

SYDNEY NORTH PLANNING PANEL SUPPLEMENTARY REPORT

Panel Reference	PPSSNH-48
DA Number	DA/578/2009/D
LGA	Hornsby Shire Council
Proposed Development	Section 4.55(2) application to amend condition No. 13 to increase the annual volume of material to be extracted from 195,000 tonnes per annum to 250,000 tonnes per annum
Street Address	Nos. 4713 and 4751 Old Northern Road Maroota
Applicant	PF Formation
Owner	Mr M E Attard and Mrs P P Attard and Mrs Olivia Michelle Graham
Date of DA Lodgement	10 August 2018
Number of Submissions	One
Recommendation	Approval
Report prepared by	Cassandra Williams
Report date	4 February 2020

SUPPLEMENTARY REPORT AND RECOMMENDATION

INTRODUCTION

This Supplementary Report is to advise the Regional Planning Panel of matters that have arisen in respect to the Council Assessment Report for Panel Reference PPSSNH-48 and includes recommendations for correction of typographical errors in condition Nos. 4 and 13.

AMEND WORDING OF CONDITION No. 4

Condition No. 4 incorrectly references the Environment Protection Authority (EPA) as the Environmental Protection Authority. The condition should read:

4. *Licences*

The proponent is to obtain all necessary operating licenses and permits from all relevant public authorities including the Environment Protection Authority and Department of Water and Energy, details of which are to be submitted to Council prior to the commencement of on-site works.

AMEND WORDING OF CONDITION No. 13

Condition No. 13 incorrectly references the original EIS and the 195,00 tonne per annum. The amended wording of the condition should read:

13. *Annual Volume of Materials Extracted*

The annual volume of material to be extracted shall be a maximum of 250,000 tonnes per annum.

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/578/2009 for extractive industry (designated development) at Lot 2 DP 510812 and Lot 3 DP 567166, Nos. 4713 and 4751 Old Northern Road Maroota, be amended as detailed in Schedule 1 of this report.

SCHEDULE 1

Date of 1st modification:	28 March 2012
Details of 1st modification:	Amend conditions of consent relating to time limit, monitoring, management and rehabilitation works, processing of materials, S94 contribution conditions and noise monitoring
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	2, 8, 11, 12, 15, 17, 18, 53, 60 and 62
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Date of LEC modification:	9 February 2013
Details of LEC modification:	Modification of the Aboriginal Cultural Heritage General Terms of Approval
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	66 and 72
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Date of 2nd modification:	3 November 2016
Details of 2nd modification:	Amend condition No. 10 treating to truck movements
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	10
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Date of 3rd modification:	4 September 2018
Details of 3rd modification:	Amend condition No. 2 to correct typographical error
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	2

Date of this modification:	11 February 2020
Details of this modification:	Amend condition No. 13 to increase the annual volume of material extracted from 195,000 tonnes to 250,000 tonnes
Conditions Added:	24A
Conditions Deleted:	Nil
Conditions Modified:	1, 4 and 13

CONDITONS OF APPROVAL

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Quarry Rehabilitation Concept Plans prepared by Footprint Green Pty Ltd

Plan No.	Plan Title	Rev	Dated
smrmcs1.01	Cover Page	0.4	15 January 2010
smrmex1.01	Existing site land uses and habitats and extraction and rehabilitation areas	0.4	15 January 2010
smrmeo1.01	Operational stages and typical extraction and rehabilitation process	0.4	15 January 2010
smrmfc1.01	Proposed land uses and final landform and contours	0.4	15 January 2010
smrmpp2.01	Stage 1 - rehabilitation process in Area E	0.4	15 January 2010
smrmsp1.01	Stage 1 - extraction and rehabilitation process in Areas A and C	0.4	15 January 2010
smrmsp2.01	Stage 2 - extraction and rehabilitation process in Areas B and D	0.4	15 January 2010
smrmrd1.01	Procedures for <i>Tetratheca glandulosa</i> propagation and translocation and bushland rehabilitation	0.4	15 January 2010
smrmrd2.01	Procedures for upland wetland revegetation and agricultural land rehabilitation	0.4	15 January 2010
smrmrp2.01	Specifications and species options for revegetation	0.4	15 January 2010
smrmmr1.01	Performance measures, monitoring and reporting	0.5	15 January 2010

Supporting Documentation

Document Title	Prepared by	Dated
Environmental Impact Statement	Environmental Planning Pty Ltd	May 2009
Species Impact Statement	Aquila Ecological Surveys	November 2008
Report on Traffic and Transportation Requirements - Job No. 9162 Report No. 36/07	Lyle Marshall & Associates Pty Ltd	February 2008
Air Quality Impact Assessment	Holmes Air Sciences	4 March 2008
Air Quality Impact Assessment Addendum 1 (letter)	PAE Holmes	13 August 2009
Air Quality Impact Assessment Addendum 2 (letter)	PAE Holmes	24 September 2009
Air Quality Assessment Project No. 0516347	ERM	2 September 2019
Environmental Noise and Vibration Assessment – TD721-01F02 (Rev 4)	Renzo Tonin and Associates	17 March 2008
Acoustic Report Addendum (letter)	Renzo Tonin and Associates	14 August 2009
Operational Noise Impact Letter	Koikas Acoustics Pty Ltd	6 September 2017
Groundwater Assessment Report - JN 43346029.00106/REPORT 08	URS Australia Pty Ltd	15 January 2008
Aboriginal Cultural Heritage and Archaeological Assessment	Total Earth Care	January 2008
Herbivore Exclusion Fencing Requirements	Hornsby Shire Council Bushland & Biodiversity Team	1 February 2010

2. Consent Limited to a Period of 20 Years

Pursuant to Section 4.17(1)(d), this consent is limited to a period of 20 years from the endorsed date of this consent or the commencement of on-site extraction works, whichever is the latter date. Any disturbed areas on the site, must be rehabilitated in this period.

All work including rehabilitation is to be completed within this period. Rehabilitation must be carried out progressively during the course of excavation and be completed within this period. All equipment to be used in the work must be removed from the site within that time.

3. Determination of Weighted Material

A standard method of determining weighted material must be negotiated, being a method that is auditable by Council at six monthly intervals.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Licences

The proponent is to obtain all necessary operating licenses and permits from all relevant public authorities including the **Environment** Protection Authority and Department of Water and Energy, details of which are to be submitted to Council prior to the commencement of on-site works.

5. Protection of Aboriginal Artefacts and Habitat

Fencing must be provided to separate extraction areas from Aboriginal artefacts and habitat areas to reduce impacts to native vegetation and the habitat it provides and to protect Aboriginal artefacts.

6. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

7. Certification by a qualified and experienced ecologist

In accordance with the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15th January 2010) certification by a qualified and experienced ecologist is required to:

- a) undertake *Tetratheca glandulosa* propagation and translocation procedures including pre-clearing surveys and identification of clumps of on-site (Task 6.1-6.11 – Sheet 8/11)
- b) collection of all baseline vegetation quadrat data for future monitoring purposes prior to clearing
- c) prior to clearing of native vegetation within each cell check that the cell does not contain exotic or weed vegetation
- d) prior to the translocation of topsoil within each cell check that the recipient cell does not contain any exotic or weed vegetation and the final grading band sub strata has been suitably prepared
- e) provide recommended actions required to ensure the donor and recipient sites are weed free before works commence

8. Noxious Weeds

The removal of introduced environmental and noxious weeds from donor and recipient sites is to be undertaken by a qualified and experienced bush regeneration company or consultant.

9. Rehabilitation Bond

Prior to the commencement of extraction, the proponent must lodge with Council a contract for a Rehabilitation Bond based on an amount per tonne of extracted material. The total of this amount must be sufficient to cover the cost of rehabilitating the approved extraction area and other likely disturbed areas.

OPERATIONAL CONDITIONS

10. Truck Movements

A maximum of 35 truck loads of material are permitted to be removed from the site each day averaged over 1 month. A

11. Monitoring and Management

The proponent must submit to Council every 12 months after the endorsed date of this consent an *Environmental Management Plan* in which Council is to be satisfied of the overall performance and management of the operation.

The *Environmental Management Plan* should refer to the objectives and principles of Ecologically Sustainable Development and address the following matters:

- a) Acquisition of all necessary licences and permits and an indication of how compliance with licensing and approval requirements will be achieved and due diligence attained.
- b) On site materials Management including management of operational impacts: if appropriate, include such as:
 - i) management of explosives, chemicals and fuel and their use
 - ii) maintenance an site security plans
- c) Water Management.
- d) Acoustic Management.
- e) Air quality Management.
- f) Transport routes, access & movements.
- g) Soil Conservation including geo-technical appraisal of tailing systems and erosion and sediment controls.
- h) Social impact management including consultation with community groups, nearby residents and monitoring of complaints received.
- i) Identification, assessment and evaluation of risks, safeguards and the confidence level of contingency / emergency plans.
- j) Statement of Compliance with the approved EIS documentation, conditions of this consent and the objectives of Councils DCP - Extractive industries.

- k) Advice and recommendations of all relevant state government agencies.
- l) Reference to International Standards (ISO) 14001-14004 relating to Environmental Management Systems, which should address issues such as:
 - i) the capacity and support mechanisms necessary to implement and achieve the proponent company's environmental policy, objectives and targets; and
 - ii) the means by which the proponent company measure, monitor and evaluate its environmental performance.
- m) Recommendations to adjust operation procedures to improve the overall performance of the operations.
- n) Strategies to feed information from the monitoring program back into the management practices and action plans to improve the environmental performance and sustainability of all components of the proposal.
- o) Training programs for operational staff and incentives for environmentally sound performance.
- p) Archaeological protection measures.
- q) Performance indicators in relation to critical operational issues including:
 - i) Compliance with the conditions of consent;
 - ii) Compliance with the objectives of Sydney Regional Environmental Plan No. 9 Extractive Industries (No. 2 - 1995); and
 - iii) Compliance with the objectives of Council's Extractive Industry Development Control Plan.

12. Processing of Materials

Processing of materials must take place wholly within the Maroota area.

13. Annual Volume of Materials Extracted

The annual volume of material to be extracted shall be a maximum of 250,000 tonnes per annum.

14. Rehabilitation and Environmental Protection Procedures

All rehabilitation and environmental protection procedures must be undertaken in accordance with the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15th January 2010).

15. Rehabilitation and Environmental Protection Works

In accordance with the approved Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota prepared by Footprint Green Pty Ltd (dated 15th January 2010) all weed removal, protection and translocation of *Tetratheca glandulosa* clumps, vegetation clearing, bulk removal of topsoil containing seed bank and preparation of recipient sites including final grading of sub strata (Tasks 7.6 – 7.30 within sheet 8/11 of the approved

Rehabilitation Plan) is to only be undertaken by an experienced bushland rehabilitation company or consultant.

Some bulk earth works pertaining to rehabilitation works (e.g. topsoil stripping or recipient site preparation) may be undertaken by other earth moving personnel including PF Formation employees or other earthmoving contractors.

16. Exclusion Fencing

- a) In order to prevent herbivory of germinating translocated soil seedlings, exclusion fencing is to be undertaken in accordance with the '*Herbivore Exclusion Fencing Requirements*', prepared by Hornsby Shire Council Bushland and Biodiversity Team, dated 1 February 2010. The fencing which includes sedimentation/erosion control is to be installed immediately after topsoil has been translocated to the recipient site.
- b) The Herbivore Exclusion Fencing must be maintained for each rehabilitation cell until certification from an ecologist or contracted bush regeneration company or consultant is provided to Council that justifies that exclusion fencing is no longer required due to the success of native vegetation establishment.

17. Monitoring Program

- a) The monitoring program for bushland rehabilitation must form part of other monitoring requirements (ground water, air quality etc) of the approved quarry operation Environmental Management Plan. The approved monitoring methods, survey parameters, frequency, performance measures and remedial actions outlined within sheet 11 of 11 of the *Quarry Rehabilitation Concept Plan for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15th January 2010) must be undertaken by a qualified and experienced ecological company or consultant.
- b) At the completion of rehabilitation and translocation works within each cell, a concise works summary report must be prepared by a qualified and experienced ecologist to ensure the rehabilitation and translocation works are satisfactorily completed in accordance with the approved rehabilitation plan with *Task 7.32 – Sheet 8/11* of the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15th January 2010). The works summary reports must be provided to Council and must also be attached to the operational monitoring program reporting (Environmental Management Plan).

18. s94 Infrastructure Contributions

The monthly payment to Council of a contribution of \$0.80* per tonne for all extracted material transported from the site in accordance with Council's *Development Contributions Plan 2007-2011* and the following:

- a) On or before the 14th day of each month that extracted materials are transported from the site, the Applicant shall submit to Council a certified copy of returns or records showing the true quantities of extracted material transported from the site during the immediately preceding month. Thereafter, Council will issue to the Applicant an invoice

for the contribution payable for such material transported from the site. Payment of the amount of the invoice shall be made by the Applicant within 14 days of the invoice date. If the party carrying out the extraction work fails to deliver such returns to the Council in accordance with this clause by the 14th day of a particular month, the Council shall at its absolute discretion be entitled but not obliged to estimate the quantity of material transported from the site during the immediately preceding month and shall be entitled to issue such an invoice on the basis of such estimate.

- b) Council shall be entitled to inspect and audit the original records relating to any of the extracted material, including locality of destinations, numbers and types of laden trucks and trailers and load quantities, transported from the site.
- c) If the Applicant ceases to carry out the approved extraction work or if a party other than the Applicant commences to carry out such work without the Applicant having started to do so, then the Applicant shall forthwith furnish to Council notice of that fact together with the name and address of the party (if any) who has commenced or will thereafter commence to carry on the said work. Such notice shall be accompanied by an acknowledgment in writing by that party that it is aware of the obligations imposed on it pursuant to this condition. Until such time as the notice and acknowledgment are furnished to the Council by the applicant, the applicant will remain jointly and severally liable with the party for the time being carrying out the extraction work for payment of the aforesaid contribution and for compliance with the terms of this condition. The terms of this paragraph shall apply mutatis mutandis to any future operator of the extraction work in the event of his ceasing to carry out the work.

*Note: * The value of contribution is current as at 5 February 2010. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council each quarter to ascertain the indexed value of the contribution prior to payment.

19. Environmental Management

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

20. Setback from Prescribed Stream

A buffer setback of 40 metres must be provided from the crest of the watercourse (Coopers Creek) to any construction works. The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.

21. Wastewater System Approval

An on-site sewage management system, separately approved under the *Local Government Act 1993*, must be installed, commissioned and certified by a licensed plumber in accordance with *Australian Standard 1547 – Onsite Domestic Wastewater Management (2000)* and

Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998).

22. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

23. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard 1940 – The Storage and Handling of Flammable and Combustible Liquids*. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

24. Depth of Excavation

The maximum depth of allowable excavation is 177 metres AHD or the retention of a 2 metre buffer above the wet weather high water table.

24A. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

GENERAL TERMS OF APPROVAL – DEPARTMENT OF WATER AND ENERGY

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

25. Works Requiring Controlled Activity Approval - GTA 1

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA/578/2009 and provided by Council:

- i) Site Plan, map and/or surveys

Any amendments or modification to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water and Energy must be notified to determine if any variations to these GTA will be required.

26. Works Requiring Controlled Activity Approval - GTA 2

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water and Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

27. Works Requiring Controlled Activity Approval - GTA 3

The consent holder must prepare or commission the preparation of:

- i) Vegetation Management Plan.
- ii) Erosion and Sediment Control Plan
- iii) Soil and Water Management Plan.
- iv) Amendments to Plans - in relation to rehabilitation of Coopers Creek in and around the crossing and in-line dam.

28. Works Requiring Controlled Activity Approval - GTA 5

The consent holder must:

- i) Carry out any controlled activity in accordance with approved plans.
- ii) Construct and/or implement any controlled activity by or under the direction supervision of a suitability qualified professional.
- iii) When required, provide a certificate of completion to the Department of Water and Energy.

29. Deleted

30. Works Requiring Controlled Activity Approval - GTA 7

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.

31. Works Requiring Controlled Activity Approval - GTA 8

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water and Energy as required.

32. Works Requiring Controlled Activity Approval - GTA 9

The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the Department of Water and Energy as and when required.

33. Works Requiring Controlled Activity Approval - GTA 12

The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water and Energy.

34. Works Requiring Controlled Activity Approval - GTA 13

The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain

water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the Department of Water and Energy.

35. Works Requiring Controlled Activity Approval - GTA 14

The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

36. Works Requiring Controlled Activity Approval - GTA 15

The consent holder is to ensure that all drainage works:

- i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy; and
- ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water and Energy.

37. Works Requiring Controlled Activity Approval - GTA 16

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water and Energy.

38. Works Requiring Controlled Activity Approval - GTA 17

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water and Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

39. Works Requiring Controlled Activity Approval - GTA 18

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

40. Works Requiring Controlled Activity Approval - GTA 19

The consent holder must ensure that any excavation does not result in:

- i) diversion of any river,
- ii) bed or bank instability, or
- iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water and Energy.

41. Works Requiring Controlled Activity Approval - GTA 22

The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the Department of Water and Energy.

42. Works Requiring Controlled Activity Approval - GTA 23

The consent holder must establish a riparian corridor along Coopers Creek in accordance with a plan approved by the Department of Water and Energy.

GENERAL TERMS OF APPROVAL - DEPARTMENT OF ENVIRONMENT CLIMATE CHANGE AND WATER (EPA)

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

EPA Identification No.	Type of Monitoring Point	Description of Location
5	Meteorological station	Meteorological station located at a site to be determined in accordance with AM-1.

43. Pollution of Waters (L1.1)

Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

44. Waste (5.1)

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 a licence under the *Protection of the Environment Operations Act 1997*.

45. Waste (L5.2)

This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

46. Noise Limits (L6.1)

Noise generated at the premises must not exceed the noise limits presented in the table below:

Table 6.1 - Noise Limits (dB(A))

Location	Day
	L _{Aeq,15min}
R3 – Lot 59 DP 752029	43
R4 – Lot 63 DP 752029	41
R6 – Lot 2 DP 567166	45
R7 – Lot 2 DP 567166	45
R8 – Lot 2 DP 567166	46
R9 – Lot 1 DP 567166	47
R10 – Lot 10 DP 752029	47
R11 – Lot 1 DP 621814	35
R12 – Lot 6 DP 39392	35

R13 – Lot 5 DP 39392	35
R14 – Lot 4 DP 39392	35
R15 – Lot 3 DP 39392	35
R16 – Lot 2 DP 39392	35
R17 – Lot 1 DP 39392	35

47. Noise limits apply regardless of Chapter 11 Industrial Noise Policy (L6.2)

Noise generated from the premises in excess of the limits set out in condition L6.1, whether on one or more occasions, constitutes a breach of the licence regardless of Chapter 11 of the Industrial Noise Policy.

48. Interpretation of noise limits (L6.3)

For the purposes of condition L6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public holidays,
- Evening is defined as the period 6pm to 10pm Monday to Sunday,
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays,
- The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable; and
- Error margins associated with the noise monitoring equipment used are not to be taken into account in reporting whether or not a noise limit in Condition No. 39 has been exceeded.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

49. Noise (L6.4)

The noise emission limits identified in condition L6.1 apply under adverse meteorological conditions of:

- Wind speed up to 3m/s at 10 metres above ground level.

50. Noise (L6.5)

For the purpose of condition L6.4 the metrological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as EPA Identification Point 5.

51. Noise (L6.6)

For the purposes of determining the noise generated at the premises:

- Class 1 or 2 noise monitoring equipment that is calibrated in accordance with the manufacturer's specifications must be used according to AS IEC61672.1-2004 and AS IEC61672.2-2004;

b) The noise monitoring equipment for the premise described in Table 6.1 must be placed in a position that is:

- On a property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
- Within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises.

52. Hours of Operation (L6.7)

All activities at the premises must only be carried out on between 0700 and 1800 Monday to Saturday inclusive. Up to ten (10) laden vehicles can enter or leave the premises between 0600 and 0700 Monday to Saturday inclusive.

53. Noise Management Plan (L6.8)

The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The Plan must include but not need be limited to:

- All measures necessary to not exceed the limits in Table L6.1 at all times
- A system that allows for periodic assessment at least every 6 months of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to reduce noise levels from the premises at Locations R6, R7, R8, R9 and R10 in Table L6.1, including, but not necessarily limited to, fitting and maintenance of "residential class muffler(s)" to the bulldozer(s), and formation and maintenance of sand mound(s) or sand bunds.
- Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable
- Measures to monitor noise generated from the premises, and respond to complaints
- Measures for community consultation including site contact details
- Noise monitoring and reporting procedures.

54. Dust (O2.1)

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

55. Dust (O2.2)

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

56. Soil and Water Management Plan (O3.1)

A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge

of sediment and other pollutants to lands and/or waters during all phases of the operation. The Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Volume 2E Soils and Construction - Mines and Quarries* (available from the EPA).

57. Monitoring Records (M1.1)

The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

58. Monitoring Records (M1.2)

All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

59. Monitoring Records (M1.3)

The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

60. Requirement to monitor concentration of pollutants discharged (M2.1)

For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Point # 1, 2, and 3

Air

Pollutant	Units of measure	Frequency	Sampling Method
Particles - Deposited Matter	Grams per square metre per month	Monthly	AM-19

61. Testing methods - concentration limits (M4.1)

Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- a) any methodology which is required by or under the *POEO Act 1997* to be used for the testing of the concentration of the pollutant; or

- b) If no such requirement is imposed by or under the *POEO Act 1997*, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- c) if no such requirement is imposed by or under the *POEO Act 1997* or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (clean air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

62. Requirement to monitor weather (M5.1)

For each monitoring point specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) each weather parameter specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINT 5 <weather>

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Wind Speed	m/s	Continuous	15-minute	AM-2 and AM-4
Wind Direction	°	Continuous	15-minute	AM-2 and AM-4
Sigma Theta	°	Continuous	15-minute	AM-2 and AM-4
Temperature	°C	Continuous	15-minute	AM-4

63. Reporting Conditions (R1.1)

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

64. Dust Monitoring Plan

- a) The proponent must prepare and implement a dust monitoring plan, to the satisfaction of DECCW, that:
 - quantifies dust impacts at the most sensitive receptor(s) as defined by the results of the EA;
 - for the range of normal operating scenarios at the proposal site;
 - for variable meteorological conditions;

- is implemented within 1 month of operational activities beginning at the proposal site; and
 - operates for a minimum period of 12 months.
- b) The proponent must submit a report to the Manager of Sydney Industry for DECCW approval detailing all elements of the dust monitoring plan at least two months prior to commencement of operational activities at the proposal site.

GENERAL TERMS OF APPROVAL – DEPARTMENT OF PRIMARY INDUSTRIES MINERAL RESOURCES

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

65. Production Data

The operator is required to provide annual production data as requested by the Mineral Resources Division of the Department of Primary Industries.

GENERAL TERMS OF APPROVAL – DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

66. Aboriginal Cultural Heritage - GTA 1

All identified sites must be protected from impact by a 40 metre buffer zone to be calculated from the perimeter of the identified site, other than for sites CC1 and CC6 which shall have a 20 metre buffer zone, which buffer zone is to also be calculated from the perimeter of sites CC1 and CC6.

67. Aboriginal Cultural Heritage - GTA 2

All identified sites to be precisely relocated using photos and GPS references prior to demarcation of buffer zone.

68. Aboriginal Cultural Heritage - GTA 3

All buffer zones to be clearly fenced.

69. Aboriginal Cultural Heritage - GTA 4

No vehicular access, services or earth disturbing works will be permitted within the buffer zones. No other impacts will be permitted within the buffer zones.

70. Aboriginal Cultural Heritage - GTA 5

The buffer zones must not be used as storage areas.

71. Aboriginal Cultural Heritage - GTA 6

Runoff from the sand extraction operation should be designed to ensure that sites are protected from altered runoff and deposition conditions which may impact sites.

72. Aboriginal Cultural Heritage - GTA 7

All sites CC1, CC2, CC3, CC4, CC5 and CC6 to be monitored annually to assess the condition of the buffer fencing, buffer zones and impacts to sites from runoff and/or deposition. Remedial action to be taken where necessary if changes are detected.

Any amended remediation action undertaken pursuant to this condition, in respect of site CC1 must be undertaken pursuant to an Aboriginal Heritage Impact Permit issued under Part 6 of the *National Parks and Wildlife Act 1974*.

73. Aboriginal Cultural Heritage - GTA 8

If new Aboriginal objects, including Aboriginal human remains are found all work must cease and the Department of Environment, Climate Change and Water must be contacted.

74. Aboriginal Cultural Heritage - GTA 9

All people employed on site must undergo a site induction which includes training in the management protocols set out in condition No. 73 above and be briefed on the Aboriginal cultural heritage significance of the area and relevant GTA conditions.

CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

- 75.** The wheels of all vehicles leaving the site are to be clean and free of dust, dirt and mud. It is recommended that a wheel wash be installed to prevent material being deposited on Old Northern Road.
- 76.** All landscaping, signage, fencing and parked vehicles are not to impeded sight lines to pedestrians and vehicles travelling along Old Northern Road.
- 77.** All vehicles must enter and exit the site in a forward direction.
- 78.** All vehicles must be clear of the formation before being required to stop.
- 79.** All works associated with the proposed development to be at no cost to the RTA.

- END OF CONDITIONS -