

General Terms of Approval - Issued

Notice No: 1579817



The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Attention: Mr Daniel Drum, Manager Planning

Notice Number	1579817
File Number	SF18/40330
Date	24-May-2019

Proposed Blayney Rock Quarry (DA85/2018; EAR 1235)

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the proposed quarry at 12 Greghamstown Road, Blayney (the proposal) received by the Environment Protection Authority (EPA) on 28 November 2018 and 12 April 2019.

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence (EPL) for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this EPL.

The general terms of approval for this proposal are provided at **Attachment A**. If the consent authority, the Western Regional Planning Panel, grants development consent for the 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.

The EPA has also provided at **Attachment B**, for the consent authority's and the proponent's reference, indicative conditions that would be included in an EPL, if development consent is granted (noting that licences contain mandatory conditions for all licensees). However these conditions should not be included in the consent unless deemed necessary for the consent authority's own specific purposes.

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In assessing the proposal EPA has also identified a number of environmental issues that the consent authority may wish to consider in its overall assessment of the application. Although not matters for the EPA, the EPA suggests:

1. **Blasting:** the proponent will need to work with infrastructure owners to identify sensitive equipment and appropriate criteria for overpressure and ground vibration.
2. **Dust emissions** (off premises): the proponent has committed to sealing 220 metres of the site access road, west of Marshalls Lane / Lowe Street. Sealing the entire length of the site access road (approximately 1,000 metres) would provide a superior dust minimisation outcome.
3. **Dust suppression:** the proponent's proposed methods of dust suppression appear to rely heavily on site runoff and/or potable water. Dust suppression must prioritise dust control at the source.

If you have any questions, or wish to discuss this matter further please contact Ms Alex McGuirk at the EPA's Central West (Bathurst) office on 6333 3807.

Yours sincerely

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Sheridan Ledger
Unit Head Central West
Central West
(by delegation)

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Attachment A: General terms of approval

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 DA85/2018 provided by Blayney Shire Council to the EPA on 28 November 2019;
 - the environmental impact statement "Blayney Quarry" (R.W. Corkery & Co., September 2018); and
 - the response to submissions report "Blayney Quarry" (R.W. Corkery & Co., March 2019).
2. Maximum production levels must not exceed 250,000 tonne per annum.
3. 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 section 83 of that Act.
4. The applicant must, as directed by the EPA, install (or nominate) a weather station for the purposes of determining meteorological conditions at the premises.
5. The licensee must carry out monitoring to determine compliance with the noise limit at such times and locations as may be directed by an authorised officer of the EPA.

Limit conditions

1. Quarrying activities, including extraction, processing and stockpiling, loading and transporting, and rehabilitation are permitted between 7am and 5pm Monday to Friday and between 8am and 12pm Saturday, with no quarrying activities permitted on Sunday or a public holiday.
2. Blasting is permitted between 9am and 3pm Monday to Friday, with no blasting permitted on a Saturday or a Sunday or a public holiday. Blasting outside these hours is only permitted with the written approval of the EPA.
3. Ten blasts per calendar year are permitted.
4. The blast overpressure level from blasts at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive location.
5. The blast overpressure level from blasts at the premises must not exceed 115dB (Lin Peak) at any noise sensitive location for more than five per cent of the total number of blasts over each reporting period.
6. Ground vibration peak particle velocity from blasts at the premises must not exceed 10mm/sec at any time at any noise sensitive location.
7. Ground vibration peak particle velocity from blasts at the premises must not exceed 5mm/sec at any noise sensitive location for more than five per cent of the total number of blasts over each reporting period.

For the purposes of the recommended conditions 4 to 7 above, error margins associated with any monitoring equipment used to measure this are not to be accounted for in determining whether the limit has been exceeded.
8. All areas in or on the premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
9. Any activity in or on the premises must be carried out by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).
10. Any plant in or on the premises must be operated by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).
11. 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.

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Attachment B: Proposed licence conditions

DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and Land

EPA identification no.	Type of monitoring point	Type of discharge point	Location description
1	Water quality monitoring	Discharge to waters	Sediment basin within temporary stockpile area

The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises

Noise/weather

EPA identification no.	Type of monitoring point	Type of discharge point	Location description
2	Meteorological station		(point to be negotiated with licensee)
3	Noise monitoring		Any noise sensitive location
x	Air blast overpressure & ground vibration peak particle velocity monitoring		(points to be negotiated with licensee; nominally four points)

LIMIT CONDITIONS

Pollution of waters

Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the *Protection of the Environment Operations Act 1997*.

Waste

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 the licence or a resource recovery exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Hours of operation

Quarrying activities, including extraction, processing and stockpiling, loading and transporting, and rehabilitation are permitted between 7am and 5pm Monday to Friday and between 8am and 12pm Saturday, with no quarrying activities permitted on a Sunday or a public holiday.

Blasting is permitted between 9am and 3pm Monday to Friday, with no blasting permitted on a Saturday or a Sunday or a public holiday. Blasting outside these hours is only permitted with the written approval of the EPA.

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Noise

Noise generated at the licensed premises must not exceed 40 db(A) LAeq(15 minute) at any noise sensitive location.

This limit applies under all meteorological conditions, including inversion meteorological conditions. For the purposes of this licence:

- noise means sound pressure levels.
- noise sensitive location: includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building. A noise sensitive location also means locations sensitive to vibration.
- meteorological conditions are to be determined using data recorded by the meteorological station identified as EPA Identification Point 2.
- temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in the Noise Policy for Industry (NSW EPA, October 2017) Fact Sheet D: Accounting for noise-enhancing weather conditions.

Blasting

Ten blasts per calendar year are permitted at the licensed premises.

The blast overpressure and ground vibration limits below do not apply at any noise sensitive location that is owned by the licensee, or that is subject to a private agreement between the licensee and the land owner relating to blast overpressure and ground vibrations levels.

Overpressure

The blast overpressure level from blasts at the premises must not exceed:

- 120dB (Lin Peak) at any time at any noise sensitive location; and
- 115dB (Lin Peak) at any noise sensitive location for more than five per cent of the total number of blasts over each reporting period.

Error margins associated with any monitoring equipment used to measure this are not to be accounted for in determining whether the limit has been exceeded.

Ground vibration (ppv)

Ground vibration peak particle velocity from blasts at the premises must not exceed:

- 10mm/sec at any time at any noise sensitive location; and
- 5mm/sec at any noise sensitive location for more than five per cent of the total number of blasts over each reporting period.

Error margins associated with any monitoring equipment used to measure this are not to be accounted for in determining whether the limit has been exceeded.

OPERATING CONDITIONS

Activities must be carried out in a competent manner

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

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- 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.

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.

Dust

All areas in or on the premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).

Any activity in or on the premises must be carried out by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).

Any plant in or on the premises must be operated by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).

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.

Processes and management

All works and activities must be undertaken in a manner that will minimise noise and vibration impacts at noise sensitive locations.

The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.

Erosion and sediment controls must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline, known as "the Blue Book", "Managing Urban Stormwater – Soils and Construction" (DECC, 2008), to be read and used in conjunction with volume 1 "Managing urban stormwater: soils and construction" Landcom 2004.

The sediment basin identified as EPA Identification Point 1 must be designed, constructed, operated and maintained as a nil discharge point. Discharge from the premises is only permitted where a 1-in-50 year 72-hour rainfall event is exceeded.

MONITORING AND RECORDING CONDITIONS

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 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.

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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.

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.

Blasting

For the purpose of determining compliance with the blast overpressure and ground vibration limits, monitoring must be carried at EPA Identification Points X (points to be negotiated with the licensee) for all blasts carried out on the premises. Instrumentation used to measure and record the overpressure level and ground vibration level must meet the requirements of Australian Standard 2187.2-2006.

Noise

The licensee must carry out monitoring to determine compliance with the noise limit at such times and locations as may be directed by an authorised officer of the EPA. For the purpose of carrying out any noise monitoring required by this licence:

- noise measurement equipment must be set to fast response and 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 at the most affected point within the location; OR where applicable, within

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approximately 50 metres of the boundary of a National Park or a Nature Reserve.

- modification factors are to be applied to the measured noise levels consistent with the Noise Policy for Industry (NSW EPA, October 2017) Fact Sheet C: Corrections for annoying noise characteristics.

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
- 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

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.

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.

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.

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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;
- 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 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.

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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.

SPECIAL CONDITIONS

Construction environmental management

Prior to the commencement of any construction, including clearing or grubbing works, the licensee must:

- prepare a *Soil and Water Management Plan* in accordance with the "Blue Book".
- install and commission the sediment basin identified as EPA Identification Point 1.

During construction works, the licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented in accordance with the Interim Construction Noise Guideline (DECC, 2009).

Noise monitoring report

To assess compliance with the noise limit condition, within thirty days of the commencement of typical quarrying activities at the premises attended noise monitoring must be carried out and a noise compliance assessment report must be submitted to the EPA .

The monitoring must:

- occur during typical quarrying activities,
- occur for a minimum of 60 minutes during typical quarrying activities
- include monitoring at the receivers identified in the environmental impact assessment as background location M2 (10 Evans Crescent) and noise sensitive locations R1 (252 and 254 Millthorpe Road) and R2 (339 Millthorpe Road) and R3 (68 Browns Road).

The assessment must be prepared by a suitably qualified and experienced acoustic consultant and include:

- an assessment of compliance with the noise limit,
- an outline of any management actions taken within the monitoring period to address any exceedances of the noise limits.