Section 58(5) Protection of the Environment Operations Act 1997

Licence Variation

Licence - 3393

PACIFIC BLUE METAL PTY. LTD.
ACN 003 623 014
PO BOX 6
NABIAC NSW 2312

Attention: Clifford Charles Kennett

Notice Number	1644025
File Number	EF13/3417
Date	13-Dec-2024

NOTICE OF VARIATION OF LICENCE NO. 3393

BACKGROUND

A. PACIFIC BLUE METAL PTY. LTD. (the Licensee) is the holder of Environment Protection Licence No. 3393 (the Licence) issued under the *Protection of the Environment Operations Act 1997* (the Act). The licence authorises the carrying out of activities at 113-115 POSSUM BRUSH ROAD, POSSUM BRUSH, NSW, 2430 (the Premises).

B. On 8 October 2024 the Environment Protection Authority (EPA) inspected the Premises as part of the Environmental Risk Assessment and Licence Review processes.

C. During the inspection, the EPA and Licensee discussed a range of licence conditions that required updating. Some of the items discussed required further investigation by the EPA to determine if they were appropriate.

D. On 11 October 2024, the EPA emailed the Licensee to confirm the proposed changes to the Licence.

E. On 15 October 2024, the Licensee confirmed that the details were generally correct.

F. On 07 November 2024, the EPA provided a draft copy of the licence variation to the Licensee for comment.

G. On 05 December 2024, the Licensee responded with comment regarding a grammatical error on page 2 of the draft notice.

VARIATION OF LICENCE NO. 3393

1. By this notice the EPA varies licence No. 3393. 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:

- The order of conditions L2.4 Air Concentration Limits and L2.5 Water and/or Land Concentration Limits have been swapped so that the limit conditions for water are sequenced together.
- The 100 percentile of Oil and Grease on Point 2 in condition L2.4 (previously L2.5) has been changed to Nil.
- References to hunter.region@epa.nsw.gov.au have been replaced with info@epa.nsw.gov.au in conditions L6.2 and R4.1.
- Condition M4.1 has been updated so that the Licensee can use the weather station on the Possum Brush site to demonstrate compliance with the Licence. In the event the Possum Brush weather station is not operational, the Licensee's Failford weather station data can be used as an equivalent substitute.

Simon Jones

Unit Head

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).

Environment Protection Licence

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Licence Details	
Number:	3393
Anniversary Date:	17-August

Licensee
PACIFIC BLUE METAL PTY. LTD.
PO BOX 6
NABIAC NSW 2312

Premises
PACIFIC BLUE METAL
113-115 POSSUM BRUSH ROAD
POSSUM BRUSH NSW 2430

Scheduled Activity
Crushing, grinding or separating
Extractive activities
Resource recovery
Waste storage

Fee Based Activity	Scale
Crushing, grinding or separating	> 100000-500000 T annual processing capacity
Extractive activities	> 100000-500000 T annually extracted or processed
Recovery of general waste	Any general waste recovered
Waste storage - other types of waste	Any other types of waste stored

Contact Us
NSW EPA
6 Parramatta Square
10 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: info@epa.nsw.gov.au
Locked Bag 5022
PARRAMATTA NSW 2124

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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).

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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:

PACIFIC BLUE METAL PTY. LTD.
PO BOX 6
NABIAC NSW 2312

subject to the conditions which follow.

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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
Crushing, grinding or separating	Crushing, grinding or separating	> 100000 - 500000 T annual processing capacity
Extractive activities	Extractive activities	> 100000 - 500000 T annually extracted or processed
Resource recovery	Recovery of general waste	Any general waste recovered
Waste storage	Waste storage - other types of waste	Any other types of waste stored

Note: Limits on resource recovery and waste storage are detailed in condition L3.1

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
PACIFIC BLUE METAL
113-115 POSSUM BRUSH ROAD
POSSUM BRUSH
NSW 2430
LOT 66 DP 608957, LOT 3 DP 701903, LOT 109 DP 753195
PREMISES FURTHER DEFINED BY DRAWING/MAP TITLED "PACIFIC BLUE METAL EPL BOUNDARY" DATED 19 OCTOBER 2016 (EPA REFERENCE DOC16/534871).

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity

Bitumen mixing

A4 Information supplied to the EPA

A4.1 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:
a) 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
b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

A4.2 Any other document and/or management plan is not to be taken as part of the documentation in condition A4.1, other than those documents and/or management plans specifically referenced in this licence.

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	Discharge to air	Discharge to air	Stack serving the onsite asphalt plant located at the south-west portion of the quarry footprint.

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	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	The discharge point from Sediment Dam 3 as shown in Figure 2.1 of the EIS of September 1997 completed by ERM Mitchell McCotter Pty Ltd (EPA Reference DOC19/922592).

Environment Protection Licence

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 Water and/or Land Concentration Limits

POINT 2

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	Visible				Nil
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50

L2.5 Air Concentration Limits

POINT 1

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Solid Particles	milligrams per cubic metre	50			

Environment Protection Licence

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)	Concrete, Bricks, Asphalt, Tiles. Building and Demolition Waste that does not contain asbestos as defined in the EPA's Waste Classification Guideline Part 1 : Classifying Waste	Resource recovery Waste storage	Total 10,000 tonnes per annum

L3.2 The authorised amount of waste permitted on the premises must not exceed 10,000 tonnes at any time.

L4 Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits presented in the Table below.

Location	Limit LAeq 15 minute (dBA)	Noise Limit LAmax (dBA)
Receiver Location 1 – 5 St Peters Cl, Possum Brush	39	45
Receiver Location 2 – 175 Possum Brush Rd, Possum Brush	38	45
Receiver Location 3 – 55 Possum Brush Rd, Possum Brush	37	45

Note: The LAeq limits apply during daytime, evening and night-time operations. The LAmax limits apply to night-time operations only.

Note: Receiver Locations are shown in the plan titled Figure 2 Location of Nearest Sensitive Receptors, which is found within the report prepared by Heggies titles "Pacific Blue Metal Quarry Noise Compliance Assessment Asphalt Plant Night-time Operations", dated 14 April 2010 (EPA Reference DOC19/922576).

L4.2 For the purpose of the Noise Limits specified in the table above:
a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
b) Evening is defined as the period 6pm to 10pm.
c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

L4.3 The noise limits specified in the table above apply under all meteorological conditions except the following:
a) Wind speeds greater than 3 metres/second at 10 metres above ground level
b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
c) Stability category G temperature inversion conditions.

L4.4 For the purposes of the condition above, stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part D1.4 of Fact Sheet D of the NSW Noise Policy for Industry.

L4.5 For the purposes of determining the noise generated at the premises a Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used.

L4.6 To determine compliance:
a) with the Leq(15 minute) noise limits in the table above, the noise monitoring equipment must be located:
(i) within 30 metres of a dwelling façade where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;
(ii) approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises;
(iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
b) the noise monitoring equipment must be located in a position that is:
(i) at the most affected point at a location where there is no dwelling at the location; or
(ii) at the most affected point within an area at a location prescribed by item (a) of this condition

L4.7 A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in this licence is detected:
a) in an area at a location other than an area prescribed by the condition above; and/or
b) at a point other than the most affected point at a location.

L4.8 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L5 Blasting

L5.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting

period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.5 To determine compliance with the blasting limits specified in the above four (4) conditions:
(a) Airblast overpressure and ground vibration levels must be measured at at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital for all blasts carried out in or on the premises; and
(b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 1993.

L5.6 Blasting operations at the premises may only take place between 9:00am-3:00pm Monday to Friday. Blasting is not permitted on public holidays.

Blasting outside the hours specified above can only take place with the written approval of the EPA.

L5.7 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

1. *are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
2. *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

L6 Hours of operation

L6.1 Construction work at the premises must only be conducted between 7am to 6pm Monday to Friday and between 8am to 1pm Saturday with no works on Sunday or public holidays.

L6.2 All other activities at the premises must only be carried out between the hours detailed below:

Hours of Operation for General Quarry Operations
a) All quarrying activities must be conducted between 6.30am and 6pm Monday to Friday, and between 7am and 3pm Saturdays, except as detailed below.

Permissible Times for Vehicles Entering the Premises

b) Trucks used for the transport of product are not permitted to enter the premises before 6.15am Monday to Friday or 6.45am Saturdays. In respect of these trucks entering the premises, the licensee must erect and maintain a gate across the site access road 200 metres from the product stockpile area or in another area agreed by Council, which must not be opened prior to 6.30am Monday to Friday or 7am Saturday to allow access to the stockpile.

c) No other trucks or heavy machinery are to enter the premises prior to 6.30am Monday to Friday or prior to 7am Saturdays.

d) Loaded trucks or heavy machinery are not permitted to enter the premises after 6pm Monday to Friday or after 3pm Saturdays.

e) Unloaded trucks or heavy machinery, except those described in clause f) and i) below, are not permitted to enter the premises after the hours of 6pm Monday to Friday and after 3pm Saturdays.

f) Trucks containing returned loads of product and trucks owned or operated by the licensee, for licensed activities, and normally garaged at the premises, may enter the premises after the hours of 6pm Monday to Friday and after 3pm Saturdays only in the following circumstances:

i. The truck left the premises loaded with product prior to 6pm Monday to Friday or prior to 3pm Saturday.

ii.The truck travelled directly to the delivery site by the most direct route.

iii. The truck travelled directly back to the premises from the delivery site by the most direct route.

iv. Records must be kept for all trucks returning to the premises after the hours of 6pm Monday to Friday and 3pm Saturdays which records the time the truck left the premises, the load carried, the delivery site, the customer details, and the time the truck returned to the premises.

Note: These records may take the form of weighbridge records and security camera date stamps.

v. No trucks are permitted to enter the premises between 12 midnight Saturdays and 6:15 am Monday.

Permissible Times for Vehicles Leaving the Premises

g) No trucks or heavy machinery are to leave the premises prior to 6.30am Monday to Friday or 7am Saturdays.

Hours of Operation for Asphalt Plant

Note: Greater Taree City Council has issued development consent for the asphalt plant to operate on a 24 hours per day basis under certain circumstances. The conditions below reflect that consent.

h) The exception to operational hours described in clauses a) to g) above is the operational hours of the asphalt plant in the circumstances set out below:

i. The asphalt plant and associated truck movements are permitted to operate 24 hours per day during the period 6.30am Monday to 10pm Friday for a maximum of 60 days in any one calendar year. (For the purposes of this licence the calendar year is the same as the reporting period year.)

ii. The licensee must notify the EPA when each night operations will be undertaken, by email at info@epa.nsw.gov.au, prior to the night time operations being undertaken.

i) Trucks containing returned loads of product and trucks owned or operated by the licensee which are normally garaged at the premises and involved in the delivery of asphalt during the 60 days per year of night time asphalt plant operations may enter the premises after 10pm Friday only in the following circumstances;

i. The truck left the premises loaded with product prior to 10pm Friday.

ii. The truck travelled directly to the delivery site by the most direct route.

iii. The truck travelled directly back to the premises from the delivery site by the most direct route.

iv. Records must be kept for all trucks returning to the premises after 10pm Friday which records the time the truck left the premises, the load carried, the delivery site, the customer details, and the time the truck returned to the premises.

Note: These records may take the form of weighbridge records and security camera date stamps.

v. No trucks are permitted to enter the premises between 12 midnight Saturdays and 6:15 am Monday.

Hours of Operation for Maintenance Activities

j) Maintenance of equipment strictly in the workshop or plant areas is permitted between the hours of 6am to 9pm Monday to Saturday. Any maintenance carried out within these hours but outside the quarrying activities hours set out in clause a) must be inaudible at any residence (except residences owned by the licensee).

No Activities on Sundays or Public Holidays

k) No works, maintenance, truck or machinery movements in or out of the premises are permitted on Sundays or Public Holidays.

Extension of Hours of Operation in emergency and other circumstances

l) The hours of operation of the quarrying activities as set out in clause a) above can only be extended for an emergency or for circumstances involving the upgrading of the Pacific Highway, on a short term basis, with Council approval. A licence variation is not required in these circumstances under the following conditions*:*

i. The Licensee must notify the EPA by email at info@epa.nsw.gov.au of the intention to apply to council to extend the quarry's operational hours and the circumstances surrounding the application.

ii. The licensee must notify the EPA by email at info@epa.nsw.gov.au of the councils decision in written form.

iii. The licensee must keep a log of all such extensions for inspection if required.

L6.3 Trucks associated with the waste recycling activities must not enter the premises prior to 07:00 am.

Note: The necessity for this condition will be assessed by the EPA after it has been determined if trucks at the premises are causing exceedances of the LA_{MAX} noise limits and/or if all feasible and reasonable noise ameliorative works have been undertaken.

L7 Potentially offensive odour

L7.1 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:

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.

Environment Protection Licence

O2 Maintenance of plant and equipment

O2.1 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.

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of air impurities, including dust, from the premises.

O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of air impurities, including dust, from the premises.

O3.3 Trucks entering and leaving the premises that are carrying loads of materials that may generate air impurities, including dust, must have their loads covered at all times, except during loading and unloading.

O4 Emergency response

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises in accordance with Part 5.7A of the Protection of the Environment Operations Act 1997 and Chapter 4 of the Protection of the Environment Operations (General) Regulation 2022.

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 (eg spills, explosions or fire) that may occur at the premises or that may be associated with activities at the premises and which are likely to cause harm to the environment.

The PIRMP must be tested at least annually and following a pollution incident.

O5 Processes and management

O5.1 Stormwater from all areas of the premises, which has the potential to mobilise sediments and other material must be controlled and diverted through the appropriate erosion and sediment control and or pollution control measures/structures.

O5.2 Erosion and sediment control and/or pollution measures and/or structures to capture stormwater from all areas of the premises must be installed and maintained.

O5.3 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.

O5.4 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 ensure that any waste recieved at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.

O6.2 The Licensee must have in place at all times a quality assurance program to ensure only the types of wastes permitted above are received at the premises. This quality assurance program must include:
a. Inspection of the waste received at the premises (prior to tipping) to ensure it only contains the wastes allowed by this licence;
b. Inspection of the waste after tipping at the premises to ensure it only contains the wastes allowed by this licence;
c. Documenting all loads of waste that are received at the premises that contain wastes other than those approved above (including name and registration number of waste supplier, why the waste load did not comply, and the fate of that load of waste).

O6.3 Prior to any wastes rejected by the Quality Assurance Program leaving the premises the Licensee must obtain from the owner of such wastes details of where that waste will be disposed legally.

O6.4 The Licensee must notify MidCoast Council within 30 minutes of any rejected waste load leaving the premises, including the name and registration number of waste supplier, why the waste load was rejected, and the proposed fate of that load of waste.

O6.5 Any load of waste that is received at the premises, which does not comply with the types of waste allowed to be received at the premises, and has not been returned to the supplier, must be stockpiled separately at the premises. The EPA must be notified within 24 hours of receipt of any such load of waste, including details of why the waste is not permitted to be received and actions the licensee will take to lawfully dispose of such wastes.

O6.6 All residual waste by-products from the waste recycling operations conducted on-site (for example paper, cardboard, plastic, timber, steel) must be stored separately in such a manner that it does not cause windblown litter and must be regularly removed from the site for appropriate disposal or recycling. No such materials are permitted to be disposed at the premises.

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:
a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and
c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected 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.

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 Water and/ or Land Monitoring Requirements

POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Each overflow event	Visual Inspection
pH	pH	Each overflow event	Grab sample
Total suspended solids	milligrams per litre	Each overflow event	Grab sample

M3 Testing methods - concentration limits

M3.1 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.

M4 Weather monitoring

M4.1 A meteorological weather station must be maintained at the premises so as to be capable of continuously monitoring the parameters specified in the condition below.

Note: For the purposes of this condition and noise limit conditions it has been agreed that the meteorological weather conditions at Failford Quarry are deemed identical to those at the premises. In the event the weather station at the Premises is out of service, the data from Failford quarry is acceptable for use.

M4.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining

results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	millimetres	Continuous	1 hour	AM-4
Wind speed @ 10 metres	metres per second	Continuous	15 minute	AM-2 and AM-4
Wind direction @ 10 metres	degrees	Continuous	15 minute	AM-2 and AM-4
Temperature @ 2 metres	degrees celcius	Continuous	15 minute	AM-4
Temperature @ 10 metres	degrees celcius	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	degrees	Continuous	15 minute	AM-2 and AM-4
Additional Requirements: - Siting	-	-	-	AM-1 and AM-4
- Measurement	-	-	-	AM-2 and AM-4

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:
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.

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 Other monitoring and recording conditions

Requirement to monitor noise

M7.1 To determine compliance with the noise limits specified in this licence, attended noise monitoring must be undertaken in accordance with the requirements of conditions titled "Noise limits":
a) at each one of the locations listed in the noise limits table;
b) annually beginning 1 January each year;
c) occur at the time of year when noise levels are expected to be highest, that is, generally winter conditions;
d) occur at a time corresponding to usual or busy quarry activities;
e) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy; and
f) occur at a time corresponding to "normal" or above average production conditions and truck movements.

Note: The requirement to continue this monitoring will be assessed upon request by the licensee and after several noise compliance tests have been conducted.

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,
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.

Other items to be included with the Annual Return

R1.8 The licensee must supply, with each Annual Return, a plan and table showing as at the licence anniversary date:
a) the location of all waste stockpiles on the premises;
b) the type of waste in each stockpile;
c) the height of each stockpile;
d) the amount of waste in each stockpiles in tonnes; and
e) the total amount of waste in all stockpiles in tonnes and whether the limit of tonnes has been exceeded.

R1.9 The licensee must supply, with each Annual Return, a Noise Monitoring Report prepared by a suitably qualified person which details the findings of the annual noise monitoring required by this licence. Where any noise limit detailed in this licence was exceeded during the required monitoring, the report must also detail the reason for the non-compliance and make recommendations as to the measures that will be implemented to ensure future compliance.

R1.10 The licensee must supply, with each Annual Return, a Blast Monitoring Report prepared by a suitably qualified person which must include the following information relating to each blast carried out at the premises during the reporting period covered by the Annual Return:
a) the date and time of each blast;
b) the location of each blast at the premises;
c) the ground vibration results for each blast;
d) the airblast overpressure results for each blast;
e) an explanation of any missing blast monitoring results; and
f) where any blast limit detailed in this licence was exceeded during the required monitoring, the report must also detail the reason for the non-compliance and make recommendations as to the measures that will be

implemented to ensure future compliance.

R2 Notification of environmental harm

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.

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

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

R4.1 The licensee must report any exceedence of the blasting limits in this licence to the EPA by email at info@epa.nsw.gov.au as soon as practicable after the exceedence becomes known to the licensee or to one

of the licensee's employees or agents and in any event within fourteen days of the exceedance becoming known.

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 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:
a) respond at all times to incidents relating to the premises; and
b) contact the licensee's senior employees or agents authorised at all times to:
i) speak on behalf of the licensee; and
ii) provide any information or document required under this licence.

G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

G3 Other general conditions

G3.1 **Completed Programs**

Program	Description	Completed Date
PRP 1 - Noise Mitigation Investigations and Report	Assess all reasonable and feasible noise mitigation measures to meet noise limit criteria at sensitive receptors	22-July-2015
Chemical Storage Management	Engage in a suitably qualified expert to assess plant bund walls, floors and outlets to ensure compliance with regulatory requirements.	07-March-2024

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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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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

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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 Environmen t 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 describe d 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 mo nths. 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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

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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
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Nigel Sargent

Environment Protection Authority

(By Delegation)

Date of this edition: 28-January-2000

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End Notes

1	Licence varied by notice 1006101, issued on 16-Oct-2001, which came into effect on 10-Nov-2001.
2	Licence varied by notice 1083017, issued on 15-Apr-2008, which came into effect on 15-Apr-2008.
3	Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
4	Licence varied by notice 1110571, issued on 14-Jan-2010, which came into effect on 14-Jan-2010.
5	Licence varied by notice 1113081, issued on 08-Apr-2010, which came into effect on 08-Apr-2010.
6	Licence varied by notice 1124241, issued on 09-Feb-2011, which came into effect on 09-Feb-2011.
7	Licence varied by notice 1126997, issued on 20-Jun-2011, which came into effect on 20-Jun-2011.
8	Licence varied by notice 1503553 issued on 04-Jan-2012
9	Licence varied by notice 1504127 issued on 28-Mar-2014
10	Licence varied by notice 1525530 issued on 24-Nov-2014
11	Licence varied by notice 1532894 issued on 01-Sep-2015
12	Licence varied by notice 1539774 issued on 26-May-2016
13	Licence varied by notice 1546155 issued on 31-Oct-2016
14	Licence varied by notice 1586952 issued on 08-Apr-2020
15	Licence varied by notice 1628093 issued on 23-Jun-2023
16	Licence varied by notice 1637630 issued on 13-Mar-2024