

- 4 FEB 2019

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1563666

SCANNED

- 4 FEB 2019

Richmond Valley Council

Casino NSW 2470

Doc. No.

Attention: Cherie Smith

Notice Number 1563666
File Number EF16/3585
Date 25-Jan-2019

**Re: Development application No 2018/0188,
 Lots 1 & 8 DP 1216612 - 65 Broadwater Quarry Road, Broadwater**

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for DA 2018/0188 received by the Environment Protection Authority (EPA).

EPA has reviewed the information provided and has determined that it is able to provide General Terms of Approval (GTA's) for Council's consideration. The GTA's for this proposal are provided at **Attachment A**. As you are aware, the premises holds an Environment Protection Licence (EPL) for the operation of a land based extractive industry at this site. If Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to 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 in light of the changes.


If you have any questions, or wish to discuss this matter further please contact Janelle Bancroft on 6640 2513 or janelle.bancroft@epa.nsw.gov.au.

Yours sincerely

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.....
Janelle Bancroft
Acting Unit Head
North - North Coast
(by Delegation)

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Attachment A - 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 2018/0188 submitted to Richmond Valley Council on 23 March 2018;
- any environmental impact statement *Broadwater Gittoes Quarry, Environmental Impact Statement* dated January 2018 relating to the development; and

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.

L1.2 Controlled discharges from any sediment basins must not exceed a 100th percentile limit for Total Suspended Solids concentration of 50mg/L. All discharges are to fall within the pH range of between 6.5 and 8.5. There is to be no visible oils and greases in any controlled discharges from sediment basins.

L1.3 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 60.2 mm in total falling over any consecutive five day period.

L1.4 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.

L1.5 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.

L1.6 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

L5. Waste

L5.1 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

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disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 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 L5.2 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).

L6. Noise limits

L6.1 Noise from the premises must not exceed:

an LAeq (15 minute) noise emission criterion of 44 dB(A) (7am to 6pm) Monday to Friday and 7am to 1pm Saturday>;
and

an LAeq (15 minute) noise emission criterion of 41 dB(A) during the evening (6pm to 10pm) Monday to Friday; and
at all other times, an LAeq (15 minute) noise emission criterion of 33 dB(A), except as expressly provided by these general terms of approval.

L6.2 Noise from the premises is to be measured at "ML1" Little Pitt Street to determine compliance with this condition

This condition does not apply if written permission for an exceedance of Condition L6.1 has been provided to the EPA from property owners of sensitive receivers.

Note: Noise measurement

For the purpose of noise measures required for this condition, the LAeq noise level must be measured or computed over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the facade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L6.3 The noise emission limits identified in **L6.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

L6.5 Activities at the premises may only be carried on between:

7am and 6pm Monday to Friday; and

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8am and 12 midday on Saturday

The quarry is not to operate on Sundays and Public Holidays.

L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, 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.

L6.7 The hours of operation specified in conditions L6.5 and L6.6 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.

L7. Blasting

Overpressure

L7.1 The overpressure level from blasting operations on the premises must not:

- Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months period or one blast in each 12 month period (whichever is the greater); and
- 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 assessed 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)

L7.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and

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

L7.3 Blasting operations on the premises may only take place between 9:00am and 3:00pm Monday to Friday. (Where compelling safety reasons exist, a blast to occur outside the above hours. Prior notification of any such blast must be made to the EPA).

L7.4 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

L7.5 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

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Note:

The restrictions on times and frequency of blasting referred to above are based on the ANZEC guidelines – “Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration” September 1990.

Operating conditions

02. Dust

02.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Stormwater/sediment control - Construction Phase

03.1 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 the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

04. Stormwater/sediment control - Operation Phase

04.1 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.

07. Noise

Blast management protocol

07.1 A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;
- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution*;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;

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- measures to ensure no damage by flyrock to people, property, livestock and powerlines.*

Monitoring and recording conditions

M1 Monitoring records

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

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

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

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

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Sediment Basin Discharge Point

Water and Land

| Pollutant | Units of measure | Frequency | Sampling Method |
|---------------------------------|------------------|---------------------|-------------------|
| (Data provided as example only) | | | |
| Oil and grease | visible | Special Frequency 1 | Visual inspection |
| pH | pH | Special Frequency 1 | Probe |
| Total suspended solids | mg/L | Special Frequency 1 | Grab sample |

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Special Frequency 1 means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 60.2 mm over any consecutive five day period.

M4.2 Monitoring for the concentration of a pollutant discharged to waters required by condition **M3** 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.

method set out in the relevant load calculation protocol for the fee-based activity classification.

Blast Monitoring

M5.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at 30 metres from residences.

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting conditions

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

General Conditions

G1. Community liaison

G1.1 The applicant must establish a community environment liaison committee, comprising representatives of the community and the applicant, that will meet at least quarterly. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions.

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Attachment – Mandatory Conditions for all EPA licences

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:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

The sites sediment basin/s must be maintained and operated to ensure that:

All 5 - day rainfall events up to 60.2 mm (the 90th percentile 5 day rain event) are captured.

Any discharge from the sediment basin that occurs as a result of rainfall below the 5-day total of 60.2 mm must meet the limit conditions specified in **condition L2.4**.

Sediment Basins shall be treated, if required, to reduce the Total Suspended Solids level to the licenced concentration limit before being discharged to the environment. Treatment can be with gypsum or any other material that has been approved by the EPA.

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

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

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

The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment

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basin that may cause sediment to leave the site.

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

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

- a) the clear identification of each sediment basin and discharge point;
- b) the collection of representative samples of the water discharged from the sediment basin(s); and

access to the sampling point(s) at all times by an authorised officer of the EPA.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

Telephone complaints line

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

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

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

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Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

Where this licence is transferred from the licensee to a new licensee,

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

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

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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

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.

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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,

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;

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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

A copy of this licence must be kept at the premises 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.