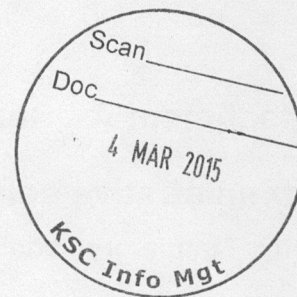


# Appendix B

## Authority Submissions

Our reference: EF13/3955 DOC14/188229-05  
Contact: Peter Lynch 66402502



Karen Price  
Kempsey Shire Council  
PO Box 3078  
West Kempsey NSW 2440

C 2 MAR 2015

Dear Ms Price

**General Terms of Approval for Farrawell's Quarry - Development application T6-14-272**

I refer to your letter of 18 September 2014 and accompanying information concerning the Integrated Development Application for Farrawell's Quarry and the General Terms of Approval (GTAs) issued by the Environment Protection Authority (EPA) of 17 October 2014 for the proposed Development Application for Farrawell's Quarry. Following a submission on behalf of Pacific Blue Metals Pty Ltd the EPA seeks to re-issue the GTAs.

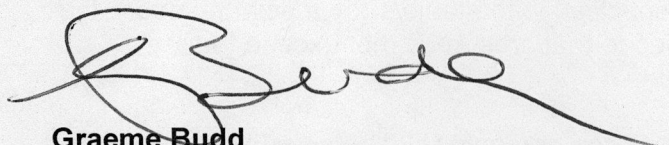
Pacific Blue Metals Pty Ltd is currently the holder of POEO Licence 20018 for of Farrawell's Quarry at 511 & 627 Pacific Highway, South Kempsey, NSW, 2440. The licence permits land-based extractive activity which involves the extraction, processing or storage to a current licence limit of 100,000 – 500,000 tonnes per year of extractive materials.

The EPA has reviewed the information provided and has determined that the EPA is able to amend Environment Protection Licence 20018 for the proposal subject to a number of conditions.

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

Should you require further information, please contact Peter Lynch on 66402502.

Yours sincerely



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

## Attachment A. General Terms of Approval for Farrawell's Quarry

### 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 T6-14-272 submitted to Council on 2 September 2014 and attachments;
- "Farrawell's Quarry Extension" EIS, August 2014

#### A2. Fit and Proper Person

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

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

**P1.1** The following 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

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
Discharge Point 1	Water	Water	Water Storage Dam as in Figure 4.5 of EIS, Farrawells Quarry Extension.

### Limit conditions

#### L1. Pollution of waters

*Note: Mandatory condition*

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

#### L2. Concentration limits

**L2.1** For each monitoring/discharge point or utilisation area specified in the table/s (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

**L2.3** To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.



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

### DISCHARGE POINT 1 (Water Storage Dam)

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

**L2.5** The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 60 mm in total falling over any consecutive five day period.

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

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

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

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

## L3. Waste

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

**L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

## L4. Noise limits

**L4.1** Noise from the premises must not exceed an L 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:



**L4.2** 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.

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

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

## ***L5. Blasting***

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

**L5.2** The airblast overpressure level from blasting operations in or on the premises must not exceed:

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
- b) 120 dB (Lin Peak) at any time,

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

**L5.3** The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
- b) 10 mm/s at any time,

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

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

## ***L6. Hours of operation***

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

**L6.2** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

## **Operating conditions**

### ***O1. Dust***

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

## **02. Processes and management**

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

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

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

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

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

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

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

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

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

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

**O2.10** The sediment basins must meet the design and operational standards of *Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries*. This document requires that at a minimum 90 percentile five-day rainfall event be used to determine basin sizing for quarries.

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

## **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.*

### **M1 Monitoring records**

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



**M1.2** All records required to be kept by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must be:

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

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

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

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

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

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

#### **Discharge point 1**

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

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

**M3.1** Subject to any express provision to the contrary of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

### **M4. Environmental monitoring**

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

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

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

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

**M6.1** For the purposes of monitoring for compliance with the noise limit conditions of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, (condition L4) noise emitted from the premises must be measured or computed at 30 metres from the nearest residential dwelling/s over a period of 15 minutes using the "FAST" response on the sound level meter. A modifying factor correction must be applied for tonal, impulsive, or intermittent noise in accordance with the document NSW Industrial Noise Policy (NSW EPA, January 2000).

## **M7. Blast Monitoring**

**M7.1** 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.

### **Reporting conditions**

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

**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.

## **Special Conditions**

### **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.



## **Attachment B – 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:

- Extractive Activities; and
- Crushing

### **Operating conditions**

#### ***Activities must be carried out in a competent manner***

Licensed activities must be carried out in a competent manner.

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

#### ***Maintenance of plant and equipment***

- All plant and equipment installed at the premises or used in connection with the licensed activity:
  - must be maintained in a proper and efficient condition; and
  - must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### ***Recording of pollution complaints***

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

The record must be produced to any authorised officer of the EPA who asks to see them.

#### ***Telephone complaints line***

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:  
a Statement of Compliance; and  
a Monitoring and Complaints Summary.

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

#### Period covered by Annual Return

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

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

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

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

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on  
in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

in relation to the revocation of the licence – the date from which notice revoking the licence operates.

#### Deadline for Annual Return

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

#### 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.

# General Terms of Approval - Issued

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Notice No: 1525098

Karen Price  
West Kempsey NSW 2440

Notice Number      1525098  
File Number        EF13/8295 DOC14/188229-01  
Date                 17-Oct-2014

**Re: General Terms of Approval for Farrawell's Quarry - Development application T6-14-272**

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

I refer to your letter of 18 September 2014 and accompanying information concerning the Integrated Development Application for Farrawell's Quarry.

Pacific Blue Metals Pty Ltd is currently the holder of POEO Licence 20018 for of Farrawell's Quarry at 511 & 627 Pacific Highway, South Kempsey, NSW, 2440. The licence permits land-based extractive activity which involves the extraction, processing or storage to a current licence limit of 100,000 – 500,000 tonnes per year of extractive materials.

The EPA has reviewed the information provided and has determined that the EPA is able to amend Environment Protection Licence 20018 for the proposal subject to a number of conditions.

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

Should you require further information, please contact Peter Lynch on 66402502.

Yours sincerely



# General Terms of Approval - Issued

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Notice No: 1525098

A handwritten signature in black ink, appearing to read 'Graeme Budd', written over a horizontal dotted line.

**Graeme Budd**  
**Head Environmental Management Unit**  
**North - North Coast**  
(by Delegation)

cc:[erin.fuller@kempsey.nsw.gov.au](mailto:erin.fuller@kempsey.nsw.gov.au)

# General Terms of Approval - Issued



Notice No: 1525098

## Attachment A. General Terms of Approval for Farrawell's Quarry

### 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 T6-14-272 submitted to Council on 2 September 2014 and attachments;
- "Farrawell's Quarry Extension" EIS, August 2014

#### A2. Fit and Proper Person

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

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

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

#### Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
Discharge Point 1	Water	Water	Water Storage Dam as in Figure 4.5 of EIS, Farrawells Quarry Extension.

### Limit conditions

#### L1. Pollution of waters

*Note: Mandatory condition*

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

#### L2. Concentration limits

**L2.1** For each monitoring/discharge point or utilisation area specified in the table/s (by a point number), the



# General Terms of Approval - Issued

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Notice No: 1525098

concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

**L2.3** To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

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

### **DISCHARGE POINT 1 (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

**L2.5** The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 60 mm in total falling over any consecutive five day period.

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

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

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

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

# General Terms of Approval - Issued

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Notice No: 1525098

## **L3. Waste**

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

**L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

## **L4. Noise limits**

**L4.1** Noise from the premises must not exceed an L 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:

**L4.2** 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.

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

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

## **L5. Blasting**

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

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

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

**L5.3** The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
- b) 10 mm/s at any time,



# General Terms of Approval - Issued

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Notice No: 1525098

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

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

## ***L6. Hours of operation***

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

**L6.2** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

## **Operating conditions**

### ***O1. Dust***

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

### ***O2. Processes and management***

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

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

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

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

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

# General Terms of Approval - Issued

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Notice No: 1525098

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

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

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

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

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

**O2.10** The sediment basins must meet the design and operational standards of *Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries*. This document requires that at a minimum 90 percentile five-day rainfall event be used to determine basin sizing for quarries.

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

## 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.*

## M1 Monitoring records

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

**M1.2** All records required to be kept by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must be:

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

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

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



# General Terms of Approval - Issued



Notice No: 1525098

## M2. Requirement to monitor concentration of pollutants discharged

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

### POINT 1 Water and Land

#### Discharge point 1

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.

## M3. Testing methods - concentration limits.

**M3.1** Subject to any express provision to the contrary of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4. Environmental monitoring

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

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

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

## M6. Other monitoring and recording condition

**M6.1** For the purposes of monitoring for compliance with the noise limit conditions of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, (condition L4) noise emitted from the premises must be measured or computed at 30 metres from the nearest residential

# General Terms of Approval - Issued

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Notice No: 1525098

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).

## **M7. Blast Monitoring**

**M7.1** 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.

### **Reporting conditions**

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

**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.

## **Special Conditions**

### **Special Conditions 1. Dust Management Plan**

The EPA requires a Dust Management Plan to be prepared.

The Dust Management Plan 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 so that the quarry meets the annual PM<sub>10</sub> criterion of 50 ug/m<sup>3</sup>. (Reference: *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales DEC 2005*). 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).
- Preparation of a dust monitoring program to be implemented, outlining: key performance indicator(s) that are quantifiable, measurable and auditable; monitoring method(s); location, frequency and duration of monitoring; and, record keeping.
- A revised assessment of dust generation that has considered detailed measures to address all the principal sources of dust.

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



# General Terms of Approval - Issued

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Notice No: 1525098

## Attachment B – 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:

- Extractive Activities; and
- Crushing

### 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

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Notice No: 1525098

The record must be produced to any authorised officer of the EPA who asks to see them.

## **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## **Reporting conditions**

### **Annual Return documents**

#### **What documents must an Annual Return contain?**

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a Statement of Compliance; and
  - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence.

Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### **Period covered by Annual Return**

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

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

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

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

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

in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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

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



# General Terms of Approval - Issued

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Notice No: 1525098

## 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

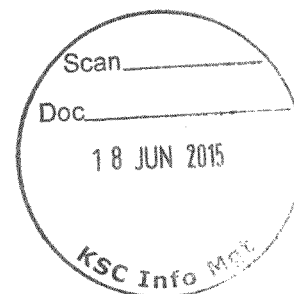
Where an authorised officer of the EPA suspects on reasonable grounds that:

- (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.



Office of  
Environment  
& Heritage



Your reference: D14/27950, T6-14-272, LA 33252  
Our reference: DOC15/186769  
Contact: Marcy Mills (02) 6659 8233

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

Attention: Ms Rachael Jeffrey

Dear Mr Rawlings

**Re: Designated and Integrated Development Application T6-14-272 Extractive Industry (Expansion),  
Lot 2 DP 1194582, No. 627 Pacific Highway, South Kempsey**

Thank you for your letter of 26 May 2015 seeking comment from the NSW Office of Environment and Heritage (OEH) on the proponent's response to submissions for the above development application. I appreciate the opportunity to provide further input.

OEH has reviewed the proponent's response to OEH's previous submission (letter dated 7 November 2014). On the basis of this review, OEH provides the following advice relating to the statutory responsibilities of OEH, which include Aboriginal cultural heritage, historic heritage, biodiversity values (including threatened flora and fauna), OEH Estate and potential impacts on flooding, coasts and estuaries:

1. The Fauna Assessment by Kendall & Kendall (March 2015) and the Flora Assessment by Idyll Spaces Environmental Consultants (February 2015) provided in support of the Quarry Expansion DA T6-14-272 identify 4.5ha of Dry Open Forest (*Eucalyptus siderophloia* – *Eucalyptus carnea*) to be removed to facilitate the quarry expansions.

The proposed development for expansions to the existing quarry (DA T6-14-272) must be able to demonstrate that offsets for such impacts on biodiversity can be provided and that such offsets are enforceable (either through consent conditions, BioBanking agreements, planning agreements or the like – Principle No. 13 of OEH's Principles for the Use of Biodiversity Offsets in NSW).

The Fauna Assessment by Kendall & Kendall (March 2015) and the Response to Submissions Report prepared by Pacific Blue Metal Pty Ltd (May 2015) state that compensation measures including those required under the Kempsey Shire Council Koala Plan of Management for the loss of preferred Koala habitat (PKH) are not required as offsets were provided when the subject site and adjoining land were rezoned for industrial uses which included the creation of an environmental protection zone (now E2 Environmental Conservation zone). It is also noted in these reports that a conservation zone management plan was later prepared for the land zoned environmental conservation within the subject site (GHD 2010) and tied to development consent for the subdivision of this land for industrial purposes.

The notice of determination (as modified by Council) for the industrial subdivision does not however appear to contain a condition of development consent specific to the implementation of the conservation zone management plan or the management of the land as a biodiversity offset in perpetuity.



Further, as noted in the Response to Submissions Report (Pacific Blue Metal May 2015), the land zoned E2 Environmental Conservation was later subdivided from the subject site via a boundary adjustment (T6-13-276 October 2013) and transferred to the NSW Roads and Maritime Services (RMS) as a biodiversity offset for the Pacific Highway upgrade works.

Principle No. 12 of OEH's *Principles for the use of biodiversity offsets in NSW* provides that areas already managed by the government, such as national parks, flora reserves and public open space, cannot be used as offsets.

Given that the land zoned E2 Environmental Conservation has been transferred to the NSW RMS as a biodiversity offset for the Pacific Highway upgrade works, this land cannot also be used to offset impacts associated with the quarry expansions or the industrial subdivision.

In light of this, appropriate offsets for the impacts of the quarry expansions on biodiversity should be provided and secured in perpetuity by a suitable mechanism. OEH recommends use of the BioBanking Assessment Methodology to identify the type and quantum of offsets required to compensate for those impacts. This matter should be resolved before Council determines the quarry expansion development application.

OEH notes that the reports provided with the proposal justify the proposed clearing for the quarry on the basis that the clearing was already approved under the development consent for the industrial subdivision (T6-11-301). However the offsets provided for the clearing associated with the industrial subdivision (i.e. the land zoned environmental conservation within the subject site to be managed via the conservation zone management plan), are no longer available as this offset land has been acquired by the NSW RMS to offset biodiversity impacts for the Pacific Highway upgrade.

OEH recommends that if the clearing for the quarry expansions is to be undertaken as part of the industrial subdivision approval, Council should liaise with the proponent to identify alternative offsets for that clearing to compensate for the biodiversity impacts of the industrial subdivision clearing. The BioBanking Assessment Methodology should be used to identify the type and quantum of offsets required to compensate for those impacts and the offsets should be secured in perpetuity. This matter should also be resolved before Council determines the quarry expansion development application.

2. OEH notes that the historically identified Aboriginal cultural heritage area is now to remain in situ, with extraction activities to occur around the identified site and buffer area.


OEH supports this measure provided that conditions are imposed on any consent issued for the development, requiring adequate protection measures to be installed around the site and a buffer area established to ensure that extraction activities do not impact on the identified Aboriginal cultural heritage area.

Consideration should also be given to the imposition of conditions of development consent to maintain the stability of the retained site as the floor of the quarry is reduced around it.

OEH is willing to assist Council and the proponent in determining and achieving the required biodiversity offsets.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Conservation Planning Officer, Ms Marcy Mills, on 6659 8233, or via email at [marcelle.mills@environment.nsw.gov.au](mailto:marcelle.mills@environment.nsw.gov.au). Please note that Marcy works Thursdays and Fridays only.

Yours sincerely

 15 June 2015

**DIMITRI YOUNG**  
Senior Team Leader Planning, North East Region  
Regional Operations



Office of  
Environment  
& Heritage

Your reference: D14/27950, T6-14-272, LA 33252  
Our reference: DOC14/211314  
Contact: Marcy Mills (02) 6659 8233

General Manager  
PO Box 3078  
West Kempsey NSW 2440

Attention: Ms Erin Fuller

Dear Mr Rawlings

**Re: Designated and Integrated Development Application T6-14-272 Extractive Industry (Expansion),  
Lot 2 DP 1194582, No. 627 Pacific Highway, South Kempsey**

Thank you for your letter of 16 September 2014 seeking General Terms of Approval from the NSW Office of Environment and Heritage (OEH) for the above development application in accordance with s91 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and requesting comments in accordance with Clause 77 of the *Environmental Planning and Assessment Regulation 2000*. I appreciate the opportunity to provide input.

OEH understands that the proposed development is for expansions to an existing quarry comprising an increase and deepening of the quarry footprint. It is also understood that the quarry (as approved and proposed) is located within the footprint of an approved staged industrial subdivision (Development Consent T6-11-301).

OEH has reviewed the development application and environmental impact statement (EIS) for the proposed development. Detailed OEH comments are provided in **Attachment 1** to this letter relating to the statutory responsibilities of OEH, which include Aboriginal cultural heritage, historic heritage, biodiversity values including threatened flora and fauna, OEH Estate and potential impacts on flooding, coasts and estuaries.

On the basis of this review, OEH provides the following advice:

1. The EIS prepared for the proposed development indicates that there are minimal ecological constraints to the proposal as a result of vegetation clearing undertaken on the land to date and as a result of vegetation clearing approved under Development Consent (T6-11-301) for the subdivision of the subject land for industrial purposes.

Contrary to the assumptions made in the EIS, OEH understands that the industrial subdivision is to occur in a number of stages, with the final stage of this development overlapping the quarry footprint (existing and proposed), including vegetation clearing within the proposed quarry expansion area. OEH also understands that the subdivision development has not progressed past stage 1 and thus the works associated with the final stage of the subdivision development are unlikely to occur within the required timeframe for the quarry expansions.

If clearing of native vegetation is to be undertaken as part of the quarry expansions (and not under Development Consent T6-11-301 for the Industrial Subdivision) then the development



application for the quarry expansions should contain sufficient information to enable the consent authority to undertake a proper assessment of the proposal in relation to impacts on biodiversity values.

If this is the case, then OEH recommends that an ecological assessment report is prepared to support the development application, addressing the following:

- biodiversity survey and assessment guidelines endorsed by OEH;
  - results of field investigations (no less than 3 years old);
  - impacts on native old growth or hollow-bearing trees;
  - impacts on microbat boxes provided on the subject site in accordance with development consent 76-07-146 (original quarry approval);
  - impacts (direct and indirect) on adjoining land zoned E2 Environmental Conservation under the Kempsey Local Environmental Plan 2013.
  - s5A of the EP&A Act; and
  - *State Environmental Planning Policy No. 44 – Koala Habitat Protection.*
2. OEH acknowledges the consultation process undertaken to date in relation to Aboriginal cultural heritage as well as the record of the field assessment undertaken on 18 June 2014 by John Appleton Archaeological Surveys and Reports Pty Ltd, which concluded that there are no artefacts to salvage on registered site AHIMS #30-3-0111 and that an Aboriginal Heritage Impact Permit (AHIP) is therefore not required.

The absence of visible objects observed during the field assessment does not, however, automatically negate the requirement for an Aboriginal Heritage Impact Permit (AHIP) in accordance with Part 6 of the *National Parks and Wildlife Act 1974* ('NP&W Act'). Further, during a site inspection undertaken on 16 October 2014 by OEH staff, it was determined that the area cleared for inspection by the Archaeological consultant was insufficient to determine the presence or absence of Aboriginal objects at the location in question.

To ascertain whether any Aboriginal objects are present at the location, all leaf litter and detritus within the conserved area would need to be removed and a thorough assessment of the surface undertaken. In the event that any soil profile remained at the location, subsurface investigation would also be required to confirm or refute the presence of Aboriginal objects.

Given that such investigation could result in harm to a registered aboriginal object, OEH recommends that an AHIP is obtained. In this regard, any consent issued for the proposed development should be conditional upon the General Terms of Approval for Aboriginal cultural heritage provided in **Attachment 2** to this letter.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Conservation Planning Officer, Ms Marcy Mills, on 6659 8233, or via email at [marcelle.mills@environment.nsw.gov.au](mailto:marcelle.mills@environment.nsw.gov.au). Please note that Marcy works Thursdays and Fridays only.

Yours sincerely

 7 November 2014

**DIMITRI YOUNG**  
Senior Team Leader Planning, North East Region  
Regional Operations

**Attachment 1 – Detailed comments –Designated and Integrated Development Application T6-14-272  
Extractive Industry (Expansion), Lot 2 DP 1194582, No. 627 Pacific Highway, South Kempsey**

**Biodiversity**

The EIS prepared for the proposed development indicates that there are minimal ecological constraints to the proposal as a result of vegetation clearing undertaken on the land to date and as a result of vegetation clearing approved under Development Consent (T6-11-301) for the subdivision of the subject land for industrial purposes.

Contrary to the assumptions made in the EIS, OEH understands that the industrial subdivision is to occur in a number of stages, with the final stage of this development applying to the quarry footprint (existing and proposed), including vegetation clearing within the proposed quarry expansion area. It is also understood that the subdivision development has not progressed past stage 1 and thus the works associated with the final stage of the subdivision development are unlikely to occur within the required timeframe for the quarry expansions.

If clearing of native vegetation is to be undertaken as part of the quarry expansions (and not under Development Consent T6-11-301 for the Industrial Subdivision) then the development application for the quarry expansions should contain sufficient information to enable the consent authority to undertake a proper assessment of the proposal in relation to impacts on biodiversity values.

If this is the case, then OEH recommends that an ecological assessment report is prepared to support the development application, addressing the following:

- biodiversity survey and assessment guidelines endorsed by OEH;
- results of field investigations (no less than 3 years old);
- impacts on native old growth or hollow-bearing trees;
- impacts on microbat boxes provided on the subject site in accordance with development consent 76-07-146 (original quarry approval);
- impacts (direct and indirect) on adjoining land zoned E2 Environmental Conservation under the Kempsey Local Environmental Plan 2013.
- s5A of the EP&A Act; and
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*.

**Aboriginal Cultural Heritage**

An important component of the environmental assessment process undertaken in support of development proposals is the consideration of Aboriginal cultural heritage values. The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act).

The NPW Act clearly establishes that Aboriginal objects and places are protected and may not be damaged, defaced or disturbed without appropriate authorisation. Importantly, approvals under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) do not absolve the proponent of their obligations under the NPW Act.

As part of any development proposal, it is critical that tangible and intangible Aboriginal cultural heritage is appropriately assessed and considered. OEH's preference is to avoid impacting Aboriginal cultural heritage values as part of any development proposal and to ensure the proper care, conservation and preservation of those values.



OEH acknowledges the consultation process undertaken for the proposal to date in relation to Aboriginal cultural heritage as well as the record of the field assessment undertaken on the 18<sup>th</sup> June 2014 by John Appleton Archaeological Surveys and Reports Pty Ltd, which concluded that there are no artefacts to salvage on registered site AHIMS #30-3-0111 and that an Aboriginal Heritage Impact Permit (AHIP) is therefore not required.

The absence of visible objects observed during the field assessment does not, however, automatically negate the requirement for an Aboriginal Heritage Impact Permit (AHIP) in accordance with Part 6 of the NP&W Act.

Further, during a site inspection undertaken on 16 October 2014 by OEH staff, it was determined that the area cleared for inspection by the Archaeological consultant was insufficient to determine the presence or absence of Aboriginal objects at the location in question.

To ascertain whether any Aboriginal objects are present at the location, all leaf litter and detritus within the conserved area would need to be removed and a thorough assessment of the surface undertaken. In the event that any soil profile remained at the location, subsurface investigation would also be required to confirm or refute the presence of Aboriginal objects.

Given that this process could result in harm to a registered aboriginal object, OEH recommends that an AHIP is obtained. In this regard, any consent issued for the proposed development should be conditional upon the general terms of approval provided in Attachment 2 of this letter.

OEH would also like to clarify that any decision regarding the management of the Aboriginal site AHIMS #30-3-0111, registered as occurring within the proposed quarry expansion footprint, is required to be made in consultation with representatives of the Registered Aboriginal Parties (RAPs) to the project.

Consultation regarding management decisions for the updating of a record on OEH's Aboriginal Heritage Information Management System (AHIMS) (including its dismissal as a constraint to development) is as essential as it is for any other 'harm' requiring an AHIP.

In this regard, OEH notes that the Archaeological report contained within the EIS accompanying the application does not comprise satisfactory evidence to demonstrate that fully informed consent was obtained from the RAPs in relation to the management decision which concluded that an AHIP would not be required for the proposed activity.

**Attachment 2 – General Terms of Approval –Designated and Integrated Development Application  
T6-14-272 Extractive Industry (Expansion), Lot 2 DP 1194582, No. 627 Pacific Highway, South  
Kempsey**

1. An Aboriginal Heritage Impact Permit (AHIP) is to be obtained in accordance with Part 6 of the *National Parks & Wildlife Act 1974* prior to the commencement of any ground disturbance or any other works associated with the development.
2. The AHIP application is to accord with the following guideline: *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants* (OEH May 2011)  
(<http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>).
3. The AHIP application is to be accompanied by sufficient information to demonstrate that consultation with the local Aboriginal community satisfies OEH's '*Aboriginal cultural heritage consultation requirements for proponents 2010*'  
(<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreg.pdf>).
4. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the local Aboriginal community must be contacted to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy shall comply with the provisions of the *National Parks & Wildlife Act 1974*. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided for such registration.
5. In the event that human remains are located following surface disturbance, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until OEH provides written notification to the applicant.
6. An Aboriginal Cultural Heritage Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the representatives of the local Aboriginal community.



File No: NTH09/01629; CR2015/002443  
Your Ref: D14/27950, T6-14-272, LA 33252

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

Attention: Rachael Jeffrey

Dear Sir

**Development Application T6-14-272. Response to Submissions Report.  
Existing Quarry, 627 Pacific Highway, South Kempsey.**

I refer to your letter of 26 May 2015 requesting Roads and Maritime Services to review the response to submissions associated with the abovementioned development application.

The applicant has revised the Drivers Code of Conduct and this is attached as Annexure 3 in the response to submissions. The addition of condition 27 of the Drivers Code of Conduct has addressed the concerns raised in our letter of 16 December 2014.

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully



16 June 2015

for Monica Sirol  
Network & Safety Manager, Northern Region

File No: NTH09/01629; CR2014/006078  
Your Ref: T6-14-2014

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

Attention: Ms Rachael Jeffrey – Town Planner

Dear Ms Jeffrey,

**DA T6-14-2014 Proposed Expansion of Farrawell's Quarry on Lot 2 DP 1194582, 627 Pacific Highway South Kempsey**

I refer to your email correspondence of 13 November 2014 requesting further comment in relation to the abovementioned development application.

**Roles & Responsibilities**

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

The Pacific Highway and access ramps are classified as Freeway at this location. In accordance with Section 7 of the *Roads Act 1993* (the Act) Roads and Maritime is the Roads Authority for Freeways.

The Macleay Valley Way is a classified (Regional) road and in accordance with Section 7 of the Act Council is the Roads Authority. In accordance with Section 138 of the Act Roads and Maritime's concurrence is required prior to Council's approval of works on classified roads.

It should be noted that the southern interchange roundabouts, and that part of the Macleay Valley Way that is used as the northbound on-ramp to the Pacific Highway, will be declared Controlled Access Road (CAR) in accordance with Section 49 of the Act. Any access proposed across CAR boundaries will require the consent of Roads and Maritime in accordance with Section 70 of the Act.

Roads and Maritime is given the opportunity to review and provide comment on the subject development application as per the requirements of Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

**Roads & Maritime Services**



## Roads and Maritime Response

Roads and Maritime has reviewed the referred response prepared by the applicant and provides the following comments to assist the Consent Authority in making a determination:

1. The response has not identified the peak traffic flows arising from the proposed development or provided an analysis of the subsequent impacts on intersections used to access the Pacific Highway.
2. Whilst Roads and Maritime acknowledges that the interchange will likely be capable of accommodating the peak daily traffic generated by the proposed development, it remains unclear how the identified hourly rate of heavy vehicle movements will impact on the safety and efficiency of affected intersections, particularly during network peak periods.
3. The response has identified that trucks will leave the quarry at 1.5 to 2 minute intervals. This is an average spacing equivalent to the nominated maximum of 40 loads per hour. Council may wish to condition a required minimum spacing for vehicles leaving the quarry and maximum permitted hourly/daily truck movements to minimise impacts on the road network. Compliance with such a condition could be monitored through the installation of vehicle counters at the quarry access and reported annually.
4. A Drivers Code of Conduct could be prepared to address, but not be limited to, the following:
  - A map of primary haulage routes highlighting critical locations;
  - Safety initiatives for trucks travelling through residential areas and school zones;
  - An induction process for vehicle operators;
  - Format of regular toolbox meetings;
  - A complaints resolution and disciplinary procedure; and
  - Any community consultation measures to address peak haulage periods.

## Advice to the Consent Authority

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. Should you have any further questions regarding the above comments then please contact Matt Adams on 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours sincerely



16 December 2014

for Peter Lane  
Acting Network & Safety Manager, Northern Region



File No: NTH09/01629; CR2014/004922  
Your Ref: D14/27950, T6-14-272, LA33252 EF:KMP

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

Attn: Erin Fuller – Planner Sustainable Environment

Dear Ms Fuller,

**Increase Extraction Area for Existing Quarry; Lot 2 DP 1194582, 627 Pacific Highway, South Kempsey**

I refer to your letter of 16 September 2014 regarding the abovementioned development application forwarded to Roads and Maritime Services for consideration.

**Roles & Responsibilities**

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

The Pacific Highway (HW10) is a classified (state) road. Kempsey Shire Council is the 'Road Authority' for this road and all other public roads in this area. Roads and Maritimes concurrence is required prior to Council's approval of works on a classified road under Section 138 of the *Roads Act 1993*.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

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

**Roads and Maritime Response**

Roads and Maritime previously provided advice to the Department of Planning and Environment in relation to the Secretary's Environmental Assessment Requirements (SEARs) for this development in the attached letter of 22 May 2014.



Roads and Maritime has reviewed the Environmental Impact Statement (EIS) and considers that the Transport and Traffic Assessment has yet to accurately identify the likely traffic impacts of the development over the life of the project.

Council may wish to request that the Developer provide additional information to address the following issues;

1. The EIS has yet to identify existing and post development traffic flows on the South Kempsey Interchange.
2. Any assessment should identify traffic movements at key intersections of the interchange and give consideration for background traffic growth and the estimated traffic movements arising from the introduction of adjacent developments over a 10 year horizon.
3. Consideration should be given to impact of the identified peak traffic generation on the interchange during peak periods, particularly the right-turn from the western service road to the northbound on-ramp.

### **Advice to the Consent Authority**

Please note that the traffic assessments undertaken for the Kempsey Bypass Pacific Highway Upgrade project and the South Kempsey Highway Service Centre Projects may be of assistance to the developer in preparing any further submission.

Roads and Maritime is supportive of the quarry operator's adoption of a Driver's Code of Conduct. Council may wish to consider requiring the inclusion of a complaint reporting and resolution procedure in this document.

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

Yours sincerely



9 October 2014

for Peter Lane  
Acting Network & Safety Manager, Northern Region

ENC: RMS Letter of 22 May 2014 (CR2014/002126)