

# General Terms of Approval

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Notice No: 1635443



Mr Patrick Ridgway  
Senior Development Planner  
Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460

Attention: Mr Patrick Ridgway

Notice Number      1635443  
Date                      19-Jan-2024

**Re: Integrated Development Application - DA2023/0580**

**Proposed continuation of use and expansion of existing quarry, known as Faheys Pit  
Lot 31 DP 1203488, 9720 Armidale Road, TYRINGHAM NSW 2453**

**Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the Integrated Development Application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) via the NSW Planning Portal on 19 October 2023.

The EPA has reviewed the information provided and has determined that it is able to issue General Terms of Approval (GTA) for the proposal. Please note that the provisions of the *Protection of the Environment Operations Act 1997* and its Regulations also apply. The applicant will need to make a separate application to the EPA to obtain an Environment Protection Licence once development consent has been granted.

The GTA for this proposal are provided at attachment A and attachment B. If the Regional Planning Panel grants development consent for the proposal, these conditions should be incorporated into the consent.

These GTA relate to the development as proposed in the documents and information currently provided to the EPA. If the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms of approval need to be modified in light of the changes.

In assessing the proposal, the EPA has identified the following environmental issues that Clarence Valley Council and/or the Regional Planning Panel may wish to consider in its overall assessment of the application.

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## 1. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) was not included with the Environmental Impact Statement for the proposal. The applicant must prepare a SWMP for the development and submit it to the EPA on application for a licence under the *Protection of the Environment Operations Act 1997*.

- The SWMP must be guided by the 'Blue Book' (Managing Urban Stormwater - Soils and Construction, Volumes 1 and 2E).
- The SWMP 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.
- The SWMP must detail how all stormwater generated from a 5-day rain event of up to 84.8mm can be captured and treated prior to discharge.
- The SWMP must include calculations for the sizing of sediment basins during the different stages of the quarry's life cycle and include the location/s of any discharge points from the sediment basin/s.
- The SWMP should also include a water balance that demonstrates how the sediment basin/s designed for the site can adequately cater for quarry process water storage without compromising the basins ability to meet its design stormwater management functions outlined above.

## 2. Environmental Management Plan

An Environmental Management Plan (EMP) was not included with the Environmental Impact Statement for the proposal. The applicant must prepare an EMP for the development and submit it to the EPA on application for a licence under the *Protection of the Environment Operations Act 1997*. The EMP must take into account any management and mitigation measures identified in the document titled *Environmental Impact Statement Faheys Pit Continued Operations Project* (Outline Planning Consultants, September 2023), and any development consent conditions that may be included as part of the proposal approval.

## 3. Air Quality Management Plan

Information provided in the revised Air Quality Impact Assessment (AQIA) submitted for the proposal concludes that there are no predicted additional exceedances of the EPA's assessment criteria. However, results and conclusions are contingent on the diligent and proactive implementation of the proposed mitigation measures summarised below:

- Ongoing watering of unpaved roads within the quarry.
- Ongoing watering during drilling operations.
- Ongoing watering during dozer operations.
- Ongoing watering for overburden operations.
- Maximum speed limit of 40 km/hr at the premises.
- Continuous watering during crushing and screening operations.
- Ongoing watering of stockpiles and pit.

Notwithstanding the above, it should be noted that failing to achieve in practice the assumed levels of control will increase the risk of adverse air quality impacts, including short-term amenity impacts that may result in complaints. Therefore, it is pertinent that the proponent ensures the diligent and ongoing implementation of the proposed controls and mitigation measures as assumed in the AQIA.

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The applicant must prepare an Air Quality Management Plan (AQMP) for the development and submit it to the EPA on application for a licence under the *Protection of the Environment Operations Act 1997*. As a minimum, the AQMP must include the following:

- Proactive and reactive mitigation strategies of all significant, and potentially significant emissions sources including the implementation of those mitigation measures contained in the revised AQIA dated 4/12/2023;
- Auditable and measurable key performance indicator(s) to inform and evaluate the proactive implementation of the proposed mitigation measures;
- Monitoring method(s);
- Location, frequency, and duration of monitoring;
- Record keeping;
- Response mechanisms and contingency measures;
- System and performance review for continuous improvement;
- Compliance reporting.

#### 4. Blast Management Protocol

The applicant must prepare a Blasting/Vibration Management Protocol for the development and submit it to the EPA on application for a licence under the *Protection of the Environment Operations Act 1997*. The Protocol must include, but need not be limited to, the following:

- Compliance standards;
- Measures to ensure compliance with licence limits;
- Analysis of representative meteorological data to identify sub-optimal dispersion conditions during which blasting should not be undertaken;
- Mitigation measures;
- Remedial and reporting action plan;
- Monitoring methods and program;
- Monitoring program for flyrock distribution;
- Notification of procedures for neighbours prior to detonation of each blast;
- Measures to ensure no damage by flyrock to people, property, livestock and powerlines.

If you have any questions or wish to discuss this matter further please contact Nicole Power on 6641 1529.

Yours sincerely

A handwritten signature in black ink, which appears to read 'J. Bancroft', is written over a dotted line.

**Janelle Bancroft**

**A/ Unit Head**

**Environment Protection Authority**

(by Delegation)

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## Attachment A – Specific conditions for DA2023/0580

### 1 Administrative conditions

#### A1 Information supplied to the EPA

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

- the development application DA2023/0580 submitted to Clarence Valley Council on 18 October 2023;
- the document titled *Environmental Impact Statement Faheys Pit Continued Operations Project* prepared by Outline Planning Consultants dated September 2023 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including but not limited to:
  - *Faheys Pit Impact Assessment, Air Quality Assessment*, Vipac dated 4 December 2023 (Document Reference: 70B-22-0110-TRP-39884-1)

**A1.2** Notwithstanding any condition in these GTA, or a licence under the *Protection of the Environment Operations Act 1997* (**POEO Act**), extractive activity at the premises must not exceed 150,000 tonnes per annum.

#### 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 POEO Act, having regard to the matters in s.83 of that Act.

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

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

**P1.1** The following utilisation areas referred to in the table below are identified in these GTA, or a licence under the POEO Act, for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

**P1.2** The following points referred to in the table below are identified in these GTA, or a licence under the POEO Act, for the purposes of the monitoring and/or setting limits for discharges of pollutants to water from the point.

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## *Water and Land*

<b>EPA Identification no.</b>	<b>Type of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location Description</b>
1	Discharge quality monitoring	Discharge to waters	Spillway of the lower sediment basin (5.86 ML) constructed for Stage 1 of the proposal. (Easting: TBA, Northing: TBA)

**P1.3** The following points referred to in the table below are identified in these GTA, or a licence under the POEO Act, for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

## *Noise/Weather*

<b>EPA Identification no.</b>	<b>Type of Monitoring Point</b>	<b>Location Description</b>
2	Meteorological Station	9720 Armidale Road, Tyringham NSW 2453 (Easting: TBA, Northing: TBA)

## 3 Limit conditions

### L1 Pollution of waters

**L1.1** Except as may be expressly provided by a licence under the POEO Act in relation of the development, section 120 of the POEO Act 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, 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.

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**L2.3** To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

**L2.4** Water and/or Land Concentration Limits

## Point 1

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil and Grease	Visible				Nil
pH	pH				6.5 to 8.5
Total suspended solids	mg/L				50

**L2.5** The concentration limits in the above table do not apply to any passive discharge (overflow) from Point 1 arising solely from a rainfall event exceeding 84.8 mm (the 90th percentile 5 day rain event) in total falling over any consecutive five day period.

**L2.6** If the applicant uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the applicant must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS before its use.

**L2.7** If the applicant uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the applicant must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.

**L2.8** If the applicant uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the applicant must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.

**L2.9** If the applicant uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the applicant must provide the EPA with any amendments the applicant makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

**L2.10** All controlled discharges from the premises must be from licensed discharge points. They must not exceed a 100th percentile limit specified in Condition L2.4.

**Note:** Passive discharge is an overflow event occurring solely as a result of rainfall. Active or controlled discharge is a discharge occurring as a result of human intervention such as syphoning, pumping or trenching.

## L3 Waste

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- L3.1** The applicant 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 POEO Act.

**Note:** 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 POEO Act.

*Note: Condition L3.1 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition with relevant development consent).*

## 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.

Location	Noise Limits in dB(A)
	Day
	L <sub>Aeq</sub> (15 minute)
Any residential receiver	40

- 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.

## L4.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L4.1 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.

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:

- The meteorological conditions are to be determined from meteorological data obtained from an on-site meteorological weather station identified as **EPA monitoring point 2**.
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):



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

**L4.5** To assess compliance:

- a) with the  $L_{Aeq(15 \text{ minutes})}$  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 the 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
- b) with the  $L_{Aeq(15 \text{ minutes})}$  noise limits in condition L4.1 and L4.3, 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 L4.5 (a).

**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 to L4.5 and L4.6:** 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.

**L4.7** 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.

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

**L4.9** The noise limits specified in conditions L4.1 and L4.3 do not apply if agreement between the applicant and the occupier of the noise sensitive location has been reached. Any agreement(s) between the applicant and the affected noise sensitive receivers must be recorded in writing and a copy of the agreements(s) kept on the premises for the duration of any licence issued under the POEO Act for this development.

**Note:** Noise sensitive locations means buildings used as a residence, hospital, school, childcare centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30m of the building.



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## Definitions

Noise Policy for Industry - the document entitled “*Noise Policy for Industry*” published by the NSW Environment Protection Authority in October 2017.

Noise – ‘sound pressure levels’ for the purposes of conditions L4.1 to L4.8.

- LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).

## L5 Hours of operation

**L5.1** Extractive, processing and loading activities at the premises may only take place between the following hours:

- a) 7:00am-6:00pm Monday to Friday;
- b) 7:00am-1:00pm Saturday; and
- c) at no time on Sundays or public holidays.

**L5.2** Maintenance and/or repairs to plant and equipment may only take place between the following hours and is subject to the following provisions:

- a) 6:00am-6:00pm Monday to Friday;
- b) 6:00am-4:00pm Saturday;
- c) at no time on Sundays or public holidays;
- d) if outside the hours specified by condition L5.1, the plant and equipment that require the maintenance and/or repairs must be located as far away as possible from the most affected residential receivers; and
- e) if outside the hours specified by condition L5.1, the noise levels at the most affected residential receivers are not adversely affected.

**L5.3** Blasting at the premises may only take place between the following hours:

- a) 9:00am-3:00pm Monday to Friday; and
- b) at no time on public holidays.

**L5.4** Condition L5.1 does not apply to the delivery of material outside the hours of operation 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 must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

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**L5.5** The hours of operation specified in conditions L5.1, L5.2 and L5.3 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.

## **L6 Blasting**

- L6.1** The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. 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.
- L6.2** The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L6.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. 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.
- L6.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L6.5** The airblast overpressure and ground vibration levels in conditions L6.1 to L6.4 do not apply at noise sensitive locations that are owned by the applicant or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the applicant and land owner.
- L6.7** Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.
- L6.8** All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

## **4 Operating conditions**

### **O3 Dust**

- O3.1** All operations and activities occurring at the premises must be carried out in a manner that will prevent or minimise the generation of air pollution including dust from the premises.
- O3.2** The premises must be maintained in a condition to prevent or minimise the generation of air pollution including dust from the premises.

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- O3.3** All trafficable areas in or on the premises must be maintained at all times in a condition that will minimise the emission of wind-blown or traffic generated dust to the air.
- O3.4** Wet suppression infrastructure, including water sprays, must be installed and operated during all drilling, dozer, crushing and screening operations to prevent or minimise the generation of air pollution including dust.
- O3.5** Wet suppression infrastructure, including water sprays, must be installed, and operated to prevent or minimise the generation of air pollution including dust from product stockpiles.
- O3.6** Trucks entering and leaving the premises that are carrying loads of materials that may generate air impurities, including dust, must have their loads covered at all times, except during loading and unloading.

## **O4 Stormwater/sediment control**

- O4.1** Project operations must be in accordance with a Soil and Water Management Plan (SWMP) developed for the premises and submitted to the EPA on application for a licence under the POEO Act.
  - The SWMP must be guided by the 'Blue Book' (Managing Urban Stormwater - Soils and Construction, Volumes 1 and 2E).
  - The SWMP 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.
  - The SWMP must detail how all stormwater generated from a 5-day rain event of up to 84.8mm can be captured and treated prior to discharge.
  - The SWMP must include calculations for the sizing of sediment basins during the different stages of the quarry's life cycle and include the location/s of any discharge points from the sediment basin/s.
  - The SWMP should also include a water balance that demonstrates how the sediment basin/s designed for the site can adequately cater for quarry process water storage without compromising the basins ability to meet its design stormwater management functions outlined above.
- O4.2** The applicant must take all practicable measures to minimise the tracking of mud or other materials by vehicles leaving the premises.
- O4.3** The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.
- O4.4** The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.
- O4.5** Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

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- O4.6** The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
- O4.7** The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- a) the clear identification of each sediment basin and discharge point;
  - b) the collection of representative samples of the water discharged from the sediment basin(s); and
  - c) access to the sampling point(s) at all times by an authorised officer of the EPA.
- O4.8** The applicant must endeavour to maximise the reuse of captured stormwater on the premises.
- O4.9** Each sedimentation basin must have a marker (the “sedimentation basin marker”) that identifies the upper level of the sediment storage zone.
- O4.10** Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the applicant must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.
- O4.11** The sediment basins must meet the design and operational standards of Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries. This document requires that at a minimum 90<sup>th</sup> percentile five-day rainfall event be used to determine basin sizing for quarries.
- O4.12** The sediment basin(s) must be maintained and operated to ensure that:
- All 5-day rainfall events up to 84.8 mm (the 90th percentile 5 day rain event) are captured.
  - Any discharge from the licensed discharge points that occurs as a result of rainfall below the 5-day total of 84.8 mm or any controlled discharge must meet the limit conditions specified in condition L2.4.
- O4.13** Discharges shall be treated, if required, to reduce the Total Suspended Solids level to the GTA, or a licence under the POEO Act, limit of 50 mg/L before being released to the environment. Treatment can be with gypsum or any other material that has been approved by the EPA.

## O5 Air / Noise

### Blast Management Protocol

- O5.1** Project operations must be in accordance with a Blasting/Vibration Management Protocol developed for the premises and submitted to the EPA on application for a licence under the POEO Act. The protocol must include, but need not be limited to, the following matters:
- Compliance standards;
  - Measures to ensure compliance with licence limits;
  - Analysis of representative meteorological data to identify sub-optimal dispersion conditions during which blasting should not be undertaken;
  - Mitigation measures;

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- Remedial and reporting action plan;
- Monitoring methods and program;
- Monitoring program for flyrock distribution;
- Notification of procedures for neighbours prior to detonation of each blast;
- Measures to ensure no damage by flyrock to people, property, livestock and powerlines.

## Air Quality Management Plan

**O5.2** Project operations must be in accordance with an Air Quality Management Plan (AQMP) developed for the premises and submitted to the EPA on application for a licence under the POEO Act. As a minimum, the AQMP must include the following parts:

- Proactive and reactive mitigation strategies of all significant, and potentially significant emissions sources including the implementation of those mitigation measures contained in the revised Air Quality Impact Assessment dated 4 December 2023;
- Auditable and measurable key performance indicator(s) to inform and evaluate the proactive implementation of the proposed mitigation measures;
- Monitoring method(s);
- Location, frequency, and duration of monitoring;
- Record keeping;
- Response mechanisms and contingency measures;
- System and performance review for continuous improvement;
- Compliance reporting.

## O6 Environmental Management

**O6.1** Project operations must be in accordance with an Environmental Management Plan (EMP) developed for the premises and submitted to the EPA on application for a licence under the POEO Act. The EMP must take into account any management and mitigation measures identified in the document titled *Environmental Impact Statement Faheys Pit Continued Operations Project* (Outline Planning Consultants, September 2023), and any development consent conditions that may be included as part of the proposal approval.

## O7 Chemical Storage

**O7.1** All above ground tanks and containers containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place. Bunds must:

- a) have walls and floors constructed of impervious materials;
- b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
- c) have floors graded to a collection sump; and
- d) not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.

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## 5 Monitoring and recording conditions

### M1 Monitoring records

- M1.1** The results of any monitoring required to be conducted by these GTA, or a licence under the POEO Act, 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:
- in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - produced in a legible form to any authorised officer of the EPA who asks to see them.
- 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.

### 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:

#### Point 1

#### Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 1	Visual Inspection
pH	pH	Special Frequency 1	Probe
Total suspended solids	mg/L	Special Frequency 1	Grab sample

Note: 'Special Frequency 1' means sampling daily during any discharge from Point 1 when that discharge is not a result of a 5-day rainfall event exceeding 84.8mm.

### M3 Testing methods - concentration limits

- M3.1** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:
- the Approved Methods Publication; or
  - if there is no methodology required by the Approved Methods Publication or by these GTA or in the licence under the POEO Act in relation to the development or the relevant load calculation

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protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

## M4 Requirement to monitor noise

**M4.1** Attended noise monitoring must be undertaken in accordance with Condition L4.5 and must:

- a) occur at the nearest sensitive receiver location (residence) where a noise agreement is not in place between the applicant and the respective land owner(s) in respect to noise impacts and/or noise limits;
- b) occur annually in a reporting period;
- c) occur during the day period as defined in the *Noise Policy for Industry* for a minimum of 1.5 hours
- d) occur for three consecutive operating days.

**M4.2** For the purposes of condition M4.1, noise monitoring is not required when activities at the premises are inaudible at the nearest privately owned residence where a noise agreement is not in place between the applicant and the respective land owner(s) in respect to noise impacts and/or noise limits.

**M4.3** Subject to any express provision to the contrary in these GTA or a licence under the POEO Act, 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.

## M5 Blast Monitoring

**M5.1** To determine compliance with Conditions L6.1 to L6.4:

- (a) Airblast overpressure and ground vibration levels must be measured and electronically recorded in accordance with the ANZECC guidelines for all production blasts carried out in or on the premises; and
- (b) The written record must include:
  - i) the time and date of each blast;
  - ii) the station(s) at which the noise was measured;
  - iii) the ground vibration for each blast;
  - iv) the airblast overpressure for each blast;
  - v) evidence that during the past 12 month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
  - vi) the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).
- (c) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 2006.

## M6 Meteorological Monitoring

**M6.1** The meteorological weather station identified as EPA monitoring point 2 must be maintained so as to be capable of continuously monitoring the parameters specified in condition M6.2.



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**M6.2** The applicant must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The proponent must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

**Note:** The rainfall monitoring data collected in compliance with Condition M6.2 can be used to determine compliance with condition L2.4.

## Point 2

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

**M6.3** The location of the meteorological weather station required by condition L4.4 must be negotiated with the Determining Authority and the EPA prior to being established.

**M6.4** The applicant must develop and implement a calibration, quality assurance, quality control and audit program for the meteorological monitoring station. The program must be approved by the EPA prior to the installation of any new monitoring equipment.

## 6 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 POEO Act 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.

**R1.2** The applicant must also include the following information with the Annual Return:

- A statement detailing the total volume of material extracted from the quarry for the reporting period; and
- The total volume of extracted material transported from the premises for the reporting period.

**R1.3** A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring if annual monitoring is required by condition M4.1. The assessment must be prepared by a competent person and include:

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- 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 exceedences of the limits contained in Condition L4.1 and L4.3.

**R1.4** The applicant must provide a Blast Monitoring Report each year, which must include the following information relating to each blast carried out within the premises during the respective monitoring period:

- a) the date and time of the blast;
- b) the location of the blast on the premises;
- c) the blast monitoring results at the blast monitoring station with assessment against the Licence blast limits; and
- d) an explanation for any missing blast monitoring results or any exceedences of Licence blast limits.

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## Attachment B – Mandatory Conditions for all EPA licences

### Administrative conditions

#### Other activities

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

- Extractive activities
- Crushing, grinding and/or separating of extracted materials

### 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;

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- 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 applicant 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 project approval/licence.

The applicant 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:

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

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence.

Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

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

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

**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

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- 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').

## ***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:

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- 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:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- 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.