

Notice No: 1549086

The General Manager

PO Box 61

GLEN INNES NSW 2370

Attention: Graham Price

By Email: council@gisc.nsw.gov.au

Notice Number 1549086

File Number SF16/30794

Date 06-Mar-2017

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

I refer to the development application and accompanying information provided for the Wattle Vale Hard Rock Quarry Stage 2 received by the Environment Protection Authority (EPA) on 25 January 2017. The EPA applogises for the delay in responding.

The EPA has reviewed the information provided and noted that the proponent has not suitably demonstrated that sufficient water supplies would be available to meet operational requirements. The Environmental Impact Statement (EIS) contains conflicting comments about groundwater availability at the site. From the water balance calculations, groundwater inflow is essential to implementing environmental controls (dust suppression). The handing and criteria that the pit water is fit for this purpose is not assessed in detail within the EIS.

The EPA is concerned that the contingency measures for a lack of onsite water, using farm dams or water from another quarry, do not discuss the feasibility or suitability of these waters. The EPA notes a commitment to the practice of conserving water during times of limited supply and is concerned of the implications this may have on environmental controls such as dust suppression. No contingencies or management options are discussed for the handling or disposal of waters generated from pit inflow during high recharge years.

The EPA recommends that the Joint Regional Planning Panel requires the proponent to develop and implement a Groundwater Management Plan that addresses, at a minimum, the above concerns and includes the local groundwater monitoring around the periphery of the pit, as outlined in the EIS, prior to the commencement of operations at Stage 2 of the Quarry.

The EPA has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.



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The general terms of approval for this proposal are provided at Attachment A. If the Joint Regional Planning Panel grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to 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 the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Jessica Creed on 02 6773 7000 or email at armidale@epa.nsw.gov.au.

Yours sincerely

Robert O'Hern

Head Regional Operation Unit

North - Armidale

(by Delegation)



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Administrative conditions

A1. Information supplied to the EPA

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

- the development application for Wattle Vale Stage 2 Extractive Industry 300,000 tonne/annum located at 1323 Gwydir Highway Matheson.
- any environmental impact statement titled 'Glen Innes Severn Council Wattle Vale Quarry' dated December 2016 relating to the development; and
- all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

- **L2.1** For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
- **L2.2** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.
- **L2.4** The Total Suspended Solids concentration limits specified in Table 1 may be exceeded for water discharged from the sediment basin provided that:
 - a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 47.4 millimetres over any consecutive five day period immediately prior to the discharge occurring, and
 - b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 47.4 millimetre, 5 day rainfall event.

Point 1 – Discharge from sediment basin/s (Exact location to be confirmed prior to issuing of licence)

Table 1 - Water and Land

| Pollutant | Units of | 50% | 90% | 3DGM | 100% |
|-----------|----------|---------------|---------------|---------------|---------------|
| | measure | concentration | concentration | concentration | concentration |
| | | limit | limit | limit | limit |



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| Oil and Grease | mg/L | | 10 |
|---------------------------|------|--|---------|
| pН | рН | | 6.5-8.5 |
| Total Suspended Solids | mg/L | | 50 |

L3. Waste

- **L3.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- **L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L3.2 is included to ensure that a premised based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

| | | NOISE LIMITS (dBA) | |
|-------------------------------|------------------------------------|--------------------|--|
| Name | Location – address, lot and | Day | |
| | deposited plan | Leq (15 minute) | |
| Non project related residence | All non project related residences | 35 | |
| Safari | 259 Malboona Road, Glen Innes | 35 | |
| | Lot 11 DP753274 | | |
| Beaufort | 39 Malboona Road, Glen Innes | 35 | |
| | Lot 156 DP753274 | | |
| 8 Pitlochry Road | 8 Pitlochry Road, Matheson | 35 | |
| | Lot 3 DP632253 | | |
| Girrahween | 160 Rose Hill Road, Glen Innes | 35 | |
| | Lot 4 DP707843 | | |

L4.2 For the purpose of condition L4.1:

- Day is the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is the period from 6pm to 10pm.
- Night is the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.



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- L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:
 - a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.
- **L4.4** For the purposes of condition L4.3:
 - a) Data recorded by the meteorological station identified as EPA Identification Point M5.1 must be used to determine meteorological conditions; and
 - b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.
- **L4.5** To determine compliance:
 - a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
 - b) with the LA1(1 minute) noise limits in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
 - c) with the noise limits in condition L4.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L4.5(a) or L4.5(b).
- **L4.6** A non-compliance of condition L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
 - at a location other than an area prescribed by conditions L4.5(a) and L4.5(b); and/or
 - at a point other than the most affected point at a location.
- **L4.7** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L5 Hours of operation

- **L5.1** Activities permitted by this licence must only be carried out between the hours of 7am to 5pm, Monday to Friday and 8am to 4pm Saturday, excluding public holidays.
- L5.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1, 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 is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.



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L5.3 The hours of operation specified in conditions L5.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6. Blasting

Airblast overpressure level

- L6.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L6.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground vibration level

- **L6.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- **L6.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Blasting hours

- **L6.5** Blasting at the premises may only take place between 9.00am-5:00pm Monday to Friday. Blasting is not permitted on public holidays.
- **L6.6** Blasting outside of the hours specified in L6.5 can only take place with the written approval of the EPA.

Frequency of blasting

L6.7 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

L7. Production Limit

- L7.1 Extraction from the premises must not exceed 300,000 tonnes during any consecutive 12 month period.
- L7.2 For the purposes of determining compliance with this condition, a tally of trucks and trailers carrying loads from the quarry must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.



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Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

- **O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- **O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- O2.3 Any activity carried out in or on the premises must be carried out by such practical means as to prevent dust or minimise the emission of dust.
- **O2.4** Any plant operated in or on the premises must by operated by such practical means to prevent or minimise dust or other air pollutants.
- **O2.5** All trafficable areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the emission of dust from the premises.

O3. Stormwater/sediment control - Construction Phase

O3.1 A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O4. Stormwater/sediment control - Operation Phase

O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented.

Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O5. Emergency Response



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O5.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions of fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

M2. Requirement to monitor concentration of pollutants discharged

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

| Pollutant | Units of measure | Frequency | Sampling Method |
|------------------------|------------------|---------------------|-----------------------|
| Oil and Grease | mg/L | Special Frequency 1 | Representative sample |
| pH | pH | Special Frequency 1 | Representative sample |
| Total Suspended Solids | mg/L | Special Frequency 1 | Representative sample |



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Note: For the purposes of this condition, Special Frequency 1 means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basis to demonstrate compliance with the concentration limits defined in condition L2.1

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,

over the interval, at the frequency and using the method and units of measure, specified below.

| Point | Interval for | Frequency | Units of Measure | Sampling Method |
|-------|--------------|---------------------------------|---------------------|--------------------|
| 1 | 24 hours | Daily during controlled release | Litres | To be negotiated |

M4. Testing methods - concentration limits

- **M4.1** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:
 - the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M5 Weather Monitoring

Note: Licensee to negotiate with EPA prior to issuing of licence to determine an appropriate location for the weather monitoring referred to in Conditions M5.1 to and M5.2

- **M5.1** The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M5.2.
- **M5.2** For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 2

| Parameter | Units of Measure | Frequency | Averaging Period | Sampling Method |
|-----------------|---------------------|------------|---------------------|-----------------|
| Air temperature | °C | Continuous | 1 hour | AM-4 |



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| Wind direction | 0 | Continuous | 15 minute | AM-2 & AM-4 |
|-------------------|-----|------------|-----------|-------------|
| Wind speed | m/s | Continuous | 15 minute | AM-2 & AM-4 |
| Sigma theta | 0 | Continuous | 15 minute | AM-2 & AM-4 |
| Rainfall | mm | Continuous | 15 minute | AM-4 |
| Relative humidity | % | Continuous | 1 hour | AM-4 |

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Additions to Definition of Terms of the licence

- NSW Industrial Noise Policy the document entitled "New South Wales Industrial Noise Policy" published by the Environment Protection Authority in January 2000.
- Noise "sound pressure levels" for the purposes of conditions L6.1 to L6.7.
- "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.



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Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

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

Not applicable

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity;
 and
- b. 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;



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- 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
- b. 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.

- a. 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
- b. 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.



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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

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

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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



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Written report

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

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

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.