accordance with the *Level 2 Induction – Delivery Truck Operators/ Drivers’ Code of Conduct* (PBM, 2014).

### Noise Management

- C25. Haul trucks shall not enter or leave the quarry site outside of the operating hours specified in Condition C3.
- C26. All plant and equipment operating on site shall be maintained in good working order.
- C27. All plant and equipment operating on site shall be fitted with factory fitted controls such as engine covers and mufflers.
- C28. A stockpile up to 4m high shall be maintained adjacent to the crushing and screening plant as long as possible to shield receivers from noise impacts.
- C29. The Applicant shall minimise drop heights during loading of trucks to minimise noise impacts.
- C30. Internal quarry roads shall be maintained to minimise body noise from empty trucks.
- C31. The Applicant shall:
  - a) Ensure noise levels do not exceed an L Aeq (15 minute) noise emission criterion of 52 dB(A) measured at the nearest residential receivers 2, 6A, 6B, 7, 8 and 9 as identified in *Figure 2 of the Response to Submissions* (R.W. Corkery and Co., 2014).
  - b) Undertake compliance noise monitoring during the initial 3 months of operation to verify if the modelled noise levels are confirmed. A copy of the report on the results shall be submitted to Council within 1 month of the completion of the initial 3 month monitoring period.
  - c) Unless otherwise agreed to by Council, the applicant shall respond to any complaint from a resident at the nearest residential receivers 2, 6A, 6B, 7, 8 and 9 identified in *Figure 2 of the Response to Submissions* (R.W. Corkery and Co., 2014) by undertaking noise level monitoring and provide a copy of the report on the results to the complainant and Council within 3 months of receiving the complaint.
  - d) Identify and implement additional mitigation measures at the Applicant’s cost 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.
- C32. Where a complainant under condition C31 c) receives from the Applicant a copy of a report of noise monitoring that reveals noise criterion is exceeded at that residential receiver, the

landowner may, within 90 days of receiving the report, give a written request to the Applicant to install noise mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the Applicant, the Applicant is to install the noise mitigation measures at the Applicant's cost.

### **Blasting Management**

- C33. All blasting operations shall comply with the relevant conditions contained in Section E of these conditions – General Terms of Approval provided by the EPA.
- C34. All blasting shall be monitored at the “blast monitoring location” as indicated on *Figure 2* of the *Response to Submissions* (R.W. Corkery and Co., 2014).
- C35. Kempsey Shire Council and receivers 2, 6A, 6B, 7, 8 and 9 as identified on *Figure 2* of the *Response to Submissions* (R.W. Corkery and Co., 2014) are to be given at least 24 hour notice prior to blasting being undertaken.

### **Weed Management**

- C36. 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**

- C37. The Applicant 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**

- C38. All waste materials removed from the site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- C39. All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document.

### **Cultural Heritage Management**

- C40. The Applicant 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, the location of and protection measures applying to the site within the quarry, 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.
- C41. If suspected Aboriginal material is uncovered within the site, work in the surrounding area is to stop immediately and the Applicant shall stop work and notify the NSW Office of Environment and Heritage and the Kempsey Local Aboriginal Land Council.
- C42. The Applicant is bound to comply with its legislative requirements in respect to any Aboriginal material encountered on site.

### **Bushfire Management**

- C43. The Applicant shall take all reasonable measures to prevent the ignition and/or spread of bushfires at the quarry site.

### **Complaints Register**

- C44. The Applicant shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:
- a) The date and time of the complaint;
  - b) The means by which the complaint was made (telephone, mail or email);
  - c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) The nature of the complaint;
  - e) Any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
  - f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the Council upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available for public inspection upon request.

### **Monitoring and Annual Reporting**

- C45. By the end of March each year, or other timing as may be agreed by Council (to coincide with EPA licence reporting requirements), the Applicant shall submit an annual report in accordance with the Environmental Management Plan required by condition B8. 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 detailed topographic survey by a registered surveyor indicating surface levels of the extraction areas at the beginning and at the end of the reporting period.
  - c) 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 and Response to Submissions documents.
  - d) Identification of any non-compliance over the last year with a description of what actions were (or are being) taken to ensure compliance.
  - e) Identification of any trends in the monitoring data over the life of the development.
  - f) Identification of any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies.

- g) A description of measures that will be implemented over the next year to improve the environmental performance of the development.
  - h) A copy of the Complaints Register for that reporting period.
- C46. Annual reports shall be submitted to Council within 1 month of the end of the reporting period.

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

- C47. From the date of commencement of the operation identified in condition B14, the Applicant shall pay a cash contribution to Council at the rate of \$0.086 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 Applicant (or if the Applicant 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.

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

- C48. No works, activities or vegetation clearing shall occur outside of the marked boundary required by condition B12, and in no circumstances outside of the approved quarry site boundaries.

### **D. Post Operational Conditions**

#### **Site Rehabilitation**

- D1. At the expiration of the consent under condition A7, the Applicant shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the EIS: section 2.12 and *Figure 2.2 Indicative Final Landform* (R.W. Corkey and Co., August 2014) and the Rehabilitation Preparation and Management Plan forming part of the approved EMP.

- D2. The final landform shall be of a comparable elevation to the Industrial Subdivision Access Road (approximately 50m AHD).
- D3. All rehabilitation works shall be completed within 12 months of the completion of quarry extraction and processing activities.
- D4. Sediment Basins A and B and the surface water dam shall be retained until the industrial subdivision is developed to assist in long term water management.

### **Quarry Site Safety**

- D5. The quarry site shall be made safe.

## **E. GENERAL TERMS OF APPROVAL**

### ***NSW Environment Protection Authority under the POEO Act***

#### **E1. Information supplied to the EPA**

- E1.1 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 16-14-272 submitted to Council on 2 September 2014 and attachments;
- "Farrawell's Quarry Extension" EIS, August 2014

#### **E2. Fit and Proper Person**

- E2.1 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.

#### **E3. Discharges to Air and Water and Applications to Land**

The following monitoring / discharge point 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>
Discharge Point 1	Water	Water	Water Storage Dam as in Figure 4.5 of EIS, Farrawells Quarry Extension.

### ***Limit conditions***

#### **E4. Pollution of waters**

*Note: Mandatory condition*

- E4.1 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.

## **E5. Concentration limits**

- E5.1 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.
- E5.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
- E5.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

### **E5.4 Water and/or Land Concentration Limits**

#### **DISCHARGE POINT 1 (Water Storage Dam)**

<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	Visible	Nil

- E5.5 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 60 mm in total falling over any consecutive five day period.
- E5.6 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.
- E5.7 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.
- E5.8 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.
- E5.9 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.

## **E6. Waste**



- E6.1 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.
- E6.2 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.
- E7. Noise limits**
- E7.1 Noise from the premises must not exceed an L A eq (15 minute) noise emission criterion of 52 dB(A) for receivers A to F as identified in the "Noise and Vibration Assessment" of the "Farrawell's Quarry Extension" EIS, except as expressly provided by these general terms of approval:
- E7.2 Noise from the premises is to be measured at residential receiver B as identified in the "Noise and Vibration Assessment" of the "Farrawell's Quarry Extension" EIS. 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.
- E7.3 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 30 C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
  - Temperature inversion conditions greater than 30C/100m.
- E8. Blasting**
- E8.1 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 (email/facsimile) notification of any such blast must be made to the Authority).
- E8.2 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.
- E8.3 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.

- E8.4 All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

**E9. Hours of operation**

- E9.1 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.
- E9.2 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.

**Operating conditions**

**E10. Dust**

- E10.1 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.

**E11. Processes and management**

- E11.1 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 by the EPA.
- E11.2 The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.
- E11.3 The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.
- E11.4 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.
- E11.5 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.
- E11.6 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.

- E11.7 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.
- E11.8 Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.
- E11.9 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.
- E11.10 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*. This document requires that at a minimum 90 percentile five-day rainfall event be used to determine basin sizing for quarries.
- E11.11 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.

#### **Monitoring and recording conditions**

*Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.*

#### **E12. Monitoring records**

- E12.1 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.
- E12.2 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.
- E12.3 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.

#### **E13. Requirement to monitor concentration of pollutants discharged**

- E13.1 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**

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

< *Special Frequency 1* > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 60 mm over any consecutive five day period.

**E14. Testing methods - concentration limits.**

- E14.1 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.

**E15. Environmental monitoring**

- E15.1 The applicant is required to install and maintain a rainfall depth measuring device.
- E15.2 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.

**E16. Other monitoring and recording condition**

- E16.1 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).

**E17. Blast Monitoring**

- E17.1 The time of blasting, the air-blast overpressure level from blasting operations and the ground vibration peak particle velocity from blasting operations must be measured at the nearest sensitive receiver for each blast.

**E18. Reporting conditions**

*Note: Mandatory condition to be used on all general terms of approvals*

- E18.1 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.

### **Special Conditions**

#### **E19. *Special Conditions 1. Environmental Management Plan***

The EPA requires an Environmental Management Plan to be prepared.

The Environmental Management Plan for the quarry must contain a section entitled "Dust Management".

The section entitled "Dust Management" must include, but is not limited to:

- detailed measures to address all the principal sources of dust, e.g. extraction, processing (handling/loading/crushing), stockpiling and storage and road transport. Dust control measures that represent both proactive and reactive management should be included.
- Outline the required maintenance measures for dust suppression equipment (e.g. Conveyor Sprinklers, etc.).

Due date: The Environmental Management Plan is to be submitted to the EPA prior to the commencement of quarrying activities under this approval/licence on the premises.

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

#### **E20. *Administrative conditions***

##### **E20.1 *Other activities***

(To be used on licences with ancillary activities)

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

- Extractive Activities; and
- Crushing

#### **E21. *Operating conditions***

##### **E21.1 *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.

##### **E21.2 *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.

#### **E22. *Monitoring and recording conditions***

##### **E22.1 *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.

#### **E22.2 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.

#### **E22.3 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').

#### **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 as soon as practicable 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.

**END OF CONDITIONS**