



# Environment Protection Licence

Licence - 1378

<b>Licence Details</b>	
Number:	1378
Anniversary Date:	30-June

<b>Licensee</b>
BUTTAI GRAVEL PTY LTD
PO BOX 401
BERESFIELD NSW 2322

<b>Premises</b>
MARTINS CREEK QUARRY
STATION STREET
MARTINS CREEK NSW 2420

<b>Scheduled Activity</b>
Crushing, grinding or separating
Extractive activities

<b>Fee Based Activity</b>	<b>Scale</b>
Crushing, grinding or separating	> 100000-500000 T annual processing capacity
Extractive activities	> 100000-500000 T annually extracted or processed

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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:

<b>BUTTAI GRAVEL PTY LTD</b>
<b>PO BOX 401</b>
<b>BERESFIELD NSW 2322</b>

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

A1.2 The activity of extraction of extractive materials (by method including by excavation, dredging, blasting or tunnelling) is limited to part of Lot 5 DP 242210, as indicated by the black dashed line polygon in the plan at Condition A2.2 of this licence.

Note: The plan at Condition A2.2 reflects "Plan 2" that was attached to the Environmental Impact Statement submitted with development application 171/90/79. That application was granted by Dungog Shire Council in 1991. The black dashed line polygon is the indicative extraction boundary (see *Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council* [2019] NSWCA 147 at [114]).

A1.3 Notwithstanding Condition A1.1, scheduled activities are not authorised to be carried out on Lot 42 DP 815628.

### A2 Premises or plant to which this licence applies

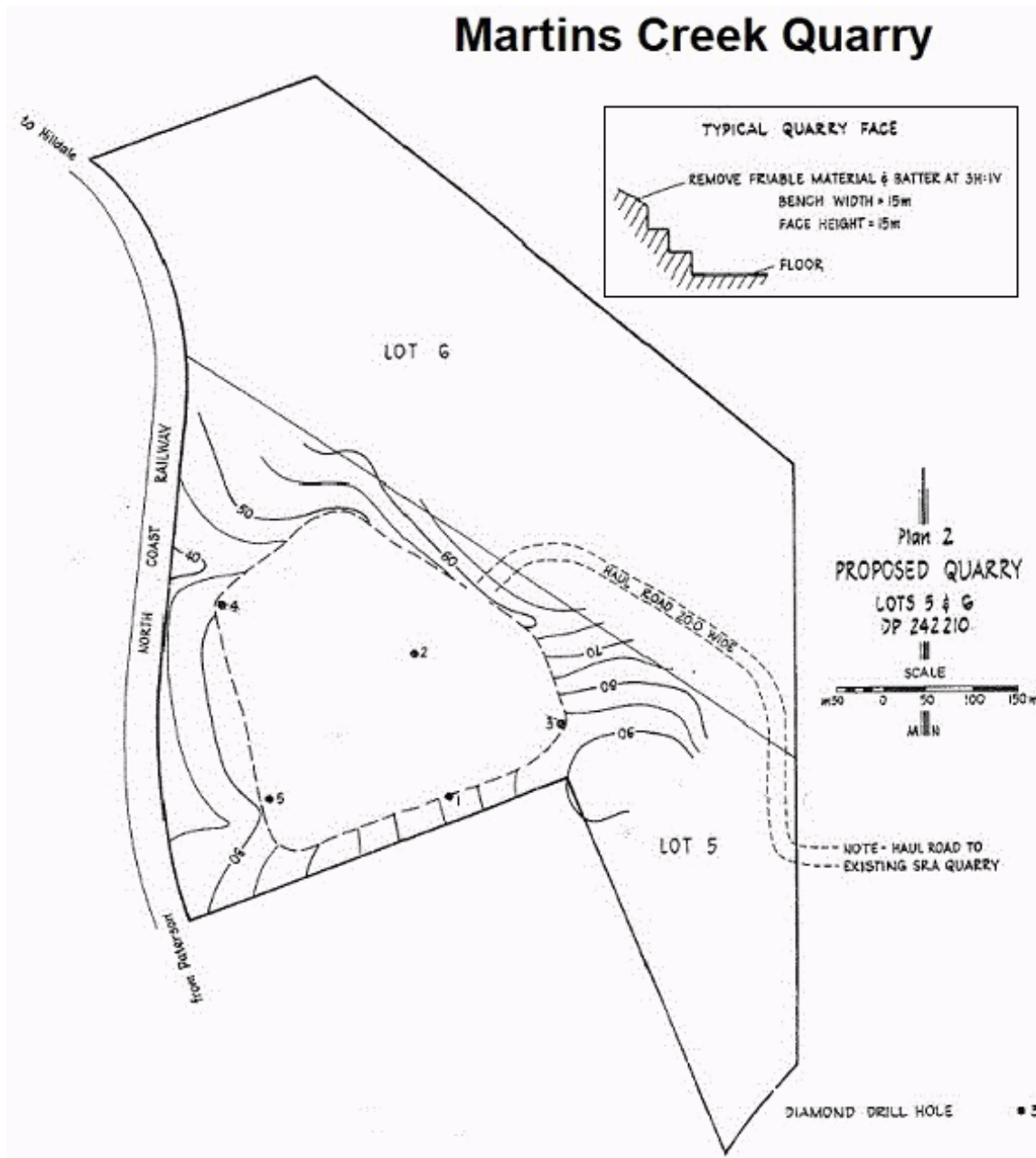
A2.1 The licence applies to the following premises:

Premises Details
MARTINS CREEK QUARRY
STATION STREET
MARTINS CREEK
NSW 2420
LOT 1 DP 204377, LOT 5 DP 242210, LOT 6 DP 242210, LOT 42 DP 815628, LOT 1 DP 1006375
AS SHOWN ON PLAN "MARTINS CREEK QUARRY PREMISES PLAN - EPL 1378" DATED 26/09/2017 (EPA REF. DOC17/405910-01).

A2.2 The premises location is shown on the map below.

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### 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.

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- A3.2 In the proceeding condition A3.1, the reference to "the licence application" does not include the application for variation of this licence received by the EPA on 2 January 2007, as this licence variation was set aside by the Court of Appeal on 20 June 2019.

## 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.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Ambient air monitoring		Dust Deposition Gauge located adjacent to Dam 2, indicated as "DDG 1 (#1)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
2	Ambient air monitoring		Dust Deposition Gauge located on Dungog Rd, indicated as "Dungog Rd DDG 2 (#2)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
3	Ambient air monitoring		Dust Deposition Gauge located on a property off Vogeles Rd, indicated as "Farmhouse DDG 3 (#3)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
4	Ambient air monitoring		Dust Deposition Gauge located on Cory St, indicated as "Firestation DDG 4 (#4)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
5	Ambient air monitoring		High Volume Air Sampler located adjacent to Dam 2, indicated as "PM10 (#5)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).

- P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

- P1.3 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.



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## Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
6	Discharge to waters Water Quality Monitoring	Discharge to waters Water Quality Monitoring	Discharge point from Dam 1 indicated as "Dam 1 water discharge point (#6)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
7	Discharge to waters Water Quality Monitoring	Discharge to waters Water Quality Monitoring	Discharge point from Dam 2 indicated as "Dam 2 water discharge point (#7)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
8	Discharge to waters Water Quality Monitoring	Discharge to waters Water Quality Monitoring	Discharge point from Dam 3 indicated as "Dam 3 water discharge point (#8)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).

P1.4 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
9	Meteorological Station	Weather station located adjacent to Dam 2, indicated as "Weather station (#9)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
10	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitor 1 located on Dungog Rd identified as "Blast monitor - 336 Dungog Rd (#10)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
11	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitor 2 identified as "Blast monitor - Quarry back gate (#11)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).
12	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitor 3 located on View St identified as "Blast monitor - 19 View St (#12)" on plan "Martins Creek Quarry Premises Plan - EPL 1378" dated 26/09/2017 (EPA ref. DOC17/405910-01).

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## 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\ 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\.

L2.4 Water and/or Land Concentration Limits

#### POINT 6,7,8

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	milligrams per litre				10 and none visible
pH	pH				6.5 - 8.5
Total suspended solids	milligrams per litre				50

### L3 Waste

L3.1 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 the licence.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

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## L4 Noise limits

- L4.1 Where a noise limits has not been prescribed, all operations and activities occurring on the premises must be conducted in a manner that does not cause offensive noise.

## L5 Blasting

- L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. 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 overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) 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. 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 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.

Note: The abovementioned blasting (overpressure and vibration) limits apply at the licenced blast monitoring locations identified in Condition P1.4 and/or any residence or other noise sensitive location.

- L5.5 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.

## L6 Hours of operation

- L6.1 Hours of operations for the western portion of the premises, being Lot 5 and Lot 6 DP 242210, are restricted to 7 am to 5 pm Monday to Saturday with no operations allowed on Sundays and public holidays.

Note: the development consent allows operations outside these hours on a short term emergency basis.

- L6.2 Hours of operation for the eastern portion of the premises, being Lot 1 DP 1006375 and Lot 1 DP 204377, are restricted to 6 am to 6 pm Monday to Saturday with no operations allowed on Sundays and public holidays. It is permissible to operate outside these hours for activities like maintenance provided such activities are not audible at the nearest or most affected residential receiver.

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- L6.3 Operations outside the abovementioned hours are permissible on a short term basis for emergency situations.

## L7 Potentially offensive odour

- L7.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises 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.

## L8 Other limit conditions

### Restriction on extraction of material

- L8.1 The scheduled activities authorised by this licence must only be carried on using material lawfully extracted from Lot 5 DP 242210.

Note: Condition A1.2 of this licence and the consent to development application 171/90/79 granted by Dungog Shire Council limit extraction of extractive materials to part of Lot 5 DP 242210.

## 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.

### 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

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- O3.1 All areas in or on the premises must be maintained in a condition that prevents or minimises the emission of dust to the air.
- O3.2 Any activity carried out in or on the premises must be carried out by such practical means as to prevent dust or minimise the emission of dust to the air.
- O3.3 Any plant operated in or on the premises must be operated by such practical means to prevent or minimise dust or other air pollutants.
- O3.4 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading. The trucks must be free from external deposits of dust prior to leaving 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 licensee must keep the incident response plan on the premises at all times. The incident response plan 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.

The licensee must develop the PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO Regulations.

## 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 Other operating conditions

- O6.1 Clean stormwater must be diverted around quarried areas and provided with energy dissipation to prevent erosion and scouring.
- O6.2 Discharges from the stormwater treatment dams must be managed to prevent downstream scouring and



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erosion.

O6.3 Any flocculent or other treatment chemical added to water storage and/or treatment dams must not exceed concentrations that will cause an ecotoxic effect in the downstream receiving environment.

O6.4 A visible marker must be provided in each stormwater treatment dam to delineate minimum water storage volumes necessary for effective treatment. The stormwater treatment dams must be dewatered as is necessary to maintain adequate sediment and water storage volumes.

## 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 6,7,8

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Daily during any discharge	Visual Inspection

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pH	pH	Daily during any discharge	Probe
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample

M2.3 The discharge waters from licence points 6,7 and 8 must be sampled for Oil and Grease daily during discharge should visible Oil and Grease be identified in the discharged waters.

M2.4 Air Monitoring Requirements

## POINT 1,2,3,4

Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Special Frequency 1	AM-19
Insoluble solids	grams per square metre per month	Special Frequency 1	AM-19

## POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AM-18

Note: For the purposes of the tables(s) above, "Special Frequency 1" means a monthly sample exposed for  $30 \pm 2$  days.

## 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.

M3.2 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

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

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Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* 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".

## M4 Weather monitoring

M4.1 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this licence.

M4.2 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 9

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 10 metres	AM-4	degrees Celsius	15 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Rainfall	AM-4	millimetres	15 minutes	Continuous

Note: The 'Average Period' provided in the above table is the longest allowable average period. Average periods shorter than this value are acceptable.

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

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



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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.

M6.4 The licensee must nominate to the EPA a representative of the company that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including their telephone number, must be current at all times. The nomination and contact details must be provided to the EPA's Director - Hunter at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) or to PO Box 488G, Newcastle NSW 2300.

## M7 Blasting

M7.1 To determine compliance with the blasting conditions of this licence:

- a) Air blast overpressure and ground vibration levels must be measured and electronically recorded for the licenced blast monitoring locations identified in Condition P1.4 for the parameters specified in Column 1 of the table below; and
- b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Air blast overpressure	decibels (linear peak)	All blasts	Australian Standard AS 2187.2-2006
Ground vibration peak particle velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006

## 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:

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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.
- 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.
- 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.

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.

## R2 Notification of environmental harm

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

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R2.2 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.

## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- where this licence applies to premises, an event has occurred at the premises; or
  - 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:
- the cause, time and duration of the event;
  - the type, volume and concentration of every pollutant discharged as a result of the event;
  - 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;
  - 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;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - 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 Blast Exceedance Reporting

The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.

### R4.2 Annual Report on Blast Monitoring Results

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The licensee must supply, with each Annual Return, a Blast Monitoring Report which must include the following information relating to each blast carried out within the premises during the reporting period covered by the Annual Return:

- (a) the date and time of the blast;
- (b) the blast number and location of the blast on the premises;
- (c) tabulated blast monitoring results at each blast monitoring station;
- (d) a graph showing the ground vibration peak particle velocity results measured;
- (e) a graph showing the overpressure results measured; and
- (f) an explanation for any missing blast monitoring results.

## R4.3 Annual Report on PM10 Dust Results

The licensee must supply, with each Annual Return, a PM10 Monitoring Report which must include the following information relating to each sample collected during the reporting period covered by the Annual Return:

- (a) the date of the sample;
- (b) the location of the sample unit;
- (c) tabulated PM10 data at each monitoring station for the Annual Return period. The tabulated data are to show the rolling annual average for each sample;
- (d) a graph showing the PM10 data measured since January 2013. The graph must have a linear trend line and a rolling annual average trend line for all data measured since January 2013 ;
- (e) an explanation for any missing monitoring results; and
- (f) for each reading greater than 40 ug/m<sup>3</sup> the licensee must investigate and include potential reason(s) for the elevated result. The report must also include a wind rose for the 24 hours corresponding to the time of monitoring.

## R4.4 Annual Report on Dust Deposition Results

The licensee must supply, with each Annual Return, a Dust Deposition Monitoring Report which must include the following information relating to each sample collected during the reporting period covered by the Annual Return:

- (a) the installation and collection dates of the sample;
- (b) the location of the sample unit;
- (c) tabulated Dust Deposition data at each monitoring station for the Annual Return period. The tabulated data are to show the rolling annual average for each sample;
- (d) a graph showing the Dust Deposition data measured since January 2013. The graph must have a linear trend line and a rolling annual average trend line for all data measured since January 2013;
- (e) an explanation for any missing monitoring results; and
- (f) for each monthly insoluble solids reading greater than 4 g/m<sup>2</sup>/month the licensee must investigate and include potential reason(s) for the elevated result. The report must also include a wind rose for the month corresponding to the time of monitoring.

## 7 General Conditions

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## 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 Other general conditions

### G2.1 Completed Programs

Program	Description	Completed Date
PRP 1 - Map showing location of premises in relation to se	Map showing location of premises in relation to sediment control works.. Map will be used to determine whether adequate sediment control works are on the premises.	28-April-2005
PRP 2 - Conduct on-site water management investigation	Conduct on-site water management investigation. To ensure effective management of on-site water with no adverse affect on receiving waters.	29-February-2008
PRP 3 - Upgrade Stormwater Management System	The licensee must construct three (3) stormwater treatment dams in accordance with the REF report titled "Construction and operation of a stormwater management system upgrade at Martins Creek Quarry", dated June 2011.	30-November-2012
PRP 5 - Construction of a Wheel Wash	Licensee must construct a vehicular wheel wash at the entrance / exit to the premises	24-July-2015
PRS 6 - Investigate additional downwind dust monitoring point(s)	Investigate and identify an additional dust monitoring site which is representative of conditions downwind of the quarry.	30-December-2014
PRS 4 - Geotechnical Investigation of Earthen Embankment in Area 1	Undertake an investigation of the stability of the earthen embankment in Area A following recent slippage. An independent specialist to provide a report on these investigations.	29-August-2014

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## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	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
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	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> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	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.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	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> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	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.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	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.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	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.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	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> .



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

Mr Nigel Sargent

Environment Protection Authority

(By Delegation)

Date of this edition: 27-April-2000



# Environment Protection Licence

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## End Notes

- 1 Licence transferred through application 140326, approved on 17-Apr-2001, which came into effect on 01-Jan-2001.
- 2 Licence varied by notice 1008976, issued on 07-Sep-2001, which came into effect on 02-Oct-2001.
- 3 Licence varied by notice 1043571, issued on 21-Feb-2005, which came into effect on 18-Mar-2005.
- 4 Licence transferred through application 143252, approved on 21-Feb-2005, which came into effect on 01-Jan-2004.
- 5 Licence varied by notice 1049928, issued on 19-Jul-2005, which came into effect on 13-Aug-2005.
- 6 Licence varied by notice 1052573, issued on 05-Jan-2006, which came into effect on 30-Jan-2006.
- 7 Licence fee period changed by notice 1068614 approved on 02-Jan-2007.
- 8 Licence varied by notice 1071585, issued on 02-Apr-2007, which came into effect on 02-Apr-2007.
- 9 Licence varied by notice 1078576, issued on 17-Oct-2007, which came into effect on 17-Oct-2007.
- 10 Licence varied by notice 1084034, issued on 26-Mar-2008, which came into effect on 26-Mar-2008.
- 11 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 12 Licence varied by notice 1127041, issued on 02-Jun-2011, which came into effect on 02-Jun-2011.
- 13 Licence varied by notice 1502198 issued on 09-Dec-2011
- 14 Licence transferred through application 1510568 approved on 04-Dec-2012 , which came into effect on 30-Nov-2012
- 15 Licence varied by notice 1524042 issued on 11-Nov-2014
- 16 Licence varied by notice 1554982 issued on 13-Oct-2017
- 17 Licence varied by notice 1573937 issued on 16-Aug-2021