

# General Terms of Approval - Issued

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Notice No: 1574752

Mr William Pillon  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Notice Number 1574752

Date 27 July 2020

**Re: Greener Valley Sands Pty Ltd - Development Application No DA0508/18 - Extractive Activities - Sand extraction processing facility**

**Lot 1 & 2 DP 77951, Lot 3 & 4 DP 718505, Lot 1 & 2 DP 85885 - 374, 375 & 415 Freemans Reach Road  
Freemans Reach NSW 2756**

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

I refer to the development application submitted by Greener Valley Sands Pty Ltd (applicant) and accompanying information provided for extractive activities at 374, 375 & 415 Freemans Reach Road Freemans Reach NSW 2756 (premises) received by the Environment Protection Authority (EPA) on 4 December 2018. The EPA requested additional information to address issues identified by the EPA, which was received on 28 June 2019 and 1 July 2020.

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence.

The general terms of approval for this proposal are provided at Attachment A. If Hawkesbury City Council grants development consent for this proposal these conditions should be incorporated into the consent.

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 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 EPA about the changes before the consent is issued. This will enable the EPA to determine whether the general terms need to be modified in light of the changes.

The letter from Acoustic Logic dated 30 April 2019 and report titled *DA Acoustic Assessment - Revised April 2019* adequately addresses the noise issues raised by the EPA on 31 July 2019.

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The EPA recommends that a Construction Noise and Vibration Management Plan and an Operational Noise Management Plan is developed consistent with the recommendations set out in Section 7 of the Acoustic Assessment to ensure compliance with the proposed noise conditions. This should also include:

- restricting truck movement before 7am, ensuring vehicles waiting to enter the site before this time do not park and idle near any noise sensitive locations; and -
- undertaking validation measurements if approved to ensure noise feasible and reasonable mitigation has been applied to determine compliance with the (proposed) noise limits.

The updated Groundwater Quality Monitoring Program and network, dated May 2020, received by the EPA in July 2020 involves the installation and monitoring of six bores around the perimeter of the premises. Routine monthly monitoring, to begin six months prior to the commencement of work, is proposed to be undertaken from the installed and expanded network. This frequency of monitoring is suitable to capture any changes to groundwater as the development progresses.

The proposed monitoring requirements, adopted trigger levels and sampling procedures are suitable for the purposes of groundwater management and monitoring program.

The additional information provided in July 2020 adequately addresses the surface water quality issues previously raised. The applicant proposes practical and reasonable measures to manage potential water pollution risks, including:

- a bund between the extraction pit and the river to reduce the frequency of inundation
- measures to prepare the site prior to flooding
- monthly and event water quality monitoring at receiving waterway and dredge pool sites
- silt curtains around the inlet filling works and water quality monitoring immediately outside the curtains.

The additional information also adequately assesses the residual water pollution impacts, indicating that these would be minimal.

If you have any questions, or wish to discuss this matter further please contact Lisa Crambrook on 02 8837 6079.

Yours sincerely

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

**LARA BARRINGTON**

**Unit Head - Regulatory Operations Metropolitan West**

(by Delegation)

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## Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

### *A1. Information supplied to the EPA*

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

- the development application DA0508/18 submitted to Hawkesbury City Council on 22 November 2018;
- any environmental impact statement relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
  - Preliminary Site investigation: 374, 395 and 415 Freemans Reach Road Freemans Reach, NSW, Amended Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
  - Amended Preliminary Civil Design Plans 374, 395 and 415 Freemans Reach Road Freemans Reach, NSW, by Martens & Associates Pty Ltd;
  - Aboriginal Cultural Heritage Assessment Report Proposed Sand Extraction at 374, 395, 415 Freemans Reach Rd Freemans Reach NSW, Version 1 dated 27 November 2018 by Coast History & Heritage;
  - Traffic Study: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Rach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Watercourse Impact Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Surface Water Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Waste Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Hydrogeological Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Operational Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Amended Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
  - Inlet Reclamation Plan roposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
  - Flood Risk Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road Freemans Reach NSW , Amended Version 1 dated 27 April 2020;
  - Sand Quarry at 374, 395 and 415 Freemans Reach Road, Freemans Reach DA Acoustic Assessment by Acoustic Logic, Version 1 dated 27 November 2018;
  - Onsite Wastewater Management Assessment - Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
  - Preliminary Civil Design Proposed Sand Extraction Facility by Martens & Associates Pty Ltd, Version 1 dated 27 November 2018; and

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- Air Quality Assessment Freemans Reach Sand Quarry and Processing Facility dated 20 November 2018 by Todoroski Air Sciences.

## **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.

## **Limit conditions**

### **L1. Pollution of waters**

*Note: Mandatory condition*

**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.

### **L5. Waste**

*Note: Mandatory conditions to be placed on all general terms of approval*

**L5.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L5.2** 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.

*Note: Condition L5.2 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).*

### **L6. Noise limits**

*Note: Conditions to be used where applicable*

**L6.1** Noise generated at the premises must not exceed the noise limits in Table 1 below.

**TABLE 1 - NOISE LIMITS IN dB(A)**

NOISE LIMITS		Noise Level in Decibels dB(A) – Fast Response	
Receiver Locality	Location	DAY LAeq,15min	EVENING LAeq,15min
<b>R1</b> 232 Cornwallis Road	Cornwallis	42	36
<b>R2</b> 353 Freemans Reach Road	Freemans Reach	40	35

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<b>R3</b> 435 Freemans Reach Road	Freemans Reach	40	35
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- L6.2** Operational activity is permitted:  
7:00am to 6:00pm Monday to Friday;  
and 7:00am to 3:30pm Saturdays.
- Maintenance activity is permitted:  
7:00am to 7:00pm Monday to Friday; and  
7:00am to 3:30pm Saturdays.
- No operational or maintenance activity is permitted Sundays and Public Holidays.
- L6.3** Construction hours permitted:  
7:00am to 6:00pm Monday to Friday; and  
8:00am to 1:00pm Saturdays.
- No construction permitted Sundays and Public Holidays.
- L6.4** For Condition L6.1;
- Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00 am to 6:00 pm Sunday and Public Holidays.
  - Evening is defined as the period 6:00 pm to 10:00 pm.
  - Night is defined as the period from 10:00 pm to 5:00 am Monday to Saturday and 10:00 pm to 8:00 am Sunday and Public Holidays.
- L6.5** The noise limits set out in condition L6.1 apply under all meteorological conditions, including inversion meteorological conditions determined by the recommended meteorological station.
- L6.6** For the purposes of condition L6.4:
- a) Data recorded by the meteorological station identified as EPA Identification Point 1 must be used to determine meteorological conditions; and
  - b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in **Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions** in the NSW Noise Policy for Industry.
- L6.7** To determine compliance:
- a) with the LAeq(15 minute) noise limits in condition L6.1, the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or

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- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

a) with the noise limits in condition L6.1, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L6.7(a).

**L6.8** A non-compliance of condition L6.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- at a location other than an area prescribed by conditions L6.7(a); and/or
- at a point other than the most affected point at a location.

**L6.9** For the purposes of determining the noise generated at the premises, the modification factors in **Fact Sheet C - Corrections for Annoying Noise Characteristics** of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

## M8 Requirement to Monitor Noise

**M8.1 To assess compliance with Condition L6.1, attended noise monitoring must be conducted in accordance with Conditions L6.7 and:**

- a) at R1, R2 and R3 as listed in Condition L6.1;
- b) occur at the time of commencement of typical production activity;
- c) occur during the day as defined in Condition L6.4 for a minimum of:
  - 60 minutes duration for the day period for typical production activity.

## Reporting Conditions

### R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the commencement of typical production operations. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 as defined in M8.1 (a); and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1.

## Additions to Definition of Terms of the licence

- NSW Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise – "sound pressure levels" for the purposes of conditions L6.1 to L6.7.

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- “Noise sensitive locations” includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building. Noise sensitive locations also means locations sensitive to vibration.

## **Operating conditions**

### **01. Odour**

*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. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.*

### **02. Dust**

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

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

*Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)*

## **Monitoring and recording conditions**

*Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.*

### **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;

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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. Groundwater monitoring requirements

**M2.1** For each newly constructed periphery monitoring bores; GMB01, GMB02, GMB03, GMB04, GMB05, and GMB06 the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each analyte specified in Column 1. The applicant must use the sampling methods, units of measure, and sample at the frequency, specified opposite in the other columns:

Groundwater

Analyte	Units	Frequency	Sampling Method
Standing Water Level	metres (Australian Height Datum)	Quarterly	In-situ
pH	pH	Quarterly	In-situ
Electrical Conductivity	microsiemens per cm	Quarterly	In-situ
Total Dissolved Solids	Milligrams per litre	Quarterly	Representative Sample
Nitrogen (total)	Milligrams per litre	Quarterly	Representative Sample
Faecal Coliforms	Milligrams per litre	Quarterly	Representative Sample
Total Phosphorus	Milligrams per litre	Quarterly	Representative Sample
Ammonia	Milligrams per litre	Quarterly	Representative Sample
Oxidised Nitrogen	Milligrams per litre	Quarterly	Representative Sample

## M4. Testing methods - concentration limits

*(Licences with air monitoring requirements)*

**M4.1** Monitoring for the concentration of a pollutant emitted to the air 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 a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)



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## ***Reporting conditions***

*Note: Mandatory condition to be used on all general terms of approvals*

**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.

## **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:

### **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:

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

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## Monitoring and recording conditions

### Recording of pollution complaints

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

The record must include details of the following:

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

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

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

### Telephone complaints line

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

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

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

## Reporting conditions

### Annual Return documents

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

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

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

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

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

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

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

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

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

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

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

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

## ***Deadline for Annual Return***

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

## ***Notification where actual load 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.

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## ***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
- 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;

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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.