

# General Terms of Approval - Issued

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Notice No: 1563117

The General Manager  
BATHURST NSW 2795

Attention: Ms Lucie Barnett

Notice Number 1563117  
File Number SF18/17067; DOC18/251485  
Date 27-Apr-2018

Dear Mr Sherley

**MCPHILLAMYS QUARRY - DEVELOPMENT APPLICATION**  
**Issued pursuant to Section 4.47(2) *Environmental Planning and Assessment Act 1979***

I refer to the development application and the supporting documentation originally received by the Environment Protection Authority (EPA) on 6 March 2018 and the public submissions received on 11 April 2018 for the extractive operations at McPhillamys Quarry located at 103 Gormans Hill Road, Gormans Hill (the Proposal).

The EPA has reviewed the abovementioned information and the 11 public submissions provided by Council and has determined that it is able to issue an Environment Protection Licence under the *Protection of the Environment Operations Act 1997* (POEO Act) for the Proposal, subject to a number of conditions. The proponent will need to make a separate application to the EPA to obtain a licence should consent be granted by the Joint Regional Planning Panel (JRPP).

The EPA's General Terms of Approval (GTAs) for this Proposal are provided at Attachment A. If development consent is granted for this Proposal then these conditions should be incorporated into that consent. The EPA notes the concerns raised by some local residents with regard to the potential impacts from the daily operations of the quarry and has therefore recommended more stringent than usual hours of operation conditions and the requirement to prepare and implement a range of management plans.

It should be noted that the EPA's Central West Region has adopted more streamlined GTAs to avoid conflicts with development approvals, to limit the need for ongoing modifications to development approvals for small matters that are the responsibility of the EPA and to provide the EPA with greater flexibility regarding site specific environmental conditions to be placed on any environment protection licence.

The EPA has also provided at Attachment B for Bathurst Council, the JRPP's and the Proponent's reference, more specific conditions that would be present on the environment protection licence if consent is granted (noting that all environment protection licence contain general conditions for all licensees). However, these conditions should not be included in the consent document unless deemed necessary for Council's/the JRPP's own specific purposes.

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These GTAs relate to the Proposal as described in the development application and accompanying information currently held by the EPA. In the event that the Proposal is modified either by the proponent 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 granted. This will enable the EPA to determine whether its GTAs need to be modified in light of the changes.

Should you have any enquiries regarding this matter please contact Mr Andrew Helms at the central West (Bathurst) Office of the EPA by telephoning (02) 6332 7604.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darryl Clift'.

**DARRYL CLIFT**  
**Head Central West Unit**  
**Environment Protection Authority**

Attachment A: General Terms of Approval  
Attachment B: EPA's specific licence conditions

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## ATTACHMENT A EPA'S GENERAL TERMS OF APPROVAL RECOMMENDED CONDITIONS OF DEVELOPMENT CONSENT

1. Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by the JRPP/Bathurst Regional Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities must be carried out in accordance with the proposal contained in:
  - the Development Application 2018/55 submitted to Bathurst Regional Council; and
  - any additional information provided to Council.
2. Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.

### 3. Management Plans:

The following management plans must be prepared and implemented within three (3) months of development consent being granted and prior to the recommencement of any quarrying activities:

- (i) Erosion and Sediment Control Plan - to capture the mitigation measures outlined in section 4.6.2 of the Environmental Impact Statement prepared for the project. This plan must include details of sediment control structures designed to capture a 5 day 95th percentile rainfall event of 44 mm in accordance with the document *Managing Urban Stormwater: Soils and Construction (Landcom, 2004)*.
- (ii) Noise Management Plan - to capture the mitigation measures outlined in section 4.1.4 of the EIS.
- (iii) Traffic Management Plan - to capture the mitigation measures outlined in section 4.2.2 of the EIS.
- (iv) Air Quality Management Plan - to capture the mitigation measures outlined in section 4.8.3 of the EIS.
- (v) Construction Management Plan - to capture the protocols to be put in place when soil stripping (or other surface construction activities) is undertaken at the premises. This plan must include a protocol to notify residential neighbours of the intention to commence surficial operations at the premises.

Copies of these plans must be provided to Bathurst Regional Council and the EPA prior to the recommencement of operations at the premises.

### 4. Hours of Operation:

Construction Activities: Construction activities (e.g soil stripping) must only be undertaken on a maximum of three (3) days per year during the following hours:

- 9 am to 3 pm, Monday to Friday, and
- At no times on Saturdays, Sundays or Public Holidays.

Operational Activities:

- 8 am to 5 pm, Monday to Friday; and
- At no times on Saturdays, Sundays or Public Holidays.

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5. A water truck must be present on site when quarrying activities (including construction activities) are being undertaken at the premises.
6. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
7. The internal quarry access haulage road must be sealed up until the entrance to the extraction area.
8. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the work health and safety legislation) with broad-spectrum reversing alarms.
9. All existing and proposed soil bunds and stockpiles must be treated (grassed, spray emulsion or covered) such that they will not be a continual source of air pollution.
10. The proponent must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to the proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.

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## ATTACHMENT B EPA's SPECIFIC LICENCE CONDITIONS

### Limit conditions:

#### Hours of Operation:

Hours of Operation (Construction activities) must only be undertaken on a maximum of three (3) days per year during the following hours:

- 9 am to 3 pm, Monday to Friday, and
- At no times on Saturdays, Sundays or Public Holidays.

Hours of Operation (Operational Activities):

- 8 am to 5 pm, Monday to Friday; and
- At no times on Saturdays, Sundays or Public Holidays.

#### Pollution of Waters:

Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* (POEO Act) in relation to the development, section 120 of the POEO Act must be complied with.

For each discharge point or utilisation area established under this license 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.

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

To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Pollutant	Units of measure	50% limit	concentration	90% limit	concentration	100% limit	concentration
Oil and grease	Milligrams per litre					10	
pH	pH					6.5-8.5	
Total suspended solids	Milligrams per litre					50	

#### Noise:

Noise generated by Construction and Operational Activities at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 5 of the table below for that point during the corresponding time periods specified in Column 2 when measured using the corresponding measurement parameters listed in Column 3.

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Noise monitoring point	Time period	Measurement parameter	Measurement frequency	Noise level
<b>Construction activities</b>				
Any sensitive receiver	Day	L <sub>Aeq</sub> (15 minute)	-	43 dB(A)
<b>Operational activities</b>				
Any sensitive receiver	Day	L <sub>Aeq</sub> (15 minute)	-	38 dB(A)

Note: The above noise limits do not apply at any sensitive receivers where the licensee has a written agreement with the sensitive receiver to exceed the noise limits.

The noise limits set out above apply under all meteorological conditions except for the following:

- Wind speeds greater than 3 metres/second at ground level; or
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at ground level; or
- Stability category G temperature inversion conditions.

To determine compliance with the L<sub>Aeq</sub> (15 minute) noise limits above, 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 3 metres 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 Nature reserve.

Odour:

The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Waste:

The licensee must not cause, permit or allow any waste to be received at the premises.

**Operating conditions:**

Licensed activities must be carried out in a competent manner. This includes:

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

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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.

### Dust:

Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission emissions of dust from the premises.

Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading

### Odour

No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

### **Monitoring and recording conditions:**

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

#### Water and/ or Land Monitoring Requirements

<b>Pollutant</b>	<b>Units of Measure</b>	<b>Frequency</b>	<b>Sampling method</b>
Oil and grease	Milligrams per litre	Monthly during discharge	Grab sample
pH	pH	Monthly during discharge	Grab sample
Total suspended solids	Milligrams per litre	Monthly during discharge	Grab sample

#### Monitoring Records

The results of any monitoring required to be conducted by this licence must be recorded and retained as set out in this condition.

All records required to be kept by this licence must be:

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

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- Be 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 authorized officer of the EPA who asks to see them.

The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- i. The date(s) on which the sample was taken;
- ii. The time(s) at which the sample was collected;
- iii. The point at which the sample was taken; and
- iv. The name of the person who collected the sample.

### 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.

The preceding two conditions do not apply until 3 months after the date of the issue of this licence.

### **Reporting conditions:**

#### Annual Return documents

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

- a Statement of Compliance; and

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- a Monitoring and Complaints Summary.

At 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.

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

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

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

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

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

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

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

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').

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

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

## Notification of environmental harm

Notifications (of environmental harm) must be made by telephoning the Environment Line service on 131 555.

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 POEO Act.

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

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## Written report

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

- where this licence applies to premises, an event has occurred at the premises; or
- 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:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- 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;
- 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;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- 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:**

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.