

General Terms of Approval - Issued



Notice No: 1615469

The General Manager
Hilltops Council
Locked Bag 5
Young NSW 2594

Attention: Andrew Raines

Notice Number 1615469
Date 24-Dec-2021

Re: Proposed Mt Bundarbo Quarry (CNR-23527 DA2021-0133)

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application DA2021-0133 and accompanying information provided for the proposed Mt Bundarbo Quarry at Hume Highway Jugiong, NSW 2726, to expand existing quarry operations at Bald Hill Quarry (the proposal).

It should be noted that the applicant, Bald Hill Quarry Pty. Limited, already holds an environment protection licence (EPL) for activities listed under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act), for the premises at Hume Highway Jugiong NSW. EPA has reviewed the information provided and has determined that it will be able to vary the EPL to accommodate the proposal (Scheduled Activity of extractive activities), subject to a number of conditions. The applicant will need to make a separate application to the EPA to vary the EPL, should the application be approved.

The general terms of approval for this proposal are provided at **Attachment A**.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified by the applicant prior to 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 consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact me or Lisa Fane on 6229 7002 or at info@epa.nsw.gov.au.

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Yours sincerely

A handwritten signature in black ink, appearing to be 'Janine Goodwin', written over a dotted line.

Janine Goodwin

Unit Head

Environment Protection Authority

(by Delegation)

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ATTACHMENT A - General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

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

- the development application CNR-23527 DA2021-0133 submitted to Hilltops Council on 16 July 2021;
- any environmental impact statement "*Mt Bundarbo Quarry EIS*" dated May 2021 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including the Noise and Vibration Impact Assessment dated 5 November 2021 .

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.

P1. Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table are identified as points for the purpose of monitoring and/or the setting of limits for the discharge of pollutants to water from the point.

Water and Land

EPA Identification No.	Type of Monitoring Point	Type of Discharge Point	Location Descriptions
1	Discharge quality monitoring		Mt Bundarbo Erosion and sediment control basin no. (TBA)

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

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L2.1 The licensee must not cause, permit or allow any waste generated outside the development to be received at the development for storage, treatment, processing, reprocessing or disposal or any waste generated at the development to be disposed of at the development, 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 development if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

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:

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LAFmax
R01	40	35	35	52
R02	40	35	35	52
R03	40	35	35	52
R04	40	35	35	52
R05	40	35	35	52

L3.2 For the purposes of the above Table:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.
- The receivers identified under 'Location' are those as described in *"Mt Bundarbo Pit Quarry Noise and Blasting Assessment"* At:- Hume Highway Jugiong, NSW Prepared for: - NGH Pty Limited, by SLR Consulting Australia Pty Ltd November 2021.

L3.3 Noise-enhancing meteorological conditions

a) The noise limits set out in the above table apply under the following meteorological conditions:

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

b) For those meteorological conditions not referred to above, the noise limits that apply are the noise limits above plus 5dB.

c) For the purposes of the above meteorological conditions, stability category shall be determined using

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sigma-theta data as per the method in section D1.4 of Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017).

L3.4 To assess compliance:

- a) with the LAeq(15 minutes) or the LAmax noise limits in the Development Consent, the noise measurement equipment must be located:
- approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - 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,
 - in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - at any other location identified in the Licence
- b). with the LAeq(15 minutes) or the LAmax noise limits in the Development Consent, the noise measurement equipment must be located:
- at the reasonably most affected point at a location where there is no residence at the location; or,
 - at the reasonably most affected point within an area at a location prescribed by the Licence.

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. A non-compliance of the noise limits in the Development Consent 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 above.

L3.5 Noise monitoring conditions:

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

Definitions

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- 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*)
- LAFMAX - the maximum sounds pressure of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set 'A' frequency weighting and fast time weighting.

Hours of operation

L4.1 Unless otherwise agreed to in writing by the EPA, all construction work associated with the Mt Bundarbo Quarry must only be conducted during standard construction hours:

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- a) between the hours of 7:00 am to 6:00 pm Monday to Friday;
- b) between 7:00 am to 1:00 pm Saturday; and
- c) No construction works to be undertaken on Sunday or Public Holidays.

L4.2 Unless otherwise agreed to in writing by the EPA, quarry activities associated with the operation of the Mt Bundarbo Quarry must only be carried out during the operating hours:

- a) between 6:00 am to 6:00 pm Monday to Friday;
- b) between 7:00 am to 6:00 pm Saturday and Sunday; and
- c) no work on Public Holidays

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 The hours of operation specified in conditions L4.1 and L4.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

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 during each reporting period; 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 assessed 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 Ground vibration peak particle velocity from the blasting operations carried out in or on the premises must not exceed:

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
- b) 10mm/s at any time,

at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

L5.3 Blasting operations for the Mt Bundarbo Quarry may only take place between the 9:00 am to 5:00 pm Monday to Friday, 8:00 am to 6:00 pm Saturday, with none occurring on Sundays or Public Holidays.

L5.4 Blasting at the Premises is limited to 10 blasts a year.

L6 Potentially offensive odour

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L6.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environmental protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

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:

EPA Identification No. 1

Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microseimens per centimetre	Special Frequency 1	Probe
Dissolved Oxygen	milligrams per litre	Special Frequency 1	Probe
Nitrogen (ammonia)	micrograms per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Probe
Potassium	milligrams per litre	Special Frequency 1	Grab sample
Total dissolved solids	milligrams per litre	Special Frequency 1	Grab sample
Total organic carbon	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

Note: Special Frequency 1 - For the purpose of the tables above, Special Frequency 1 means the collection of water samples on the occasion of any discharge, both controlled and uncontrolled, from the sedimentation ponds.

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:

a) the Approved Methods Publication; or

b) if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

unless otherwise expressly provided in the licence.

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Blast Monitoring

M4.1 To determine compliance with condition(s) L5;

(a) Airblast overpressure and ground vibration levels must be measured once every six months at the Dalre property-for blasts carried out in or on the premises; and

(b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 1993.

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.

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Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

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

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

Period covered by Annual Return

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

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

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

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

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

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

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- 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.

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

Written report

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

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

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

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

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

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

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

General conditions

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

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

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

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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.