

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	1 July 2024
DATE OF PANEL DECISION	1 July 2024
DATE OF PANEL BRIEFING	25 June 2024
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Maurice Collison, Greg McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 April 2024 and 18 June 2024.

MATTER DETERMINED

PPSHCC-203 – Upper Hunter – DA 10.2023.42.1 at 4458 Golden Highway, Merriwa 2329 – Extension of Quarry Life by 15 years & Increase Production to 330,000 tpa (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

The Panel has had the benefit of a number of briefings from Council and the applicant and a site visit.

On the 29thth April 2024 the Panel considered an assessment report and deferred determination of the application for:

- Additional information to satisfy the SEARs requirements and address point (i) to (v).
- A rehabilitation strategy that includes progressive rehabilitation.
- Updated BDAR that includes latest survey data and consideration of APZ and any works required to upgrade the water management system
- Details of the existing consent.
- Councils position regarding applicants' request regarding 7.11 contributions

The applicant has provided additional information, and a supplementary assessment report has been prepared and recommends approval of the application. The Panel has considered this report and a further letter from the applicant dated 24 June 2024.

The Panel is satisfied that the site is suitable for the extension of the existing quarry. The increased disturbance area is relatively contained. The Panel considers that the APZ's are already disturbed areas and are unlikely to have any ecological value.

The Panel in their deliberation required further detail, specifically regarding timing and staging of rehabilitation. Condition B38 and B41 have been amended to reflect this. Upstream monitoring of the Worindi Rivulet is also required and is addressed in condition A18.

Condition A5 needs to be amended to change the requirement to occur before any quarry operation. The development has been conditioned such that no additional quarry activities can occur until the intersection upgrade to the Golden Highway is in place.

The Panel is satisfied that the site is suitable for the development and that the impacts arising from the use can be reasonably managed and mitigated.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The site is suitable for the proposed use.
2. The impacts of the development are able to be mitigated and managed.






CONDITIONS

The development application was approved subject to the conditions in Schedule 2. The following amendments were made to the conditions attached to the council report.

- Condition A5 – amended to reference prior to any quarrying activity.
- Condition A18 - amended to require upstream monitoring.
- Condition B38 and B41 – amended to include reference to timing and staging of rehabilitation.
- Updated Appendix 4 and minor edits

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Maurice Collison
 Greg McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-203 – Upper Hunter – DA 10.2023. 42.1
2	PROPOSED DEVELOPMENT	Extension of Quarry Life by 15 years & Increase Production to 330,000 tpa
3	STREET ADDRESS	4458 Golden Highway, Merriwa 2329
4	APPLICANT/OWNER	Thomas Shannon Mopoke Portfolio Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Upper Hunter Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Upper Hunter Development Control Plan 2023 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: consideration of SEARs Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 16 January 2024 Council supplementary assessment report: 4 June 2024 Letter from EMM: 24 June 2024 Written submissions during public exhibition: 0 <ul style="list-style-type: none"> Total number of unique submissions received by way of objection:0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 2 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg McDonald, Maurice Collison <u>Council assessment staff</u>: Paul Smith <u>Applicant Representative</u>: Thomas Shannon, Bret Jenkins <u>Department</u>: Leanne Harris, Lisa Foley, Holly McCann Site inspection: 27 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg McDonald, Maurice Collison <u>Council assessment staff</u>: Paul Smith <u>Applicant Representatives</u>: Thomas Shannon, Bret Jenkins Final briefing to discuss council's recommendation: 17 April 2024

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Maurice Collison ○ <u>Council assessment staff</u>: Paul Smith ○ <u>Applicant representatives</u>: Thomas Shannon, Bret Jenkins ○ <u>Department</u>: Leanne Harris <ul style="list-style-type: none"> ● Final briefing to discuss council's supplementary report: 25 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Maurice Collison, Greg McDonald ○ <u>Council assessment staff</u>: Paul Smith ○ <u>Department</u>: Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

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PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- a) In compliance with the conditions of this consent;
 - b) In accordance with any written directions of the Consent Authority; and
 - c) Generally, in accordance with the following documents in Table 1 and the development layout:

Note: the Upper Hunter Shire Council is the Consent Authority for the construction and operational elements of this development consent.

Table 1 Documents

Approved Documents			
Document title	Version number	Prepared by	Date of document
Environmental Impact Statement	V2	EMM	18.05.2023
Amendment Report	V1	EMM	25.07.2023
Amendment Report 2	V1	EMM	24.05.2024
Additional Information	V1.0	EMM	13.06.2024
Soil and Water Management	V1	EMM	18.05.2023
Biodiversity Development Assessment Report	V3.3	OzArk	22.05.2024
Rehabilitation Strategy	V3.0	EMM	22.05.2024
Traffic Impact Assessment	V.01	EMM	24.12.2022
Catchment Harvesting and Dam Compliance	-	EMM	09.03.2023
Noise and Vibration Impact Assessment	1	EMM	29.03.2023
Air Quality Impact Assessment	0.1	EMM	23.01.2023
Bushfire Assessment Report	1	EMM	17.06.2023
Sustainability Assessment	V1	EMM	18.05.2023
Archaeological Technical Report	V3	OzArk	15.03.2023

- A3. Consistent with the requirements in this consent, the Consent Authority may make written directions to the Applicant in relation to:
- a) The content of any strategy, study, system, plan, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent; and
 - b) The implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and any directions of the Consent Authority prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Identification of Approved Extraction Area

- A5. One month before the date of commencement of quarry operations under this consent:
- a) A registered surveyor must be engaged to mark out the boundaries of the approved extraction area within the site (as set out in Appendix 2); and
 - b) The Consent Authority must be provided with a survey plan of such boundaries and their GPS coordinates.
- A6. The boundaries of the approved disturbance area and extraction area within the site must be clearly marked and identifiable in a manner that allows them to be easily identified at all times during the carrying out of quarry operations.

Quarrying Operations

- A7. Quarrying operations may be carried out on the site for a period of 15 years from the date of commencement of the development.

Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to quarrying operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of quarrying operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

Extraction, Importation and Transportation Limits

- A8. Extraction must not be undertaken below a level of 333 meters AHD
- A9. The Applicant must not transport more than 330,000 tonnes of quarry product from the site in any calendar year.
- A10. The Applicant must limit heavy vehicles leaving the site to 84 laden trucks per day (168 truck movement per day).

Note: Heavy vehicle movements to and from the site are controlled by the operating hours specified on condition A11 and provisions in condition B24

Hours of Operation

A11. The Applicant must comply with the operating hours set out in Table 2.

Table 2. Operating hours

Activity	Permissible Operating Hours
Quarrying operations	<ul style="list-style-type: none">6.00am to 7.00pm Monday to SaturdayAt no time on Sundays or public holidays
Blasting	<ul style="list-style-type: none">Once per week between 9am to 5pm Monday to Friday
Heavy vehicle loading and road transport	<ul style="list-style-type: none">6.00am to 7.00pm Monday to SaturdayAt no time on Sunday or public holidays
Maintenance and Environmental Management	<ul style="list-style-type: none">At any time provided that the activity is not audible at any privately owned residence.

- A12. The following activities may be carried out outside the operating hours specified in Table 2.
- delivery or dispatch of materials as requested by NSW Police or other public authorities for safety reasons; and
 - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.
- In such circumstances, the Applicant must notify the Consent Authority and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

NOTIFICATION OF COMMENCEMENT

- A13. The date of commencement of each of the following phases of the development must be notified to the Consent Authority in writing, at least four weeks before that date of:
- commencement of quarrying operations under this consent;
 - commencement of the clearing any vegetation within the “additional disturbance area”;
 - cessation of quarrying operations (i.e., quarry closure); and
 - any period of suspension of quarrying operations (i.e., care and maintenance)

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A14. Within 3 Years of the date of commencement of quarry operations under this consent, or other timeframe agreed by the Consent Authority, the Applicant must surrender the existing development consent (Development Consent No. 7/1980) in accordance with Section 4.17(1)(c) of the Environmental Planning and Assessment Act 1979.
- A15. Upon the commencement of quarry operations consent under this consent, and before the surrender of the existing development consent required under Condition A14, the conditions of this consent prevail to the extent of any inconsistency with the conditions of the existing consent.

SECTION 7.12 CONTRIBUTIONS

- A16. Prior to the commencement of quarrying operations under this consent pursuant to the Upper Hunter Shire Council Section 94A Development Contribution Plan 2008 under Section 7.12 of the Environmental Planning and Assessment Act 1979, a contribution of **\$29,300.00** is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A17. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

STRUCTURAL ADEQUACY

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures that are part of the development must be constructed in accordance with the Building Code of Australia.

PLANT AND EQUIPMENT

- A19. All plant and equipment used on site, or in connection with the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

COMPLIANCE

- A20. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

- A21. References in the conditions of this consent to any guideline, protocol, Australian Standard, or policy are to such guidelines, protocols, Standards, or policies in the form they are in as at the date of this consent.

- A22. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Consent Authority may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, required compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

PRODUCTION DATA

- A23. The data must be provided using the relevant standard form and a copy of the data must be included in the Annual Environmental Management Report (required under condition D7).

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

- B1. a) The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 3 at any residence on any privately-owned land.

Table 3: Operational noise criteria dB(A)

Noise Assessment Location (R)	Day LAeq (15 min) dB(A)	Night LAeq (15 min) dB(A)	Night L _{Amax}
1	40	35	52
2	40	35	52
3	40	35	52
4	40	35	52
5	40	35	52
6	40	35	52
7	40	35	52
8	40	35	52

- b) The noise criteria in Table 4 apply in the meteorological conditions shown in Table 4

Table 4 – Applicable meteorological conditions

Assessment Period	Meteorological conditions
Day	Stability categories A, B, C and D with wind speeds up to and including 3m/s at 10 above ground level
Evening	Stability categories A, B, C and D with wind speeds up to and including 3m/s at 10 above ground level
Night	Stability categories A, B, C and D with wind speeds up to and including 3m/s at 10 above ground level or stability categories E and F with wind speeds up to and including 2m/s and 10m above ground level

- c) For meteorological conditions not referred to in Table 4, the noise criteria that apply are those shown in Table 3 plus 5 dB.
- B2. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017).

Meteorological data is to be obtained from the Bureau of Meteorology Automatic Weather Station at Merriwa (Roscommon) Station ID 061287.

Noise Compliance Monitoring

- B3. A noise compliance assessment shall be undertaken within six months of the commencement of operation activities under the consent at Sensitive Receiver 1 (the dwelling on Lot 700 DP 1217692) (see Appendix 3). A report detailing the monitoring results, an assessment of compliance and any noise mitigation recommendations must be prepared and submitted to the consent authority within six weeks following the monitoring. The Consent Authority may require the recommendation to be implemented within a specified period.

Noise Operating Conditions

- B4. The Applicant must:
- (a) implement all reasonable and feasible mitigation and management measures to minimise:
 - (i) noise from quarrying operations, including low frequency noise and other audible characteristics;
 - (ii) the noise impacts of the development during noise-enhancing meteorological conditions; when the noise criteria in this consent do not apply (see Appendix 4);
 - (b) If the results of the noise compliance testing required under condition B3 identify a non-compliance, reasonable and feasible control measures must be used to reduce noise emissions to achieve compliance.
 - (c) position the mobile crushing and screening plant operating within the approved disturbance area to achieve maximum topographic protection from any privately-owned residence.

BLASTING

Blasting Criteria

- B5. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 5.

Table 5: Blasting criteria

Location	Airblast Overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable Exceedence
Residence on privately-owned land	120	10	0%
All public infrastructure	115	5	5% of the total number of blasts over a financial year

Blasting Frequency

- B6. The Applicant may carry out a maximum of 1 single blast event per week.
- B7. Condition B8 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the quarry, its workers, or the general public.

Blasting Operating Conditions

B8. The Applicant must:

- (a) implement all reasonable and feasible mitigation and management measures to:
- (i) ensure the safety of people and livestock from blasting impacts of the development;
 - (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
 - (iii) minimise blast-related dust and fume emissions;
- (b) ensure the owners/occupiers of the adjoining properties are provided with a blasting schedule and all blasting works being confined to the scheduled hours provided.
- (c) monitor each blast undertaken for the development to determine whether the development is complying with the relevant conditions of this consent.

AIR QUALITY

Odour

- B9. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Air Quality Criteria

- B10. The Applicant must ensure that all reasonable and feasible mitigation and management measures are implemented so that particulate matter emissions generated by the development do not cause exceedances of the dust deposition amenity criteria in Table 6 at any residence on privately-owned land.

Table 6 Air Quality Criteria

Pollutant	Averaging Period	Criterion
Particulate matter <10 µm (PM ₁₀)	Annual	^{a,c} 25µg/m ³
	24 Hour	^b 50µg/m ³
Particulate matter <2.5 µm (PM _{2.5})	Annual	^{a,c} 8µg/m ³
	24 Hour	^b 25µg/m ³
Total Suspended Particulate (TSP) matter	Annual	^{a, c} 90µg/m ³
Deposited dust	Month	4g/m ² (Cumulative)

Notes:

- a. Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources.
- b. Incremental impact (i.e. incremental increase in concentrations due to the development on its own)
- c. Excludes extraordinary events such as bushfires, prescribed burns, dust storms as agreed by the Consent Authority.

Air Quality Operating Conditions

B11. The Applicant must:

- (a) implement all reasonable and feasible mitigation and management measures to:
 - (i) minimise odour, fume, and particulate matter (including PM10 and PM2.5) emissions of the development;
 - (ii) minimise any visible off-site air pollution generated by the development; and
 - (iii) minimise to the maximum practicable extent, the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events such as bushfires, prescribed burns, dust storms.

SOIL AND WATER

Water Supply

B12. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

Surface Water Diversions

B13. Prior to the commencement of quarrying operations under this consent the Applicant must install and upgrade the fresh water diversion as shown in Appendix 4. The fresh water diversion must be:

- a) designed to prevent water from upstream catchments entering the existing extraction area;
- b) designed in accordance with *Managing Urban Stormwater Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries* (DECC 2008);
- c) ensure that at all times all freshwater diversion structures are appropriately treated and maintained to prevent erosion, scour and sediment generation; and
- d) detailed in the Water Management Plan.

B14. Prior to the commencement of quarry operations under this consent, the Applicant must submit certification that the surface water diversion system has been constructed in accordance with these guidelines and to site specific condition from a

suitably qualified and practicing engineer who is eligible for membership of Engineers Australia.

- B15. Prior to the commencement of quarry operations under this consent the Applicant must obtain a controlled activity approval under the Water Management Act 2000.

Sediment Dam

- B16. a) Prior to the commencement of quarry operations under this consent the capacity of the existing sediment dam shall be designed and upgraded in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008)*.
- b) Prior to the commencement of quarry operations under this consent, the Applicant must submit certification that the dam has been constructed in accordance with these guidelines and to site specific condition from a suitably qualified and practicing engineer who is eligible for membership of Engineers Australia.

Haul Road (from Golden Highway intersection to Quarry Site) – Erosion and Sediment Control Plan

- B17. Prior to the commencement of quarrying operations under this consent the access road (including verges, drainage system and culverts) must be upgraded with measures to prevent erosion and sedimentation in accordance with *Managing Urban Stormwater Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries* (DECC 2008).

Water Management Plan (Operational)

- B18. The Applicant must prepare a Water Management Plan (Operational) for the development. This plan must include:
- a) characterisation of surface flows and water quality in watercourses and/or waterbodies that could potentially be affected by the development (including in the Dam East 1 and Worandi Rivulet) using published data;
 - b) surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;
 - c) a detailed description of the surface water management system on the site, including the:
 - i. freshwater diversion system;
 - ii. erosion and sediment controls, including measures as part of the haul road (access road);
 - iii. dirty water management system; and
 - iv. water storages

- d) demonstration of how the soils and water management system satisfies the relevant requirements set out in Managing Urban Stormwater Volume 1 (Landcom 2004) and Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008).
 - e) a program to monitor and report on (as outlined in Amendment Report 2):
 - i. water flow and quality in the Worandi Rivulet upstream of the quarry site and downstream from the clear water diversion system outlet;
 - ii. any surface water discharges from the site water management system;
 - iii. an inspection of and report on any changes in stream stability, riparian conditions or geomorphological conditions in the receiving water course;
 - iv. water quality in Dam East 1, sediment dam and Worindi Rivulet (including an additional Water Sample Location upstream of the freshwater system discharge point);
 - v. observations of any coarse and fine sediments leaving the site, and
 - vi. the effectiveness of the water management system.
 - f) a Trigger Action Response Plan (TARP) for identifying and investigating any exceedances of the surface water impact assessment criteria and for notifying the Consent Authority, EPA and relevant stakeholders of these events.
- B19. The Applicant must not commence quarrying operations under this consent until the Water Management Plan (operational) is approved by the Consent Authority.
- B20. The Applicant must implement the approved Water Management Plan (Operational).

TRANSPORT

Haulage Road-Golden Highway Intersection

- B21. Prior to the commencement of transportation of quarry product under this consent, the haulage access road /Golden Highway intersection must be upgraded/constructed to a BAR/BAL intersection arrangement in accordance with the requirements of Transport for NSW. To undertake this, work the Applicant/person acting on this consent must enter into a Works Authorisation Deed (WAD) with Transport for NSW.
- Note: the Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.
- B22. Appropriate traffic safety signs must be installed at the intersection in accordance with Transport for NSW requirements.
- B23. The Applicant must not commence transportation of quarry product under this consent from the Project Site until the required intersection upgrades are completed in accordance with Transport for NSW requirements and until notified by the Consent Authority that the haulage route is open for such purposes.

Transport Operating Conditions

B24. The Applicant must:

- a) ensure that all laden heavy vehicles entering or exiting the site have their loads covered;
- b) ensure no heavy vehicles arrive at the site prior to 4am;
- c) take all reasonable steps to minimise traffic safety issues and disruptions to road users; and

BIODIVERSITY

Biodiversity Offset Strategy

B25. The Applicant must retire the biodiversity Ecosystem Credits and Species Credits specified in Table 7 prior to commencing vegetation clearing under the consent. Evidence of the credit retirement must be submitted to the Consent Authority prior to the commencement of vegetation clearing.

Table 7: Biodiversity Ecosystem Credit and Species Credit requirements

Credit Type	Disturbance Area (ha)	Number of Credits
Ecosystem Credits		
White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland (Remnant)	0.32	7
White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland (Derived)	16.4	49
Yellow Box – Rough-barked apple grassy woodland of the Upper Hunter and Liverpool Plains	38.4	1

Vegetation Clearing Protocol

- B26. Prior to the clearing of any vegetation within the existing disturbance area, additional proposed disturbance area and intersection upgrade a vegetation clearing protocol must be prepared by a suitably qualified and experienced ecologist and submitted to the Consent Authority for information.
- B27. The Vegetation Clearing Protocol must demonstrate procedures for the implementation of the Environmental Safeguards identified in Table 6-3 of the Biodiversity Development Assessment Report in relation to:
- a) Clearing and prevention of over clearing
 - b) Bushfire protection
 - c) Soil Management
 - d) Damage to native vegetation outside of the impact zone

- e) Introduction and spread of significant weeds and pathogens
- f) Disturbance to fallen timber, dead wood, bush rock and anthropogenic habitat
- g) Additional impacts

- B28. All vegetation clearing must be in accordance with the Vegetation Clearing Protocol.
- B29. A suitably trained and qualified person must be present during the felling of the hollow bearing trees (living or dead) to provide assistance with the care of any injured fauna.

Habitat Enhancement Zone

- B30. The Applicant must commence tree establishment of the Habitat Enhancement Zone (Zones 1, 2 and 3) as shown in Appendix 6 within three months of approval of the Biodiversity Management Plan (unless otherwise agreed by the planning authority). The Habitat Enhancement Zone must be implemented within the timeframes and completion criteria set within the Biodiversity Management Plan and maintained throughout the project life.

Biodiversity Management Plan

- B31. The Applicant must prepare a Biodiversity Management Plan (BMP) for the habitat enhancement strategy as outlined in the Amendment Report 2. The Plan must:
- a) be prepared by a person with appropriate qualifications and experience in bush regeneration/rehabilitation practices and who is eligible for membership of the Australian Association of Bush Regenerators or of another ecological organization.
 - b) be prepared in consultation with and be approved by the Consent Authority.
 - c) Include a plan identifying 10ha of land adjacent to the quarry site within Lot 1521 DP 1133556 encompassing the areas of Zones 1, 2 and 3 of the Habitat Enhancement Zone as shown in Appendix 6. This must involve the:
 - i. establishment of new tree and shrub vegetation consistent with the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland; and
 - ii. the management of the remnant vegetation and fauna habitat.
 - d) The BMP must include:
 - i. a statement of the background, purpose and scope;
 - ii. identify accountabilities and responsibilities for the implementation, maintenance and monitoring;
 - iii. describe the existing environment (environmental setting, land use history, landform and soils and vegetation communities, flora and fauna, weeds, pest animals and any land degradation);
 - iv. provide plans of the habitat enhancement zone showing the existing area and proposed actions, including tree establishment areas;

- v. provide a detailed description of the management measures to be implemented on the site for habitat augmentation, revegetation and regeneration, control feral animals and weeds and stock management;
 - vi. provide details of the vegetation establishment methods
 - vii. demonstrate where possible the use of salvaged resources, including tree hollows from the “existing disturbance area” and the “additional proposed disturbance area” for beneficial reuse including fauna habitat enhancement;
 - viii. Establish the criteria success, which includes an 80% survival rate for tree plantings (note: the BMP must make it clear that it is not sufficient to plant the trees/canopy species, they must be established and maintained);
 - ix. include a seasonally based monitoring program and report on the effectiveness of the above measures and progressively include improvement in the program that could be implemented to improve biodiversity outcomes.
 - x. Establish key milestone and a timeframes for implementation.
- B32. The Applicant must not commence quarrying operations under this consent until the Biodiversity Management Plan is approved by the Consent Authority.

HERITAGE / ARCHEAOLOGICAL

- B33. The Applicant must ensure that the development does not cause any direct impact on any identified Aboriginal object located outside the approved disturbance areas, beyond those predicted in the Environmental Impact Statement.
- B34. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site, or suspected to be on the site:
- a) All work in the immediate vicinity of the object or place must cease immediately;
 - b) A 10-metre buffer area around the object or place must be established and cordoned off; and
 - c) Heritage NSW and the Consent Authority must be notified immediately.
- B35. Work in the immediate vicinity of any newly discovered Aboriginal object or place may only recommence if the potential Aboriginal objects or place is confirmed by Heritage NSW in consultation with the Registered Aboriginal stakeholders, not to be an Aboriginal object of Aboriginal place.
- B36. The Applicant must ensure:
- a) All workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or places, and that suitable records are kept of these inductions; and
 - b) Where artefacts or skeletal remains are uncovered the unexpected finds procedure identified in the Archaeological Technical Report is implemented.

Rehabilitation Objectives

- B37. The Applicant must carry out rehabilitation of the site to the satisfaction of the Consent Authority. This rehabilitation must be consistent with the rehabilitation plan set out in the EIS and the Rehabilitation Strategy and the conceptual final landform plan in Appendix 5 (unless modified by the rehabilitation management plan) and must comply with the rehabilitation objectives in Table 8.

Table 8. Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the post-quarrying operations land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimizing visual impacts when viewed from surrounding land.
Surface infrastructure	<ul style="list-style-type: none"> • All infrastructure decommissioned and removed
Quarry Pit and benches	<ul style="list-style-type: none"> • Long term stability • Landscaped and vegetated using native species • Designed and managed to withstand destabilization by water
Final voids	<ul style="list-style-type: none"> • Minimise the size, depth and slope of the batters of the final voids • Manage to protect water quality

Rehabilitation Management Plan

- B38. Prior to the commencement of quarry operations under this consent, the Applicant must prepare a Rehabilitation Management Plan for the development. The plan must:
- a) Be prepared by a suitably qualified and experienced person/s with relevant experience in quarry/mine site rehabilitation/restoration ecology;
 - b) Provide detailed plans of the final landform, that demonstrates that the development will be consistent with the objectives in Table 8 and the nominated land uses;
 - c) Include the conceptual closure plan that considers the impacts of the final landform;
 - d) Revise the timeframes and stages for progressive rehabilitation as set out in the Amendment Report 2 and Additional Information Report to facilitate commencement of rehabilitation of the eastern floor, quarry face and benches to align with the commencement of quarrying from the “additional disturbance area”.
 - e) Include a revised progressive rehabilitation plan reflecting the requirements of (d);
 - f) Include detailed plans for the scheduling of rehabilitation and rehabilitation actions for each stage of the progressive rehabilitation program;

- g) Include detailed performance and completion criteria for evaluating the performance of rehabilitation of the site;
 - h) Describe the measures needed to achieve the criteria in clause (e), including triggers for remedial action, where these performance or completion criteria are not met; and
 - i) Include a program to monitor and report on the progress against the criteria in clause (e) and the effectiveness of the measures in clause (f).
- B39. The Rehabilitation Management Plan must be submitted to and approved by the Consent Authority.
- B40. The Applicant must implement the Rehabilitation Management Plan as approved by the Consent Authority.

Progressive Rehabilitation

- B41. The Applicant must carry out progressive rehabilitation in accordance with the timeframes identified in the approved rehabilitation management plan.

All reasonable steps must be taken to minimize the total area exposed at any time. Interim stabilization and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively may be subject to further disturbance at some later stage of the development.

VISUAL

- B42. At all times the Applicant must implement all reasonable and feasible mitigation measures to shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences.

WASTE

- B43. The Applicant must submit a Waste Management Plan to the Consent Authority for information that provides details of:
- (a) a plan showing the location of the waste storage facilities
 - (b) the expected quantities of waste and types of waste streams
 - (c) mitigation and management measures to minimise the waste generated by the development;
 - (d) a classification of all waste in accordance with the Waste Classification Guidelines (EPA, 2014);
 - (e) dispose of all waste at appropriately licensed waste facilities;
 - (f) the management of on-site sewage treatment and disposal in accordance with the requirements of an applicable approval under Section 68 of the Local Government Act 1993; and
 - (g) a program to monitor and report on the effectiveness of waste minimisation and management measures in the Annual Environmental Management Report referred to in condition D7.

- B44. The waste management plan must be implemented prior to the commencement of operations under this consent.
- B45. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the Protection of the Environment Operations (Waste) Regulation 2014, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

- B46. The Applicant must ensure that all tanks and similar storage facilities are protected by appropriate bunding or other containment, in accordance with relevant Australian Standards.

DANGEROUS GOODS

- B47. The Applicant must ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with the relevant Australian Standards, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*.

BUSHFIRE MANAGEMENT

- B48. The Applicant must :
- (i) ensure that the development provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2006) guideline; and
 - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
 - (iii) has clearly displayed plans for on-site and off-site evacuation arrangements; and assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.
- B49. The Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan for the development. The plan must include:
- (a) a contact person and 24-hour contact phone number;
 - (b) provisions for the safe use of flammable fuels and/or explosives within the site; and
 - (c) an emergency/evacuation plan in accordance with the *Guidelines for the Preparation of Emergency/Evacuation Plans* (RFS) and Australian Standard *AS3745 Planning for Emergencies in Facilities*

INDEPENDENT REVIEW

- C1. If a landowner considers the development to be exceeding any relevant noise, blasting or air quality criterion in PART B of this consent, they may ask the Consent Authority in writing for an independent review of the impacts of the development on their land.
- C2. If the Consent Authority is not satisfied that an independent review is warranted, the Consent Authority will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- C3. If the Consent Authority is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Consent Authority and the landowner, of the Consent Authority's decision, the Applicant must:
 - (a) commission a suitably qualified, experienced, and independent person, whose appointment has been approved by the Consent Authority, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and
 - (iii) if the development is not complying with the relevant criterion identify measures that could be implemented to ensure compliance with the relevant criterion; and
 - (b) give the Consent Authority and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Consent Authority to implement any findings of the review.

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. The Applicant must prepare an Environmental Management Strategy for the development. The strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) provide an overview of other approvals and legislation that regulate the development;
 - (c) set out the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development;
 - (d) set out the procedures (including timeframes) to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive record, handle, and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies;
 - (e) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- D2. The Applicant must not commence quarrying operations until the Environmental Management Strategy is approved by the Consent Authority.
- D3. The Applicant must implement the approved Environmental Management Strategy.

Management Plan Requirements

- D4. Management plans required under this consent must be prepared in accordance with the relevant guidelines, and include:
- a) A summary of the relevant background or baseline data
 - b) Details of:
 - i. The relevant statutory requirements (including any relevant approval, licence or lease conditions
 - ii. Any limits or performance measures and criteria; and
 - iii. The specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

- c) A description of the measures to be implemented to comply with the relevant statutory requirements, limits or performance measures and criteria;
- d) A program to monitor and report on the:
 - i. Impacts and environmental performance of the development; and
 - ii. The effectiveness of the management measures set out pursuant to A2(c);
- e) A contingency plan to manage any unpredicted impacts and their consequences and to ensure the ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- f) A program to investigate and implement ways to improve the environmental performance of the development over time;
- g) A protocol for managing and reporting any:
 - i. Incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
 - ii. Complaint; or
 - iii. Failure to comply with statutory requirements; and
- h) A protocol for periodic review of the plan.

Note: the Consent Authority may waive some of these requirements if they are unnecessary or unwarranted for the particular management plan.

REPORTING AND AUDITING

Incident Notification

- D5. The Applicant must notify the Consent Authority and any other relevant agencies immediately after it becomes aware of an incident.

Non-compliance Notification

- D6. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Consent Authority of the non-compliance. The notification must be in writing and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Environmental Management Report

- D7. By 31 July annually, the Applicant shall submit an Annual Environmental Management Report (AEMR) to the Consent Authority. This report must:
- a) identify the standards and performance measures that apply to the project;
 - b) annual quarry production data
 - c) describe the works carried out in the last 12 months;
 - d) describe the works that will be carried out in the next 12 months;

- e) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
- f) include a summary of the monitoring results for the project during the past year;
- g) include an analysis of these monitoring results against the relevant:
 - i. limits/criteria in this approval;
 - ii. monitoring results from previous years; and
 - iii. predictions in the EIS;
- h) identify any trends in the monitoring results over the life of the project;
- i) identify and discuss any non-compliance during the previous year; and
- j) describe what actions were, or are being, taken to ensure compliance

(Reason: To ensure there is adequate reporting of the quarry operations.)

Independent Environmental Audit

D8. Within two years of the commencement of the consent, and then every five years thereafter, unless the Council directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.

- (a) This audit must:
 - i. be conducted by a suitably qualified, experienced, and independent auditor whose appointment has been endorsed by the Consent Authority;
 - ii. be consistent with ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or equivalent updated versions of these guidelines;
 - iii. assess the environmental performance of the development, and its effects on the surrounding environment;
 - iv. review the adequacy of strategies, plans or programs required under this development consent and under the approvals referred to in (iii);
 - v. assess whether the development is complying with the relevant standards, conditions of consent, performance measures, and statutory requirements;
 - vi. review the adequacy of the Applicant's environmental management measures; and if necessary, recommend measures or actions to improve the environmental performance of the development.
- (c) The Applicant shall notify the Council of the date of commissioning each audit. Within 3 months of the commissioning the Applicant shall submit a copy of the audit report to the Council, with a response to any of the recommendations contained in the audit report.

D9. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:

- (a) review and respond to each Independent Environmental Audit Report prepared under Condition D8 of this consent;

- (b) submit a response to the Consent Authority, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
- (c) implement the recommendations to the satisfaction of the Consent Authority; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Consent Authority.

Revision of strategies, Plans and Programs

D10. Within three (3) months of the submission of an:

- (a) incident report under condition D5.
- (b) Annual Environmental Management Report under condition D7; and
- (c) independent environmental audit under condition D8.

the Applicant shall review, and if necessary, amend, the strategies, plans and programs required under this development consent to the satisfaction of the Consent Authority. The Consent Authority is to approve any such amendment, to the extent that such an amendment is permitted under the terms of this consent.

PART E: GENERAL TERMS OF APPROVAL

General Terms of Approval - Issued



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Attachment A - EPA's Recommended General Terms of Approval Wyndham Quarry Continued Operations, DA42/2023

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA 42/2023 submitted to Upper Hunter Shire Council on 29 May 2023;
- the environmental impact statement relating to the development titled *Wyndham Quarry Continued Operations Environmental Impact Statement* - H210538 V1 - prepared by EMM for Mopoke Portfolio Pty Ltd on May 2023; and
- all additional documents supplied to the EPA in relation to the development, including:
 - *Soil and Water Management Plan - Wyndham Quarry Continued Operations* - E210538 RP#5 V1 - prepared by EMM on 18 May 2023 for Mopoke Portfolio Pty Ltd;
 - *Noise and Vibration Impact Assessment - Wyndham Quarry* - H210538 RP1 V1 - prepared by EMM on 30 March 2023 for Mopoke Portfolio Pty Ltd; and
 - *Air Quality Impact Assessment - Wyndham Quarry* - H210538 RP3 V0.1 - prepared by EMM on 23 January 2023 for Mopoke Portfolio Pty Ltd.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

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L3. Blasting

L3.1 The airblast overpressure level from blasting operations in or on the premises must not exceed 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period.

L3.2 The airblast overpressure level from blasting operations in or on the premises must not exceed: 120 dB (Lin Peak) at any time at monitoring point 1 in Condition P1.2.

L3.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period.

L3.4 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 10 mm/second at any time.

L3.5 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- 1. are harmful (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
- 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

L3.6 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.

L3.7 Blasting at the premises is limited to no more than 1 blast a week.

L4. Hours of operation

L4.1 The hours of operation including transport of material from the premises is restricted to the hours between 6am and 7pm, Monday to Saturday inclusive, and is prohibited on Sundays, Christmas Day and Good Friday and before the hours of 6am and after the hours of 7pm Monday to Saturday inclusive.

L5. Potentially offensive odour

L5.1 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*.

Note: 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

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relevant environmental protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
4303-4305 Golden Highway, Merriwa (Lot 700 DP 1217692)	40	35	35	52
Any other residential receiver	40	35	35	52

L6.2 For the purposes of condition L6.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

L6.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L6.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

L6.4 For the purposes of condition L6.3:

a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology Automatic Weather Station at Merriwa (Roscommon) - Station ID: 061287).

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b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

- i. Use of sigma-theta data (section D1.4).

L6.5 To assess compliance:

a) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:

- i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to the premises
- ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
- iv. at any other location identified in condition L6.1.

b) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:

- i. at the reasonably most affected point at a location where there is no residence at the location; or,
- ii. at the reasonably most affected point within an area at a location prescribed by condition L6.5 (a).

L6.6 A non-compliance of conditions L6.1 and L6.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L6.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L6.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

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O2. Dust

O2.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O2.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation or emission of dust from the premises, of wind-blown or traffic generated dust.

O2.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater/sediment control - Construction Phase

O3.1 The Soil and Water Management Plan must be implemented during the Construction Phase of the project. Soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities must be minimised in accordance with the Soil and Water Management Plan.

O4. Stormwater/sediment control - Operation Phase

O4.1 A Stormwater Management Plan must be prepared for the development and must be implemented. Implementation of the Plan must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities.

O5. Chemical and Fuel Storage

O5.1 All chemicals, fuels and oils must be stored in a bunded area which complies with the specifications of the relevant Australian Standard and legislative requirements.

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:

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and
- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

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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.

M5 Blast Monitoring

M5.1 To determine compliance with conditions L3.1, L3.2, L3.3 and L3.4:

- Airblast overpressure and ground vibration levels must be measured and electronically recorded for parameters specified in Column 1 of the table below; and
- The Licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns in the table below.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australian Standard AS 2187.2-2006
Ground Vibration Peak Particle Velocity	Millimetres/second	All Blasts	Australian Standard AS 2187.2-2006

M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:

- occur at each receiver locations specified in Condition L6.1;
- occur annually in a reporting period;
- occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 30 minutes during the day;
 - 15 minutes during the evening; and
 - 15 minutes during the night.

NOTE: Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW.

NOTE: The EPA will, upon request, after three noise monitoring events, assess the necessity to continue noise monitoring as detailed in this condition.

M8.2 The licensee, following the receipt of a noise complaint and if requested by the EPA, must undertake noise monitoring as required in writing by the EPA.

M8.3 The licensee must undertake noise validation monitoring within 6 months of commencement of upgraded operations. The licensee must provide the validation monitoring report to the EPA within 30 days of completion of the assessment.

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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.

R4 Noise Monitoring Report

R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L6.1 and L6.3

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Attachment B – 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:

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

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Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

- d. Statement of Compliance; and
- e. Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

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

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

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

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

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

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Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

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

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

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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

Written report

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

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

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- 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 on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2023-10444
Issue date of GTA:	15 August 2023
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 1713, DP1175286, SCONE ROAD MERRIWA 2329 Lot 1, DP535433, GOLDEN HIGHWAY MERRIWA 2329 Lot 7008, DP1065191, GOLDEN HIGHWAY MERRIWA 2329 Lot 215, DP750942, 4458 GOLDEN HIGHWAY MERRIWA 2329 Lot 1521, DP1133556, 4458 GOLDEN HIGHWAY MERRIWA 2329 Lot 1522, DP1133556, 4458 GOLDEN HIGHWAY MERRIWA 2329
Waterfront Land:	Worondi Creek
DA Number:	DA 42/2023
LGA:	UPPER HUNTER

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA 42/2023 provided by Council to Department of Planning and Environment-Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ul style="list-style-type: none"> • Soil and water management plan • Erosion and sediment control plans • Vegetation management plan • Construction detailed basin design plans <p>B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines </p>



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2023-10444 as provided by Council:

- Statement of Environmental Effects, prepared by EMM, dated May 2023
- Site Plan, prepared by FYPG Lower Hunter, dated May 2023

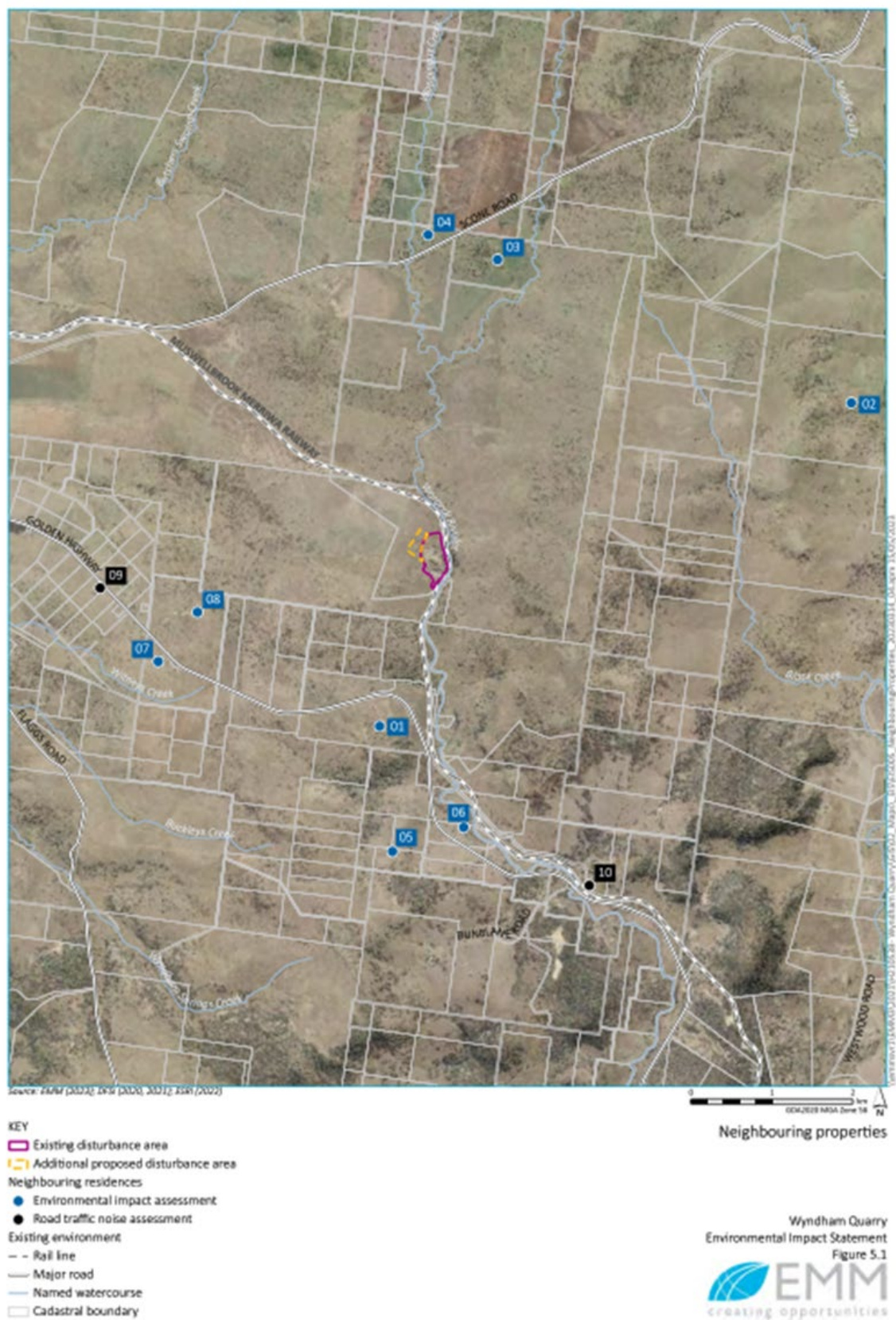
APPENDIX 1: SCHEDULE OF LAND

Lot	DP
1521	1133556
1522	1133556
215	750942
1	535433
7008	1065191

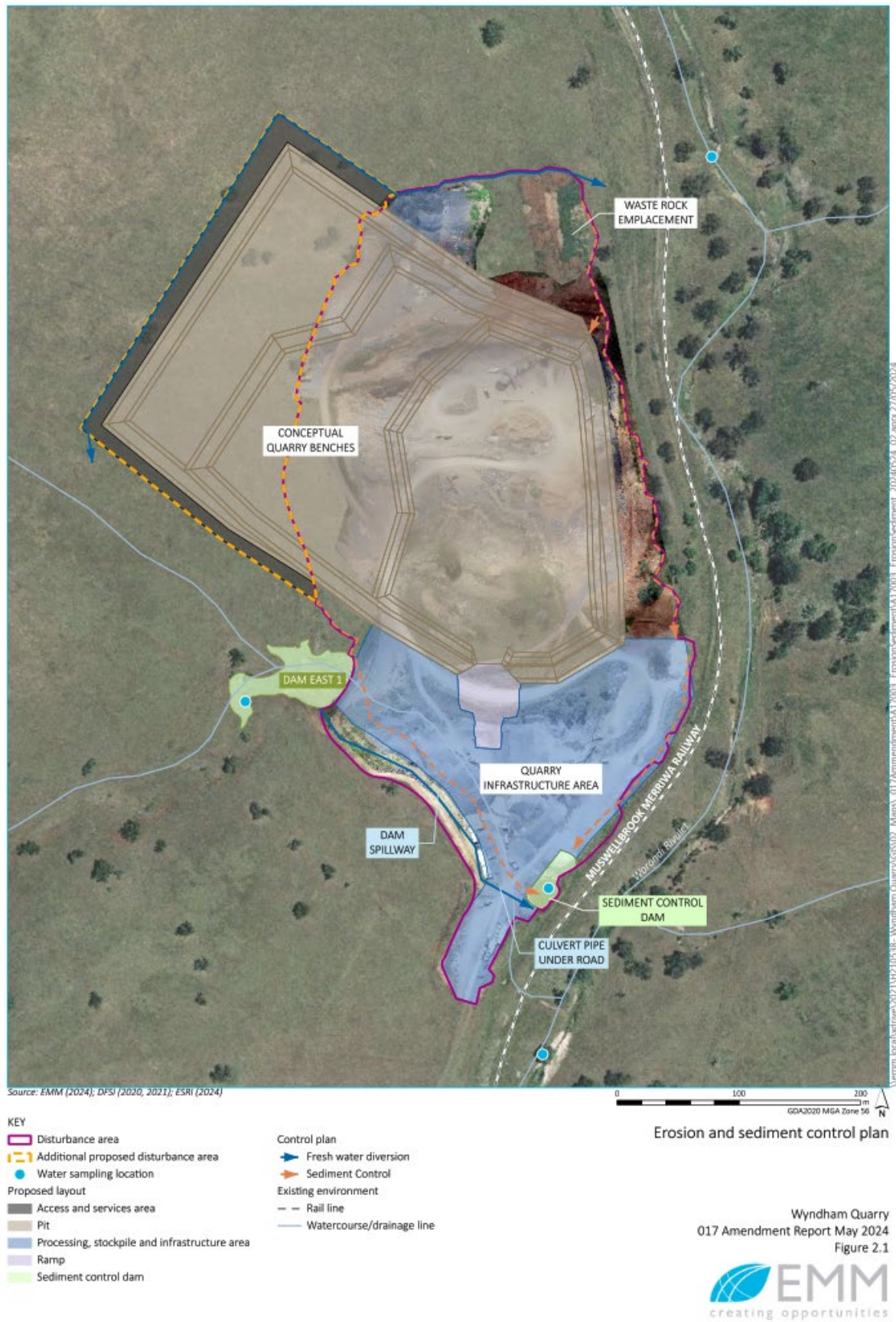
APPENDIX 2: DEVELOPMENT LAYOUT



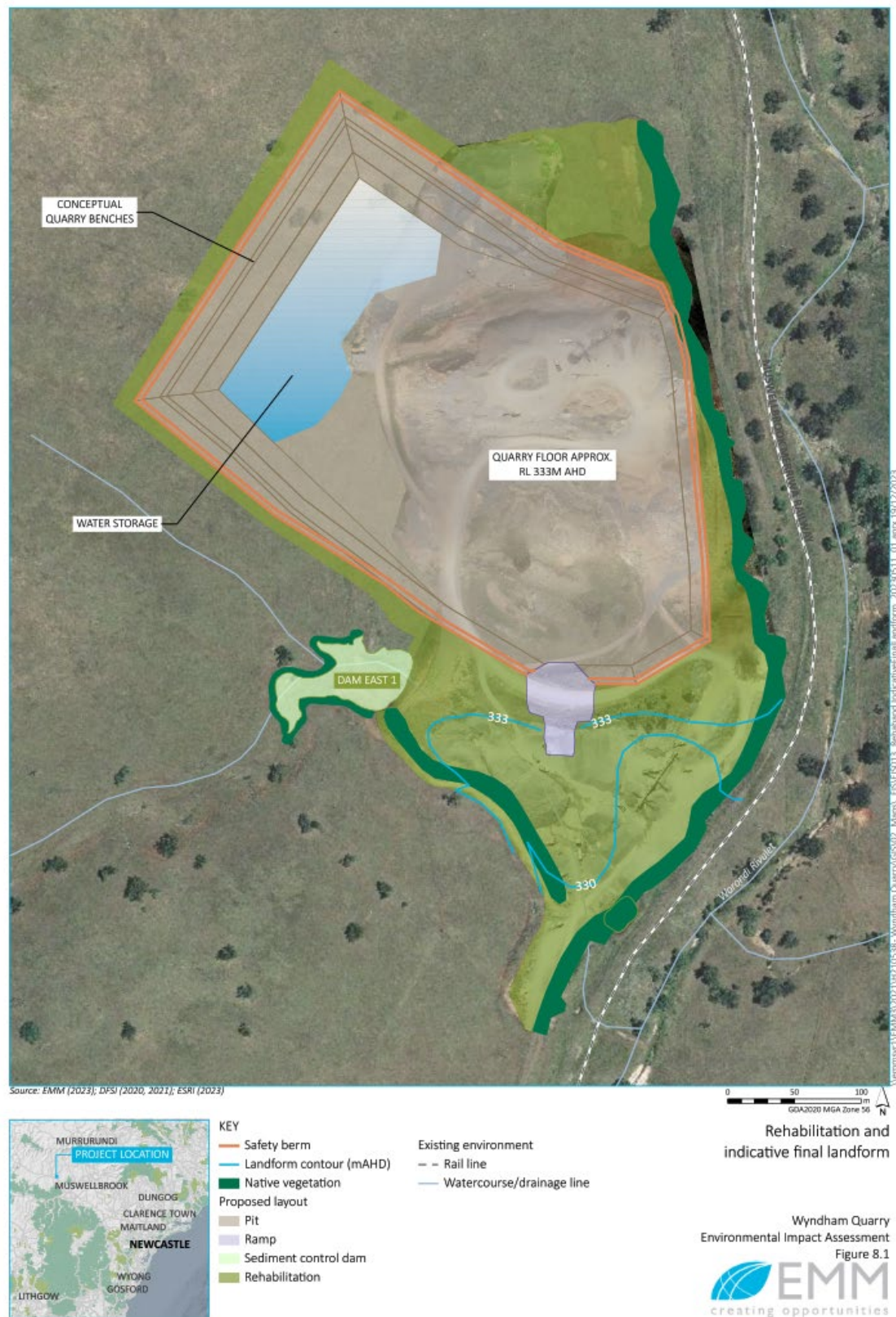
APPENDIX 3: SENSITIVE RECEIVER ASSESSMENT LOCATIONS



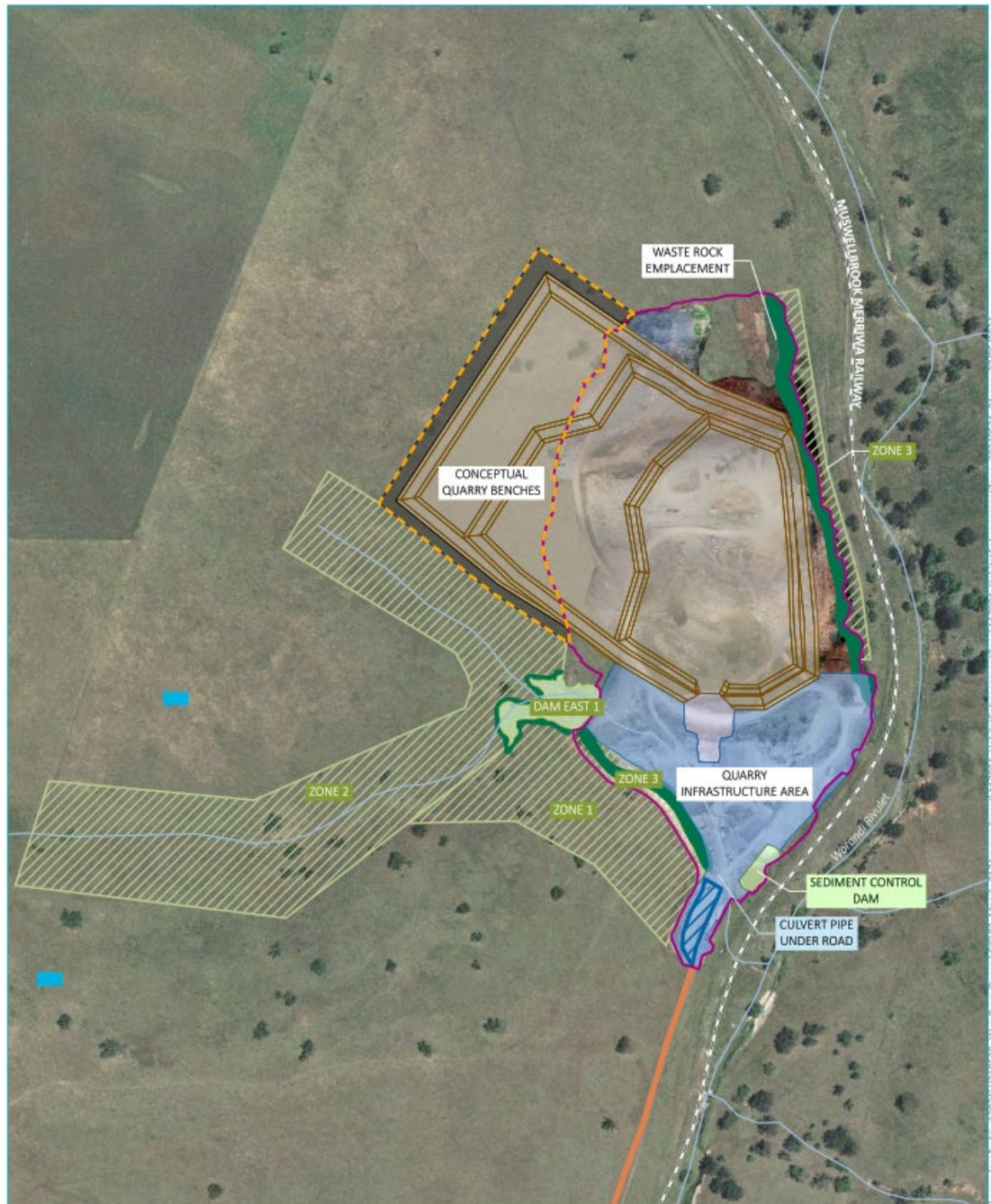
APPENDIX 4: EROSION AND SEDIMENT CONTROL PLAN



APPENDIX 5: CONCEPTUAL REHABILITATION PLAN



APPENDIX 6: Habitat Enhancement Area



Source: EMM (2024); DFSI (2020, 2021); ESRI (2024)

KEY

- | | |
|--|--|
| Disturbance area | Parking area |
| Additional proposed disturbance area | Habitat enhancement zone |
| Proposed layout | Riparian zone |
| Access road | Water trough |
| Access and services area | Existing environment |
| Pit | Rail line |
| Processing, stockpile and infrastructure area | Watercourse/drainage line |
| Ramp | |
| Sediment control dam | |

Habitat enhancement zones

Wyndham Quarry
017 Amendment Report May 2024
Figure 3.1

