

July 2023

Pollution Incident Response Plan Somersby Sands EPL 5635

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1 Introduction

1.1 THE PROJECT SITE

Somersby Sand Quarry is located on 700 Peats Ridge Road Somersby, NSW, 2250, Lot 22 DP777700.

1.2 LEGISLATION

The *Protection of the Environment Legislation Amendment Act 2011* includes a number of requirements to improve the way pollution incidents are reported and managed. These provisions include a requirement for holders of environmental protection licences under the *Protection of the Environment Operation Act 1997* (PoEOA) to prepare, keep, test and implement a *Pollution Incident Response Management Plan (PIRMP)*. The *Protection of the Environment Operations (General) Regulation 2009* has been amended to prescribe further details for these plans.

The Work Health and Safety legislation has mandatory requirements for notifiable incidents at work. Fact sheets and guides regarding mine sites are available here: <https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/safety-and-health/publications/legislation-guidance>. While this site is not a mine under the Mining Act, the fact sheets are a relevant guide to the quarrying industry.

1.3 SCOPE

This plan was prepared by VGT Environmental Compliance Solutions Pty Limited in accordance with:

- Protection of the Environment Operation Act 1997;
- Protection of the Environment Operations (General) Regulation 2009;
- Guideline: Pollution Incident Response Management Plans, NSW EPA, March 2020;
- The site Safety Management System (SMS).

This document will describe activities to be undertaken in response to a pollution incident and controls, training and testing that will be maintained over the life of the quarry. It forms part of the Safety Management System (SMS) developed for the Somersby site and should be implemented in conjunction with the SMS.

1.4 WHEN TO IMPLEMENT THIS PLAN

This plan must be implemented:

- In the case of a work-related death, injury, illness, dangerous incident or high-potential incident,
- If a pollution incident occurs so that material harm to the environment is caused or threatened,
- If another incident or emergency occurs for example a bushfire or an unexpected find of heritage or environmental significance.

1.4.1 Definition of a Notifiable Incident

Notification is required if a pollution incident causes or threatens to cause 'material harm to the environment'. Material harm is defined in *section 147 of the POEO Act* as:

- '(a) harm to the environment is material if:
 - (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or
 - (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and
- (b) loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.'

Notification is required even where 'harm to the environment is caused only in the premises where the pollution incident occurs', as specified in *section 147(2)*.

A Safe Work Australia notifiable incident is:

- the death of a person
- a 'serious injury or illness', or
- a 'dangerous incident' prescribed by the regulations.

An 'other incident' is an operation or activity that results in:

- injury or illness requiring medical treatment, or
- a high potential incident

Further details regarding these definitions are included in [Appendix B](#).

1.4.2 Definition of a Pollution Incident (POEOA)

Pollution Incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.

1.4.3 Definition of Material Harm (POEOA)

Part 5.7 Duty to notify pollution incidents

147 Meaning of material harm to the environment

(1) For the purposes of this Part:

(a) harm to the environment is material if:

(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or

(ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and

(b) loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

(2) For the purposes of this Part, it does not matter that harm to the environment is caused only in the premises where the pollution incident occurs.

1.4.4 Unexpected Finds

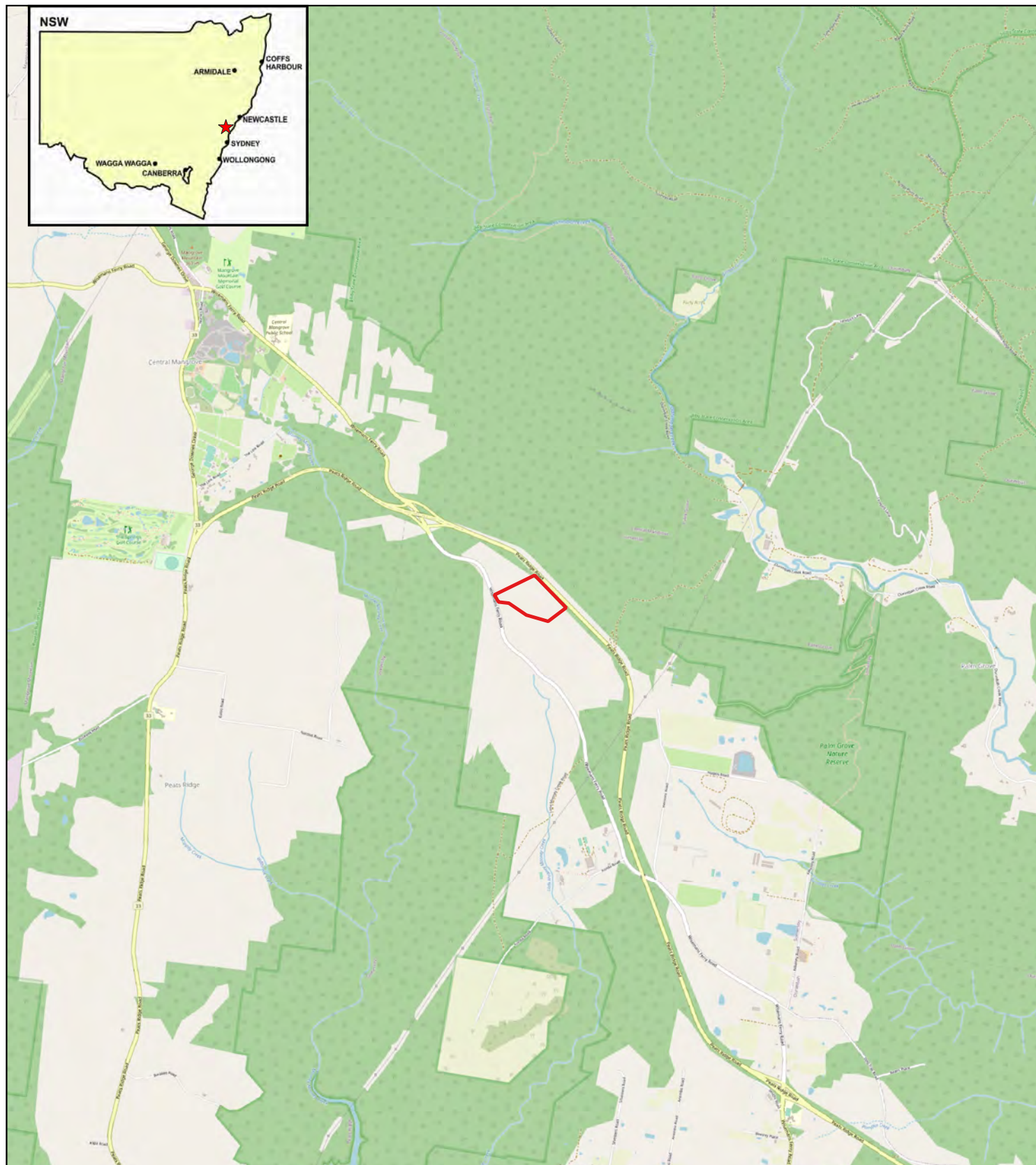
Discovery of an item of Indigenous or European heritage, archaeological material, potentially endangered flora or fauna, or other item of potential environmental or heritage significance constitutes an unexpected find. The manager should be notified immediately and the area around the find is to be isolated until the relevant authorities can be consulted regarding the appropriate action. The relevant authorities may include NPWS, the Heritage Office, and the Local Aboriginal Land Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work in the area.

Figure One. Site Location

Plan of:	Pollution & Incident Response Management Plan for Somersby Quarry 2023 - Site Location	Location:	Somersby Quarry, Wisemans Ferry Road, Somersby, NSW	Source:	Google Maps & nearmap - Image Date 22/04/2021	Plan By:	TO/JD
Figure:	ONE	Council:	Gosford City Council	Survey:	Not Applicable	Project Manager:	LT
Version/Date:	V0 17/07/2023	Tenure:	Not Applicable	Projection:	GDA2020/MGA Zone 56 EPSG:7856	Office:	Thornton
Our Ref:	12526_HSO_PIRMP_2023_Q001_V0_F1	Client:	MTM Operations (Somersby) Pty Ltd	Contour Interval:	Not Applicable		



This figure may be based on third party data which has not been verified by vgt and may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and vgt does not warrant its accuracy.



0 1 2 km



0 50 100 m

Legend

- Site Boundary
- Lot Boundary (Cadastral)

Road Corridor

Figure Two. Site Layout

Plan of:	Pollution & Incident Response Management Plan for Somersby Quarry 2023 - Affected Areas & Neighbours
Figure:	TWO
Version/Date:	V0 17/07/2023
Our Ref:	12526_HSO_PIRMP_2023_Q002_V0_F2

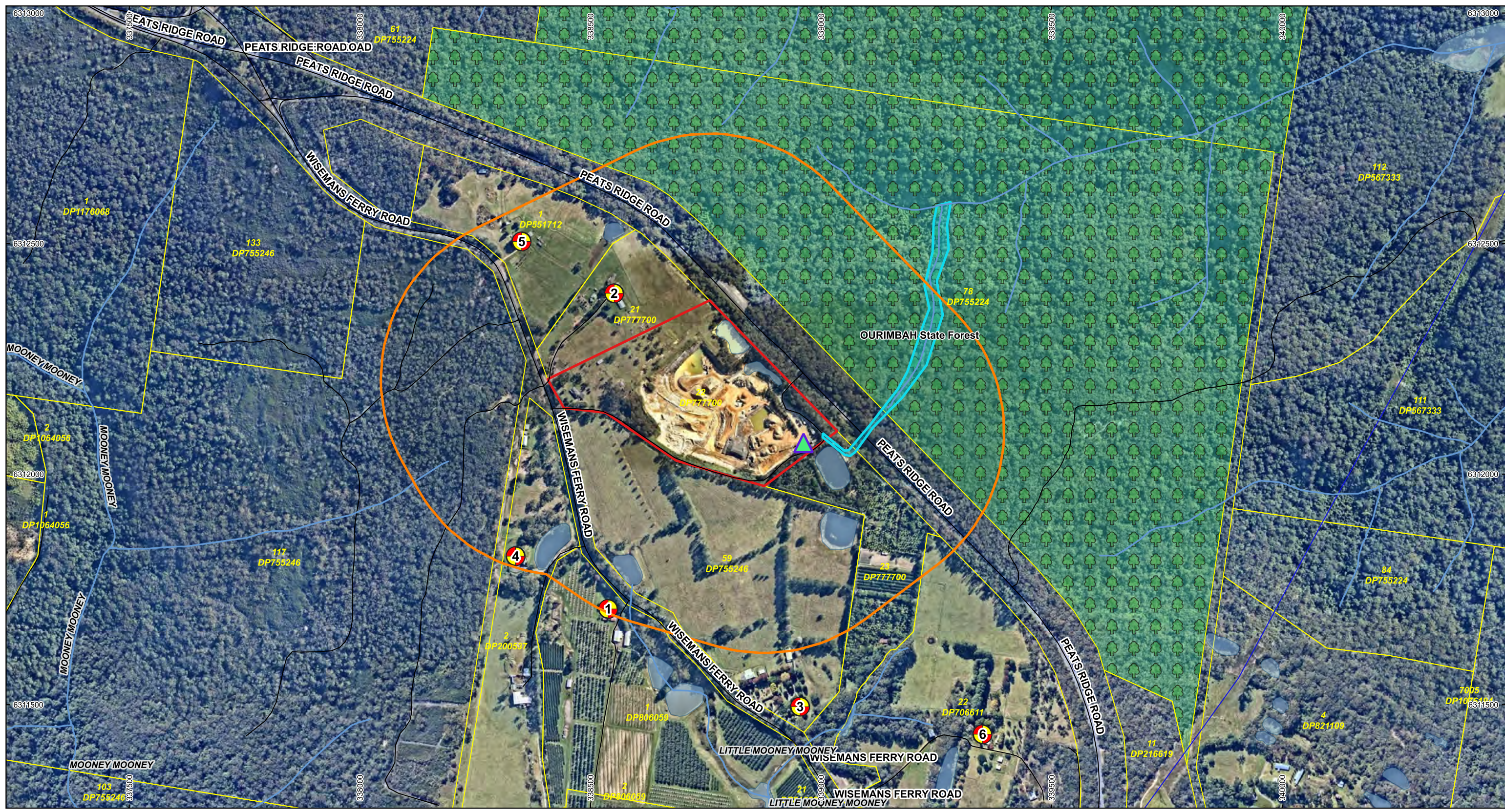
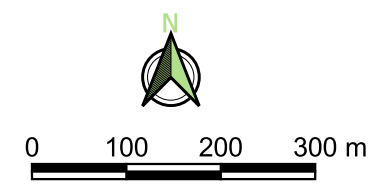
Location:	Somersby Quarry, Wisemans Ferry Road, Somersby, NSW
Council:	Gosford City Council
Tenure:	Not Applicable
Client:	MTM Operations (Somersby) Pty Ltd

Source:	Google Maps & nearmap - Image Date 27/12/2020
Survey:	Not Applicable
Projection:	GDA2020/MGA Zone 56 EPSG:7856
Contour Interval:	Not Applicable

Plan By:	TO/JD
Project Manager:	LT
Office:	Thornton



This figure may be based on third party data which has not been verified by vgt and may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and vgt does not warrant its accuracy.



Site Boundary	Lot Boundary (Cadastral)	Oil Storage	Dust Pollution Footprint	Creek/Major Drainage Line	Road Corridor	NPWS Reserve	State Forest
Dam	Residents Affected by Potential Dust	Potential Sediment Footprint	Electricity Transmission Line				

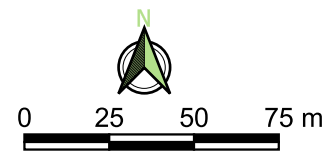
Figure Three. Hazardous Materials Locations

Plan of:	Pollution & Incident Response Management Plan for Somersby Quarry 2023 - Location of Potential Pollutants
Figure:	THREE
Version/Date:	V0 17/07/2023
Our Ref:	12526_HSO_PIRMP_2023_Q003_V0_F3

Location:	Somersby Quarry, Wisemans Ferry Road, Somersby, NSW
Council:	Gosford City Council
Tenure:	Not Applicable
Client:	MTM Operations (Somersby) Pty Ltd

Source:	Google Maps & nearmap - Image Date 22/04/2021
Survey:	Not Applicable
Projection:	GDA2020/MGA Zone 56 EPSG:7856
Contour Interval:	Not Applicable

Plan By:	TO/JD
Project Manager:	LT
Office:	Thornton



This figure may be based on third party data which has not been verified by vgt and may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and vgt does not warrant its accuracy.



Legend	Site Boundary	Sediment Dams	Road Corridor	Clean Water Flow	State Forest	Oil Storage
	Lot Boundary (Cadastral)	Creek/Main Drainage Line	Catchment Boundary	Dirty Water Flow		

2 Risk Assessment

2.1 HAZARDS

Refer to the *Somersby Safety Management System (SMS)* for procedures on how to identify hazards.

Table 1. *EPA Compliance Audit Risk Analysis Matrix*

		Likelihood of Environmental Harm Occurring		
		Certain	Likely	Unlikely
Level of potential Environmental Impact	High	Code Red	Code Red	Code Orange
	Moderate	Code Red	Code Orange	Code Yellow
	Low	Code Orange	Code Yellow	Code Yellow

Any non-compliance assessed as ‘code red’ suggests that the non-compliance is of considerable environmental significance and therefore must be addressed as a matter of priority.

A non-compliance assessed as ‘code orange’, while still considered to pose a significant risk of harm to the environment, can be given a lower priority than a code red non-compliance.

A non-compliance assessed as ‘code yellow’ suggests that the non-compliance could receive a lower priority but must still be addressed.

The following Hazard and Likelihood Risk Assessment and Corrective Control Measures table identifies hazards and the potential for material harm.

Table 2. *Hazard and Likelihood Risk Assessment*

Name/ reference of pollutant/ chemical	Description of Hazard/Incident leading to Hazard	Level of Impact	Likelihood	Priority (Code)	Impact on Neighbours	Potential for Material Harm	Engage PIRMP
Sediment	Overtopping of Sediment Dams into downstream environment	Low	Unlikely		Yes (see Figure Two)	Yes	Yes
	Pumping of untreated sediment dam water offsite	Low	Unlikely		Yes (see Figure Two)	Yes	Yes
Fuel	Spill of fuel contaminating groundwater or surface water from trucks and plant	Low	Unlikely		No	No	No
Oils	Spill of oil contaminating groundwater or surface water from trucks and plant	Low	Unlikely		No	No	No
	Spill of oil contaminating groundwater or surface water from storage drums into bunded area	Low	Unlikely		No	No	No
Dust	Airborne dust blowing into neighbouring properties	Low	Likely		Yes (see Figure Two)	No	No

2.2 EMERGENCY PROCEDURES

2.2.1 Bushfire

If a bushfire is sighted in the vicinity of the quarry, call 000 to report it immediately. Follow the directions of the Fire Brigade. If Fire Brigade attends the site, ensure they are aware of the location of the pollutants as located on [Figure Three](#).

If evacuation is required, it is best to leave early. Ensure that the road is safe before travelling in that direction. If evacuation is not possible, take shelter inside the office or in the quarry pit.

Fire updates are available on the "Hazards Near Me" app or 702 or 1233 AM radio.

Further information can be found in the site Bushfire Management Plan.

2.2.2 Pollution Incidents

For incidents identified in [Table 2](#) that require engagement of the PIRMP the following procedures should be followed.

NOTE: the following should be implemented in conjunction with the SMS should an emergency occur.

2.2.3 Release of Sediment

Table 3. Release of Sediment Response Actions

Action	Comments	Responsibility	Reference
Notification of supervisor/manager of incident	Quarry Manager will commence completion of the External Communication PIRMP Summary Worksheet	Employees, contractors	Appendix C
Notification of relevant Authorities	Notify Authorities in order prescribed	Supervisor/manager	Section 5.2 Table 9
Notification of neighbours	Neighbours should be contacted.	Supervisor/manager	Section 5.3 Table 10
Ensure the risk to staff is minimised	The risk of harm to staff from a release of sediment is very small. Staff are not required to evacuate the site, however staff should adhere to the SMS at all times.	Supervisor/manager	SMS
Undertake steps to mitigate harm to the environment	Steps to minimise harm to environment may include: <ul style="list-style-type: none"> • Sample and test the sediment laden water that has been released, including upstream and downstream samples, to determine the extent and concentration of the sediment. • Flocculate remaining water if required prior to release. • Construct emergency bunding to prevent further releases where possible. 	Supervisor/manager	SMS
Clean up and disposal of sediment	Steps may include: <ul style="list-style-type: none"> • Flushing down of stream beds where possible with clean water. • Containing sediment washed down stream within existing dams or specifically constructed dams. • Removal of sediment from water collected offsite (in dams) with addition of appropriate flocculants. • Release 'cleaned' water downstream and de-silt dams if required. • Continue monitoring of upstream and downstream environments to determine if clean-up efforts have been successful. 		
Reporting and re-preparedness	<ul style="list-style-type: none"> • Notify insurance company of incident • A post incident report will be prepared and submitted to the EPA within the time frame specified by the EPA. • The PIRMP shall be tested within one month of any pollution incident occurring and updated if required. 		

2.3 EARLY WARNINGS

The following table details the mechanisms for providing early warnings and regular updates to the owners and occupiers of premises in the vicinity of the quarry.

Table 4. *Impact on Neighbours Assessment- Early Warnings*

Incident type/ Description	External Release	Neighbours Impacted/ Extent of Impact	Communication Methods/Early Warnings	Pre-emptive Actions and Other Control Measures
Release of Sediment	Via waterways	See Figure Two For neighbours affected and extent of impact	<ul style="list-style-type: none"> Neighbours will be provided early warning of an incident via telephone initially (see Table 10) for contact details). If neighbours are unable to be contacted via phone, then a door knock will be undertaken. Should a resident be absent from their residence, then a letter drop informing them of the incident will be undertaken. Regular updates will be provided either by phone or in person or via a letter drop. 	<ul style="list-style-type: none"> There is no risk of harm to the health of residents therefore no action to minimising their risk of harm are required to be undertaken. Testing of the downstream environment will be undertaken to determine the concentration and extent of the sediment should a discharge occur. The quarry has more than sufficient capacity to contain water from the sediment dams should they fail without discharging. Staff are trained in the procedures for Soil and Water Management.

3 Inventory and Maps

3.1 LIST OF POTENTIAL POLLUTANTS

Table 5. *List of Potential Pollutants*

Pollutant/ Chemical Name	DG Class	DG Sub Risks	UN Number	Packaging Group	Maximum Quantity	Where Located
Sediment	N/A	N/A	N/A	N/A	N/A	Quarry
Dust	N/A	N/A	N/A	N/A	N/A	Quarry
Diesel	N/A	N/A	N/A	N/A	10,000L	Trucks and Plant
Oil	N/A	N/A	N/A	N/A	1,200L	Workshop

3.2 MAPS

See [Figure Three](#) for the location of potential pollutants on the site.

4 Controls and Testing

4.1 PRE-EMPTIVE ACTIONS

Table 6. Pre-emptive Actions for Identified Risks of Harm to Environment

Name/ reference of pollutant/ chemical	Description of Hazard/ Incident leading to Hazard	Need for Early Warning	Pre-emptive Control Measures	Safety Equipment /Devices Required for Pollution Incident
Sediment	Overtopping of Sediment Dams to downstream environment	Yes	See Somersby Soil and Water Management Plan Staff are inducted and trained in site procedures.	No PPE is required by staff or neighbours affected. Pumps, silt fencing, earth bunds
	Pumping of untreated sediment dam water offsite	Yes	See Somersby Soil and Water Management Plan Staff are inducted and trained in site procedures.	No PPE is required by staff or neighbours affected. Pumps, silt fencing, earth bunds
Diesel Fuel	Spill of fuel from truck or plant contaminating groundwater or surface water	No	Somersby Safety Management System (SMS) has been developed and is reviewed regularly. Pre-emptive control measures are discussed in the Somersby Safety Management System (SMS). Staff are inducted and trained in site procedures. No large volumes of fuel are held in plant and trucks.	Spill kits are held on site and by contractors. Re-fuelling is undertaken within bunded areas.
Oils	Spill of engine oil from trucks or plant contaminating ground or surface water	No	Somersby Safety Management System (SMS) has been developed and is reviewed regularly. Pre-emptive control measures are discussed in the Somersby Safety Management System (SMS). Staff are inducted and trained in site procedures. No large volumes of oil are held in plant and trucks.	Spill kits are held on site and by contractors. Re-fuelling and maintenance is undertaken within bunded areas.
	Spill of engine oil from storage tank contaminating ground or surface water	No	Somersby Safety Management System (SMS) has been developed and is reviewed regularly. Pre-emptive control measures are discussed in the Somersby Safety Management System (SMS). Staff are inducted and trained in site procedures. Oil storage tank is located within bund that has capacity to hold all tank contents.	Spill kits are held on site and by contractors. Maintenance is undertaken within bunded areas.

4.2 PRE-EMPTIVE PROCEDURES-TRAINING

Regular practice is essential to maintain preparedness. Training and development will be conducted as required in the SMS which includes training objectives, site inductions and emergency procedures and this PIRMP. Training records are kept detailing who was trained, the dates, and the nature of the training.

4.3 TESTING OF PLAN

According to the PoEO regulation:

- (1) *The testing of a plan is to be carried out in such a manner as to ensure that the information included in the plan is accurate and up to date and the plan is capable of being implemented in a workable and effective manner.*
- (2) *Any such test is to be carried out:*
 - a. *at least once every 12 months, and*
 - b. *Within 1 month of any pollution incident occurring in the course of an activity to which the licence relates so as to assess, in the light of that incident, whether the information included in the plan is accurate and up to date and the plan is still capable of being implemented in a workable and effective manner.*

As required above, testing records will also be maintained outlining the dates on which the plan has been tested, the name of the person who carried out the test, the dates in which the plan is updated, the manner in which the plan is to be tested and maintained (i.e. desktop simulations or practical exercise). Records will be held on site. The table below summarises this information.

Table 7. Testing record

Plan Test Date (minimum every 12 months)	Person(s) conducting the test	Form of testing (desktop or practical drills)	Date of Plan Update	Person Responsible for the Plan Management (including updates and testing)	Plan Update Authorisation
21/05/2018	Lisa Morrall, VGT	Desktop	21/05/2018	Lisa Thomson	Stuart Reed
02/04/2019	Lisa Morrall, VGT	Desktop	02/04/2019	Lisa Thomson	Andrew Skinner
02/06/2021	Lisa Morrall, VGT	Desktop	07/06/2021	Lisa Thomson	Andrew Skinner
5/07/2023	Lisa Morrall, VGT	Desktop	5/07/2023	Lisa Morrall	Andrew Skinner
17/06/2024	Rebecca Sowter VGT	Desktop	18/06/2024	Lisa Thomson	Andrew Skinner

5 Communications

5.1 EMERGENCY SITE CONTACTS

Should an incident occur on the premises, staff or contractors are required to notify the Quarry Manager immediately. The quarry manager is responsible for activating the PIRMP and managing the response. In the absence of the Quarry Manager the Supervisor may activate the PIRMP.

Table 8. Key Site Contacts

Position	Name	Mobile Phone Number
MTM Director	Andrew Skinner	0418 601 688
Site Supervisor	John Latter	0407 011 079
Site Operator	Tyler Hodgson	0427 705 758

5.2 AUTHORITIES REQUIRED TO BE CONTACTED IN AN EMERGENCY

Under Section 148 of the PoEO Act all relevant authorities must be notified **immediately**. The Quarry Manager is authorised to notify the relevant authorities. In the absence of the Quarry Manager the Supervisor may activate the PIRMP.

After calling 000, if the incident presents an immediate threat to human health or property, the relevant authorities **MUST** be notified **immediately** in the following order.

Table 9. Key Authority Contacts

Name	Phone Number
Emergency Fire, Ambulance, Police	000
EPA	131 555
Gosford Hospital Central Coast Public Health Unit	Ph: 02 4320 9730 Mon-Fri 9am to 5pm Ph: (02) 4320 2111 After Hours Hospital Main Switch will put you through to the Environmental Officer on call
SafeWork NSW	13 10 50 A "notifiable incident" under the work health and safety legislation relates to: <ul style="list-style-type: none"> • the death of a person • a serious injury or illness of a person • a potentially dangerous incident
Central Coast Council	4306 7900 This number can also be used outside of business hours.
Fire and Rescue NSW	1300 729 579 (If the situation warranted calling 000 as a first point of notification, you do not need to ring Fire and Rescue NSW again)
Local Police	Gosford Police Station 02 4323 5599

5.3 LOCAL NEIGHBOUR CONTACTS

The following is a list of key neighbour contacts that may be required to be contacted regarding the incident by the Quarry Manager or his delegate.

Table 10. Key Neighbour Contacts

Name	Phone Number	Address	Map Reference
Forestry Corporation of NSW	9872 0111	121-131 Oratava Ave, West Pennant Hills	Green shading: Ourimbah State Forest
Martin Hodgson	0408 251 393	1310 Wisemans Ferry Rd, Somersby	1
Ron Ward	4372 1280 0404 099 093	1003 Wisemans Ferry Rd, Somersby	2
Martin Hodgson	0408 251 393	1280 Wisemans Ferry Rd, Somersby	3

5.4 FURTHER INFORMATION

Table 11. Additional Contacts if Required

Entity	Number
Crime Stoppers	1800 333 000
Police Assistance Line	131 444
Wyong District Hospital	02 4394 8000
Gosford District Hospital	02 4320 2111
State Emergency Service (SES)	132 500
Ausgrid	131 388
Endeavour Energy	131 003
Poison Information Centre	131 126

Appendix A

EPA Licence



Environment Protection Licence

Licence - 5635

Licence Details

Number:	5635
Anniversary Date:	22-April

Licensee

HB SOMERSBY PTY LTD

GPO BOX 2867

SYDNEY NSW 2001

Premises

SOMERSBY SANDS

700 PEATS RIDGE ROAD

SOMERSBY NSW 2250

Scheduled Activity

Extractive activities

Fee Based Activity

Extractive activities

Scale

> 30000-50000 T annually extracted
or processed

Contact Us

NSW EPA

4 Parramatta Square

12 Darcy Street

PARRAMATTA NSW 2150

Phone: 131 555

Email: info@epa.nsw.gov.au

Locked Bag 5022

PARRAMATTA NSW 2124



Environment Protection Licence

Licence - 5635

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7 GENERAL CONDITIONS	11



Environment Protection Licence

Licence - 5635

G1	Copy of licence kept at the premises or plant -----	11
DICTIONARY	-----	12
General Dictionary	-----	12

Environment Protection Licence

Licence - 5635

Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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



Environment Protection Licence

Licence - 5635

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:

HB SOMERSBY PTY LTD
GPO BOX 2867
SYDNEY NSW 2001

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
Extractive activities	Extractive activities	> 30000 - 50000 T annually extracted or processed

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
SOMERSBY SANDS
700 PEATS RIDGE ROAD
SOMERSBY
NSW 2250
LOT 22 DP 777700

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:

- 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.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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- P1.1 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.

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 Waste

- L2.1 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.

- L2.2 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.

L3 Noise limits

- L3.1 Where a noise limit has not been prescribed, all operations and activities occurring on the premises must be conducted in a manner that will not cause offensive noise.

L4 Potentially offensive odour

- L4.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

L5 Other limit conditions

L5.1 Area to be Disturbed for Resource Extraction

The area of the quarry disturbed for the purpose of resource extraction must not exceed 1 hectare at any time.

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:

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- 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

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 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.

O4 Processes and management

- O4.1 The licensee must ensure that all chemicals, fuels and oils stored at the premises are contained within appropriately designed bunded areas that meet the following requirements:
- a) comply with any relevant Australian Standards for the liquids being stored; and
 - b) have impervious flooring and walls; and
 - c) have a minimum capacity of 110% of the volume of the largest container stored within the bund.

Note: Additional information on bunding design, construction and maintenance can be found in the EPA's Guide: *"Storing and Handling Liquids: Environmental Protection, Participants Manual"*

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;

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- 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 Recording of pollution complaints

- M2.1 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.
- M2.2 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.
- M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M3 Telephone complaints line

- M3.1 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.
- M3.2 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.
- M3.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

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,



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- 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.
- 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.

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

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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:
- 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.

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.

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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 <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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

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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.

Ms Nadia Kanhoush

Environment Protection Authority

(By Delegation)

Date of this edition: 29-December-2000

End Notes

- 1 Licence transferred through application 142024, approved on 04-Jun-2003, which came into effect on 02-Jun-2003.
- 2 Licence varied by notice 1032484, issued on 02-Jan-2004, which came into effect on 27-Jan-2004.
- 3 Licence varied by Change to Schedule 1 , issued on 02-May-2008, which came into effect on 02-May-2008.
- 4 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1520599 issued on 10-Apr-2014
- 6 Licence varied by notice 1607361 issued on 03-Sep-2021
- 7 Licence format updated on 22-Aug-2022

Appendix B

Guide to Notification of Incident and Injury



INCIDENT NOTIFICATION INFORMATION SHEET

Overview

This information sheet provides general guidance on mandatory reporting requirements for 'notifiable incidents' under Work Health and Safety (WHS) legislation.



Businesses and undertakings must notify their work health and safety regulator of certain 'notifiable incidents' at work. This information sheet will help you decide when you need to notify the regulator of a work-related death, injury, illness or dangerous incident.

Work health and safety regulators are committed to preventing work-related deaths and injuries. Notifying the regulator of 'notifiable incidents' can help identify causes of incidents and prevent similar incidents at your workplace and other workplaces.

The WHS law requires:

- a 'notifiable incident' to be reported to the regulator immediately after becoming aware it has happened
- if the regulator asks—written notification within 48 hours of the request, and
- the incident site to be preserved until an inspector arrives or directs otherwise (subject to some exceptions).

Failing to report a 'notifiable incident' is an offence and penalties apply.

What is a 'notifiable incident'

A 'notifiable incident' is:

- the death of a person
- a 'serious injury or illness', or
- a 'dangerous incident'

arising out of the conduct of a business or undertaking at a workplace.

'Notifiable incidents' may relate to any person—whether an employee, contractor or member of the public.

Serious injury or illness

Only the most serious health or safety incidents are notifiable, and only if they are work-related. They trigger requirements to preserve the incident site pending further direction from the regulator.

Serious injury or illness must be notified if the person requires any of the types of treatment in the following table:

Types of treatment	Example
Immediate treatment as an in-patient in a hospital	Admission into a hospital as an in-patient for any duration, even if the stay is not overnight or longer. It does not include: Out-patient treatment provided by the emergency section of a hospital (i.e. not requiring admission as an in-patient) Admission for corrective surgery which does not immediately follow the injury (e.g. to fix a fractured nose).
Immediate treatment for the amputation of any part of the body	Amputation of a limb such as arm or leg, body part such as hand, foot or the tip of a finger, toe, nose or ear.
Immediate treatment for a serious head injury	Fractured skull, loss of consciousness, blood clot or bleeding in the brain, damage to the skull to the extent that it is likely to affect organ/face function. Head injuries resulting in temporary or permanent amnesia. It does not include: A bump to the head resulting in a minor contusion or headache.

Types of treatment	Example
Immediate treatment for a serious eye injury	<p>Injury that results in or is likely to result in the loss of the eye or total or partial loss of vision.</p> <p>Injury that involves an object penetrating the eye (for example metal fragment, wood chip).</p> <p>Exposure of the eye to a substance which poses a risk of serious eye damage.</p> <p><u>It does not include:</u></p> <p>Eye exposure to a substance that merely causes irritation.</p>
Immediate treatment for a serious burn	<p>A burn requiring intensive care or critical care which could require compression garment or a skin graft.</p> <p><u>It does not include:</u></p> <p>A burn that merely requires washing the wound and applying a dressing.</p>
Immediate treatment for the separation of skin from an underlying tissue (such as de-gloving or scalping)	<p>Separation of skin from an underlying tissue such that tendon, bone or muscles are exposed (de-gloving or scalping).</p> <p><u>It does not include:</u></p> <p>Minor lacerations.</p>
Immediate treatment for a spinal injury	<p>Injury to the cervical, thoracic, lumbar or sacral vertebrae including the discs and spinal cord.</p> <p><u>It does not include:</u></p> <p>Acute back strain.</p>
Immediate treatment for the loss of a bodily function	<p>Loss of consciousness, loss of movement of a limb or loss of the sense of smell, taste, sight or hearing, or loss of function of an internal organ.</p> <p><u>It does not include:</u></p> <p>Mere fainting</p> <p>A sprain or strain.</p>
Immediate treatment for serious lacerations	<p>Deep or extensive cuts that cause muscle, tendon, nerve or blood vessel damage or permanent impairment.</p> <p>Deep puncture wounds.</p> <p>Tears of wounds to the flesh or tissues—this may include stitching to prevent loss of blood and/or other treatment to prevent loss of bodily function and/or infection.</p>

Types of treatment	Example
Medical treatment within 48 hours of exposure to a substance	'Medical treatment' is treatment provided by a doctor. Exposure to a substance includes exposure to chemicals, airborne contaminants and exposure to human and/or animal blood and body substances.

Notification is also required for the following serious illnesses:

- Any infection where the work is a significant contributing factor. This includes any infection related to carrying out work:
 - (i) with micro-organisms
 - (ii) that involves providing treatment or care to a person
 - (iii) that involves contact with human blood or body substances
 - (iv) that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.
- The following occupational zoonoses contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:
 - (i) Q fever
 - (ii) Anthrax
 - (iii) Leptospirosis
 - (iv) Brucellosis
 - (v) Hendra Virus
 - (vi) Avian Influenza
 - (vii) Psittacosis.

Treatment

'Immediate treatment' means the kind of urgent treatment that would be required for a serious injury or illness. It includes treatment by a registered medical practitioner, a paramedic or registered nurse.

'Medical treatment' refers to treatment by a registered medical practitioner (a doctor).

Even if immediate treatment is not readily available, for example because the incident site is rural or remote or because the relevant specialist treatment is not available, the notification must still be made.

Still unsure?

If you are still unsure about whether a particular incident should be notified then contact your regulator for advice or further guidance. Contact details are included below.

Dangerous incidents including 'near misses'

Some types of work-related dangerous incidents must be notified even if no-one is injured. The regulator must be notified of any incident in relation to a workplace that exposes any person to a serious risk resulting from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock:
 - examples of electrical shock that are not notifiable
 - shock due to static electricity
 - 'extra low voltage' shock (i.e. arising from electrical equipment less than or equal to 50V AC and less than or equal to 120V DC)
 - defibrillators are used deliberately to shock a person for first aid or medical reasons

- examples of electrical shocks that are notifiable
 - o minor shock resulting from direct contact with exposed live electrical parts (other than 'extra low voltage') including shock from capacitive discharge
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be design or item registered under the Work Health and Safety Regulations, for example a collapsing crane
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel, or
- the interruption of the main system of ventilation in an underground excavation or tunnel.

A dangerous incident includes both immediate serious risks to health or safety, and also a risk from an immediate exposure to a substance which is likely to create a serious risk to health or safety in the future, for example asbestos or hazardous chemicals.

Only work-related incidents are notifiable

To be notifiable, an incident must arise out of the conduct of the business or undertaking. An incident is not notifiable just because it happens at or near a workplace.

Incidents may happen for reasons which do not have anything to do with work or the conduct of the business or undertaking, for example:

- a worker or another person suffers a heart attack while at work which is unrelated to work or the conduct of the business or undertaking
-

- an amateur athlete is injured while playing for the local soccer team and requires immediate medical treatment (this is not work)
- a person driving to work is injured in a car accident (where driving is not part of their work)
- a person with epilepsy has a seizure at work.

These kinds of incidents are **not notifiable**.

Work-related incidents that occur outside a workplace may be notifiable

Work-related incidents may affect people outside the workplace. These may still be notifiable if they involve a death, serious illness or injury or a dangerous incident.

For example:

- an object like a hand tool falls off a multi-storey building under construction hitting a person below
- scaffold collapse that causes a risk of serious injury to persons adjacent to a construction site
- an awning over a shop-front collapses, hitting a person underneath it.

Appendix A provides more information about incidents at public places or sporting events.

Who is responsible for notifying?

Any person conducting a business or undertaking (PCBU) from which the 'notifiable incident' arises must ensure the regulator is notified immediately after becoming aware it has happened.

Procedures should be put into place to ensure work health and safety incidents are promptly notified to the people responsible for responding to them, for example a manager and then notified to the regulator, if required.

Incidents involving multiple businesses or undertakings

If a 'notifiable incident' arises out of more than one business or undertaking then each must ensure that the incident has been notified to the regulator.

There is no need for all duty holders to notify—only one needs to. However, all duty holders retain their responsibility to notify, regardless of any agreement between them.

In these circumstances the duty holders must, so far as is reasonably practicable, consult, cooperate and coordinate to put appropriate reporting and notification arrangements in place.

For example contractors at a construction workplace may agree that the principal contractor for the workplace will notify all ‘notifiable incidents’ that occur at the workplace.

Incidents involving a ‘State-based contractor working for a Commonwealth entity’

Workplaces shared by a Commonwealth entity and one or more state-based contractors may be covered by both Commonwealth and state or territory work health and safety (WHS) laws.

For example an asbestos removal company is engaged by the Department of Defence (Defence) to carry out asbestos removal work at Randwick Army Barracks in Sydney and a dangerous incident occurs (as defined above). Because the incident has occurred at a place where work is carried out for Defence (on behalf of the Commonwealth) the

company must ensure that both Comcare and WorkCover NSW are notified of the incident. Defence and the company may co-operate so that only one notification is made to Comcare on behalf of both.

When and how to notify

You must notify the regulator immediately after becoming aware of a ‘notifiable incident’.

The notice must be given by the fastest possible means—which could be by telephone or in writing, for example by email or online (if available). See page 8 for contact details.

Regulators have adopted a common-sense approach to assessing whether an incident has been notified immediately. This means incidents must be notified as soon as the particular circumstances permit.

In general a PCBU ‘becomes aware’ of a notifiable incident once any of their supervisors or managers becomes aware of the incident. For example when a worker suffers a serious injury and reports it to their immediate supervisor, it is at this point that the PCBU is considered to be aware of the incident.

It is therefore essential to develop internal communication systems to ensure health or safety incidents are promptly brought to the relevant persons’ attention.

What information will be requested?

At first, the regulator will ask for a clear description of the incident with as much detail as possible. This will help the regulator assess whether or not the incident is notifiable and the need for a follow-up investigation. The following information is usually requested:

What happened: an overview	<ul style="list-style-type: none"> • Provide an overview of what happened. • Nominate the type of notifiable incident—was it death, serious injury or illness, or ‘dangerous incident’ (as defined above)?
When did it happen	Date and time.
Where did it happen	<p>Incident address.</p> <p>Details that describe the specific location of the notifiable incident—for example section of the warehouse or the particular piece of equipment that the incident involved—to assist instructions about site disturbance.</p>
What happened	Detailed description of the notifiable incident.

Who did it happen to	<ul style="list-style-type: none"> • Injured person's name, date of birth, address and contact number. • Injured person's occupation. • Relationship of the injured person to the entity notifying.
How and where are they being treated (if applicable)	<ul style="list-style-type: none"> • Description of serious injury or illness—i.e. nature of injury • Initial treatment of serious injury or illness. • Where the patient has been taken for treatment.
Who is the person conducting the business or undertaking (there may be more than one)	<ul style="list-style-type: none"> • Legal and trading name. • Business address (if different from incident address), ABN/ACN and contact details including phone number and email.
What has/is being done	Action taken or intended to be taken to prevent recurrence (if any).
Who is notifying	<ul style="list-style-type: none"> • Notifier's name, contact phone number and position at workplace. • Name, phone number and position of person to contact for further information (if different from above).

Notify immediately, and provide the information you can, even if you do not have all of the required information.

The regulator may follow-up with a request for more information later if necessary. You must provide the required information in writing within 48 hours of the request being made.

Can work continue where the incident occurred?

An incident site must not be disturbed until an inspector arrives at the site or directs otherwise (whichever is earlier). The person with management or control of the workplace is responsible for preserving the incident site, so far as is reasonably practicable.

Any evidence that may assist an inspector to determine the cause of the incident must be preserved—including any plant, substance, structure or thing associated with the incident.

However, preserving an incident site does not prevent any action needed:

- to assist an injured person
- to remove a deceased person
- to make the site safe or to minimise the risk of a further notifiable incident, or
- to facilitate a police investigation.

The sooner the regulator is notified, the sooner the site can be released.

An inspector may issue a non-disturbance notice, if they consider that the incident site should remain undisturbed in order to facilitate their investigation. This notice must specify the period for which the notice is to apply—no more than seven days.

Penalties apply if an individual or body corporate fails to preserve a site.

Site preservation requirements only apply to the incident site

Requirements to preserve a site only apply to the area where the incident occurred—not the whole workplace.

If you are unsure about what you need to do, you can ask the regulator for advice or to be excused from having to preserve the site.

Amending notifications

If you receive information that changes the incident type of a notified incident, you must notify the regulator of those changes. For example, if a notified serious injury or illness later results in the person's death, the regulator must be advised immediately upon you learning that the person has died.

Record keeping requirements

Records of notifiable incidents must be kept for at least five years from the date of notification. Penalties apply for failing to do so.

It is useful to keep a record of having made the notification (e.g. confirmation from the regulator), and also any directions or authorisations given by an inspector at the time of notification.

Contact details for regulators

To notify a 'notifiable incident' contact your local regulator:

Jurisdiction	Regulator	Telephone	Website
New South Wales	SafeWork NSW	13 10 50	safework.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	worksafe.vic.gov.au
Queensland	WorkSafe Queensland	1300 369 915	worksafe.qld.gov.au
South Australia	SafeWork SA	1800 777 209	safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	commerce.wa.gov.au/worksafe
Australian Capital Territory	WorkSafe ACT	02 6207 3000	worksafe.act.gov.au/healthsafety
Tasmania	WorkSafe Tasmania	1300 366 322 (Tas) 03 6233 7657 (External)	worksafe.tas.gov.au
Northern Territory	NT WorkSafe	1800 019 115	worksafe.nt.gov.au
Commonwealth	Comcare	1300 366 979	comcare.gov.au

Appendix A

Public places and sporting events

Workplaces may also be public or partly public places, for example:

- public parks, streets
- public transport
- shopping centres
- sports facilities
- schools and colleges
- aged care facilities, hospitals and medical centres
- cafes, restaurants, hotels and other kinds of public accommodation.

Incidents involving bystanders, visitors, students, patrons or other members of the public are only notifiable if:

- there is a death
- a 'serious injury or illness' is suffered or there is a dangerous incident ('near miss' as described above), and
- the incident arises out of the conduct of a business or undertaking.

An incident may arise out of the conduct of a business or undertaking for example because of:

- the way a work activity is organised (for example inadequate safety precautions)
- the way equipment or substances are used (for example lifts, machinery)
- the condition of a workplace (for example poorly maintained or slippery floors)
- actions of someone who is not a worker at the workplace.

If a visitor at a shopping centre is taken to hospital after sustaining a serious fracture then the incident would be notifiable. If a visitor is taken to hospital because of their pre-existing medical condition (for example heart attack, epileptic seizure at a shop) this would not be notifiable as it did not result from the conduct of the business or undertaking.

Incidents during sports activities

Work health and safety duties apply in relation to professional sports people for whom sport is work and sport organised by businesses or undertakings. They do not apply to purely social or recreational activities or activities organised by wholly volunteer associations that do not employ anyone.

For more information about the way the work health and safety laws affect volunteers and organisations with volunteers refer to the online resource kit published by Safe Work Australia.

Some sports injuries may arise from 'work' (for example a professional AFL footballer) while others may not (a local amateur club footballer).

Sports injuries are **not notifiable** if arising out of the normal conduct of a sports activity for example rough and tumble of a game.

Sports injuries **are notifiable** only if arising out of the conduct of a business or undertaking for example:

- the way a work activity involving sport is arranged
- the way the sporting activity is managed or controlled
- the condition, design or maintenance of premises or equipment, or
- the way work is carried out, for example inadequate supervision.

Examples of notifiable incidents include:

- the condition of the premises or sports equipment was a factor in the incident—for example where a participant suffers an injury requiring admission as an inpatient at a hospital due to tripping over on a potholed tarmac surface, or
- there was inadequate supervision to prevent an incident—like ensuring the safe use of equipment used by students on a school excursion or failings in the organisation and management of an event.

Appendix C

External Communication Worksheet

EXTERNAL COMMUNICATION PIRMP SUMMARY WORKSHEET

Site Details

Site Name: HB Somersby Pty Ltd Somersby Sand Quarry	Site Address: 700 Peats Ridge Rd Somersby, NSW 2250 Also known as: 1398 Wisemans Ferry Rd	Responsible Person Andrew Skinner
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Government Agency Contact List

(document date and time of contact and who contacted)
 (police contact is only required if considered necessary)

EPA: 131 555 Date and Time: Person Making Contact: Instructed Actions: Time of arrival:	Fire Brigades: 000 1300 729 579 Date and Time: Person Making Contact: Instructed Actions: Time of arrival:	SafeWork NSW: 13 10 50 Date and Time: Person Making Contact: Instructed Actions: Time of arrival:
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Central Coast Council: 4306 7900 (24 hours) Date and Time: Person Making Contact: Instructed Actions: Time of arrival:	Department of Health: Central Coast Public Health Unit 4320 9730 M-F 9-5 4320 2111 (After hours) (ask for Environmental Officer on call) Date and Time: Person Making Contact: Instructed Actions: Time of arrival:	Local Police (if necessary): Gosford Police Station 4323 5599 (24 hours) Polics Assistance Line 131 444 Date and Time: Person Making Contact: Instructed Actions: Time of arrival:
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Incident Details

Type & Location of Incident:	Emission Type (air, water, land etc):	Scale of the incident (litres/m3 involved):
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Date and time of the incident:	Internal persons involved:
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Chemicals/substances involved:

Processes involved:

Details of the Incident:

Main Areas/sensitive areas of concern e.g. water course, drains etc:

Other Contacts if required Y/N

**Community Group
Contact**

Date and Time:

Person Making Contact:

Contact method:

Neighbour 1

Date and Time:

Person Making Contact:

Contact method:

Neighbour 2

Date and Time:

Person Making Contact:

Contact method:

Neighbour 3

Date and Time:

Person Making Contact:

Contact method:

Neighbour 4

Date and Time:

Person Making Contact:

Contact method:

Neighbour 5

Date and Time:

Person Making Contact:

Contact method:



Beyond Compliance

VGT Environmental Compliance Solutions Pty Ltd
ABN 26 621 943 888

Unit 4, 30 Glenwood Drive Thornton NSW 2322
PO Box 2335, Greenhills NSW 2323

Ph: (02) 4028 6412
E: mail@vgt.com.au

www.vgt.com.au