



Contact: Saad Khan
Phone: 0447 332 539
Email: Saad.Khan@waternsw.com.au

General Manager
Hawkesbury City Council
Council Chambers
George St
WINDSOR NSW 2756

Our ref: IDAS1127000
Our file: A-10128 Your
ref: DA0508/18

Attention: William Pillon

18 February 2021

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA0508/18
Description: Groundwater Excavation & Pump
Location: 394, 395 & 415 Freemans Reach Road Freemans Reach Lots 1/2 DP77951, Lots 3/4 DP718505 & Lots 1/2 DP85885

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities for any excavation which interferes with an aquifer.
- if Council receives an application to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

WaterNSW will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

The attached GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent.

Application forms are available from the WaterNSW website at:

www.watarnsw.com.au [Customer Services](#) [Applications & Fees](#).

WaterNSW requests that Council provide a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely

Saad Khan
On behalf of

Wayne Conners
Senior Water Regulation Officer
Water Regulatory Operations
WaterNSW

General Terms of Approval

for proposed development requiring approval under
s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1127000

Issue date of GTA: 18 February 2021

Type of Approval: Water Supply Work

Description: Groundwater Excavation & Pump

Location of work/activity: 394, 395 & 415 Freemans Reach Road Freemans Reach Lot 1/2 DP77951,
Lot 3/4 DP718505 & Lot 1/2 DP85885

DA Number: DA0508/18

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number Details

GT0130-00001 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 connection with the carrying out of the development.

GT0131-00001 Except as may be expressly provided by an Environmental Protection Licence, the Applicant must ensure that the discharges from any licenced discharge point/s do not cause exceedances of the Water Quality criteria in Table 8 of the Freemans Reach Sand Extraction Facility Operational Management Plan P1706008JR11V03.

GT0132-00001 All operational and post-operational works must be carried out in strict accordance with the following documents; a) Freemans Reach Sand Extraction Facility Operational Management Plan P1706008JR11V03 and subsequent accompanying documents P1706008JC23V01-201218a and P1706008JC24V01-210210a; b) Freemans Reach Sand Extraction Facility Inlet Reclamation Plan P1706008JR16V02; c) Freemans Reach Sand Extraction Facility Flood Risk Management Plan P1706008JR09V01; d) Freemans Reach Sand Extraction Facility Waste Management Plan P1706008JR13V01; and e) Freemans Reach Sand Extraction Facility Onsite Wastewater Management Assessment P1706008JR05V01.

GT0133-00001 The proponent obtains all required approvals and access licenses prior to the commencement of any extraction at the site.

GT0134-00001 Within 6 months of the date of the application being determined, the Applicant must update their Water Monitoring Plan for the development and implement it after it has been agreed to in writing by the Department of Planning, Industry and Environment, and to the satisfaction of the Secretary. This plan must be prepared by a qualified hydrogeologist/hydrologist and include a) Water Balance; b) Erosion and Sediment Control Report; c) Surface Water Monitoring Report; d) Ground Water Monitoring Report; and e) Surface and Groundwater Response Plan, to address any potential adverse impacts associated with the development.

GT0135-00001 The Water Balance must: a) include details of all water extracted and used by the development based on appropriate metering arrangements; and b) provide for the reporting of annual water extraction and maximum instantaneous pumping rates to the Department in accordance with the licence under the Water Management Act 2000.

General Terms of Approval

for proposed development requiring approval under
s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1127000

Issue date of GTA: 18 February 2021

Type of Approval: Water Supply Work

Description: 80mm submersible pump

Location of work/activity: 394,395 & 415 Freemans Reach Road Freemans Reach 2/1 DP77951, 3/4 DP718505 & 1/2 85885

DA Number: DA0508/18

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources

GT0136-00001 The Surface Water Monitoring Report must include: a) A detailed baseline data on surface water flows and quality in all waterbodies and wetlands within the site; b) A surface water impact assessment criteria; c) results of monitoring of surface water flows and quality; d) results of monitoring of bank and bed stability; e) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and f) results of monitoring the effectiveness of and compliance with the Inlet Reclamation Plan P1706008JR16V02.

GT0137-00001 The Groundwater Monitoring Report must include: a) Location of all measuring and sampling points; b) survey positioning of all measurement points to the accuracy prescribed by the department; c) frequencies of water level measurement and water quality sampling; d) metering locations and reading schedules; e) replacement procedures for damaged monitoring bores; f) detailed baseline data on ground water levels, flows and quality, based on statistical analysis; g) groundwater impact assessment criteria; h) results of monitoring of regional groundwater levels and quality; i) results of monitoring groundwater level effects on adjacent wetlands, vegetation, and on ground water supply to adjoining properties; and j) results of monitoring of the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.

GT0138-00001 Extraction must not commence until the department has agreed in writing to the Water Monitoring plan.

GT0139-00001 Post closure monitoring period to be determined by the department on review of all information required by the Water Management Plan at a time six months after completion of extraction and thereafter if required every six months until pre-development groundwater conditions return.



General Terms of Approval

for proposed development requiring approval under
s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1127000

Issue date of GTA: 18 February 2021

Type of Approval: Water Supply Work

Description: 80mm submersible pump

Location of work/activity: 394,395 & 415 Freemans Reach Road Freemans Reach 2/1 DP77951, 3/4
DP718505 & 1/2 85885

DA Number: DA0508/18

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA0508/18 as provided by Council:

- Martens Consulting Engineers (2018), Environmental Impact Statement. Proposed Sand Extraction Facility – 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, ref: P1706008JR03V01.
- Martens Consulting Engineers (2019), Acid Sulfate Soils Management Plan: Proposed Sand Extraction Facility – 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, ref: P1706008JR04V01.
- Martens Consulting Engineers (2018), Hydrogeological Assessment: Proposed Sand Extraction Facility – 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, ref: P1706008JR08V01.
- Martens Consulting Engineers (2020), RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION REGARDING THE PROPOSED SAND EXTRACTION AND PROCESSING FACILITY, 374, 395 and 415 FREEMANS REACH ROAD, FREEMANS REACH, NSW (DA0508/18) ref: P1706008JC23V01

Our Ref: C20/377

14 July 2020

Your Ref: CNR-8880

William Pillon
Hawkesbury City Council
c/o: ePlanning Portal

Dear William,

Proposal: IDA referral for sand extraction and processing facility involving reclamation of artificial irrigation inlets
Property: 374 Freemans Reach Rd, Freemans Reach (Lots 1 & 2, DP 77951) – Hawkesbury River

Thank you for your referral of 16/6/2020 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the proposal in light of these provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.4.47(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. Local Land Services (LLS) must be consulted to review the inlet reclamation design, construction methodology and the revegetation plan. Any recommendations from LLS must be adopted; and
2. The rehabilitated river bank must not be rock lined; and
3. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
4. If a Controlled Activity Approval is obtained from the NSW Natural Resources Access Regulator (NRAR), then a Part 7 permit for dredging and reclamation under the FM Act is not required. If a Controlled Activity Approval is not obtained from NRAR, the proponent must obtain a Part 7 permit from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit> .

If Council or the proponent require any further information, please do not hesitate to contact me on (02) 8437 4981.

Yours sincerely,



Sarah Conacher
Fisheries Manager, Coastal Systems



Office of Environment & Heritage

Your reference: DA0508/18
Our reference: SF18/103648
Contact: gs.ach@environment.nsw.gov.au

Naomi O'Brien
Development Support Officer
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

Dear Ms O'Brien,

Re: OEH General Terms of Approval for Integrated Development Application DA0508/18, Lots 1 & 2, DP 77951, Lot 3 & 4 DP718505, Lot 1 & 2 DP85885 374, 395 & 415 Freemans Reach Road FREEMANS REACH NSW 2756

This letter contains Office of Environment and Heritage's (OEH) general terms of approval for Integrated Development Application DA-17-02447 for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

OEH has reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Coast History & Heritage Pty Ltd for 374, 395, 415 Freemans Reach Rd Freemans Reach, dated November 2018 (received by OEH on the 5th of December 2018). The ACHAR report has identified that there is one Aboriginal site **AHIMS 45-5-5151** (FR OC1) that will be impacted by the proposed sand extraction operation works.

Considering the above, OEH provides the following Aboriginal cultural heritage general terms of approval:

- A s90 Aboriginal Heritage Impact Permit (AHIP) for the proposed works must be sought and granted prior to the commencement of works.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- The AHIP application must include a community collection mitigation program for AHIMS 45-5-5151 (FR OC1).

If you have any further questions in relation to this matter, please contact gs.ach@environment.nsw.gov.au

Yours sincerely,

S. Harrison 14/12/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Branch
Communities and Greater Sydney Division
Office of Environment and Heritage



Contact: Anisul Afsar
Phone:
Email: Anisul.Afsar@dpi.nsw.gov.au

General Manager
Hawkesbury City Council
George St
WINDSOR NSW 2756

Our ref: IDAS1111502
Our file: V18/534-5#6
Your ref: DA508/18

Attention: William Pillon

01 August 2019

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA508/18
Description: Proposal is for sand extraction and processing facility including road works, site works, ancillary office, fencing, landscaping and site rehabilitation.
Location: 374, 395 & 415 Freemans Reach Road FREEMANS REACH

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au » [Water](#) » [Licensing & Trade](#) » [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely

David Zerafa
Senior Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1111502

Issue date of GTA: 01 August 2019

Type of Approval: Controlled Activity

Description: Proposal is for sand extraction and processing facility including road works, site works, ancillary office, fencing, landscaping and site rehabilitation.

Location of work/activity: 374, 395 & 415 Freemans Reach Road FREEMANS REACH

DA Number: DA508/18

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
Erosion and sediment controls	
GT0006-00006	The following plan(s): - Erosion and sediment plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00012	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00005	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.

Plans, standards and guidelines

Ground Floor, 5 O'keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1111502
Issue date of GTA:	01 August 2019
Type of Approval:	Controlled Activity
Description:	Proposal is for sand extraction and processing facility including road works, site works, ancillary office, fencing, landscaping and site rehabilitation.
Location of work/activity:	374, 395 & 415 Freemans Reach Road FREEMANS REACH
DA Number:	DA508/18
LGA:	Hawkesbury City Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources
GT0002-00729	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA0508/18 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
GT0005-00301	A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed development plans, 2. Vegetation Management Plan (VMP), 3. Erosion and sediment control plan, 4. Earthwork and filling Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/__data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf .
GT0008-00033	A. Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the activity approval, and approved by Natural Resources Access Regulator. B. The corridor must extend for: i. a width of 40 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the activity.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

Rehabilitation and maintenance

GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
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Reporting requirements

GT0015-00011	A. A written report must be provided on the activities carried out under a controlled activity approval to Natural Resources Access Regulator, Parramatta Office. B. Each report must: i. address the implementation requirements of the plan(s) being submitted as part of the controlled activity approval, and ii. be submitted at the interval(s) specified in the plan(s). C. The report must be approved by Natural Resources Access Regulator before the controlled activity can commence.
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General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1111502

Issue date of GTA: 01 August 2019

Type of Approval: Controlled Activity

Description: Proposal is for sand extraction and processing facility including road works, site works, ancillary office, fencing, landscaping and site rehabilitation.

Location of work/activity: 374, 395 & 415 Freemans Reach Road FREEMANS REACH

DA Number: DA508/18

LGA: Hawkesbury City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

GT0017-00004 When required: A. a suitably qualified person must provide a certificate of completion for any controlled activity carried out under a controlled activity approval, and B. the certificate must be sent to Natural Resources Access Regulator.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA508/18 as provided by Council:

- 1. Council referral letter
- 2. Development plans
- 3. Erosion and sediment control plan
- 4. Vegetation Management Plan (VMP)
- 5. Ecological assessment report
- 6. Landscape plan

General Terms of Approval - Issued



Notice No: 1574752

Mr William Pillon
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Notice Number 1574752

Date 27 July 2020

Re: Greener Valley Sands Pty Ltd - Development Application No DA0508/18 - Extractive Activities - Sand extraction processing facility

**Lot 1 & 2 DP 77951, Lot 3 & 4 DP 718505, Lot 1 & 2 DP 85885 - 374, 375 & 415 Freemans Reach Road
Freemans Reach NSW 2756**

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application submitted by Greener Valley Sands Pty Ltd (applicant) and accompanying information provided for extractive activities at 374, 375 & 415 Freemans Reach Road Freemans Reach NSW 2756 (premises) received by the Environment Protection Authority (EPA) on 4 December 2018. The EPA requested additional information to address issues identified by the EPA, which was received on 28 June 2019 and 1 July 2020.

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence.

The general terms of approval for this proposal are provided at Attachment A. If Hawkesbury City Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable the EPA to determine whether the general terms need to be modified in light of the changes.

The letter from Acoustic Logic dated 30 April 2019 and report titled *DA Acoustic Assessment - Revised April 2019* adequately addresses the noise issues raised by the EPA on 31 July 2019.

General Terms of Approval - Issued



Notice No: 1574752

The EPA recommends that a Construction Noise and Vibration Management Plan and an Operational Noise Management Plan is developed consistent with the recommendations set out in Section 7 of the Acoustic Assessment to ensure compliance with the proposed noise conditions. This should also include:

- restricting truck movement before 7am, ensuring vehicles waiting to enter the site before this time do not park and idle near any noise sensitive locations; and -
- undertaking validation measurements if approved to ensure noise feasible and reasonable mitigation has been applied to determine compliance with the (proposed) noise limits.

The updated Groundwater Quality Monitoring Program and network, dated May 2020, received by the EPA in July 2020 involves the installation and monitoring of six bores around the perimeter of the premises. Routine monthly monitoring, to begin six months prior to the commencement of work, is proposed to be undertaken from the installed and expanded network. This frequency of monitoring is suitable to capture any changes to groundwater as the development progresses.

The proposed monitoring requirements, adopted trigger levels and sampling procedures are suitable for the purposes of groundwater management and monitoring program.

The additional information provided in July 2020 adequately addresses the surface water quality issues previously raised. The applicant proposes practical and reasonable measures to manage potential water pollution risks, including:

- a bund between the extraction pit and the river to reduce the frequency of inundation
- measures to prepare the site prior to flooding
- monthly and event water quality monitoring at receiving waterway and dredge pool sites
- silt curtains around the inlet filling works and water quality monitoring immediately outside the curtains.

The additional information also adequately assesses the residual water pollution impacts, indicating that these would be minimal.

If you have any questions, or wish to discuss this matter further please contact Lisa Crambrook on 02 8837 6079.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lara Barrington', written over a dotted line.

LARA BARRINGTON

Unit Head - Regulatory Operations Metropolitan West

(by Delegation)

General Terms of Approval - Issued



Notice No: 1574752

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA0508/18 submitted to Hawkesbury City Council on 22 November 2018;
- any environmental impact statement relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 - Preliminary Site investigation: 374, 395 and 415 Freemans Reach Road Freemans Reach, NSW, Amended Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
 - Amended Preliminary Civil Design Plans 374, 395 and 415 Freemans Reach Road Freemans Reach, NSW, by Martens & Associates Pty Ltd;
 - Aboriginal Cultural Heritage Assessment Report Proposed Sand Extraction at 374, 395, 415 Freemans Reach Rd Freemans Reach NSW, Version 1 dated 27 November 2018 by Coast History & Heritage;
 - Traffic Study: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Rach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Watercourse Impact Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Surface Water Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Waste Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Hydrogeological Assessment: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Operational Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Amended Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
 - Inlet Reclamation Plan roposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 8 May 2020 by Martens & Associates Pty Ltd;
 - Flood Risk Management Plan: Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road Freemans Reach NSW , Amended Version 1 dated 27 April 2020;
 - Sand Quarry at 374, 395 and 415 Freemans Reach Road, Freemans Reach DA Acoustic Assessment by Acoustic Logic, Version 1 dated 27 November 2018;
 - Onsite Wastewater Management Assessment - Proposed Sand Extraction Facility at 374, 395 and 415 Freemans Reach Road, Freemans Reach, NSW, Version 1 dated 27 November 2018 by Martens & Associates Pty Ltd;
 - Preliminary Civil Design Proposed Sand Extraction Facility by Martens & Associates Pty Ltd, Version 1 dated 27 November 2018; and

General Terms of Approval - Issued



Notice No: 1574752

- Air Quality Assessment Freemans Reach Sand Quarry and Processing Facility dated 20 November 2018 by Todoroski Air Sciences.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

Note: Mandatory condition

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.

L5. Waste

Note: Mandatory conditions to be placed on all general terms of approval

L5.1 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.

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.

Note: Condition L5.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L6. Noise limits

Note: Conditions to be used where applicable

L6.1 Noise generated at the premises must not exceed the noise limits in Table 1 below.

TABLE 1 - NOISE LIMITS IN dB(A)

NOISE LIMITS		Noise Level in Decibels dB(A) – Fast Response	
Receiver Locality	Location	DAY LAeq,15min	EVENING LAeq,15min
R1 232 Cornwallis Road	Cornwallis	42	36
R2 353 Freemans Reach Road	Freemans Reach	40	35

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R3 435 Freemans Reach Road	Freemans Reach	40	35
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- L6.2** Operational activity is permitted:
7:00am to 6:00pm Monday to Friday;
and 7:00am to 3:30pm Saturdays.
- Maintenance activity is permitted:
7:00am to 7:00pm Monday to Friday; and
7:00am to 3:30pm Saturdays.
- No operational or maintenance activity is permitted Sundays and Public Holidays.
- L6.3** Construction hours permitted:
7:00am to 6:00pm Monday to Friday; and
8:00am to 1:00pm Saturdays.
- No construction permitted Sundays and Public Holidays.
- L6.4** For Condition L6.1;
- Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00 am to 6:00 pm Sunday and Public Holidays.
 - Evening is defined as the period 6:00 pm to 10:00 pm.
 - Night is defined as the period from 10:00 pm to 5:00 am Monday to Saturday and 10:00 pm to 8:00 am Sunday and Public Holidays.
- L6.5** The noise limits set out in condition L6.1 apply under all meteorological conditions, including inversion meteorological conditions determined by the recommended meteorological station.
- L6.6** For the purposes of condition L6.4:
- a) Data recorded by the meteorological station identified as EPA Identification Point 1 must be used to determine meteorological conditions; and
 - b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in **Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions** in the NSW Noise Policy for Industry.
- L6.7** To determine compliance:
- a) with the LAeq(15 minute) noise limits in condition L6.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or

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- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

a) with the noise limits in condition L6.1, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L6.7(a).

L6.8 A non-compliance of condition L6.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- at a location other than an area prescribed by conditions L6.7(a); and/or
- at a point other than the most affected point at a location.

L6.9 For the purposes of determining the noise generated at the premises, the modification factors in **Fact Sheet C - Corrections for Annoying Noise Characteristics** of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

M8 Requirement to Monitor Noise

M8.1 To assess compliance with Condition L6.1, attended noise monitoring must be conducted in accordance with Conditions L6.7 and:

- a) at R1, R2 and R3 as listed in Condition L6.1;
- b) occur at the time of commencement of typical production activity;
- c) occur during the day as defined in Condition L6.4 for a minimum of:
 - 60 minutes duration for the day period for typical production activity.

Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the commencement of typical production operations. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 as defined in M8.1 (a); and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1.

Additions to Definition of Terms of the licence

- NSW Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise – "sound pressure levels" for the purposes of conditions L6.1 to L6.7.

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- “Noise sensitive locations” includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building. Noise sensitive locations also means locations sensitive to vibration.

Operating conditions

01. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

02. Dust

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

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

Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)

Monitoring and recording conditions

Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.

M1 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.

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.

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;

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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.

M2. Groundwater monitoring requirements

M2.1 For each newly constructed periphery monitoring bores; GMB01, GMB02, GMB03, GMB04, GMB05, and GMB06 the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each analyte specified in Column 1. The applicant must use the sampling methods, units of measure, and sample at the frequency, specified opposite in the other columns:

Groundwater

Analyte	Units	Frequency	Sampling Method
Standing Water Level	metres (Australian Height Datum)	Quarterly	In-situ
pH	pH	Quarterly	In-situ
Electrical Conductivity	microsiemens per cm	Quarterly	In-situ
Total Dissolved Solids	Milligrams per litre	Quarterly	Representative Sample
Nitrogen (total)	Milligrams per litre	Quarterly	Representative Sample
Faecal Coliforms	Milligrams per litre	Quarterly	Representative Sample
Total Phosphorus	Milligrams per litre	Quarterly	Representative Sample
Ammonia	Milligrams per litre	Quarterly	Representative Sample
Oxidised Nitrogen	Milligrams per litre	Quarterly	Representative Sample

M4. Testing methods - concentration limits

(Licences with air monitoring requirements)

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:

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

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

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 Clean Air (Plant and Equipment) Regulation 1997 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".)

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Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

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.

Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

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

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- c. must be maintained in a proper and efficient condition; and
- d. must be operated in a proper and efficient manner.

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Monitoring and recording conditions

Recording of pollution complaints

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.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

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.

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.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

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A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA 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').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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.

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Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement 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.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

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.

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.

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; and
- 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;

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g. any other relevant matters.

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.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.