

Notice of Modification

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



Chris Wilson
Executive Director
Major DA Assessment

Sydney

22 May

2009

SCHEDULE 1

Development consent granted by the Minister for Planning on 13 October 1988 for the Spring Farm Quarry at 186 Macarthur Road, Lot 22 DP 833317 (formerly Lot 2 DP 625278 Vol 14788 Folio 34).

SCHEDULE 2

Delete all words including and following the words "The Application" and insert the following conditions of consent:

SCHEDULE 1

Development Application:	DA 75/256
Applicant:	M Collins and Sons (Contractors) Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 22 DP 833317
Development:	Spring Farm Quarry

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DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	M Collins & Sons (Contractors) Pty Ltd, or its successors
Council	Camden Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Development	The operation, closure and rehabilitation of the Spring Farm Quarry as described in the SEE
Director-General	Director-General of the Department of Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EIS	Environmental Impact Statement prepared by Longworth & McKenzie Pty Ltd dated October 1985 that accompanied the original development application in 1988
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
Privately owned land	Land not owned by a public agency or the Applicant or its related companies
RTA	Roads and Traffic Authority
SEE	Statement of Environmental Effects for the development dated September 2008, prepared by McCotter Consulting Services.
Site	Land to which the development application applies
Statement of Commitments	Statement of Commitments provided by the Applicant, dated 17 April 2009 (see Appendix 1)
Stockpile and blending site	Land adjacent to the site, located at Lot 1 DP587631

SCHEDULE 2 ADMINISTRATIVE

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the establishment, operation, or rehabilitation of the development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) EIS;
 - (b) SEE;
 - (c) Statement of Commitments (see Appendix 1); and
 - (d) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

Limits on Approval

5. Extraction and processing operations may take place until 30 June 2019.

Note: Under this approval, the Applicant is required to rehabilitate the site to the satisfaction of the Director-General. Consequently this approval will continue to apply in all other respects other than the right to conduct extraction and processing operations until the site has been rehabilitated to a satisfactory standard.

Operation of Plant and Equipment

6. The Applicant shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient condition.

Contributions

7. The Applicant shall pay an annual contribution of \$6,500 (adjusted annually by reference to the Consumer Price Index) to Council for the maintenance of Macarthur Road, between the main site entrance and the intersection with Springs Road.

Inspection of Site

8. The Applicant shall permit access to the site to Council officers or any other public authority at reasonable times for the purposes of inspecting site operations and environmental monitoring.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE

GENERAL EXTRACTION AND PROCESSING PROVISIONS

Operating Conditions

1. The Applicant shall not excavate outside the extraction areas or the limits of extraction shown in Appendix 2.
2. The Applicant shall not open, excavate or work an area exceeding 2 hectares at any one time without the written consent of Council.
3. The Applicant shall not stockpile or process any extractive material on the site with the exception of:
 - (a) a 7m high earthen bund to be maintained to the west of the working extraction cell until completion of extraction activities within that cell; and
 - (b) mobile screening.
4. The Applicant shall not import fill to the site for any purpose without written approval from Council.

NOISE

Operational Noise

5. The Applicant shall ensure that site operations, including processing and transportation, are conducted in such a way as to minimise noise emissions from the site.
6. The Applicant shall ensure that noise generated by the development does not exceed the noise impact assessment criteria as specified in the EPL.

Operating Hours

7. The Applicant shall only operate the development:
 - (a) between the hours of 7:00am and 5:00pm Monday to Friday;
 - (b) between 8:00am and 1:00pm Saturday; and
 - (c) at no time on Sundays or Public Holidays

Notes: This condition does not apply to:

- maintenance which is inaudible at receiver locations or
- for delivery of material if that delivery is required by police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, notification is to be provided to DECC and the affected residents as soon as possible, or within a reasonable period in the case of emergency.

AIR QUALITY

Impact Assessment Criteria

8. The Applicant shall ensure that dust generated by the development does not cause exceedances of the criteria listed in Tables 1, 2 and 3 at any residence or on more than 25 percent of any privately owned land.

Table 1: Long Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 $\mu\text{g}/\text{m}^3$
Particulate matter < 10 μm (PM ₁₀)	Annual	30 $\mu\text{g}/\text{m}^3$

Table 2: Short Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 μm (PM ₁₀)	24 hour	50 $\mu\text{g}/\text{m}^3$

Table 3: Long Term Impact Assessment Criteria for Deposited Dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Operating Conditions

9. The Applicant shall ensure that any visible air pollution generated by the development is assessed regularly, and that quarrying operations are relocated, modified and/or stopped as required to minimise air quality impacts on privately-owned land.

Air Quality Monitoring

10. The Applicant shall prepare and implement an Air Quality Monitoring Program for the development to the satisfaction of the Director-General. This program must:
 - (a) be submitted to the Director-General for approval within 3 months of the date of this approval;
 - (b) be prepared in consultation with DECC; and
 - (c) include details of how the air quality performance of the development would be monitored, and include a protocol for evaluating compliance with the relevant air quality criteria in this approval.

WATER

Discharges

11. The Applicant shall not discharge any water from the quarry or its associated operations except in accordance with an EPL.

Water Management and Monitoring

12. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Director-General. This plan must:
 - (a) be submitted to the Director-General within 3 months of the date of this approval;
 - (b) be prepared in consultation with Council and DECC; and
 - (c) include a:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Groundwater Monitoring Program; and
 - Flood Emergency Procedures Plan.
13. The Site Water Balance must:
 - (a) include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site, including the location and capacity of water storages on site and the means of access;
 - any off-site water transfers; and
 - reporting procedures; and
 - (b) investigate and describe measures to minimise water use by the development.
14. The Erosion and Sediment Control Plan must:
 - (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom);
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, including during flood events;
 - (d) describe the location, function, and capacity of erosion and sediment control structures;
 - (e) demonstrate that the design capacity of basins will not be compromised by storage of operational water; and
 - (f) describe what measures would be implemented to maintain (and if necessary decommission) the structures over time.
15. The Groundwater Monitoring Program must include:
 - (a) baseline data on groundwater levels, flows and quality in the vicinity;
 - (b) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and

- (c) a program to monitor any observed groundwater inflows to the quarry pit.
16. The Flood Emergency Procedures Plan must:
- (a) address both the site and the adjacent stockpiling and blending site;
 - (b) include procedures to be carried out in advance of a major flood event to minimise damage to plant equipment, operating staff and the environment; and
 - (c) include procedures to be followed after a major flood event to repair any damage and return the site to productive operations, including reinstatement of all pollution control devices and rehabilitation.

LANDSCAPE MANAGEMENT

Landscape Management Plan

17. The Applicant shall prepare and implement a detailed Landscape Management Plan for the development to the satisfaction of the Director-General. This Plan must:
- (a) be prepared in consultation with Council and DECC by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
 - (b) be submitted to the Director-General for approval within 6 months of the date of this approval; and
 - (c) include a Rehabilitation Management Plan.

Rehabilitation Management Plan

18. The Applicant shall prepare and implement a Rehabilitation Plan for the development. This plan must include:
- (a) the rehabilitation objectives for the site;
 - (b) a description of the short, medium, and long term measures that would be implemented to rehabilitate the site, including establishing healthy native vegetation and habitat for native fauna or other future land use acceptable to Council;
 - (c) performance and completion criteria for the rehabilitation of the site;
 - (d) a detailed description of the measures that would be implemented including the procedures for:
 - progressively rehabilitating disturbed areas;
 - protecting areas outside the disturbance areas;
 - protecting the Nepean River and drainage lines on the site to ensure no net loss of water quality and aquatic habitat;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - achieving a free draining final landform;
 - collecting and propagating seed for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management;
 - (e) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria (see (c) above);
 - (f) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
 - (g) details of who would be responsible for monitoring, reviewing, and implementing the plan.

HERITAGE

Archaeology

19. Should the Applicant discover material suspected of being Aboriginal relics or skeletal remains, work in that area shall cease and the Applicant shall advise DECC and proceed in accordance with DECC instructions.

VISUAL

Visual Amenities

20. The Applicant shall establish and maintain perimeter plantings in order to minimise the visual impacts of the development, to the satisfaction of Council.

WASTE MANAGEMENT

Waste Minimisation

21. The Applicant shall minimise the amount of waste generated by the development to the satisfaction of Council.

Waste Disposal

22. The Applicant shall store and manage waste and by-products generated by the development to the satisfaction of Council.

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

23. The Applicant shall ensure that the storage, handling, and transport of dangerous goods are conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

Safety

24. The Applicant shall secure the development to ensure public safety to the satisfaction of Council.

Bushfire Management

25. The Applicant shall:
- (a) ensure that the development is suitably equipped to respond to any fires on-site; and
 - (b) assist the Fire Service and emergency services as much as possible if there is a fire on site.

PRODUCTION DATA

26. The Applicant shall:
- (a) provide annual production data to the DPI using the standard form for that purpose; and
 - (b) include a copy of this data in the AEMR.
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SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in Schedule 3 identify that impacts generated by the development are greater than the relevant impact assessment criteria, then the Applicant shall notify the Director-General and the affected landowners and tenants accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the relevant criteria.

INDEPENDENT REVIEW

2. If a landowner of privately owned land considers that the operations of the quarry are exceeding the impact assessment criteria in Schedule 3, then he/she may ask the Applicant in writing for an independent review of the impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
- (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to determine whether the development is complying with the relevant criteria in Schedule 3, and identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and
- (c) give the Director-General and landowner a copy of the independent review.

3. If the independent review determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

4. If the independent review determines that the quarrying operations are not complying with the relevant criteria in Schedule 3, and that the quarry is primarily responsible for this non-compliance, then the Applicant shall:

- (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria; and
- (b) conduct further monitoring to determine whether these measures ensure compliance; or
- (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in Schedule 3,

to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the Applicant is unable to finalise an agreement with the landowner, then the Applicant or landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

5. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT PLAN

1. The Applicant shall prepare and implement an updated Environmental Management Plan for the development to the satisfaction of the Director-General. This plan shall be submitted to the Director-General for approval 3 months after the date of this consent and:
 - (a) provide the overall environmental management approach for the development;
 - (b) identify the statutory requirements that apply to the development;
 - (c) describe in general how the environmental performance of the development would be monitored and managed;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the life of the development;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies, including flood-related emergencies; and
 - (e) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the development.

ENVIRONMENTAL MONITORING PROGRAM

2. The Applicant shall prepare an Environmental Monitoring Program for the development to the satisfaction of the Director-General. This program shall be submitted to the Director-General concurrently with the submission of the various monitoring programs and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.

REPORTING

Incident Reporting

3. Within 7 days of detecting an exceedance of the goals/limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Applicant shall report the exceedance/incident to the Department and any relevant agencies. This report shall:
 - (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.

Annual Reporting

4. Within 12 months of the date of this approval, and annually thereafter, the Applicant shall submit an AEMR to the Director-General, relevant agencies and Council. This report shall:
 - (a) identify the standards and performance measures that apply to the development;
 - (b) describe the works that will be carried out in the next 12 months;
 - (c) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (d) include a summary of the monitoring results for the development during the past year;
 - (e) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the EA;
 - (f) identify any trends in the monitoring results over the life of the development;
 - (g) identify any non-compliance during the previous year; and
 - (h) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Within 12 months of the date of the consent, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit shall:
 - (a) be conducted by a suitably qualified, experienced, and independent person(s) whose appointment has been approved by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development, and its effects on the surrounding environment;
 - (d) assess whether the development is complying with the relevant standards, performance measures and statutory requirements; and

- (e) review the adequacy of any strategy/plan/program required under this approval, and, if necessary, recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this approval.
- 6. Within 6 weeks of completion of each Independent Environmental Audit, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations in the audit report.
- 7. Within 3 months of submitting a copy of the audit report to the Director-General, the Applicant shall review and if necessary revise each of the environmental management and monitoring strategies/plans/programs in Schedules 3 and 5 to the satisfaction of the Director-General.

ACCESS TO INFORMATION

- 8. Within 1 month of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or AEMR required under this approval, the Applicant shall:
 - (a) provide a copy of the relevant document/s to the relevant agencies and to members of the general public upon request; and
 - (b) ensure that a copy of the relevant document/s is made publicly available on its website.
 - 9. During the development, the Applicant shall:
 - (a) make a summary of monitoring results required under this approval publicly available on its website; and
 - (b) update these results on a regular basis (at least every 3 months).
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**APPENDIX 1
STATEMENT OF COMMITMENTS**



M. COLLINS & SONS (CONTRACTORS) PTY. LIMITED

Statement of Commitments for Spring Farm Quarry

M Collins and Sons (Contractors) Pty Ltd undertakes to implement the commitments listed below, in respect of the Spring Farm Quarry and the adjacent extractive materials stockpile, processing and dispatch site operated by the company.

Desired Outcome	Commitments
Traffic and Transportation	
Limit the impact of development-related traffic	1. Laden truck movements to public roads from the Spring Farm Quarry and the adjacent Collins processing site, together, will not exceed 36 per day (when averaged over any working week) or a maximum of 80 on any working day.
Monitor traffic movements in and out of the site	2. Comprehensive logs of truck movements and extractive materials received and dispatched from the Spring Farm Quarry and the adjacent Collins processing site will be recorded and maintained. 3. These logs will be made available promptly for inspection on request by either the Director-General or the Council. 4. Comprehensive reports on truck movements and extractive materials received and dispatched will be included in each Annual Environmental Management Report for the development.
Limit the impact of quarry trucks on local roads	5. Except where permitted by Council, trucks travelling to and from the Spring Farm Quarry or the adjacent Collins processing site will not travel via local roads in the vicinity of the development other than Macarthur Road, Springs Road and Richardson Road.
Limit the tracking of material onto public roads to minimise dust, particulate matter and debris emissions	6. All laden trucks travelling on public roads and carrying material from the Spring Farm Quarry or the adjacent Collins processing site will be covered. 7. All trucks leaving the Spring Farm Quarry or the adjacent Collins processing site and travelling on public roads will be cleaned of materials that may fall on the road, before they leave the site.

Signed by M Collins & Sons (Contractors) Pty Limited

Name Matthew J Collins

Position Director

Date 17 April 2009

17 Fitzpatrick Street, Revesby NSW 2212

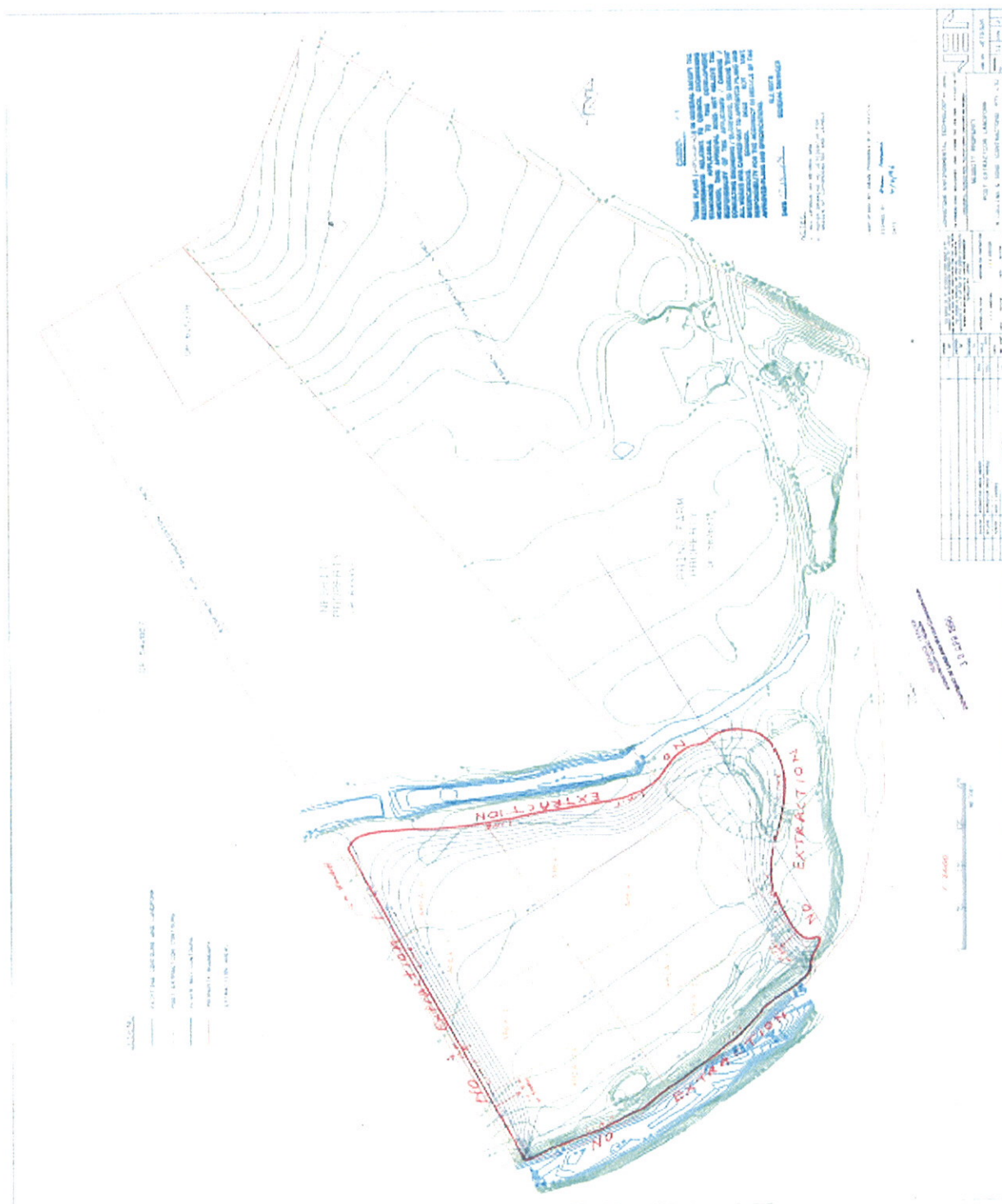
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**APPENDIX 2
SITE PLAN, SHOWING EXTRACTION CELLS, LIMITS OF EXTRACTION AND PROPOSED
POST MINING LANDFORM**



**APPENDIX 3
INDEPENDENT DISPUTE RESOLUTION PROCESS**

