

General Terms of Approval

Notice No: 1650986



Cootamundra-Gundagai Regional Council

81 Wallendoon Street

Cootamundra NSW 2590

Attention: Lauren Dawes

Notice Number 1650986

Date 24-Oct-2025

Re: Proposed Expansion of the Eulonga Quarry, Darbalara Road, Coolac

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA2025/032) and accompanying information provided for the proposed expansion of the Eulonga Sand Quarry at 338 Darbalara Road, Coolac (the premises), received by the Environment Protection Authority (EPA) on 28 April 2025 (the proposal).

On 30 June 2025, the EPA received two submissions from the community in relation to this proposal which raised concerns in relation to noise, dust, storm water, wildlife and visual amenity impacts. As a result of the issues raised, EPA Officers inspected the premises with the Planning Panel representatives on 9 July 2025.

On 18 July 2025, the EPA issued a Request for Additional Information specifically in relation to the concerns raised regarding noise being emitted from the premises and the proximity to sensitive receptors.

On 20 October 2025, the EPA received a response on behalf of the proponent which included a *Noise and Vibration Impact Assessment* (the assessment). The assessment has been reviewed and it has been determined that it adequately addressed the EPA's previous comments and request for additional information.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997* (POEO Act). Following a review of the proposal, including the additional information provided and associated public submissions, we have determined that we are able to issue our General Terms of Approval (GTA) for the proposal, which are provided at Attachment A.

It is important to note that the GTAs relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the

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proponent 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 GTA need to be modified in light of the changes.

As you are aware, the premises is scheduled under the POEO Act and is regulated by the EPA through Environment Protection Licence (EPL) No 12835. The GTA provided at Attachment A are conditions that relate to the proposal, and are supplementary to the conditions included in EPL 12835. As such, please note that Attachment A **should not** be attached as conditions of consent.

Should development consent be granted, the proponent will be required to apply to the EPA to vary EPL 12835 consistent with the development application for the proposal and our GTA. The proponent must apply for the variation prior to the commencement of any activities associated with the approval of the development.

If you have any questions, or wish to discuss this matter further please contact Nick van Lijf on (02) 6969 0704.

Yours sincerely,

Nick VanLijf

Unit Head - Operations

Environment Protection Authority

(by Delegation)

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Attachment A – General Terms of Approval

Administrative conditions

A3. Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

A3.2 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

1. the Development Application No 078-2007 submitted to Gundagai Shire Council on 14 September 2007;
2. the Environmental Impact Statement (EIS) Fine Sand and Course Sand Quarries, Eulonga, Gundagai September 2007 relating to the development;
3. the Development Consent Modification DA 2019/59.1 approved by Cootamundra-Gundagai Regional Council on 17 July 2019;
4. the development application DA 2025/032 submitted to Cootamundra-Gundagai Regional Council on 6 August 2024, in relation to the expansion of the Eulonga Quarry;
5. the environmental impact statement titled 'Eulonga Quarry Proposed Extraction Area - Lot 158 DP750984 and Lot 4 DP 1096529' and dated 18 March 2025 relating to the development; and
6. all additional documents supplied to the EPA in relation to the development, including:
 - Noise and Vibration Impact Assessment, dated 14 March 2025;
 - Air Quality Impact Assessment, dated 13 March 2025 and;
 - Surface and Groundwater Assessment, dated 17 March 2025.

A4. Fit and Proper Person

A4.1 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 Application 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 this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

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EPA identification number	Type of monitoring point	Location description
1	Weather station	TBD

Limit conditions

L1. Pollution of waters

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

L2. Waste

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

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L3. Noise limits

L3.1 Except for the internal access track establishment as described in the *Noise and Vibration Impact Assessment, Eulonga Quarry Project (SLR Consulting, Ref 630.032007.00007 Rev 2.0 dated 9 October 2025)*, 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 _{Aeq} (15 minute)
254 Sandy Falls Road, Coolac (Lot 285, DP 753599)	40
312 Sandy Falls Road, Coolac (Lot 322, DP 753599)	37
360 Sandy Falls Road, Coolac (Lot 330, DP 753599)	40
370 Sandy Falls Road, Coolac (Lot 325, DP 753599)	37
Any other non-associated residential receiver	35

Establishment of the internal access track is to occur only during 7am to 6pm Monday to Friday; to be completed as soon as practicable and within no more than fourteen days of establishment commencing.

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

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

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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 conditions 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 condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the on-site meteorological weather station identified as **EPA monitoring point 1**.
- 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).

L3.5 To assess compliance:

- a) with the $L_{Aeq}(15 \text{ minutes})$ noise limits in condition L3.1 and L3.3, 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 L3.1
- b) with the $L_{Aeq}(15 \text{ minutes})$ 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 L3.5 (a).

L3.6 A non-compliance of 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 *NSW Noise Policy for Industry* (EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

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

Definition

L_{Aeq} : the equivalent continuous noise level - the level of noise equivalent to the energy average of noise levels occurring over measurement a period.

L3.9 The noise emission limits identified in L3.1 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
- where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

L3.10 Should a verified noise complaint be made, the licensee must complete a noise assessment at the premises to establish appropriate project specific noise criteria for the operation and to determine compliance with these criteria. The assessment must be prepared by a suitably qualified and experienced acoustical practitioner and must be undertaken in accordance with the *NSW Noise Policy for Industry (2017)*.

Should a noise assessment be required, the licensee must submit a copy of the noise assessment findings by electronic mail to the EPA at info@epa.nsw.gov.au within seven days of receiving the report.

L.4 Hours of operation

L4.1 Unless otherwise specified by any other condition of this licence, all construction activities are:

- a) restricted to between the hours of 7:00am and 6:00pm Monday to Saturday; and
- b) not to be undertaken on Sundays or Public Holidays.

L4.2 The hours of operation specified in conditions L4.1 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.

L.5 Other limit conditions

L5.1 The volume of material extracted is not to exceed 172,000 tonnes per year.

Operating conditions

01. Dust

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

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O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O1.3 In the event that a verified dust complaint is made by an impacted receptor, the EPA may request the licensee to undertake a comprehensive air quality impact assessment, in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)*.

The air quality impact assessment must:

- (a) identify all sensitive receptors likely to be impacted by dust from the licensed activity;
- (b) provide details on proposed dust control measures to be implemented at the premises to ensure compliance with Condition O1.1 and O1.2; and
- (c) be prepared by a suitably qualified and experienced person/company that is approved in writing by the EPA prior to being engaged by the licensee.

The air quality impact assessment must be completed on request and provided to the EPA within an agreed timeframe via electronic mail at info@epa.nsw.gov.au.

O2. Stormwater/sediment control

O2.1 A Soil and Water Management Plan (SWMP) must be prepared and implemented as part of the Environmental Management Plan for the premises. The SWMP should identify reasonably foreseeable risk relating to soil erosion and surface/groundwater quality and describe how these risks will be addressed.

O3. Blasting and Vibration

O3.1 A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;
- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution*;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;
- measures to ensure no damage by flyrock to people, property, livestock and powerlines.*

Monitoring and recording conditions

M1. Monitoring records

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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.

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.

M2. Monitoring conditions

M2.1 The on-site meteorological weather station identified as EPA monitoring point 1 must be maintained so as to be capable of continuously monitoring the parameters specified in condition M2.2.

M2.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 1

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

M3. Requirement to monitor noise

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

- a) occur at each location specified in Condition L3.1;
- b) occur annually within a reporting period;
- c) occur during each day period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1 hour during the day;
- d) occur for two consecutive operating 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 Environmental Noise in NSW* (EPA, 2022).

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Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R1.2 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

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

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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: > 100000 - 500000 T annually extracted or processed.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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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.

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

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

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Deadline for Annual Return

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

Notification where actual load can not be calculated

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

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

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- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

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

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

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

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

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