

The General Manager
Liverpool Plains Shire Council
P O Box 152
Quirindi NSW 2343
Email: alice.elsley@lpsc.nsw.gov.au

5 February 2018

Dear Sir / Madam,

Development Application – DA 3/2018 – Expansion of Willow Tree Gravels Quarry

Lot 1 DP502092, Lot 213 DP1173230 and Lot 121 DP857377, 250-256 Merriwa Rd Willow Tree

I refer to your correspondence dated 9 January 2018 regarding the expansion of the Willow Tree Gravels Quarry permitting the production of up to 200,000 tonnes of material per annum and the extraction of a total of 4,000,000 tonnes over the life of the quarry.

Accordingly, I advise that Australian Rail Track Corporation (ARTC) has no objections to the proposed Development as described, however Council should consider the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 and *Development Near Rail Corridors And Busy Roads – Interim Guideline*, published in the NSW Government Gazette No.158 on 19 December 2008 when determining this application.

A copy of the guidelines can be found by following the below link:

<http://www.planning.nsw.gov.au/rdaguidelines/documents/DevelopmentNearBusyRoadsandRailCorridors.pdf>

ARTC also advises that there are railway works currently scheduled in 2018 for the Merriwa Road level crossing upgrade incorporating pedestrian access, these works have been identified in conjunction with Council and ARTC's officers.

Should you have any further enquiries with regard to this matter please do not hesitate to contact me.

Yours sincerely,



Teena Renès
**Property Manager Newcastle
Hunter Valley**



Contact: Chris Binks
Phone: 67631465
Fax: 67631187
Email: chris.binks@dpi.nsw.gov.au

The General Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Our ref: IDAS1104484
Your Ref: DA3-2018

22 February 2018

Attention: Alice Elsley

Dear Ms Elsley,

**Re: Integrated Development – for controlled activity described as: Expansion of an existing hard rock quarry.
Located at: 250-256 Merriwa Road Willow Tree.**

Lands & Water, a division of the Department of Industry (Dol Water), has reviewed documents for the above development application and considers that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary for one of the following reasons.

- ☒ The proposed activity is **not occurring on waterfront land** (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- ☐ The proposed activity is **exempt** from section 91E (1) of the WM Act in relation to controlled activities specified in clause 39 of Subdivision 4, and Part 2 of Schedule 5 of the Water Management (General) Regulation 2011 that are carried out in, on or under waterfront land. **See attached** for details of the exemptions.
- ☒ The proposed activity is **not a controlled activity** as defined by the WM Act.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then Dol Water should be notified.

Further information on controlled activity approvals under the WM Act can be obtained from Dol Water's website: www.water.nsw.gov.au go to *Water licensing > Approvals > Controlled activities*.

Please direct any questions regarding this correspondence to Chris Binks by email to chris.binks@dpi.nsw.gov.au.

Yours sincerely

Chris Binks - Water Regulation
NSW Department of Industry – Water

Water Management (General) Regulation 2011

Subdivision 4 – Exemption from requirement for controlled activity approval.

39 Controlled activities-persons other than public authorities

A person (other than a public authority) is exempt from section 91E(1) of the *Water Management Act 2000*, in relation to controlled activities specified in Part 2 of Schedule 5 that are carried out in, on or under waterfront land.

Schedule 5 Exemptions

Part 2 – Controlled activities exemptions

Clause	Details
<input type="checkbox"/> 16	Activities under mining, crown lands or western lands legislation Any activity carried out in accordance with any lease, licence, permit or other right in force under the <i>Mining Act 1992</i> , the <i>Crown Lands Act 1989</i> , the <i>Crown Lands (Continued Tenures) Act 1989</i> or the <i>Western Lands Act 1901</i> or a petroleum title in force under the <i>Petroleum (Onshore) Act 1991</i> .
<input type="checkbox"/> 17	Activities on land of Maritime Authority or Port Corporation Any activity: <ul style="list-style-type: none"> (a) carried out in accordance with any lease, licence, permit or other right in force in respect of land under the ownership or control of the Maritime Authority of NSW or a Port Corporation (within the meaning of the <i>Ports and Maritime Administration Act 1995</i>), or (b) for which the Minister administering that Act is the consent authority under the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>.
<input type="checkbox"/> 18	Activities under water supply works approval Any activity comprising the excavation of the bed of a river, lake or estuary for the purpose of facilitating the use of a water supply work, being an activity that: <ul style="list-style-type: none"> (a) is detailed in the conditions of the water supply work approval for the water supply work, and (b) is carried out in accordance with those conditions.
<input type="checkbox"/> 19	Activities with respect to domestic and stock rights Any of the following activities for the purpose of enabling a person to take, or facilitating a person's taking of, water pursuant to section 52 (Domestic and stock rights) of the Act: <ul style="list-style-type: none"> (a) the removal of alluvial material from the bed of a river to enable or facilitate the taking of water, if: <ul style="list-style-type: none"> (i) any excavation: <ul style="list-style-type: none"> (A) is no deeper than 1 metre, and (B) is no wider than 1/3 of the width of the river at that point or 6 metres (whichever is lesser), and (C) is no longer than its width, and (ii) the only alluvial material that is removed is material that has been deposited on the riverbed by the flow of water in the river such as sand, silt or gravel, and (iii) no material is removed within 1 metre of the bank of the river, and (iv) any alluvial material that has been removed is placed in the bed of the river, immediately upstream of the excavation, (b) any controlled activity in, on or under the bank of a river to enable or facilitate the installation of a pipe, if: <ul style="list-style-type: none"> (i) the pipe is above ground or in a trench that is the minimum size necessary to hold the pipe but is no more than 0.3 metres wide and 0.3 metres deep, and (ii) any material that is removed is used to backfill the trench within 48 hours after its removal, (c) any controlled activity in, on or under waterfront land to enable or facilitate the installation of a water supply work that is a pump, if: <ul style="list-style-type: none"> (i) the controlled activity is not on the bed or bank of a river, and (ii) any material removed is the minimum amount necessary to establish a suitable pump site but is no more than 1 cubic metre, and (iii) the area of land from which any material is removed is no greater than 4 square metres.
<input type="checkbox"/> 20	Activities in accordance with harvestable rights orders Any activity carried out, in accordance with a harvestable rights order, in connection with the construction or use of a dam on land within the harvestable rights area constituted by the order.

Clause	Details
<input type="checkbox"/> 21	<p>Activities connected with construction of fencing, crossings or tracks</p> <p>Any activity carried out in connection with the construction or use of fencing, or of a vehicular crossing or an access track, that does not impound water, being an activity carried out in, on or under waterfront land:</p> <ul style="list-style-type: none"> (a) relating to a minor stream, and (b) within a rural zone (other than a rural village) under an environmental planning instrument.
<input type="checkbox"/> 22	<p>Activities in connection with works under former 1912 Act</p> <ul style="list-style-type: none"> (1) Any activity carried out in connection with the construction or use of a work to which Part 2 of the former 1912 Act applies in accordance with a licence issued under that Part in relation to that work, being an activity that: <ul style="list-style-type: none"> (a) is detailed in the conditions of the licence, and (b) is carried out in accordance with those conditions. (2) Any activity carried out in connection with the construction or use of a controlled work within the meaning of Part 8 of the former 1912 Act in accordance with an approval issued under that Part in relation to that work, being an activity that: <ul style="list-style-type: none"> (a) is detailed in the conditions of the approval, and (b) is carried out in accordance with those conditions
<input type="checkbox"/> 23	<p>Removal of vegetation</p> <p>Any activity comprising nothing more than the removal of vegetation in circumstances that would otherwise be lawful.</p>
<input type="checkbox"/> 24	<p>Development at Rouse Hill Regional Centre</p> <p>The carrying out of development in accordance with section 16 of Part E (Rouse Hill Regional Centre) of <i>Baulkham Hills Development Control Plan</i>, on the land to which that section applies (being land bounded by Windsor Road, Commercial Road and Withers Road, Rouse Hill).</p>
<input type="checkbox"/> 25	<p>Development on waterfront land at Oran Park or Turner Road</p> <p>The carrying out of development in accordance with the <i>Oran Park and Turner Road Waterfront Land Strategy 2009</i>, as published in the Gazette on 17 July 2009.</p>
<input type="checkbox"/> 26	<p>Activities on waterfront land if river is concrete lined or in pipe</p> <p>Any activity carried out on waterfront land relating to a river where the channel of the river is fully concrete lined or is a fully enclosed pipe channel.</p>
<input type="checkbox"/> 27	<p>Activities with respect to dwellings</p> <ul style="list-style-type: none"> (1) Any activity carried out in connection with the erection or demolition of, the making of alterations or additions to or the provision of ancillary facilities for, a dwelling house or dual occupancy building, being activities: <ul style="list-style-type: none"> (a) that comprise exempt development or that are the subject of a development consent or complying development certificate in force under the <i>Environmental Planning and Assessment Act 1979</i>, and (b) that are not carried out on or in: <ul style="list-style-type: none"> (i) the bed or bank of any river, or (ii) the bed or shore of any lake, or (iii) the bed, or land lying between the bed and the mean high water mark, of any estuary. (2) In this clause: <p>development has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>dual occupancy building means a building containing 2, but no more, dwellings within the meaning of the standard instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>.</p> <p>dwelling house has the same meaning as it has in the standard instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>.</p>

31 January 2018

Alice Elsley
Town Planner
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Your Reference: DA 3/2018
Our Reference: OUT18/1766

Emailed: lpssc@lpssc.nsw.gov.au

Dear Mr Elsley

**Re: Development Application (DA) 3/2018 — Expansion of Willow Tree Gravels Quarry,
Lot 1 DP 502092, Lot 213 DP 1173230 & Lot 121 DP 857377, 250-256 Merriwa Road
WILLOW TREE NSW 2339**

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning and Environment – Division of Resources & Geoscience (DRG), Geological Survey of New South Wales (GSNSW).

The building and construction industries in NSW require ongoing replacement of supplies as sources are exhausted. The expansion of existing quarries, subject to environmental assessment, helps to ensure a continued supply of material for a range of building and construction uses in NSW. The resource in the subject area represents a regionally important source of hard rock material for the Liverpool Plains and Upper Hunter area.

GSNSW has reviewed the Statement of Environmental Effects and notes the expansion area of Pit 2 was identified as part of the geological study/resource assessment that accompanied the quarry's original development application in 1994. GSNSW also notes that further exploration drilling in the extension area of Pit 2 (referred to in page E.1 of the Statement of Environmental Effects) has confirmed the high quality of the resource in the extension area and its suitability for a range of intended applications. GSNSW has no concerns relating to the quarry expansion and supports maximising resource extraction at the site.

Provision of Production Data to DRG

DRG collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to the NSW Division of Resources and Geoscience as a condition of any new or amended development consent.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Drummond'.

Malcolm Drummond
A/Manager - Land Use

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Your Ref: DA 3/2018
Our Ref: D18/217
DA18011611306 PC

ATTENTION: Alice Elsley

30 January 2018

Dear Ms Elsley

**Land Use Application for 1//502092, 213//1173230 & 121//857377 - 250-256
Merriwa Road Willow Tree 2339**

I refer to your letter dated 9 January 2018 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the commencement of the development and in perpetuity, the property around the site office and workshop buildings to a distance of 30 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

For any queries regarding this correspondence please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alan Bawden', with a stylized, flowing script.

Alan Bawden

Team Leader - Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

File No: NTH14/00084

Your Ref: DA3/2018

The General Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Attention: Alice Elsley

Dear Sir / Madam,

**Merriwa Road [MR358]: Development Application 3/2018 Expansion of Willow Tree Gravels Quarry
Lot 1 DP 502092 Lot 213 DP 1173230 and Lot 121 DP 857377, 250 – 256 Merriwa Road, Willow Tree.**

I refer to your letter of 9 January 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

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

Merriwa Road is a classified (Regional) road. Liverpool Plains Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993* (Roads Act). Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Council is responsible for setting standards, determining priorities and carrying out works on Local and Regional roads, however Roads and Maritime's concurrence is required prior to Council's approval of works on classified (Regional) roads under Section 138 of the *Roads Act 1993*.

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 has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;

1. The use of AUR treatments is no longer considered to be the safest arrangement for right-turning traffic as no protection is provided for a stopped right-turning vehicle. It is recommended that the existing AUR on Merriwa Road at the access should be remarked to an Austroads CHR(s) arrangement. This will help to define turning movements.
2. Photographs in the traffic impact assessment indicate that left and right-turning traffic are cutting the corner of the widened throat. This reduces the available sight distance to the west and encourages faster movements. The existing access should be formed up and line marked as an Austroads BAL to encourage and define turning paths.
3. The existing access road should be sealed back from Merriwa Road a sufficient length to reduce the tracking of loose material onto the junction. Alternatively there will be a requirement for regular sweeping.

4. Merriwa Road is an approved B-Double route. The traffic impact assessment mentions the use of B-Doubles for haulage. The existing traffic facilities do not cater for their increased length and turning paths. Their use should be subject to further review.
5. It is recommended that a Driver's Code of Conduct should be implemented but not limited to the following;
 - A map of the primary haulage routes highlighting critical locations.
 - Safety initiatives for haulage through residential areas and/or school zones.
 - An induction process for vehicle operators and regular toolbox meetings.
 - A complaint resolution and disciplinary procedures.
 - Any community consultation measures for peak haulage periods.
 - Regular review of procedures.

It is recommended that all works on the classified road should be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

Advice to the Consent Authority

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

Yours faithfully



for Liz Smith
A/Network & Safety Manager, Northern
Date: 15 February 2018



Office of
Environment
& Heritage

DOC18/37433
DA 3/2018

Ms Alice Elsley
Town Planner
Liverpool Plains Shire Council
alice.elsley@lpsc.nsw.gov.au

Dear Ms Elsley

Expansion of Willow Tree Gravels Quarry

I refer to your letter dated 9 January 2018 requesting comments on the above proposal from the Office of Environment and Heritage (OEH).

OEH has reviewed the Statement of Environmental Effects (SoEE) and the Biodiversity Assessment Report (BAR).

OEH recommends that council specify the number and type of credits to be retired as per the Biobanking Credit Report provided in the BAR in the consent conditions for this development.

Should you require further information regarding issues that are the responsibility of OEH please contact David Geering, Conservation Planning Officer on (02) 6883 5335.

Yours sincerely

MICHELLE HOWARTH
A/Senior Team Leader Planning North West
Regional Operations Division

29 January 2018

Contact officer: DAVID GEERING
6883 5335



Our reference: : SF15/33600; DOC18/123895
Contact: : Rebecca Scrivener – 02 6773 7000 – armidale@epa.nsw.gov.au
Date : 1 March 2018

Mr Jon Shillito
Planning and Development Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDA NSW 2343

Attn: Alice Elsley - alice.elsley@lpsc.nsw.gov.au

BY EMAIL

Notice Number 1561322

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

Dear Mr Shillito

Re: Expansion of Willow Tree Gravels Quarry- DA 3/2018

I refer to the development application and accompanying information provided for the proposed expansion of Willow Tree Gravels Quarry received by the Environment Protection Authority (EPA) on 17 January 2018 and the public submission referred to the EPA on 12 February 2018.

The EPA has reviewed the information provided and has determined that it is able to vary the existing Environment Protection Licence (#5154) for the proposal, subject to a number of conditions. The applicant will need to make a separate licence variation application to the EPA to amend this licence.

The EPA's general terms of approval for this proposal are provided at **Attachment A**. Given the proposed expansion is being considered as a new development application, Attachment A includes a number of existing conditions from EPL 5154. If Liverpool Plains Shire Council grants development consent for this proposal these conditions provided at Attachment A should be incorporated into the consent. Mandatory conditions applied to all Environment Protection Licences are provided, for your information at **Attachment B**.

These general terms relate to the development as proposed in the documents and information currently provided to 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 EPA to determine whether its general terms need to be modified considering the changes.

The EPA notes both the noise and air quality impact assessments indicate all relevant project specific noise levels and air quality criteria will continue to be met with the proposed expansion and ongoing implementation of existing mitigation measures.

The EPA notes the sediment dam, dirty water dam and clean water dam each have the capacity to contain a 1:100 year ARI rainfall event. The Statement of Environmental Effects (SEE) recommends the depth of the

sediment dam be increased to ensure the dam can accommodate an increase in peak flows generated by the extension of Pit 2 (p79 of the SEE). The EPA supports this recommendation.

The EPA has reviewed the one submission received by Liverpool Plains Shire Council during the public exhibition period. The EPA believes the general terms of approval provided in Attachment A address concerns raised in the submission.

If you have any questions, or wish to discuss this matter further please contact myself on 6773 7010.

Yours sincerely

Rebecca Scrivener 11/3/2018

REBECCA SCRIVENER
A/Manager Regional Operations – Armidale
Environment Protection Authority

Encl: Attachment A – General Terms of Approval
Attachment B – Mandatory Environment Protection Licence conditions

General Terms of Approval - Issued



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Attachment A - EPA General Terms of Approval

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 DA 3/2018 submitted to Liverpool Plains Shire Council on 9 January 2018;
- any Statement of Environmental Effects titled, '*Willow Tree Gravels Quarry Extension – Statement of Environmental Effects*', dated November 2017 relating to the development.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Concentration limits

L2.1 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.

Point 1 – Overflow from clean water dam

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Total suspended solids	mg/L			-	50

General Terms of Approval - Issued



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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).

L4. Noise limits

L4.1 Noise from the premises must not exceed:

Noise generated at the premises must not exceed the noise limits in the Table below.

Location	NOISE LIMITS dB(A)
	Day LAeq (15 minute)
R1, R2, R6	37
R3, R4, R5	45
R7	35

Note: Locations R1, R2, R3, R4, R5, R6 and R7 are defined in the document titled, *Willow Tree Gravels Quarry Extension – Statement of Environmental Effects*, dated November 2017 submitted in support of DA3/2018

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

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.

L4.3 To determine compliance:

- a) with the LAeq(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

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- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) 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 condition L4.3(a).

Hours of operation

L4.4 All construction work and quarry operations at the premises must only be conducted between 7am and 5pm, Monday to Friday and 7am-4pm on Saturday.

L4.5 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.4, 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.

L4.6 The hours of operation specified in conditions L4.4 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.

L5. Blasting

Overpressure

L5.1 The overpressure level from blasting operations on the premises must not:

- i) Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- ii) Exceed 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

L5.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

- i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- ii) Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

L5.3 Blasting operations on the premises may only take place between 11am-3pm Monday to Friday.

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L5.4 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of blasting

L5.5 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

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.

O3. Stormwater/sediment control - Construction Phase

O3.1 An Erosion and Sediment Control Plan (ESCP) 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 and operational activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

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;

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- 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
Conductivity	Microsiemens per centimetre	Once in every six month period during discharge	Representative sample
Oil and Grease	mg/L	Once in every six month period during discharge	Representative sample
pH	pH	Once in every six month period during discharge	Representative sample
Total suspended solids	mg/L	Once in every six month period during discharge	Representative sample

M3 Requirement to Monitor Noise

M3.1 To assess compliance with Condition L4.1, attended noise monitoring must be undertaken in accordance with Conditions L4.3 and:

- at each one of the locations listed in Condition L4.1;
- occur annually in a reporting period;
- occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and

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- 1 hour during the night.
- d) occur for three consecutive operating days.

Weather Monitoring

M4.1 A meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.

M4.2 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: On-site Weather Station

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

Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the yearly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition L4.1; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L4.1.

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,

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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.

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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:

- crushing, grinding or separating
- land-based extractive activity

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;
- 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.

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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:

- c. Statement of Compliance; and
- d. 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.

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.

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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.

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,

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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.

