

General Terms of Approval - Issued



Notice No: 1555782

The General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

Cabonne Council
RECEIVED
13 MAR 2018

Referred to

Attention: Kate Blackwood

Notice Number 1555782
File Number SF17/32166
Date 08-Mar-2018

Re: General Terms of Approval - DA 2018/93 - Toogong Gravel Quarry
Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and Environmental Impact Statement (EAR 1170) for the Toogong Gravel Quarry located at 4748 The Escort Way, Toogong received by the Environment Protection Authority (EPA) on 2 February 2018, and to the public submission received by the EPA on 6 March 2018.

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence (licence) for the proposal, subject to a number of conditions. These conditions are provided at **Attachment A** as the EPA's General Terms of Approval (GTA's). It should be noted that the Central West Region of the EPA has adopted more streamlined GTAs at attachment A to avoid conflicts with development approvals and EPA licensing, 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.

As the proposal involves the activity of crushing grinding or separating works, the applicant will need to make a separate application to EPA to obtain a licence prior to commencing operations.

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

These GTA's relate to the proposal as described in the development application and accompanying EIS 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

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necessary to consult with the EPA about the changes before the consent is granted. This will enable the EPA to determine whether its GTA's need to be modified in light of the changes.

Should you have any enquiries regarding this matter please contact Mr Nino Di Falco at the Central West (Bathurst) Office of the EPA by telephoning (02) 6332 7609.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Clift'.

.....
DARRYL CLIFT

Head Regional Operations Central West

Environment Protection Authority

(by Delegation)

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

- Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by Cabonne 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 DA 2018/93 submitted to Cabonne Council; and
 - any other additional information provided to Council.
- 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.
- Management plans:

The following management plans must be prepared and implemented within 3 months of development consent being granted and prior to the commencement of any surface disturbance:

 - i. Surface water and sediment management plan. This plan must be prepared in accordance with the requirements for such plans outlined in the document "*Managing Urban Stormwater: Soils and Construction (Landcom, 2004)*" and "*Managing Urban Stormwater: Soils and Construction - Volume 2E - Mines and Quarries (DECC, 2008)*";
 - ii. Air quality management plan (including impacts and controls for dust and odour);
- Hours of Operation:

Except where superseded by the condition below, construction activities must be undertaken in accordance with the "Interim Construction Noise Guidelines" (DECC, 2009) or any revision.

Operational Activities: Operational activities related to the Proposal may only be undertaken during the following hours:

Activity	Monday to Friday ^{1,2}	Saturday ^{1,2}	Sunday ²
All operations	7:00am to 6:00pm	7:00am to 12:00pm	-

Note 1: Excludes public holidays during which no operations are to be undertaken

Note 2: Except in the case of emergency works to be undertaken by the Applicant, Roads and Maritime Service or other public authority.

1. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
2. The internal quarry access/haulage road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
3. 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.

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4. 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 SPECIFIC LICENCE CONDITIONS

Limit conditions:

Hours of operation:

Except where superseded by the condition below, construction activities must be undertaken in accordance with the "Interim Construction Noise Guidelines" (DECC, 2009) or any revision.

Hours of Operation (Operational Activities): Operational activities related to the Proposal may only be undertaken during the following hours:

- 7 am to 6 pm, Monday to Friday;
- 7 am to 12 pm Saturday, and
- At no time on Sunday's or Public Holidays.

Pollution of Waters:

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.

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% concentration limit	90% concentration limit	100% concentration limit
Oil & grease	milligrams per litre			10
pH	pH			6.5-8.5
Total suspended solids	milligrams per litre			50

Noise:

Noise generated by 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

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corresponding measurement parameters listed in Column 3.

Noise Monitoring Point	Time Period	Measurement Parameter	Measurement Frequency	Noise Level
Any sensitive receivers	Day	LAeq (15 minute)	-	35 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, and must comply with the requirements of *Noise Policy for Industry (NPfI) EPA 2017*.

To determine compliance with the LAeq (15 minute) noise limit 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.

Blasting:

No blasting will be permitted

Waste:

The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

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Code	Waste	Description	Activity	Other Limits
NA	General or specifically exempted waste	Waste that meets all the requirements of a resource recovery order/exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014	As specified in each resource recovery exemption	NA

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.

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 and prevent the emission 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:

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Water and/ or Land Monitoring Requirements

Pollutant	Units of measure	Frequency	Sampling method
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

Air monitoring requirements

Pollutant	Units of measure	Frequency	Sampling method
Particles - Deposited Matter	grams per meter squared per month	Monthly	AM-19

Monitoring for the concentration of a pollutant emitted to the air 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 must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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;
- 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.

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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
- 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.

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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.

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.

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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.