

## **DRAFT CONDITIONS OF CONSENT – DOWES QUARRY (DA 2019-101)**

### **General**

1. The development shall be carried out in accordance with the details set out in the following, except where modified by any conditions of development consent:
  - Environmental Impact Statement prepared by R.W. Corkery & Co (October 2019).
  - Responses to Government Agency and Public Submissions prepared by RW Corkery & Co (March 2020 and 19/6/2020).
  - NSW EPA General Terms of Approval.

Reason: To ensure compliance with application and plans.

2. To confirm and clarify the terms of this approval, consent is given for the following:
  - Ongoing extraction of quartzose rock within the existing extraction area and a 4.5ha extension of the extraction area, producing up to 230,000 tonnes of rock per year.
  - Total extraction for the quarry is not to exceed 4.8 million tonnes.
  - Dispatch of not more than 120 laden trucks per week (averaged over a four-week period) with a maximum of 28 laden trucks on any one day;
  - Normal product dispatch is limited to weekdays (public holidays excluded) with contingency operations of a Saturday permitted on no more than ten (10) Saturdays per year.
  - Campaign crushing and screening on site using mobile processing equipment.
  - Transportation of extracted rock to the State road network for delivery to the Sunnyside Crushing and Screening Plant located adjacent to the New England Highway, 10km northwest of Tenterfield or on occasions to alternate locations within or beyond the New England Region.
  - Backloading of clay fines and crusher fines from Sunnyside to Dowe's Quarry.
  - Progressive emplacement of overburden and returned clay fines within and adjacent to the extraction area.
  - Storage of surplus crusher fines from Sunnyside awaiting sale and transportation. Any subsequent transportation of crusher fines from the Quarry Site is not included in the annual production limit;
  - Period of Extraction of Material of no more than 25 years from the date of consent; and
  - Rehabilitation of the site.

Reason: To ensure compliance with application and plans.

### **Inconsistency between documents**

3. In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).

### **Surrender of Consent**

4. That the applicant surrender DA 2014-078/1 in accordance with Section 4.63 of the *Environmental Planning and Assessment Act 1979* prior to the commencement of this consent.

Reason: To ensure that there is only one active consent relating to the subject land

### **National Construction Code - Site Buildings**

5. The building work must be carried out in accordance with the requirements of the National Construction Code. A reference to the National Construction Code is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

Reason: To ensure that the development is in accordance with the National Construction Code.

### **Identification of Site - Site Buildings**

6. The developer is to provide a clearly visible sign to the site during construction stating:
  - a) Unauthorised entry to the worksite is prohibited;
  - b) Street number or lot number;
  - c) Principal contractor's name and licence number;
  - d) Principal contractor's contact telephone number/after-hours number;
  - e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work is being carried out.

Reason: Statutory requirement.

### **Construction Certificate**

7. The applicant is to apply to Council or a Principal Certifier for a Construction Certificate prior to the carrying out of any relevant building works in accordance with this consent.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

### **Commencement of Work & Appointment of PCA- Site Buildings**

8. The applicant is to submit to Council, at least two {2} days prior to the commencement of any works, a notice of commencement of building works and Appointment of Principal Certifier (PC).

Reason: Statutory requirement.

### **Occupation Certificate - Site Buildings**

9. Prior to the occupation or use of any building, an Occupation Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.

Reason: Statutory requirement.

### **Complaints Register**

10. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaint's register that includes records of nature, time and date of complaint, and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 2.0 kilometre distance of the boundary of the development site of the contact details and associated information.

Reason: To ensure amenity of area is maintained

## Operating Hours

11. The hours of operation are limited to the following:

Activity	Monday to Friday	Saturday	Sunday	Public Holidays
Extraction Activities	7am to 5pm	7am to 5pm	Nil	Nil
Processing Activities	7am to 5pm	7am to 1pm	Nil	Nil
Dispatch of trucks to haul quarry product or arrival of trucks delivering products	7am to 5pm	7am to 5pm	Nil	Nil
Arrival and loading of trucks to haul quarry product	7am to 5pm	7am to 5pm	Nil	Nil
Light vehicle traffic associated with employees or light service vehicles entering or leaving the site	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Maintenance of plant and equipment including workshop activity	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Stockpiling Operations	7am to 5pm	7am to 5pm	Nil	Nil
Drilling	7am to 5pm	7am to 5pm	Nil	Nil
Rock hammering	7am to 5pm	Nil	Nil	Nil

Reason: To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.

## Groundwater

12. Should groundwater be intercepted at any stage during extraction operations, all extraction works are to cease immediately and Council and NRAR are to be notified immediately. No works will be permitted to recommence without the written authorisation of NRAR.

Reason: Statutory requirement.

## Documentation

13. A copy of all the approved documents as listed in Condition 1 related to this consent, shall be kept by the operator at all times and shall be made available upon inspection by Council or an authorised government agency.

Reason: To ensure all documents are available on inspection.

## Completion of Extractive Industry Operations

14. At the completion of operations, as determined by Council, the quarry operator will commission the completion of a Contamination Assessment Report for the site. Any recommended remediation actions are to be completed by the quarry operator and shall be identified within the report.

Reason: To ensure compliance with Council's requirements.

15. Rehabilitation of the site shall be undertaken in accordance with a rehabilitation management plan that must include Figure 2.7 Final Landform and Rehabilitation from the EIS (dated October 2019). The rehabilitation management plan must include performance and completion criteria for progressive and final rehabilitation including measures to:

- Ensure species used during rehabilitation operations are consistent with vegetation community types located within the vicinity of the area to be rehabilitated and are suitable for the proposed final landform and land use.
- Monitor all areas of progressive and final rehabilitation.
- Undertake any necessary remedial action in order to satisfy the relevant completion criteria.

Reason: To ensure the rehabilitation of the site.

## Biodiversity Offsets

16. The biodiversity offset (6.4ha) included as a condition of consent for the existing quarry under DA 2014.078/1, is to be secured by the applicant **prior to the commencement of works** under this consent. The applicant is to supply documentary evidence demonstrating compliance with this condition to Council.

Reason: To ensure outstanding conditional requirements are resolved before commencement of the expanded operation.

17. The Applicant must retire the biodiversity credits for each Stage as specified in the table below, prior to commencing vegetation clearing for that Stage.

The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offset Scheme of the BC Act<sup>1</sup>.

**Table 1: Biodiversity credit requirements**

Stage	Area (ha*)	Offset Requirement (ha)	Ecosystem Credit Requirement	Species Credit Requirement (Eastern Cave Bat)
A	2.04	0.35	10	17
B	2.63	2.44	71	122
C	0.66	0.64	19	32
D	1.20	1.19	34	59
<b>Total</b>	<b>6.53</b>	<b>4.63</b>	<b>134</b>	<b>230</b>

\* hectares rounded to the nearest 0.01

<sup>1</sup> The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

Notes:

- To identify the surface disturbance areas associated with Offset Stages A to D in the above Table, refer to the figure below.
- The credits in the above table were calculated using the Biodiversity Assessment method Credit Calculator (Current as of July 2020)

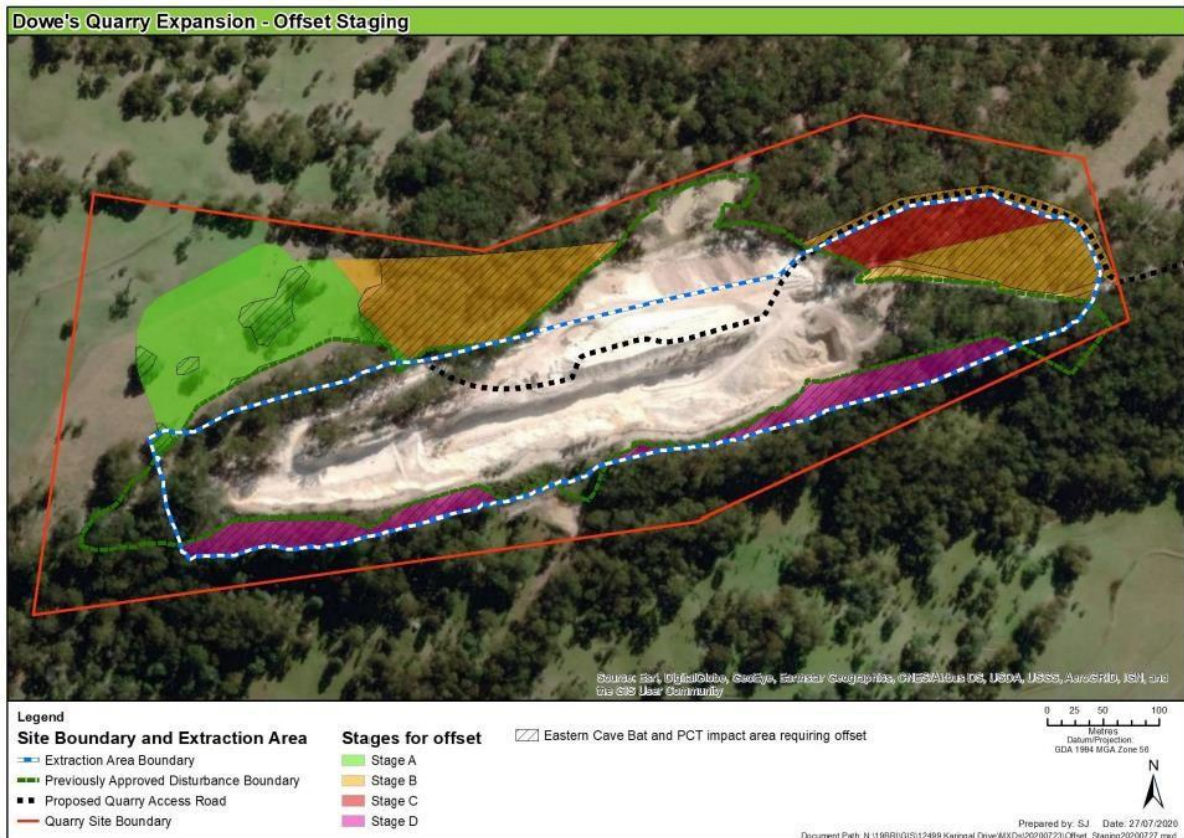


Figure 1: Staging of offset requirements

Reason: To ensure compliance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act.

18. All vegetation clearing activities must occur in accordance with a Vegetation Clearing Protocol that has been prepared in consultation with Council.

Reason: To ensure biodiversity preservation as a result of the development.

## Traffic Management

19. A Driver Code of Conduct (the 'Code') for the transport of quarry products on public roads shall be developed and implemented for all heavy vehicle operators that access the subject development, including haulage and delivery vehicles. All drivers will be required to sign a register of acceptance (or similar) of the Code, with the Code including as a minimum the following:
- A map of the primary haulage routes, highlighting critical locations, safety issues and other relevant traffic/transport issues;
  - Procedures and/or safety initiatives for trucks travelling through the residential precincts and school zones (including roads where school bus pickup/set down areas are located);
  - A School Bus Operating procedure (or similar);
  - Expected Driver Behaviour;
  - Requirements for compliance with road rules and safety;
  - Requirements for minimising dust and noise emissions;
  - Known safety considerations along the proposed haul route (including school bus routes and timetables, school zones, concealed driveways, wet weather safety and other known local hazards);
  - Requirements for all loads are covered prior to leaving the Quarry site;
  - Requirements for all vehicles leaving the quarry site to be clear of rock/extractive material by sweeping, cleaning draw bars and external truck/trailer components;
  - Any community consultation measures required to address busy haulage periods.

The Code of Conduct shall be made available to Council and TfNSW upon request.

*Reason: To ensure the safe operation of vehicles on the public road system.*

20. Warning signs shall be installed and maintained within the vicinity of the Quarry entrance off Mount Lindesay Road and Sunnyside Crushing and Screening Plant off New England Highway to advise motorists of truck movements in the area. The location of the signage shall be determined in consultation with Council, TfNSW and installed in accordance with Australian Standard 1742 and relevant TfNSW supplements to Australian Standard 1742

*Reason: To ensure ongoing public safety of the road network*



## **Section 94 Contributions**

21. The registered proprietor or person entitled to act on this consent is to submit to Council an annual report with an estimated quantity of material extracted in the calendar year. A contribution in accordance with Council's Section 94 Plan will be required at a rate of 4 cents per tonne per kilometre of material over shire roads. Any 'on farm' use of material can be excluded from calculations but must be identified in the return with details of the material destination. Confirmation of the quantity extracted may be required on a 5 year basis to confirm accuracy of returns.

A record of haulage movements from both Sunnyside Crushing and Screening Plant and Dowe's Quarry shall be maintained noting the direction, date and type of haulage vehicles utilised. The record of movements shall be submitted to Council every 3 months and/or upon request.

*Reason: To ensure compliance with the provisions of Council's Section 94 contributions plan.*

## **Dust Monitoring and Control**

22. That an ongoing air monitoring program be implemented by the applicant as per the recommendations of the *Human Health Risk Assessment for Respirable Crystalline Silica: Expansion of Dowe's Quarry (Ref RWC/20/DOWR001-B)*.

The air quality monitoring program must be described in an Air Quality Management Plan that must be prepared in consultation with the EPA and Council and submitted for approval prior to the commencement of project operations.

*Reason: To monitor potential impacts to air quality.*

23. A bitumen seal must be applied and regularly maintained along the first 785m of the quarry access road. The seal must be applied prior to the commencement of the project operations.

*Reason: To monitor potential impacts to air quality.*

## **General Terms of Approval – Environment Protection Authority**

24. The development shall be carried out in accordance with the General Terms of Approval issued by the Environment Protection Authority, attached in **Annexure A** to this consent.

*Reason: To ensure compliance.*

**NSW Planning, Industry & Environment (Geological Survey of NSW, Division of Resources & Geoscience) condition**

25. The applicant is to provide annual production data to the NSW Planning, Industry & Environment (Geological Survey of NSW, Division of Resources & Geoscience) as per their requirements.

**NSW Planning, Industry & Environment (Biodiversity and Conservation Division of the Environment, Energy & Science Group) conditions**

26. The persons responsible for the management of onsite works must ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
27. Cultural heritage awareness must be included in site inductions, forming part of the staff training process. The matters to be presented in the induction will be prepared in consultation with Aboriginal stakeholders and an archaeologist;
28. Should any Aboriginal objects be uncovered during works (unexpected finds), all work will cease at that location immediately, a 10-metre buffer around the artefact(s) will be tapped off with high visibility tape/fencing (works may proceed outside the buffer), and the Environmental Line contacted; and
29. Should human skeletal remains be uncovered during works, all works must cease at that location, a 50-metre buffer around the remains must be tapped off with high visibility tape/fencing (works may proceed outside the buffer), and the local Police contacted immediately
30. Evidence that the biodiversity credits identified in Condition 17 have been retired in accordance with the Biodiversity Conservation Act 2016 must be provided to BCD before any vegetation clearing for on the quarry expansion occurs.
31. Identifying an exact boundary of the proposed development and identifying this on the ground to ensure that no works or impacts occur outside the designated footprint.
32. A rehabilitation management plan is to be developed and implemented that includes the management of remnant vegetation outside of the development footprint to address indirect impacts as identified in the BDAR, including inadvertent impacts on adjacent habitat or vegetation, weed encroachment, and disturbance to specialised breeding and foraging habitat.
33. The rehabilitation management plan must incorporate measures to mitigate and manage direct and indirect impacts to biodiversity values.

## **NSW Department of Primary Industry – Agriculture conditions**

34. The applicant is to prepare a Weed Management Plan that includes the following:
- A biosecurity (pests and weeds) risk assessment outlining the likely plant, animal and community risks.
  - A biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed and pest management plans.

The plan is to be prepared in consultation with NSW Department of Primary Industry – Agriculture.

## **NSW Rural Fire Service**

35. A Fire Management Plan (FMP) shall be prepared in consultation with NSW RFS Northern Tablelands Fire Control Centre. The FMP shall include:
- 24 hour emergency contact details including alternative telephone contact;
  - site infrastructure plan;
  - fire fighting water supply plan;
  - site access and internal road plan;
  - construction of Asset Protection Zones (APZ) and their continued maintenance;
  - location of hazards (physical, chemical and electrical) that will affect fire fighting operations and procedures to manage identified hazards during fire fighting operations;
  - such additional matters as required by the NSW RFS District Office (FMP review and updates).
36. To allow for emergency service personnel to undertake property protection activities, a 10 metre defensible space (APZ) that permits a minimum 4 metre wide, unobstructed vehicle access is to be provided around the perimeter of any fixed infrastructure.

## **ANNEXURE A - EPA GENERAL TERMS OF APPROVAL FOR DA 2019/101 - DOWE'S QUARRY EXPANSION**

The condition numbering below aligns with the existing Environment Protection Licence (EPL) no. 20598. Should consent be granted, the existing conditions on EPL 20598 remain in force and applicable to the activities carried out at the premises.

### **Administrative conditions**

Note: Mandatory conditions for all general terms of approval

#### **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 2019/101 submitted to Tenterfield Shire Council on 5 November 2019;
- any environmental impact statement "Expansion of the Dowe's Quarry via Tenterfield" dated October 2019 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including "Dowe's Quarry Expansion Project - Response to Environment Protection Authority" dated 20 March 2020.

#### **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.

### **Discharges to Air and Water and Applications to Land**

#### **P1. Location of monitoring/discharge points and areas**

**\*P1.1** The following points referred to in the table are identified in the 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 no.	Identification	Type of Monitoring Point	Type of Discharge Point	Location Description
1		Wet weather discharge / Discharge Water Quality Monitoring	Wet weather discharge / Discharge Water Quality Monitoring	Overflow from sediment dam marked as Northern Sediment Dam on plan titled "Amended Figure 4.2 Existing Topography and Catchments of Dowes Quarry supplied with licence application (DOC15/56063)
2		Wet weather discharge / Discharge Water Quality Monitoring	Wet weather discharge / Discharge Water Quality Monitoring	Overflow from sediment dam marked as Southern Sediment Dam on plan titled "Amended Figure 4.2 Existing Topography and Catchments of Dowes Quarry supplied with licence application (DOC15/56063)
3		Wet weather discharge / Discharge Water Quality Monitoring	Wet weather discharge / Discharge Water Quality Monitoring	Overflow from western sediment dam. Plan to be supplied.

**\*P1.2** 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 no.	Identification	Type of monitoring plant	Location Description
3		Noise monitoring	76 WASHPOOL LANE TENTERFIELD Lot 305 DP 751540 Receiver 3A as defined in DOC20/234651
4		Noise monitoring	524 MOUNT LINDESAY ROAD TENTERFIELD

		LOT 2 DP 1104997 Receiver 9 as defined in DOC20/234651
5	Noise monitoring	652 MOUNT LINDESAY ROAD TENTERFIELD LOT 12 DP 702804 Receiver R12 as defined in DOC20/234651
6	Noise monitoring	Any other affected residential receiver
7	Meteorological Station	Meteorological Station location TBC by proponent

## 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. Concentration limits

**L2.1** For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

**L2.2** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

**L2.3** To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants other than those specified in the table/s.

**L2.4** The Total Suspended Solids concentration limits specified in the table/s may be exceeded for water discharged from the sediment basins provided that:

- a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 47.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 47.4 millimetre, 5 day rainfall event.

**\*L2.5** Water and/or Land Concentration Limits

**POINTS 1,2,3**

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil and Grease	mg/L				10
pH	mg/L				6.5-8.5
Total Suspended Solids	mg/L				50

**L3. Waste**

**L3.1** 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 a licence under the *Protection of the Environment Operations Act 1997*.

**L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

**L3.3** Clay and crusher fine products from the licensee's 'Sunnyside Crushing and Screening Plant' that have been produced during the processing of raw quarry product may be received at the premises for storage and/or disposal purposes.

**L4. Noise limits**

**\*L4.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated in P1.2:

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
EPA Identification Number 3, 4, 5 and 6	35	35	35	45

**\*L4.2** For the purposes of condition L4.1:

- 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.

**\*L4.3 Standard Meteorological Conditions**

- a) The noise limits set out in condition L2.1 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 0.5m/s at 10m above ground level
Evening	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level

- b) For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

**\*L4.4 For the purposes of condition L4.3:**

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified in condition M4.
- 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).

**\*L4.5 To assess compliance:**

- a) with the LAeq(15 minutes) or the LMax noise limits in condition L4.1 and L4.3, 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 premises; or where applicable,
  - 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 L4.1.

**Note:** 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.

**\*L4.6** A non-compliance of conditions L4.1 and L4.3 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 L4.5(a) or L4.5(b).

**Note:** 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.

**\*L4.7** For the purposes 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.

**\*L4.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

## **L5. Blasting**

**L5.1** The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30 metres of any non project related residential building or other sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L5.2** The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L5.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L5.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each

reporting period at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**\*L5.5** To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4:

- \*a) airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises for all blasts carried out in or on the premises; and
- b) instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the blast limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at a "noise sensitive location(s)" other than the locations identified in the above condition.

**\*L5.6** Blasting operations on the premises must only be carried out between the hours 10am to 2pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays.

**L5.7** The hours of operation for blasting operations specified in this licence may be varied by the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, and where the EPA gives written consent to the variation.

**\*L5.8** Blasting at the premises is limited:

- a) to 1 blast each day on which blasting is permitted,
- b) to a maximum of 24 blasts per 12-month reporting period.

Note: Additional blasts are permitted where it is demonstrated to be necessary for compelling safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

## **L6. Hours of operation**

**L6.1** All construction work at the premises must only be conducted between 7am and 5pm Monday to Saturday. No construction work may be carried out during Sundays and public holidays.

**L6.2** Activities at the premises may only be carried out at the times specified in the table below.

<b>Activity</b>	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public Holidays</b>
Extraction Activities	7am to 5pm	7am to 5pm	Nil	Nil
Processing Activities	7am to 5pm	7am to 1pm	Nil	Nil
Dispatch of trucks to haul quarry product or arrival of trucks delivering products	7am to 5pm	7am to 5pm	Nil	Nil
Arrival and loading of trucks to haul quarry product	7am to 5pm	7am to 5pm	Nil	Nil
Light vehicle traffic associated with employees or light service vehicles entering or leaving the site	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Maintenance of plant and equipment including workshop activity	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Stockpiling Operations	7am to 5pm	7am to 5pm	Nil	Nil
Drilling	7am to 5pm	7am to 5pm	Nil	Nil
Rock hammering	7am to 5pm	Nil	Nil	Nil

**L6.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 or L6.2 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L6.4** The hours of operation specified in conditions L6.1 and L6.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## **L7. Other limit conditions**

**\*L7.1** No more than 230,000 tonnes per annum can be extracted and processed at the site.

**\*L7.2** On-site crushing and screening activities must not exceed 470 tonnes per hour or 230,000 tonnes per annum.

**\*L7.3** No more than 120 loaded trucks are to be dispatched per week (averaged over four consecutive weeks) with a maximum of 28 loaded trucks on any one day.

**\*L7.4** All vehicles travelling on:

- a) the quarry access road are limited to a speed no greater than 30km/hr;
- b) internal unsealed roads within the quarry are limited to a speed no greater than 10km/hr.

**\*L7.5** For the purposes of determining compliance with condition L7.1 and L7.3, a tally of trucks and trailers carrying loads from the quarry must be maintained by the licensee, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.

## **Operating conditions**

### **02. Dust**

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

**\*02.2** The premise must be maintained in a manner that prevents and minimises the emissions of air pollutants.

**\*02.3** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during material inspection, loading and unloading.

**\*02.4** All plant and equipment (including loaders, excavators, crushers, screen, drill rig, trucks) must be maintained in accordance with manufacturer requirements to minimise malfunction that could result in increased air quality emissions.

**\*02.5** The maximum disturbance area due to the project operations must not exceed 16.4 hectares. This includes, but not limited to, the extraction area, product stockpiling area, overburden and fines stockpile and emplacement.

**\*02.6** No external material must be received or processed at the premises, apart from in accordance with condition L3.3.

**\*02.7** During peak daily activities (470 tonnes per hour), overburden removal or overburden transportation must be undertaken while fresh rock is being removed and transported within the premises.

**\*02.8** All drill rigs must have a dust collection system.

**\*02.9** Watering must be used as a means of dust suppression for the following activities and locations:

- a) During all:
  - i) crushing and screening operations;
  - ii) product loading and unloading operations in the product stockpile area;
  - iii) material delivery to and from the premises (road watering);
- b) At all points where material is transferred; and
- c) At all stockpiles.

**\*02.10** The maximum height of all processed product stockpiles at the premises is 10 metres.

#### **04. Processes and Management**

04.1 A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during operations at the premises. The SWMP should be prepared in accordance with the requirements of the 'Managing Urban Stormwater: Soils and Construction' guidelines including, Volume 1, 4th edition (Landcom, March 2004) and Volume 2E Mines and Quarries (Department of Environment and Climate Change, June 2008) available at:

<http://www.environment.nsw.gov.au/stormwater/publications.htm>

**\*04.2** The proponent must develop and implement an air quality management plan prior to the commencement of project operations. As a minimum, the air quality management plan must include the following parts:

- a) Risk assessment;
- b) Proactive and reactive mitigation measures of all significant, and potentially significant, emission sources;
- c) Key performance indicator(s);
- d) Monitoring method(s);
- e) Location, frequency and duration of monitoring;
- f) Record keeping;
- g) Response mechanisms and contingency measures;

- h) Responsibilities; and
- i) Compliance reporting.

**\*O4.4** Processing (crushing and screening) must only be undertaken in the quarry pit (the extraction area).

## **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 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.

**M1.3** The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

### **M2. Requirement to monitor concentration of pollutants discharged**

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

**\*M2.2 Water and/or Land Monitoring Requirements**

**\*Point 1,2,3 Water and Land**

Pollutant	Units of Measure	Frequency	Sampling Method
Oil and Grease	mg/L	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	Representative sample
Total suspended solids	mg/L	Special Frequency 1	Representative sample

**M2.3** For the purposes of this condition. 'Special Frequency 1' means as soon as practicable after overflow commences and, in any case, not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.

**M3. Testing methods - concentration limits**

**M3.1** Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

**M4. Weather monitoring**

**\*M4.1 On-site Meteorological Monitoring Station:**

- a) The proponent must monitor the parameters specified in Column 1 in the table below at the Site Meteorological Monitoring Station. The proponent must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.
- b) The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to the EPA upon request.

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method <sup>12</sup>
Rainfall	mm/hr	continuous	1 hour	AM-4
Sigma theta	degrees	continuous	10 minute	AM2 and AM-4
Siting		continuous		AM-1
Temperature at 2 metres	kelvin	continuous	10 minute	AM-4

Temperature at 10 metres	kelvin	continuous	10 minute	AM-4
Total solar radiation	watts per square metre	continuous	10 minute	AM-4
Wind direction at 10 metres	degrees	continuous	10 minute	AM-2 and AM-4
Wind speed at 10 metres	metres per second	continuous	10 minute	AM-2 and AM-4

Note 1 – Any other method approved in writing by the EPA.

Note 2 – The weather monitoring instrumentation installed and operated at the site must be have a stall speed or lower limit of measure for measuring wind speed less than 0.2 m/s.

## **M7. Noise monitoring**

**\*M7.1** To assess compliance with the noise limits presented in the noise monitoring table in condition L4, attended noise monitoring must be undertaken in accordance with condition L4.5, outlined above and:

- a) at EPA identification point no. 3, 4, and 5 listed in the noise monitoring table in condition L4;
- b) occur from time to time when requested in writing by the EPA;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
  - i) 1.5 hours during the day
  - ii) 30 minutes during the evening; and
  - iii) 1 hour during the night.
- d) occur for three consecutive operating days.

**\*M7.2** To assess compliance with the noise limits presented in the noise monitoring table in condition L4 for EPA identification point no. 6, attended noise monitoring must be undertaken in accordance with condition L4.5, outlined above, only if required to do so at a location; frequency and manner specified in writing by the EPA.

## **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**

A noise compliance assessment report must be submitted to the EPA within 90 days of the completion of noise monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L4.1 and L4.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L4.1 and L4.3.

#### **Attachment B – Mandatory Conditions for all EPA licences**

##### **Administrative conditions**

##### **Other activities**

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Extractive activities
- Crushing, Grinding or Separating

##### **Operating conditions**

##### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

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

##### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

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

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

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

The record must include details of the following:

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

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

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

#### **Telephone complaints line**

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

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

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

### **Reporting conditions**

#### **Annual Return documents**

##### **What documents must an Annual Return contain?**

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

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

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

### **Period covered by Annual Return**

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

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

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

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

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

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

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

### **Deadline for Annual Return**

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

### **Notification where actual load cannot 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 131555.

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 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.