NSW Department of Planning & Environment
SYDNEY NSW 2001

Attention: Mr Carl Dumpleton

Notice Number 1523728
File Number EF13/4048

Date 20-Aug-2014

Re: Proposed Expansion of Tinda Creek Sand Quarry (SSD 4978)
Issued pursuant to Part 4.1 Environmental Planning and Assessment Act 1979

I refer to the Environment Impact Assessment (EIS) report and the your request to provide Environment Protection Authority's (EPA) comments on the proposed development for Tinda Creek Sand Extraction (SSD 4978) received by the Environment Protection Authority (EPA) on 15 July 2014.

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

The EPA has provided conditions on the proposal in attachment A. If the Department of Planning & Environment (DPE) grants consent for this proposal, considerations should be given to incorporate these conditions into the consent.

These conditions relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent, it will be necessary to consult with EPA about the changes before the consent is issued.

If you have any questions, or wish to discuss this matter further please contact Nazrul Chowdhury on (02) 9995 6862.

Yours sincerely

.... 20 August 2014

David Gathercole
Acting Unit Head Sydney Industry
<u>Environment Protection Authority</u>

Attachment A

Administrative conditions

Information supplied to the EPA

Except as expressly provided by these conditions, works and activities must be carried out in accordance with the proposal contained in:

a) the development application SSD 4978 submitted to NSW Department of Planning & Environment on 21 October 2011; and
b) the *Environmental Impact Statement - Proposed Expansion of Tinda Creek Sand Quarry, July 2014* relating to the development;

Fit and Proper Person

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

Limit conditions

Pollution of waters

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.

Waste

The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act
1997. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Noise limits

Noise from the premises must not exceed: an LAeq (15 minute) noise emission criterion of 35 dB(A) during any time of the day.

Construction noise from the premises must not exceed : an LAeq (15 minute) noise emission criterion of 40 dB(A) during any time of the day.

Noise from the premises is to be measured at the most nearest sensitive receiver to determine compliance with this condition.

Definition
LAeq (15 minute) is the equivalent continuous noise level, the level of noise equivalent to the energy-average of noise
levels occurring over a measurement period (15 minute).
Note: Noise measurement
For the purpose of noise measures required for this condition, the LAeq noise level must be measured or computed at
any point within 1 metre of the nearest effected residential premises over a period of 15 minutes using "FAST" time
weighting response and 'A' frequency weighting on the sound level meter.
For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise has
substantially tonal, low frequency or impulsive characteristics. The location or point of impact can be different for each

development, for example, at the closest residential receiver or at the closest boundary of the development.
Measurement locations can be:
- 1 metre from the facade of the residence for night time assessment;
- at the residential boundary;
- 30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.
The noise emission limits identified in this licence apply under all meteorological conditions except:
(a) during rain and wind speeds (at 10m height) greater than 3m/s; and
(b) under "non-significant weather conditions".
Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise
Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

Operating conditions

Hours of operation

Unless otherwise agreed to in writing by the EPA, all operation and construction works on the premises must be limited to between the hours of 05:00 and 20:00 Monday to Friday, and 05:00 and 15:00 Saturday, and at no time on Sundays and Public Holidays except undertaking repair and maintenance of plan/equipment and vehicles.

Dust

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

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

Stormwater/sediment control - Construction Phase

A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Stormwater/sediment control - Operation Phase

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment.
Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

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

Maintenance of plant and equipment

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

Monitoring and recording conditions

Monitoring records

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.
All records required to be kept by this licence must be:
a) in a legible form, or in a form that can readily be reduced to a legible form;
b) kept for at least 4 years after the monitoring or event to which they relate took place; and
c) produced in a legible form to any authorised officer of the EPA who asks to see them.
The following records must be kept in respect of any samples required to be collected for the purposes of
this licence:
a) the date(s) on which the sample was taken;
b) the time(s) at which the sample was collected;
c) the point at which the sample was taken; and
d) the name of the person who collected the sample.

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:
a) the date and time of the complaint;
b) the method by which the complaint was made;
c) any personal details of the complainant which were provided by the complainant or, if no such details
were 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.
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. The preceding two conditions do not apply until 3 months after:
a) the date of the issue of this licence or
b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

Reporting conditions

Annual return documents

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
a) a Statement of Compliance; and
b) a Monitoring and Complaints Summary.

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

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'). 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. 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 certificate 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 of this licence.

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

Notification of environmental harm

Notifications must be made by telephoning the Environment 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.

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.

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;
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.
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 plant

A copy of this licence must be kept at the premises 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.