

General Terms of Approval

Notice No: 1640913



The General Manager
Murray River Council
52 Perricoota Road
MOAMA NSW 2731

Attention: Ashleigh Cartlidge

Notice Number 1640913
File Number DOC24/471304
Date 29 July 2024

Re: Proposed Temporary Production Increase - Moama Sand Quarry - DA10.2024.157.1

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

Thank you for the request for General Terms of Approval (GTA) from the NSW Environment Protection Authority (EPA) for Concurrence and Referral (CNR) No. CNR-70044 and Agency reference No. A-84893 for the proposed temporary production increase for the existing quarry facility located at 234 Milgate Road, Moama (DA10.2024.157.1).

The EPA has reviewed the following document and its appendices:

- 'Environmental Impact Statement for the Moama Sand Quarry - Temporary Production Increase' prepared by R.W. Corkery & Co. Pty. Limited, dated April 2024 (Ref No. 1064/03).

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the development application and the supporting Environmental Impact Statement we are able to issue our GTA for the proposed development.

The GTA provided at 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. Please note, Attachment A and Attachment B should not be attached as conditions of consent.

These GTA 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 applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTA need to be modified in light of the changes.

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Please note, should development approval be granted it will be necessary for the proponent to make an application to the EPA for an Environment Protection Licence consistent with the development consent and our GTA prior to undertaking any activities associated with the proposed development.

If you have any questions or wish to discuss this matter further, please contact Nick Van Lijf on (02) 6969 0704 or via email at info@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, reading 'Nvanlijf'.

.....
NICK VAN LIJF

Unit Head - Regulatory Operations
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 DA10.2024.157.1 submitted to Murray River Council on 13 June 2024; and
- the Environmental Impact Statement relating to the development titled '*Environmental Impact Statement for the Moama Sand Quarry - Temporary Production Increase*' and prepared by R.W. Corkery & Co. Pty. Limited - April 2024.

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 Quarry Site consisting of Lots 122, 217, and 218 of DP 751152 and as presented in Figure 1.2 of the *Environmental Impact Statement for the Moama Sand Quarry - Temporary Production Increase* prepared by R.W. Corkery & Co Pty. Limited, dated April 2024 and saved on file at EPA electronic record reference DOC24/471304-1.

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*.

L3. Extraction and processing limits

L3.1 The applicant must not extract or process more than 80,000 tonnes of material at the premises in any annual return reporting period.

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L4. Noise limits

L4.1 Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40 dB(A) during the day (7am to 6pm) and a noise criterion of 35 dB(A) at any other time, except as expressly provided by these General Terms of Approval.

L4.2 Noise from the premises is to be measured at the nearest sensitive receptor not associated with the premises to determine compliance with this condition.

L4. Hours of operation

L4.1 Activities at the premises may only be carried out during the following times:

Activity	Monday - Friday	Saturday	Sunday/public holidays
Standard operations	07:00am - 18:00pm	07:00am - 12:00pm	Nil
Maintenance	24 hours/day	24 hours/day	Emergency only
Weighbridge operation	07:00am - 18:00pm	07:00 - 12:00pm	Nil
Heavy vehicle operation	07:00am - 18:00pm	07:00am - 12:00pm	Nil

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.

O5. Odour

O5.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.

Operating conditions

O1. Dust

O1.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O1.2 Activities occurring at the premises must be carried out in a manner that minimises or prevents the emission 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.

O1.4 Vehicle speeds limits are restricted to a maximum of 20km/h along the unsealed roads within the boundary of the premises.

O2. Other operating conditions

O2.1 Stormwater must be managed in a manner that minimises or prevents the discharge of stormwater from the premises.

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Stormwater Management Plan

- O2.2** Within three months of the issue of this licence, the licensee must prepare, implement and maintain a Stormwater Management Plan (SWMP). The SWMP must detail stormwater flow and collection points, and describe the measures that will be employed to minimise the discharge of sediment and other pollutants to lands and/or waters during the operation of the facility.
- O2.3** All rainfall falling on the active or disturbed quarry areas must be captured and detained at the premises. This condition applies to rainfall events up to but not exceeding the regional 1 in 20 year, 24 hour average recurrent interval event.

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:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) 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;

- a) the time(s) at which the sample was collected;
- b) the date(s) on which the sample was taken;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2. Requirement to monitor volume or mass

M3.1 The licensee must monitor:

- a) the volume of material extracted at the premises; and
- b) the volume of material processed at the premises;

at the frequency and using the method and units of measure, specified below.

Frequency	Unit of Measure	Sampling Method
Weekly	Tonnes	Weighbridge

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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. Other Reporting Conditions

Noise compliance assessment report

R2.1 Should the EPA or licensee receive a verified noise complaint, the EPA may require the licensee to complete a noise compliance 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 person/consultant and undertaken in accordance with the *NSW Noise Policy for Industry*.

The noise compliance assessment report must be completed on request and provided to the EPA within an agreed timeframe via email to info@epa.nsw.gov.au.

Air quality impact assessment

R2.2 Should the EPA or licensee receive a verified dust complaint, the EPA may require the licensee to submit a comprehensive air quality impact assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*. The assessment must be prepared by a suitably qualified and experienced consultant and include:

- a) identification of all sensitive receptors likely to be impacted by dust from the licensed activity;
- b) details on proposed dust control measures to be implemented at the premises to ensure compliance with conditions O1.1 and O1.2; and
- c) using the outcome of b), nomination of a timeframe for implementation of the recommendations.

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

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Attachment B – Mandatory Conditions for all EPA licences

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.

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.

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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

- 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 via eConnect EPA or by registered post no 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

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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.

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;

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- 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.