

General Terms of Approval - Issued

Notice No: 1628797



The General Manager
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Attention: Mr Jeremy Swan

Notice Number 1628797
Date 17-Jan-2024

Re: Murrays Crossing Quarry, Tumbarumba

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA2022/0110) and accompanying information provided for the proposed expansion of the Murrays Crossing Quarry at 71 Murrays Crossing Road, Tumbarumba received by the Environment Protection Authority (EPA) on 14 September 2022.

The EPA wrote to Snowy Valleys Council (Council) on 6 October 2022 and 6 September 2023 seeking further information in relation to our assessment of the proposed development. Additional information in response to our letter was received on 17 August 2023 and 19 December 2023.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following review of the development application, the Environmental Impact Statement (July 2022) and additional information provided we are able to issue our General Terms of Approval (GTA) for the proposed development.

The GTA provided in Attachment 'A' are conditions that relate to the development as proposed in the documents and information provided by Council and the applicant. Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should Council grant development consent for this proposal we recommend that these conditions are incorporated into the consent.

In the event that the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by Council, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

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Should development consent be granted it will also be necessary for the applicant to apply to the EPA for an Environment Protection Licence for the proposed continuation and extension of the quarry consistent with the development application for the proposal and our GTA.

If you have any questions, or wish to discuss this matter further please contact myself on 6938 4918.

Yours sincerely

A handwritten signature in blue ink, reading 'Briohny Seaman', is positioned above a dotted line.

Briohny Seaman

A/ Unit Head

Environment Protection Authority

(by Delegation)

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Administrative conditions

A1. Information supplied to the EPA

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

- The environmental impact statement titled "Murray's Crossing Quarry" dated July 2022 and prepared by nghConsulting Pty Ltd relating to the development;
- The response to 'EIS submissions Murray's Crossing' dated June 2023 and prepared by Bald Hill Quarry relating to the development;
- The document titled "Murray's Crossing Quarry - Response to EPA - noise impact assessment" dated 6 December 2023 and prepared by GHD Pty Ltd relating to the development; and
- The document titled "Murray's Crossing Quarry - Response to EPA - air quality assessment" dated 6 December 2023 and prepared by GHD Pty Ltd relating to the development.

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.

A3. Premises to which the General Terms of Approval applies

A3.1 These General Terms of Approval apply to the following premises:

The Murray's Crossing Quarry, Lot 1, 20, 452, 659 and 732 DP 755 892 and Lot 7028 DP 96852 as depicted in Figure 1.2 of the environmental impact statement titled "Murray's Crossing Quarry" dated July 2022 and prepared by nghConsulting Pty Ltd kept on EPA file at DOC22/817696-1.

Discharges to Air and Water and Application 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 setting of limits for discharges of pollutants to the air from that point.

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Air

EPA Identification No.	Type of Monitoring Point	Type of Discharge Point	Location Description
Point 1	Particulate Matter Monitoring		Monitoring Point 1 - exact location to be negotiated with the EPA
Point 6	Meteorological Monitoring		Meteorological station - exact location to be negotiated with the EPA

P1.2 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or setting of limits for the emission of noise from the premises.

Noise

EPA Identification No.	Type of Monitoring Point	Type of Discharge Point	Location Description
Points 2 -5	Noise monitoring		Noise monitoring to be carried out at the locations identified in Figure 3.1 and Table 3.1 of "Murray's Crossing Quarry - Response to EPA - noise impact assessment" dated 6 December 2023 (GHD)

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The 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 *Protection of the Environment Operations Act 1997*.

L2.2 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*.

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L3. Noise limits

L3.1 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 are indicated in Figure 3.1 and Table 3.1 of "Murray's Crossing Quarry - Response to EPA - noise impact assessment" dated 6 December 2023 (GHD)

EPA Identification No.	Location	Noise Limits in dB(A)
		Day LAeq(15minute)
2	139 Murrays Crossing Road, Tumbarumba (Lot 543 DP 755892) (R03)	43
3	100 Murrays Crossing Road, Tumbarumba (Lot 252 DP 755892) (R20)	45
4	Murrays Crossing Road, Tumbarumba (Lot B DP 327105) (R21)	50
5	Any other residential receiver	40

L3.2 For the purposes of condition L3.1:

- a. Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and Public Holidays.

L3.3 Noise enhancing meteorological conditions

- a. The noise limits set out in condition L3.1 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 condition not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

L3.4 For the purposes of L3.3:

- a. The meteorological conditions are to be determined from meteorological data obtained from the onsite meteorological weather station identified as EPA monitoring point 6.

L3.5 To assess compliance:

- a. With the LAeq(15minute) noise limits in condition L3.1 and L3.2, the noise measurement equipment must be located:

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- 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, facade, 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 L3.1.
- b. with the $L_{Aeq}(15\text{minute})$ noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
- i. At the reasonably most affected point at a location where there is no residence at the location; or,
 - ii. At the reasonably most affected point within an area at a location prescribed by condition L6.5(a).

L3.6 A non-compliance with conditions L3.1 and L3.3 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 L3.5 (a) or L3.5 (b).

Note to L3.5 and L3.6: 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.

L3.7 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.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition or valid measurement.

L4 Hours of operation

L4.5 Activities at the premises, other than maintenance work, may only be carried on between 7am and 6:30pm Monday to Friday and 8am to 4pm on Saturday excluding Sundays and Public Holidays.

L5. Blasting

L5.1 The overpressure level from blasting operations on the premises must not:

- a. Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- b. Exceed 120dB (Lin Peak) at any time.

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

L5.2 The ground vibration peak particle velocity from the blasting operations at the premises must not:

- a. Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- b. Exceed 10mm/s at any time.

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at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level.

L5.3 Blasting operations on the premises may only take place between 10am and 3pm Monday to Saturday and not during periods of inversions. Blasting is not permitted on Public Holidays.

The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L5.4 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

L6 Extraction and processing limits

L6.1 The applicant must not extract or process more than 200,000 tonnes of material at the premises in any annual return reporting period.

Operating conditions

01. Odour

01.1 No condition of this Approval identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997* (POEO Act).

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

02. Dust

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

02.2 All activities conducted on the premises must be undertaken by such practical means to avoid or minimise the generation and emission of dust.

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

03. Stormwater/sediment control - Operation Phase

03.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

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O4. Air Quality Management Plan

O4.1 Prior to the commencement of operations the applicant must develop and implement an Air Quality Management Plan. As a minimum, the Air Quality Management Plan must include the following:

- Risk assessment
- Proactive and reactive mitigation measures of all significant, and potentially significant emission sources;
- Key performance indicator(s);
- Monitoring method(s)
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms and contingency measures;
- Responsibilities;
- Compliance reporting; and
- Review and update procedures.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:
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.

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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

Air

Pollutant	Units of measure	Frequency	Sampling Method
PM10	g/m3	Continuous	Special Method 1

Note: Special Method 1 requires the applicant to undertake monitoring in accordance with the manufacturers operating manual supplied with the continuous monitoring equipment. The applicant must maintain and calibrate the continuous monitoring equipment in accordance with the reference test methods and manufacturers specifications. Records of calibration and maintenance must be made available to the EPA upon request.

M3. Requirement to monitor noise

M3.1 Attended noise monitoring must be undertaken in accordance with condition L3.5 and must:

- Occur at each location specified in condition L3.1;
- Occur annually in a reporting period;
- Occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of 1 hour during the day;
- Occur for three consecutive days.

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

M4. Weather monitoring

M4.1 The meteorological weather station identified as EPA monitoring point 6 must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2

M4.2 For each monitoring point specified in the table below the applicant must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The applicant must use the sampling methods, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

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Point 6

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Air temperature	degrees Celsius	Continuous	1 hour	AM-4
Wind direction	degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M5 Blast Monitoring

M5.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at:

- At the residential boundary; or
- 30 metres from residences in rural situations where the boundary is more than 30 metres from residences.

Note:

- Airblast overpressure levels should not be measured within 3.5 metres of any building.
- Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting conditions

R1 Annual return documents

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.

R2 Noise Monitoring Report

R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- An assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- An outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1 and L3.3.

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Addition to Definition of Terms of the Licence

- 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 L3.1 to L3.8.
- LAeq(15minute) - 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*).

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Attachment – 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:

- Nil

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

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- 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:

- c. Statement of Compliance; and
- d. 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.*

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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 can not be calculated

(Licences with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

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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.