

DATE OF DETERMINATION	Wednesday, 21 June 2017
PANEL MEMBERS	Garry West (Chair), Pam Westing and Stephen Gow
APOLOGIES	Nil
DECLARATIONS OF INTEREST	<p>Steve Toms declared a conflict of interest as he is Mayor and it is a Council development.</p> <p>Colin Price declared a conflict of interest as he was the Mayor during the purchase and subsequent DA process.</p> <p>Patric Millar declared a conflict of interest due to his employment with CWP-AM.</p>

Public meeting held at Glen Innes Severn Learning Centre, 71 Grey St, Glen Innes on Wednesday, 21 June 2017, opened at 10am and closed at 11am.

MATTER DETERMINED

2017NTH001 – Glen Innes Severn Council – DA41/16-17 AT 1296 Gwydir Highway Matheson (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was Unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:



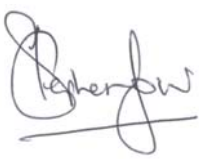
- Development complies with relevant Environmental Planning Instruments
- Owner's Consent from LLS provided in the Addendum Report
- The quarry is strategically located to supply suitable aggregate resources for the proposed wind farm projects, without imposing negative environmental impacts on the highway
- Progressive rehabilitation is proposed
- Visual amenity impact is negligible
- Access arrangements were clarified and adequately addressed via conditions.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Designating the limits on extraction; Requiring the EMP to be approved by Council; Rehabilitation to comply with EIS; Hours of operation and blasting clarified
- Condition 22 re the proposed egress (access 2) be deleted with wording included as an advisory note to c32. The access is not part of this approval and will be subject to a separate approval;

- Biodiversity offset requirements to be implemented before final closure.

PANEL MEMBERS	
Garry West (Chair) 	 Pamela Westing
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH001 – Glen Innes Severn Council – DA41/16-17
2	PROPOSED DEVELOPMENT	Extractive Industry – 300,000 tonnes/annum hardrock
3	STREET ADDRESS	1296 Gwydir Highway Matheson, Lot 113 DP 753319.
4	APPLICANT OWNER	Glen Innes Severn Council
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 44 – Koala Habitat • State Environmental Planning Policy (Rural Lands) 2008 • Draft Amendment to State Environmental Planning Policy No.44 • Glen Innes Severn Local Environment Plan 2012 • Glen Innes Severn Development Control Plan 2014 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 7 June 2017 • Written submissions during public exhibition: one (1) • Council Addendum Report 20 June 2017 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Don Anderson ○ On behalf of the applicant – Keith Appleby, Director, Infrastructure services
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting on 21 June 2017 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry West (Chair), Pam Westing and Steve Gow <u>Council assessment staff</u>: Libby Cumming, Consultant Town Planner; Graham Price, Glen Innes Severn Council Director of Development Planning and Regulatory Services
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council assessment report

SCHEDULE 2

Prescribed Conditions (under Environmental Planning & Assessment Regulation 2000)

Nil

General Conditions

As Requested by Glen Innes Severn Council

1. The proposed development being carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.
Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.
2. Glen Innes Severn Council development consent number 26/16-17, is to be surrendered prior to quarry production exceeding 30,000 cubic metres per year of extractive materials.
3. Annual production from the quarry is not to exceed 300,000 tonnes per year of extractive materials and a maximum total resource extraction of 2.5 million tonnes. Any increase in production or alteration to operations is to be the subject of a further Development

Application. This consent ceases to operate 30 years from the date of this approval, or until the extraction limit of 2.5 million tonnes has been met whichever comes first.

4. The extractive industry is to be carried out so that a total surface area of not more than eight (8) hectares of land is disturbed as a result of clearing or excavating; or constructing dams, ponds or roads; or storing or depositing overburden, extractive materials or tailings.
5. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

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

6. The use and occupation of the site including construction plant and equipment installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the Protection of the Environment Operations Act, 1997.
7. All conditions of the Property Vegetation Management Plan are to be complied with.
8. The applicant is to prepare a Quarry Management Plan for the site to summarise NSW Government legislative requirements, guidelines, and the conditions of this development consent. The Quarry Management Plan shall identify operational requirements relating to matters such as noise, water and erosion, air quality, vibration, blasting, access, traffic, transport, bushfires, hazardous materials, noxious weeds, rehabilitation, land care, community relations, monitoring and auditing, and waste; including measures to mitigate any adverse impacts to the environment, nearby residents and road users.
9. An Environmental Management Plan is to be submitted and approved by Council prior to commencement of Stage 2 and on an annual basis. This is to include all monitoring and measuring of environmental performance undertaken.
10. All recommendations and mitigation measures contained within the following assessments which form part of the Environmental Impact Statement are to be complied with:
 - Resource;
 - Aboriginal Cultural Heritage;
 - Flora and Fauna Impact;
 - Water Resources;
 - Air Quality Impact;
 - Noise & Vibration Impact;
 - Traffic Impact; and
 - Rehabilitation
11. The visual impact mitigation measures as stated within the Environmental Impact Statement are to be complied with. These include:
 - a) Maintenance of existing vegetation outside the extraction limit boundary for visual screening.
 - b) Maintain the site in a clean and tidy condition at all times.
 - c) Ensure that areas of disturbance are kept to the minimum practicable at any one point in time.

- d) Progressively revegetate all areas where quarrying is completed.
- e) Where possible, stockpiles, plant and equipment should be located in positions which are naturally screened from views into the site.

12. Erosion and sediment controls are to be designed and implemented in accordance with the publication "Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries" published by the NSW Department of Environment and Climate Change in 2008.
13. Upon completion of each stage of quarrying activities, all disturbed areas are to be promptly topsoiled and rehabilitated in accordance with NSW Government best practice guidelines.
14. Compliance with all requirements of the NSW Environmental Protection Authority and SafeWork NSW in relation to the transport, storage and handling of dangerous goods associated with the development.
15. The use and occupation of the site including construction plant and equipment installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the Protection of the Environment Operations Act, 1997.
16. The registered proprietor of the land shall;
 - a) Repair, or pay the full costs associated with repairing any private or public infrastructure that is damaged as a result of carrying out the extractive industry; and
 - b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.
17. The applicant is to make contact with the local 'Inspector of Mines', NSW Department of Industry, Mine Safety Operations Branch, prior to the commencement of operations or activities at the quarry.
18. The operator is to maintain a register of sales of aggregate and provide this to Council upon request for verifying quantities transported; or that operator conducts annual aerial surveys to verify total disturbed area and annual production; or that Council be provided reasonable access to conduct aerial surveys to verify same;
19. Any outdoor lighting is to be shielded and all portable buildings are to be constructed from materials having low reflectivity indices, to minimise visual impact of quarry site.
20. A copy of all the approved documents related to this consent, shall be kept by the operator at all times and shall be made available upon inspection by Council or an authorised government agency.
21. The design and construction of an intersection with the Gwydir Highway for all inbound traffic through Travelling Stock Route 67474. All work is to comply with Roads and Maritime Services (RMS), Australian Standards and Austroads CHR/S and AUL/S guidelines.

Note: All works within the Travelling Stock Reserve are to be approved by Local Land Services (LLS) prior to the commencement of works.
22. A road opening permit application is to be submitted to Council and approved prior to any works within a public road reservation.

Note: Works within the Gwydir Highway road reservation require concurrence from NSW Roads and Maritime Services (RMS) prior to any Council approval. The applicant will be

required to enter into a Works Authorisation Deed with the RMS and comply with all RMS requirements.

23. A Section 68 Local Approval must be lodged and approved prior to commencement of any onsite sewerage drainage works on the subject land.
24. A Section 94A Development Levy of \$5,000.00 is required to be paid to Council as per the *Glen Innes Severn Section 94A Development Contributions Plan 2014*. All levies paid to Council are applied towards meeting the cost of provision or augmentation of new public facilities. The levy has been set at 1% of the estimated cost of development and applies to all land within the Glen Innes Severn local government area.
25. The hours of operation of the quarry are to be limited to the following:
 - Monday to Friday: 7.00 am to 5.00pm
 - Saturday: 8.00am to 4.00pm
 - No work on Sundays or Public Holidays
26. One blast per weekday is permitted, between the hours of 10.00am until 3.00pm. Blasting is not permitted on Saturday, Sunday or Public Holidays. Written approval is required from Council for each blast, if blasting is to occur outside of these hours.

Conditions to be Completed Prior to Operation Commencing

As Requested by Glen Innes Severn Council

27. The design, construction and maintenance of a two-way heavy vehicle access roadway from the Gwydir Highway entrance to the proposed quarry entrance at Lot 113 DP753319. All work is to comply with Austroads guidelines and Council's Development Design and Construction Manual, and be completed prior to the commencement of extraction from the quarry site.

Note: All works within the shared road reserve are to be approved by Council and Local Land Services (LLS) prior to the commencement of works.

The provision of vehicle parking and manoeuvring areas within the development in accordance with AS/NZS 2890: Parking Facilities, and the following:

- a) The construction of at least fifteen (15) designated car parking spaces on the subject land;
- b) Heavy vehicle standing areas are to be provided to allow queueing fully within the site;
- c) Disabled car parking spaces are to be provided as required by the Building Code of Australia;
- d) All parking and manoeuvring areas are to be clearly marked and surfaced with a hard standing material, and must be maintained in a satisfactory condition;
- e) All vehicles are to enter and exit the site in a forward direction at all times;
- f) Parking and manoeuvring areas shall not be used for the storage of goods and equipment;
- g) The separation of heavy vehicle and light vehicle movements as far as feasible;

Appropriate signage and delineation to clearly delineate to motorists the means of access, parking and circulation within the site.

28. The vehicle ingress and egress are to be constructed prior to any traffic generation on the Gwydir Highway associated with the quarry extractive industry.

As Requested by Environment Protection Authority

29. A Groundwater Management Plan is to be implemented that addresses, at a minimum, the contingency measures for a lack of onsite water, using farm dams or water from another quarry, the feasibility or suitability of these waters for use within operation, the implications this may have on environmental controls such as dust suppression, management options for the handling or disposal of waters generated from pit inflow during high recharge years 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.

As Requested by NSW Roads & Marine Services

30. All ingress to the quarry development shall be via the shared access with the Glen Innes Wind Farm (GIWF). GIWF is responsible for constructing a shortened channelised right-turn treatment (CHR/S) and a shortened auxiliary left-turn treatment (AUL/S). Where the access is not constructed by the GIWF, the quarry developer will be required to determine an appropriate access treatment in consultation with Roads and Maritime Service and construct the access prior to the commencement of traffic generated by the quarry.
31. All quarry trucks are restricted from accessing the site from the west unless written consent is obtained from NSW Roads and Maritime Services.
32. The proposed egress to the Gwydir Highway shall comply with an Austroads basic left-turn (BAL) treatment and appropriate regulatory signage to restrict ingress movements.
33. The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for all works deemed necessary on the classified (State) road (Gwydir Highway). The developer will be responsible for all costs associated with the works and administration for the WAD.
34. Prior to the commencement of quarry traffic movements a Driver Code of Conduct for heavy vehicle operators should be prepared to include, but not be limited to;
- A map of the primary haulage route/s highlighting critical locations;
 - Safety initiatives for haulage along school bus routes and through residential areas and/or school zones;
 - An induction process for vehicle operators and regular toolbox meetings;
 - A complaint resolution and disciplinary procedure; and
 - Any community consultation measures for peak haulage

As Requested by NSW Office of Environment & Heritage

35.

Access 2 does not form part of this approval, and will require a separate approval under the *Environmental Planning & Assessment Act 1979*.

Advisory Note:

The design and construction of an intersection with the Gwydir Highway for all outbound quarry traffic, to be located approximately 850 metres west of the ingress location. All work is to comply with Roads and Maritime Services (RMS), Australian Standards and Austroads BAL guidelines.

Notes:

1. *Vehicle egress is to be suspended from this intersection during periods of fog when sight distances are restricted, in which case egress may occur during the ingress location.*

The existing property access at 1493 Gwydir Highway is to be fully decommissioned and fenced upon creation of the new egress location.

36. Environmental Management Plan is to be provided which includes the mitigation measures listed in Section 7.2.2 of the Flora and Fauna Impact Assessment by GHD, dated May 2017, as well as any other requirements listed by Council. The Environmental Management Plan is to be prepared to the satisfaction of the consent authority and submitted prior to site works commencing for Stage 2 works.
37. A surveyed plan of the Wattle Vale Quarry Operational Area is to be provided representing the operational limit of this consent. The plan must include, but not be limited to, the extraction area, location and area of occupation of proposed site sheds, compounds and weighbridge, roads, parking areas, fuel storage, dams, temporary drainage, restrictive fencing, overburden and stockpile areas. The surveyed plan is to be prepared to the satisfaction of the consent authority and submitted prior to commencement of Stage 2 works.
38. A Flora and Fauna Management Sub-plan is to be prepared in consultation with the NSW Office of Environment & Heritage. The plan is to contain the recommended mitigation measures listed in Section 7.2.3 of the of the Flora and Fauna Impact Assessment by GHD, dated May 2017, as well as:
 - a) Identify trees to be removed and trees to be retained within the Wattle Vale Quarry Operational Area. Trees to be retained are to be protected in accordance the Australian Standard 4970-2009 Protection of trees on development sites. The retained trees and their management requirements are to be included in the Sensitive Areas Plan.
 - b) Identify and include areas of high environmental value on a Sensitive Areas Plan, and provide management actions to ensure protection. This may include but not be limited to drainage lines, areas of endangered ecological communities or hollow bearing trees within and/or adjacent to the quarry operational area.
 - c) Include reporting requirements to ensure management of threatened species if detected during the pre-clearing surveys. Include the procedure to adjust the calculated offsets required for the loss of threatened species and their habitat with the Biodiversity offset Strategy.
 - d) Include fauna welfare and clearing procedures for the felling of habitat trees (hollowbearing) and removal of ground based woody material.
 - e) Identify opportunities to relocate habitat resources removed from the quarry operational areas, and included as part of the nominated Biodiversity Offset Strategy area.
 - f) Set the performance criteria and reporting requirements used to assess compliance with the recommended mitigation measures.
39. A Biodiversity Offset Strategy is to be prepared to address the loss of the endangered ecological community Ribbon Gum, Mountain Gum - Snow Gum grassy forest/woodland of the New England Tableland Bioregion. The Biodiversity Offset Strategy is to be drafted in consultation with the NSW Office of Environment & Heritage, and to the satisfaction of the consent authority prior to commencement of works.

The Biodiversity Offset Strategy must:

- a) Include Wattle Vale Quarry Operational Area (surveyed plan) as the accurate extent of impact, and the calculated area of impact be included as part of the offset calculation.
- b) Use the NSW BioBanking Assessment Methodology to determine the quantum of offsets required to compensate for the loss of endangered ecological community.
- c) Accord with the OEH offsetting principles in the selection of the offset site. These principles are found on the NSW Office of Environment & Heritage website at <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>.
- d) Identify conservation mechanisms to be used to ensure the in-perpetuity protection and management of the proposed offsets.
- e) Identify management actions to improve the site, performance criteria used to measure completion of the proposed actions, and reporting requirements.

Conditions Relating to Ongoing Operations

As Requested by Glen Innes Severn Council

- 40. An annual return showing gravel extraction for the preceding 12 month period is to be submitted to Council and the NSW Department of Industry, Resources and Energy Division, within 30 days after the end of each financial year until rehabilitation has been completed.

As Requested by NSW Industry, Resources & Energy

- 41. Production data from this 6 month project is to be included with the annual production data from the longer term future development of Wattle Vale Quarry.

As Requested by NSW Office of Environment & Heritage

- 42. A detailed rehabilitation plan is to be prepared in accordance with the Figure 1-1 Concept Rehabilitation Plan prepared by GHD dated 30 March 2017. The plan is to be provided by a suitably qualified person with documented experience in environmental restoration within 12 months from the date of this consent. The plan must be prepared to the satisfaction of the consent authority.
- 43. The management actions and recommendations listed in the Flora and Fauna Management Sub-plan and Biodiversity Offset Strategy are to be implemented.
- 44. Biodiversity reporting is to occur in accordance with the reporting framework as set out in the Flora and Fauna Management Sub-plan and Biodiversity Offset Strategy.

Conditions Prior to Completion of Extraction Activities

As Requested by NSW Office of Environment & Heritage

- 45. A final Biodiversity Offset Strategy implementation report is to be drafted in consultation with NSW Office of Environment & Heritage and submitted to the consent authority prior to the completion of extraction activities under this consent.

46. All works in accordance with the approved Rehabilitation Plan are to be completed prior to the completion of extraction activities under this consent. A final report confirming completion as stated in the plan must be submitted to the satisfaction of the consent authority. The report is to be provided by a suitably qualified person with documented experience in environmental restoration.

Integrated General Terms of Approval as Part of this Consent

These conditions are issued pursuant with Section 91A(2) of the Environmental Planning & Assessment Act 1979 by the NSW Environment Protection Authority.

Administrative conditions

Note: Mandatory conditions for all general terms of approval

47. **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.

48. **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

49. **L1. Pollution of waters**

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

50. **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.

Table 1 – DISCHARGE POINTS: Overflow from the spillway of water sediment basin
[exact location to be confirmed]

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
(Data provided as example only)					
Oil & Grease	Mg/L				10
pH	pH units				6.5-8.5
Total Suspended Solids	Mg/L				50

51. 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 premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

52. 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 deposited plan	Day
		Leq (15 minute)
Non project related residence	All non project related residences	35

Safari	259 Malboona Road, Glen Innes Lot 11 DP753274	35
Beaufort	39 Malboona Road, Glen Innes Lot 156 DP753274	35
8 Pitlochry Road	8 Pitlochry Road, Matheson Lot 3 DP632253	35
Girrahween	160 Rose Hill Road, Glen Innes Lot 4 DP707843	35

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.

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

L4.4 For the purposes of condition L4.3:

- Data recorded by the meteorological station identified as EPA Identification Point M5.1 must be used to determine meteorological conditions ; and
- Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.5 To determine compliance:

- 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.
- 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.
- 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.

53. **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

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.

54. **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.

55. **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.

56. **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.

57. **Frequency of blasting**

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

58. **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.

Operating Conditions

59. **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.

60. **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 be 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.

61. **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).

62. **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).

63. **O5. Emergency Response**

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

64. **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.

65. **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:

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

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

66. **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

67. **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.

68. **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.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind Speed	m/s	Continuous	15 minutes	AM-2 & AM-4

Sigma theta	°	Continuous	15 minutes	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

Reporting conditions

69. **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.

General Conditions

Administrative conditions

70. Other activates

(To be used on licences with ancillary activities)

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

- **Not Applicable**

Operating Conditions

71. Activates must be carried out in a competent manner

Licensed activates 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.

72. 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

73. 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 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.

74. 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

75. 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.

76. 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.

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.

77. 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').

78. Notification where actual load cannot 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

79. 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.

80. 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.

81. 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.

82. 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.

General conditions

83. 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.