

Licence Variation



Licence - 11240

ANNE JONES

Trading as GRANTS ROAD SAND

GRAHAM JONES

Trading as GRANTS ROAD SAND

270 GRANTS ROAD

SOMERSBY NSW 2250

Attention: Mr Steven Jones

Notice Number 1603746
File Number EF13/3171
Date 12-Oct-2021

NOTICE OF VARIATION OF LICENCE NO. 11240

BACKGROUND

- A. Anne Jones and Graham R Jones (**the Licensees**) hold Environment Protection Licence No. 11240 (**the Licence**) issued under the *Protection of the Environment Operations Act 1997 (the Act)*. The Licence authorises scheduled activities to be carried out at 270 Grants Road, Somersby NSW 2250 (**the Premises**).
- B. On 25 July 2014, approval was granted for the Grants Road Sand Quarry Extension Project under Part 3A of the *Environmental Planning and Assessment Act 1979*, subject to conditions.
- C. On 10 May 2016 the Environment Protection Authority (**EPA**) received an application to vary the Licence, to increase the scale of the Fee-Based Activity Scale of land-based extractive activities from >30,000 - 50,000 tonnes to >100,000 - 500,000 tonnes.
- D. In October 2017 the variation application was terminated by the EPA due to the Licensees' request to amend the Licence fee period anniversary date. The date was amended and this variation application has been reinstated.
- E. On 23 June 2021 the EPA issued a draft Licence variation to the Licensees for review and comment which included an increase to the the Fee-Based Activity scale for extractive activities to 250,000 tonnes per annum (**TPA**), additional environmental limit, monitoring and operating conditions consistent with the requirements of the Recommended Conditions of Approval for the Premises expansion, and several administrative condition changes.
- F. On 5 July 2021 the EPA met with the Licensees to further discuss the Licence variation.

Licence Variation



- G. On 20 July 2021 the EPA received formal comments from the Licensees in response to the draft Licence variation which included:
- (i) a request to monitor noise compliance at the three most affected locations only;
 - (ii) advice that surface water monitoring points D1 and D2 should be removed as they no longer exist.
- H. On 7 September 2021 the EPA issued a revised draft Licence variation to the Licensees for review and comment which included:
- (i) amended noise monitoring compliance conditions at the three most affected locations;
 - (ii) amended water discharge and monitoring points;
 - (iii) new special conditions regarding stormwater management pollution controls including:
 - (a) construction of a Pollution Control Dam and Polishing Pond, consistent with the Surface Water Management Plan (**SWMP**) for the Premises dated June 2016 prepared by Larry Cook consulting Pty Ltd and submitted in accordance with Schedule 5 of the Grants Road Sand Expansion Project Approval;
 - (b) providing an updated SWMP to the EPA.
- I. On 20 September 2021 the EPA received formal comments from the Licensees in response to the revised draft Licence variation which included:
- (i) corrections to proposed air concentration limits units of measure and monitoring frequency;
 - (ii) advice that the averaging period for the weather monitoring station at Point 7 occurs every 10 minutes rather than the required 15 minutes;
 - (iii) request to vary noise condition limits by:
 - (a) removing reference to 'Temperature inversion monitoring' at L4.3;
 - (b) replacing *NSW Industrial Noise Policy* references with updated *Noise Policy for Industry* guidelines;
 - (c) varying condition L4.4 to remove part d) regarding noise measurement equipment located within 50 metres of the boundary of a National Park or Nature Reserve;
 - (d) varying noise monitoring frequency requirements from biannually to annually, consistent with current Department of Planning requirements.
- J. The EPA has reviewed the Licensees comments and provides the following advice in response:
- (i) further amendments have been made to the air concentration units of measure and the sampling frequency at Points 1, 14, and 15;
 - (ii) no changes have been made to the averaging time period for the weather monitoring at Point 7. The EPA supports the Licensees undertaking more frequent measurements at this point, however the requirement of 15-minutes is consistent with relevant guidelines and related approved development conditions;
 - (iii) the 'Temperature inversion monitoring' reference has not been removed at condition L4.3. The stability category is calculated by parameters obtained from the weather station at Point 7 and is used to determine when noise conditions do not apply - in accordance with Condition L4.2 (c);

Licence Variation



- (iv) no changes have been made to reference the Noise Policy for Industry (EPA 2017). The references to the Industrial Noise Policy (EPA 2000) are consistent with the related development approval conditions and the approved noise assessment;
- (v) no changes have been made to clause 'd)' of condition L4.4 regarding noise monitoring equipment located within approximately 50 metres of a National Park boundary. This is a standard condition consistent with development approvals and requires compliance with only one of the clauses, not all of them;
- (vi) the noise monitoring frequency has been updated from bi-annually to annually.

VARIATION OF LICENCE NO. 11240

1. By this notice the EPA varies the Licence. The attached licence document contains all variations that are made to the Licence by this notice.
2. The following variations have been made to the Licence:
 - Condition A1.1 - varied to increase Fee-Based Activity scale for extractive activities from >30,000 - 50,000 TPA to >100,000 - 500,000 TPA;
 - Condition A1.2 - added to limit quarry extraction scale to 250,000 TPA consistent with related planning approvals;
 - Condition P1.1 - added air quality monitoring points 1, 14, and 15 and geographic coordinates ;
 - Condition P1.2 -varied water discharge and monitoring points to 'W1', 'W4' and 'S1' and geographic coordinates;
 - Condition P1.3 - removed noise monitoring points 9,11, and 12; varied weather monitoring location description to geographic coordinates;
 - Section L2 and Conditions L2.1-L2.5 - added concentration limits for air and water pollutants at related monitoring points;
 - Condition L3.1 - varied waste table to allow receipt and use of VENM only at the Premises;
 - Section L4 and Conditions L4.1-L4.6 - added noise limit conditions;
 - Section L5 and Conditions L5.1 and L5.2 - added hours of operation conditions;
 - Condition O3.1-O3.4 - varied and/or added dust management conditions;
 - Condition O4.1 - removed chicken operations waste management condition and replaced with emergency response section and note;
 - Section O5 and Conditions O5.1 and O5.2 - added processes and management section and bunding conditions;
 - Section M2 and Conditions M2.1 and M2.3 - added monitoring requirements for air and water monitoring points and note defining 'Special Frequency 1';
 - Section M3 and Conditions M3.1-M3.3 - added testing methods -concentrations limits section and associated conditions;
 - Section M4 and Condition M4.1 - added weather monitoring section and meteorological monitoring requirements;

Licence Variation



- Section M7 and Condition M7.1 - added noise monitoring section and attended noise monitoring requirements;
- Condition R1.8 - added condition requiring submission of annual environmental performance review consistent with related planning approval requirements;
- Section R4 and Condition R4.1 - added independent environmental audit every 3 years condition consistent with related planning approval requirements;
- Section G2 and Conditions G2.1 and G2.2 - added contact for incidents and responsible employees section and associated conditions.
- Special Condition E1 and E2 - added conditions requiring construction of a pollution control dam and polishing pond system (E1.1) and an updated surface water management plan (E2.1).

A handwritten signature in blue ink, appearing to read 'S. James', is written over a faint circular stamp.

.....
STEVEN JAMES

Regulatory Operations Metro North
Environment Protection Authority

(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

Licence Variation



Environment Protection Licence

Licence - 11240

Licence Details

Number:	11240
Anniversary Date:	01-January

Licensee

GRAHAM JONES

ANNE JONES

270 GRANTS ROAD

SOMERSBY NSW 2250

Premises

GRANTS ROAD SAND

270 GRANTS ROAD

SOMERSBY NSW 2250

Scheduled Activity

Extractive activities

Fee Based Activity

Scale

Extractive activities	> 100000-500000 T annually extracted or processed
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Contact Us

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4 Parramatta Square

12 Darcy Street

PARRAMATTA NSW 2150

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Environment Protection Licence

Licence - 11240

INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	6
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	8
L1 Pollution of waters	8
L2 Concentration limits	8
L3 Waste	9
L4 Noise limits	9
L5 Hours of operation	11
L6 Potentially offensive odour	11
4 OPERATING CONDITIONS	11
O1 Activities must be carried out in a competent manner	11
O2 Maintenance of plant and equipment	11
O3 Dust	12
O4 Emergency response	12
O5 Processes and management	12
O6 Waste management	12
5 MONITORING AND RECORDING CONDITIONS	13
M1 Monitoring records	13
M2 Requirement to monitor concentration of pollutants discharged	13
M3 Testing methods - concentration limits	14
M4 Weather monitoring	15
M5 Recording of pollution complaints	15



Environment Protection Licence

Licence - 11240

M6	Telephone complaints line	-----16
M7	Noise monitoring	-----16
6	REPORTING CONDITIONS	----- 16
R1	Annual return documents	-----16
R2	Notification of environmental harm	-----18
R3	Written report	-----18
R4	Other reporting conditions	-----18
7	GENERAL CONDITIONS	----- 19
G1	Copy of licence kept at the premises or plant	-----19
G2	Contact number for incidents and responsible employees	-----19
8	SPECIAL CONDITIONS	----- 19
E1	Pollution Control Dam and Polishing Pond System Construction	-----19
E2	Updated Surface Water Management Plan	-----20
	DICTIONARY	----- 21
	General Dictionary	-----24

Environment Protection Licence

Licence - 11240

Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



Environment Protection Licence

Licence - 11240

The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

GRAHAM JONES
ANNE JONES
270 GRANTS ROAD
SOMERSBY NSW 2250

subject to the conditions which follow.

Environment Protection Licence

Licence - 11240

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Extractive activities	Extractive activities	> 100000 - 500000 T annually extracted or processed

A1.2 Notwithstanding A1.1, the scale of the land based extractive activity authorised under this licence must not exceed 250,000 tonnes per annum of quarry products extracted, processed or transported from the site, being the amount equivalent to the extraction limit in the Project Approval (Application number 08-0099) granted on 25 July 2014 for the premises specified in A2.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
GRANTS ROAD SAND
270 GRANTS ROAD
SOMERSBY
NSW 2250
LOT 1 DP 358717
PORTION 81

A3 Information supplied to the EPA

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

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

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

Environment Protection Licence

Licence - 11240

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	High Volume Air Sampler		33.393004312° S 151.266117075° E
14	Dust Deposition Gauge		33.393417514° S 151.263421158° E
15	Dust Deposition Gauge		33.388050951° S 151.266591701° E

P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Surface water discharge quality monitoring	Surface water discharge quality monitoring	Process Water Dam ('W1') 33.389232486° S 151.261317787° E
3	Surface water discharge quality monitoring	Surface water discharge quality monitoring	Culvert ('W4') 33.392330416° S 151.261846304° E
4	Surface water discharge quality monitoring	Surface water discharge quality monitoring	SW Boundary Waterway ('S1') 33.392487740° S 151.260202612° E

P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
7	Meteorological Station	33.393004312° S 151.266117075° E
8	Noise monitoring	210 Grants Road, SOMERSBY, 2250
10	Noise monitoring	239 Grants Road, SOMERSBY, 2250
13	Noise monitoring	380 Somersby Falls Road, SOMERSBY, 2250

Environment Protection Licence

Licence - 11240

3 Limit Conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\&s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\&s.

L2.4 Air Concentration Limits

POINT 1

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total suspended particles	micrograms per cubic metre	90	Total impact		Annual
PM10	micrograms per cubic metre	50	Annual total impact limit of 30 µg/m ³		24 hour; Annual

POINT 14,15

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Insoluble solids	grams per square metre per month	2	Deposited dust assessed as insoluble solids		Annual

L2.5 Water and/or Land Concentration Limits

Environment Protection Licence

Licence - 11240

POINT 2,3,4

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Electrical conductivity	microsiemens per centimetre				350
Nitrogen (total)	milligrams per litre				1.7
Oil and Grease	milligrams per litre				5
pH	pH				6.0-8.0
Phosphorus (total)	milligrams per litre				0.53
Total suspended solids	milligrams per litre				40

L3 Waste

L3.1 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.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General solid waste (non-putrescible)	Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.	-	For the purposes specified in the development consent.

L4 Noise limits

L4.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

Environment Protection Licence

Licence - 11240

POINT 8,10,13

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
All hours	LAeq (15 minute)	n/a	40

- L4.2 The noise limits set out in the table at L4.1 apply under all meteorological conditions except for the following:
- Wind speeds greater than 3 metres/second at 10 metres above ground level;
 - or Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level;
 - or Stability category G temperature inversion conditions.
- L4.3 For the purposes of condition L4.2:
- The meteorological conditions are to be determined from the meteorological data obtained from the meteorological weather station identified as EPA monitoring point 7; and
 - Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy (EPA 2000).
- L4.4 To determine compliance with the noise limits at condition L4.1, the noise measurement equipment must be located:
- at the most affected point at a location where there is no dwelling at the location; or
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary; or
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- L4.5 To assess compliance with noise limits for the premises, attended noise monitoring must be undertaken in accordance with the conditions above and:
- at the three most affected locations listed in the noise monitoring point table at P1.3;
 - occur annually each reporting period at the time of year generally associated with maximum noise transmission (i.e. generally winter conditions);
 - occur during each day period as defined in the NSW Industrial Noise Policy (EPA 2000).
 - in accordance with the relevant requirements and exemptions in the NSW Industrial Noise Policy (EPA 2000).
- L4.6 A non-compliance of the noise limits specified in the table at condition L1.4 will still occur where noise generated from the premises in excess of the prescribed limit is measured:
- at a location other than the monitoring point locations prescribed in the table at condition P1.3; and/or
 - at a point other than the most affected point at a location.

Environment Protection Licence

Licence - 11240

L5 Hours of operation

- L5.1 The licensee shall only conduct construction activities and quarrying operations on the site:
- between 7:00am and 6:00pm, Monday to Friday;
 - between 7:00am and 1:00pm, Saturday; and
 - at no time on Sundays or public holidays.

Note: The licensee may carry out other activities (e.g. maintenance) outside these hours provided that these activities are conducted in a matter that is inaudible at privately-owned residences.

- L5.2 The following activities may be carried out on the site outside the hours specified in the above condition:
- delivery or dispatch of materials as requested by Police or other authorities; and
 - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Note: In such circumstances the licensee shall notify the EPA and affected residents prior to undertaking the activities or as soon as is practical thereafter.

L6 Potentially offensive odour

- L6.1 No condition of 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 environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.
This includes:
- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Environment Protection Licence

Licence - 11240

O3 Dust

- O3.1 The premises must be maintained in a condition that prevents the emission of dust from the premises.
- O3.2 All operations and activities occurring at the premises must be carried out in a manner that minimises the generation of dust at the premises.
- O3.3 Vehicles entering and leaving the premises that are carrying loads which have the potential to generate dust must have their loads covered at all times, except during loading and unloading.
- O3.4 No material including sediment is permitted to be tracked from the premises.

O4 Emergency response

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations. The licensee must keep the PIRMP on the premises at all times. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident.

O5 Processes and management

- O5.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O5.2 Bunds must:
 - a) have walls and floors constructed of impervious materials;
 - b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - c) have floors graded to a collection sump; and
 - d) not have a drain valve incorporated in the bund structure,

or be constructed and operated in a manner that achieves the same environmental outcome.

O6 Waste management

- O6.1 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

Environment Protection Licence

Licence - 11240

5 Monitoring and Recording Conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this 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 for the purposes of this licence:

- 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 concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AS/NZS 3580.9.6:2003
Total suspended particles	micrograms per cubic metre	Every 6 days	AS/NZS 3580.9.6:2003

POINT 14,15

Pollutant	Units of measure	Frequency	Sampling Method
Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003

M2.3 Water and/ or Land Monitoring Requirements

Environment Protection Licence

Licence - 11240

POINT 2,3,4

Pollutant	Units of measure	Frequency	Sampling Method
Electrical conductivity	microsiemens per centimetre	Special Frequency 1	In situ
Nitrogen (total)	milligrams per litre	Special Frequency 1	Grab sample
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	In situ
Phosphorus (total)	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

Note: Special Frequency 1 is defined as:

1. Monthly (1 sample per monitoring site every month) for 12 months;
2. Within 12 hours prior to any controlled discharge; and
3. Weekly during any discharge.

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* 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".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* 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".

M3.3 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or

Environment Protection Licence

Licence - 11240

- b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M3.4 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M3.5 In accordance with the EPA Approved Methods Publication any analysis should be undertaken by a laboratory accredited to perform those analyses by an independent accreditation body acceptable to the EPA, such as the National Association of Testing Authorities (NATA), or equivalent.

M4 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

POINT 7

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Rainfall	AM-4	millimetres per hour	1 hour	Continuous
Sigma Theta	AM-2 & AM-4	Degrees	-	Continuous
Temperature at 2 metres	AM-4	degrees Celsius	15 minutes	Continuous
Temperature at 10 metres	AM-2 & AM-4	degrees Celsius	-	Continuous
Total Solar Radiation	AM-4	Watts per square metre	-	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	-	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	-	Continuous

M5 Recording of pollution complaints

M5.1 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.

M5.2 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

Environment Protection Licence

Licence - 11240

- provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 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.

M6.2 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.

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M7 Noise monitoring

M7.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

POINT 8,10,13

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	Yearly	15 minutes	1 operation day

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,

Environment Protection Licence

Licence - 11240

4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, 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.

R1.3 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.

R1.4 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.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or 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').

R1.6 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.

R1.7 Within the Annual Return, the Statements 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.

Annual Environmental Performance Review

R1.8 The licensee must prepare and submit an Annual Environmental Performance Review for the premises for each Annual Return reporting period. The review must be undertaken by a suitably qualified environmental professional and include:

- overview of the annual environmental performance;
- trend analysis;
- environmental monitoring reports; and

Environment Protection Licence

Licence - 11240

- recommendations if applicable.

R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities 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.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

R3 Written report

R3.1 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.

R3.2 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.

R3.3 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;
- 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; and
- g) any other relevant matters.

R3.4 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.

R4 Other reporting conditions

Environment Protection Licence

Licence - 11240

Independent Environmental Audit

- R4.1 By 30 June 2015 and every 3 years thereafter, the licensee must commission and pay the full cost of an Independent Environmental Audit for quarry operations. The audit must:
- be led and conducted by a suitably qualified, experienced and independent team of experts; ;
 - include consultation with the EPA;
 - assess the environmental performance of the premises operations;
 - review the adequacy of strategies, monitoring and limit conditions; and
 - recommend appropriate measures or actions to improve the environmental performance of the project.

Within three months of commencing each audit, the licensee must submit a copy of the audit report to the EPA together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Contact number for incidents and responsible employees

- G2.1 The licensee must operate a 24 hour telephone contact line for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:
- respond at all times to incidents relating to the premises; and
 - contact the licensee's senior employees or agents authorised at all times to:
 - speak on behalf of the licensee; and
 - provide any information or documentation required under this licence.
- G2.2 The licensee must inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details within fourteen days of the appointment or change.

8 Special Conditions

E1 Pollution Control Dam and Polishing Pond System Construction

- E1.1 The licensee must construct a 10 megalitre Pollution Control Dam and adjacent Polishing Pond system to manage contaminated water in the southern catchment of the premises by no later than 15 March 2022.



Environment Protection Licence

Licence - 11240

E2 Updated Surface Water Management Plan

- E2.1 The licensee must engage a suitability qualified professional to prepare an updated Surface Water Management Plan for the premises and submit this to the EPA by no later than 15 March 2022.

Environment Protection Licence

Licence - 11240

Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence - 11240

flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

Environment Protection Licence

Licence - 11240

TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Jim Clarence

Environment Protection Authority

(By Delegation)

Date of this edition: 13-October-2000

End Notes

- 1 Licence varied by notice 1011680, issued on 08-Jul-2002, which came into effect on 02-Aug-2002.
- 2 Licence transferred through application 141313, approved on 09-Jul-2002, which came into effect on 09-Jul-2002.
- 3 Licence varied by notice 1037629, issued on 23-Jun-2004, which came into effect on 18-Jul-2004.
- 4 Licence varied by Change to Schedule 1 , issued on 02-May-2008, which came into effect on 02-May-2008.
- 5 Licence varied by Change to schedule 1, issued on 07-May-2008, which came into effect on 07-May-2008.
- 6 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 7 Licence varied by notice 1517236 issued on 25-Nov-2013
- 8 Licence fee period changed by notice 1555554 on 13-Oct-2017
- 9 Licence format updated on 18-Feb-2019