

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 October 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, George Weston, Tracey Morris
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 October 2021.

MATTER DETERMINED

PPSWES-62 – Leeton – DA13-2021 at 3750 Irrigation Way, Murrumbidgee (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposed development is permissible with consent as “extractive industry” in the RU1 Primary Production Zone under the Leeton LEP 2014 and, having regard to the assessment report, is considered to be acceptable on the subject land having regard to the matters for consideration under s4.15 of the EP&A Act 1979.
2. The development application is “designated development” and the accompanying Environmental Impact Statement identified and addressed all potential impacts of the proposal as required under the Director Generals requirements issued by the DPIE.
3. The recommended conditions of consent, as amended, are considered to be appropriate having regard to the EIS and the matters for consideration under s4.15 of the EP&A Act.
4. The existing quarry has been in operation on the site since the 1970s and no complaints have been received concerning the quarry’s operation over this time. In this regard, the Panel notes that the extraction and processing methods under the DA are not to be altered from the current practices.

Was prepared in accordance with the Director Generals requirements issued by the Department of Planning.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the amendments. Conditions were amended to provide greater clarity and certainty for the operation of the continued use of the quarry as shown below.






Conditions amended noted below and full list of approved conditions listed in Schedule 2.

- Condition 1 amended to provide specific details of the proposed extraction by including specific figures that quantify the disturbance and extraction footprint, the limits to the base level of extraction and associated details.
- Condition 3 amended to provide timing of the access gate widening and to require an easement for access to the quarry.
- Conditions 6,7 and 8 amended to provide timing for the erection of traffic signs.
- Condition 11 amended to ensure the Environmental Management Plan is submitted to Council for approval prior to any expansion of the quarry and ensure the operation of the quarry is to be completely consistent with the Environmental Operational Plan. The condition is to include consideration around the rehabilitation of site.
- Condition 20 is amended to include the requirement of GPS co-ordinates for the extraction and disturbance area and on site marking to delineate and identify the area not approved for any disturbance is to provided and maintained for the life of the operation.
- New condition to provide for the surrender of the existing consent DA32/2006. Condition to read as follows:

Upon approval of this development application and within a period of six months of the date of this consent, the applicant or land owner is to surrender previous development consent DA32/2006 issued 3 April 2008 in accordance with section 4.16(5) of the Environmental Planning and Assessment Act 1979.

CONSIDERATION OF COMMUNITY VIEWS

The Panel notes that one submission supporting the application was received by the council when the application was advertised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Tracey Morris
 George Weston	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-62 – Leeton – DA13-2021
2	PROPOSED DEVELOPMENT	Expansion and continued use of Extractive Industry (Quarry)
3	STREET ADDRESS	Lot 41 & 42 DP 751679 Irrigation Way (West) Murrumbidgee NSW 2705
4	APPLICANT/OWNER	Milbrae Quarries Pty Ltd / Woods Property Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development 2011) State Environmental Planning Policy (Mining, petroleum production and Extractive Industries) 2007 State Environmental Planning Policy No.33 (Hazardous and Offensive Development) State Environmental Planning Policy (Primary Production and Rural Development) 2019 State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environmental Planning Policy No.55 – Remediation of Land Leeton Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: Nil Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 1 October 2021 Written submissions during public exhibition: 1 Total unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing & Site Visit: 29 April 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, George Weston, Tracey Morris <u>Council assessment staff</u>: Francois van der Berg, Sarah Nash <u>Planning Panel staff</u>: Amanda Moylan Final briefing to discuss council's recommendation: 8 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, George Weston, Tracey Morris <u>Council assessment staff</u>: Francois van der Berg, Sarah Nash <u>Planning Panel staff</u>: Kim Holt, Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

Schedule 2 – Approved Conditions of Consent

CONDITIONS

General Conditions

Approved Plans

1. Approval is granted for continued use and expanded operation of the Extractive Industry (Hillview Quarry) which comprises the extraction and processing of 250,000 tonnes per annum of raw materials and associated product transport at Lot 41 & 42 DP 751679 to be undertaken generally in accordance with the stamped approved Environmental Impact Statement except where modified in red or by any of the following conditions:

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Environmental Impact Statement	Hillview Quarry	-	R.W. Corkery & CO. PTY. Limited	December 2020
Updated Biodiversity Development Assessment Report	Hillview Quarry	1-187	OzArk Environmental and Heritage Pty Ltd	30/07/2021
Traffic Impact Assessment	Hillview Quarry	1-32	The Transport Planning Partnership	7 December 2020
Air Quality Assessment	Hillview Quarry	1-58	Northstar Air Quality	8 December 2020
Noise and Vibration Impact Assessment	Hillview Quarry	1-44	Muller Acoustic Consulting	December 2020
Sediment Basin Storage Requirement Calculations	Hillview Quarry	1-9	R.W. Corkery & CO. PTY. Limited	December 2020
Aboriginal Archaeological and Historic Heritage Impact Assessment	Hillview Quarry	1-39	OzArk Environmental and Heritage Pty Ltd	December 2020
Locality Plan	Hillview Quarry	ES-2	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Layout	Hillview Quarry	ES-4	R.W. Corkery & CO. PTY. Limited	December 2020
Locality Plan	Hillview Quarry	1-3	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site and its Access	Hillview Quarry	1-6	R.W. Corkery & CO. PTY. Limited	December 2020
Existing Hillview Quarry Layout	Hillview Quarry	1-8	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Layout	Hillview Quarry	2-4	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Geology	Hillview Quarry	2-6	R.W. Corkery & CO. PTY. Limited	December 2020
Extraction Stages	Hillview Quarry	2-11	R.W. Corkery & CO. PTY. Limited	December 2020
Extraction Area Cross-Sections	Hillview Quarry	2-12	R.W. Corkery & CO. PTY. Limited	December 2020

Indicative Mobile Processing Plant Layout	Hillview Quarry	2-15	R.W. Corkery & CO. PTY. Limited	December 2020
Transport Routes	Hillview Quarry	2-17	R.W. Corkery & CO. PTY. Limited	December 2020
Indicative Final Landform	Hillview Quarry	2-21	R.W. Corkery & CO. PTY. Limited	December 2020
Proposed Biodiversity Offset Area	Hillview Quarry	2-25	R.W. Corkery & CO. PTY. Limited	December 2020
Land Zoning	Hillview Quarry	3-10	R.W. Corkery & CO. PTY. Limited	December 2020
Regional Topography and Drainage	Hillview Quarry	4-3	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Topography and Drainage	Hillview Quarry	4-4	R.W. Corkery & CO. PTY. Limited	December 2020
Annual Wind Rose	Hillview Quarry	4-6	R.W. Corkery & CO. PTY. Limited	December 2020
Land Ownership, Residences and Groundwater Bore	Hillview Quarry	4-7	R.W. Corkery & CO. PTY. Limited	December 2020
Surrounding Road Network	Hillview Quarry	5-3	R.W. Corkery & CO. PTY. Limited	December 2020
Operational Scenarios 1 and 2	Hillview Quarry	5-13	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Catchments	Hillview Quarry	5-28	R.W. Corkery & CO. PTY. Limited	December 2020
Water Delivery and Storage Infrastructure	Hillview Quarry	5-30	R.W. Corkery & CO. PTY. Limited	December 2020
Quarry Site Vegetation Mapping	Hillview Quarry	5-34	R.W. Corkery & CO. PTY. Limited	December 2020
AHIMS-listed Aboriginal Heritage Sites	Hillview Quarry	5-40	R.W. Corkery & CO. PTY. Limited	December 2020
Land and Soil Capability	Hillview Quarry	5-44	R.W. Corkery & CO. PTY. Limited	December 2020

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.

Transport

Access

3. Prior to commencement of increased or expanded extraction, the current single width gate on the Quarry Access Road is to be widened to allow inbound and outbound truck movements to occur simultaneously.

The access road to the quarry is located on private land for a length 790m through lots 1 & 2 DP 104993 was previously constructed and sealed following approval of 32/2006.

Prior to commencement of increased or expanded extraction, a right of carriageway easement is to be implemented to benefit the quarry operation and remain on title for the life of the quarry.

{Reason: To ensure the development has an appropriate and legal access}

Records

4. The quarry operator shall maintain accurate records of the extraction quantities and traffic movements (with a maximum of 12 loaded vehicles per hour). This information shall be recorded as material out the gate using the weighbridge or other agreed upon methodology. These records shall be kept on site and be available for inspection at the request of either of the Consent Authority or Transport for NSW.

{Reason: To ensure the development is undertaken and operated in accordance with TfNSW requirements and to minimise the impact of the proposed development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network}

5. All works associated with the development shall be at no cost to Transport for NSW.

{Reason: To ensure the development is carried out and operated in accordance with TfNSW requirements}

Signage

6. Prior to commencement of increased or expanded extraction, Installation of T-Junction sign (w2-3) on Moon Road on approach to Whitton Stock Route.

{Reason: To ensure the road is appropriately sign posted}

7. Prior to commencement of increased or expanded extraction, A bi-directional hazard marker (d4-2-3) is required to be installed on the western side of the Whitton Stock Route across from the terminating Moon Road. A 'Moon Road' street blade shall also be installed at that location.

{Reason: To ensure the road is appropriately sign posted}

8. Prior to commencement of increased or expanded extraction, Advanced warning side road intersection (w2-4L and w2-4R) signs are required on the northern and southern approach to Moon Road along with Trucks Entering (t2-25) signs on both approaches.

{Reason: To ensure the road is appropriately sign posted}

Heritage

9. The applicant must ensure the development does not cause any direct or indirect impacts on any Aboriginal artefacts.

Discovery of Human Remains

10. If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The applicant must notify the NSW Police and Heritage NSW as soon as possible following the discovery, and work must not recommence in the area until this is authorised by Heritage NSW.

Environment

11. Prior to the commencement of increased or expanded extraction, the applicant is to prepare and submit to Council for approval an Environmental Management Plan which shall include; vegetation clearing, protection of retained vegetation, traffic management, air quality management, soil and water management, rehabilitation management (including staging of rehabilitation) and a pollution incident response management plan. The plan is also to include an Environmental Management Strategy. The plan is to incorporate all relevant recommendations of the EIS, Appendices and other approved

documents. Operation and management of the quarry is to be undertaken in accordance with the approved plan.

{Reason: To ensure any environmental issues are managed and mitigated effectively.}

12. The Quarry is not to import more than 1,500 tonnes of concrete washout and other construction materials per annum.

{Reason: To ensure the Quarry operates in accordance with what has been assessed.}

13. The Quarry is not to produce more than 250,000 tonnes of Quarry products per annum. Production quantities shall be recorded as material out the gate using the weighbridge or other agreed methodology.

{Reason: To ensure the Quarry operates in accordance with what has been assessed.}

Ecosystem credit requirement conditions

14. Prior to the clearing of any further native vegetation, the class and number of ecosystem credits in accordance with Table 1 must be retired to offset the residual biodiversity impacts of the development.
15. The requirement to retire credits in condition 14 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).
16. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 must be provided to the consent authority prior to the clearing of further native vegetation.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
(PCT 82) Western Grey Box – Poplar Box – White Cypress Pine Tall woodland on red loams mainly of the eastern Cobar Penepine Bioregion	67	Lower Slopes, Bogan-Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	56, 74, 76, 80, 81, 82, 237, 244, 248, 251, 628
(PCT 185) Dwyer's Red Gum – White Cypress Pine- Currawang Shrubby woodland mainly in the NSW South Western Slopes Bioregion	167	Lower Slopes , Bogan-Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometers of the	104, 106, 122, 175, 176, 177, 178, 180, 184, 185, 186, 188, 218, 239, 256, 257, 258, 292, 317, 318, 319, 328, 329, 332, 334, 357, 424, 427, 439

		outer edge of the impacted site.	
(PCT 317) Currawang very tall shrubland on siliceous rocky ridges and cliffs mainly in the NSW South Western Slopes Bioregion	79	Lower Slopes , Bogan-Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	104, 106, 122, 175, 176, 177, 178, 180, 184, 185, 186, 188, 218, 239, 256, 257, 258, 292, 317, 318, 319, 328, 329, 332, 334, 357, 424, 427, 439

Species credit retirement conditions

17. Prior to the clearing of further native vegetation, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.
18. The requirement to retire credits in condition 17 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).
19. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 must be provided to the consent authority prior to further clearing of native vegetation.

Table 2: Species Credit Requirements

<i>Species Credit Species</i>	<i>Credits Required</i>	IBRA Subregion
<i>Austrostipa metatoris</i> / A spear-grass (flora)	81	Anywhere in NSW
<i>Crinia sloanei</i> / Sloane's Froglet (Fauna)	60	
<i>Myotis Macropus</i> / Southern Myotis (Fauna)	22	
<i>Petaurus norfolcensis</i> / Squirrel Glider (Fauna)	67	

Biodiversity

Vegetation Clearance

20. The applicant must not clear any native vegetation or fauna habitat or undertake works located outside the approved disturbance areas described in the EIS. Prior to the commencement of increased or expanded extraction, the disturbance footprint is to be identified by GPS coordinates and the area not approved for disturbance is to be marked on site with that marking maintained for the life of the operation.

Street Address

21. The street address allocated to the premises shall be displayed so that it is clearly visible from the road at the gate at the front of the allotment.

The street address is 88 Moon Road, Yenda.

{Reason: To permit identification of the property and to comply with the requirements of the Local Government Act 1993.}

Storage and handling of Dangerous Goods

22. The applicant must store and handle all chemicals, fuels, oils used on-site in accordance with:
- a. The requirements of all relevant Australian Standards; and
 - b. The NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids

Bush Fire Emergency Management Plan

23. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants, include recommendations of Section 5.9.2.4 and Table 5.18 of the Environmental Impact Statement and the following:
- a. detailed measures to prevent or mitigate fires igniting;
 - b. work that should not be carried out during total fire bans;
 - c. availability of fire-suppression equipment, access and water; storage and maintenance of fuels and other flammable materials;
 - d. notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate;
 - e. appropriate bush fire emergency management planning; and
 - f. include provisions for operations that may and may not be carried out on days of Total Fire Ban.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to commencement of continued operations.

{Reason: Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of developments.}

Inner Protection Area

24. All structures within the proposed Office and Amenities Area are to be located with consideration of the required 18m inner protection area (IPA).
- {Reason: Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.}***
25. *Upon approval of this development application and within a period of six months of the date of this consent, the applicant or land owner is to surrender previous development consent DA32/2006 issued 3 April 2008 in accordance with section 4.16(5) of the Environmental Planning and Assessment Act 1979.*

NSW Environmental Protection Authority (EPA) General Terms of Approval:

Administrative conditions

A 1. 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 No 13/2021 submitted to Leeton Shire Council on 22 January 2021; and
- the environmental impact statement titled "Hillview Quarry" dated December 2020 prepared by R. W. Corkery & Co. Pty Ltd relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

{Reason: To ensure compliance with the Protection of the Environment Operations Act 1997}

A3. Premises to which the General Terms of Approval applies

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

The Hillview Quarry Lot 41 and 42 DP 751769 depicted at Figure 1.3.2 of the Environmental Impact Statement titled 'Hillview Quarry' prepared by R.W. Corkery & Co dated December 2020 kept on EPA file DOC21/66459.

Limit conditions

L 1. 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 to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Code	Waste	Description	Activity	Other Limits
NA	Construction Waste	Concrete and similar materials for road base and excluding metals, plastic, timber and paper	Resource recovery	A maximum of 1,500 tonnes received at the premises in each annual return reporting period.

L3. Extraction and processing limits

L3.1 The applicant must not extract more than 250,000 tonnes of material at the premises in each annual return reporting period.

L3.2 The premises must not process more than 251,500 tonnes of any material in each annual return reporting period.

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 time (7am-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.

L5. Hours of operation

L5.1 Activities at the premises are restricted to the following times.

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Site development and construction	7:00am – 7:00pm	7:00am – 1:00pm	Nil
Extraction operations	7:00am – 7:00pm	7:00am – 1:00pm	Nil
Drilling operations	7:00am – 6:00pm	7:00am – 1:00pm	Nil
Blasting operations	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 7:00pm	7:00am – 1:00pm	Nil
Product dispatch	7:00am – 7:00pm	7:00am – 1:00pm	Nil
Maintenance	24 hours / day	24 hours / day	Nil
Note 1: During the winter months (i.e. June, July and August) operations would be restricted to between 7:00am and 6pm.			

L6. Blasting

Overpressure

L6.1 The overpressure level from blasting operations on the premises must not:

Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and

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.

Ground vibration (ppv)

L6.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and

Exceed 10mm/s at any time,

L6.3 The premises must only undertake 1 blast per week between Monday to Friday and 10am to 3pm.

L6.4 Blast monitoring must be in accordance with conditions at M5.

Operating conditions

01. Odour

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

Note: The POEO Act states that no offensive odour may be emitted from a 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.

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.

02.3 Vehicle speed limits are restricted a maximum of 20km/h in the quarry boundaries on unsealed roads and 50km/h on the quarry access road between the quarry and Whitton Stock Route Road.

02.4 Dust suppression in the form of water spray's or mists must be used during mobile processing operations.

03. Contaminated stormwater

02.1 All rainfall falling on the active or disturbed quarry areas must be captured and detained on the premises in dams or retention basins. 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:
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.

M2. Requirement to monitor volume or mass

M2.1 The applicant must monitor:

the volume of material extracted at the premises;

the volume of material processed at the premises, and
the volume of construction waste received at the premises.

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

Frequency	Units of Measure	Sampling Method
Weekly	Tonnes	Weighbridge

M5. Blast Monitoring

M5.1 One blast undertaken at the premises must be monitored in each annual return reporting period.

M5.2 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest affected premises not associated with the development and must be.

At a residential boundary; or

30 metres from residences in rural situations where the boundary is more than 30 metres from residences.

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting conditions

R1. Annual Returns

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.

Attachement 'B' – 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:

- **Waste storage (construction waste)**

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.

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 by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5. 7 of the Act

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

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

Written report

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

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

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

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

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

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

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

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

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

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

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

Reasons for conditions:

- prevent and/or minimise any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.