MODIFICATION OF SPRING FARM QUARRY CONSENT (DA 75/256)

Lot 22 (No. 186) DP 833317 and Part Lot 32 (No. 172) (DP 635271)

Macarthur Road, Spring Farm

ENVIRONMENTAL ASSESSMENT

Prepared For:

COLLINS

M. Collins and Sons Holdings Pty Ltd

PPS PASCOE PLANNING SOLUTIONS

APPENDIX D

Prepared By:

February 2018

Post: PO Box 774, Camden NSW 2570 • **Ph:** 02 4658 1141 • **Fax:** 02 4658 1977 • **Mob:** 0431 519 128
Email: graham@pascoeplanning.com.au • **Web:** www.pascoeplanning.com.au

Licence Details	
Number:	4093
Anniversary Date:	26-August

Licensee
M COLLINS & SONS HOLDINGS PTY LTD
PO BOX 55
MILPERRA NSW 2214

Premises
SPRING FARM
214 MACARTHUR ROAD
SPRING FARM NSW 2570

Scheduled Activity
Crushing, Grinding or Separating
Extractive Activities

Fee Based Activity	Scale
Crushing, grinding or separating	> 100000-500000 T processed
Land-based extractive activity	> 100000-500000 T extracted, processed or stored

Region
Metropolitan - Illawarra Level 3, NSW Govt Offices, 84 Crown Street WOLLONGONG NSW 2500
Phone: (02) 4224 4100
Fax: (02) 4224 4110
PO Box 513 WOLLONGONG EAST NSW 2520

Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the

EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

M COLLINS & SONS HOLDINGS PTY LTD
PO BOX 55
MILPERRA NSW 2214

subject to the conditions which follow.

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Crushing, Grinding or Separating	Crushing, grinding or separating	> 100000 - 500000 T processed
Extractive Activities	Land-based extractive activity	> 100000 - 500000 T extracted, processed or stored

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
SPRING FARM
214 MACARTHUR ROAD
SPRING FARM
NSW 2570
LOT 1 DP 587631, LOT 32 DP 635271, LOT 22 DP 833317

A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and

b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Dust Monitoring		Dust deposition gauge labelled as MS1 as labelled Environmental Monitoring Locations Plan - Spring Farm Water and Dust Monitoring Stations 9 August 2013 [Trim DOC13/42029].
2	Dust Monitoring		Dust deposition gauge labelled as MS2 as labelled Environmental Monitoring Locations Plan - Spring Farm Water and Dust Monitoring Stations 9 August 2013 [Trim DOC13/42029].
3	Dust Monitoring		Dust deposition gauge labelled as MS3 as labelled Environmental Monitoring Locations Plan - Spring Farm Water and Dust Monitoring Stations 9 August 2013 [Trim DOC13/42029].

3 Limit Conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	As specified in each particular resource recovery exemption	NA
NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA

L3 Noise limits

L3.1 Noise from the premises must not exceed an LA10 (15 minute) noise emission criterion of 55 dB(A), except as expressly provided by this licence.

L3.2 Noise from the premises is to be measured or computed at any point within one metre of the boundary of any residential premsies or other noise sensitive areas (such as schools, hospitals) in the vicinity of the premises to determine compliance with condition L3.1. 5dB(A) must be added if the noise is tonal or impulsive in character.

L4 Hours of operation

L4.1 Activities covered by this licence on Lot 1 DP587631 must only be carried out between the hours of 0700 and 1700 Monday to Friday, and 0700 and 1300 Saturday, and at no time on Sundays and Public holidays.

L4.2 Activities covered by this licence on Lot 22 DP833317 and Lot 32 DP635271 must only be carried out between the hours of 0700 and 1700 Monday to Friday, and 0800 and 1300 Saturday, and at no time on Sundays and Public holidays.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 and L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.

L5 Potentially offensive odour

L5.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and

b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

a) must be maintained in a proper and efficient condition; and

b) must be operated in a proper and efficient manner.

O3 Dust

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

O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

5 Monitoring and Recording Conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

a) the date(s) on which the sample was taken;
b) the time(s) at which the sample was collected;
c) the point at which the sample was taken; and
d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

M2.1 Air Monitoring Requirements

POINT 1,2,3

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

M2.2 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M3 Testing methods - concentration limits

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

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

b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or

c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

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

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 The preceding two conditions do not apply until 3 months after:

a) the date of the issue of this licence or
b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and
b) a Monitoring and Complaints Summary.
At 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.

R1.2 An Annual Return must be prepared in respect of each reporting period, 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.

R1.3 Where this licence is transferred from the licensee to a new licensee:

a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the 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.

R1.8 A person who has been given written approval to certify a certificate 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 of this licence.

R2 Notification of environmental harm

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

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

a) where this licence applies to premises, an event has occurred at the premises; or

b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

a) the cause, time and duration of the event;
b) the type, volume and concentration of every pollutant discharged as a result of the event;
c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

7 General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Other general conditions

G2.1 **Completed Pollution Studies and Reduction Programs (PRPs)**

PRP	Description	Completed Date
PRP 1 - Noise Mitigation Measures	Noise mitigation measures installation. To reduce noise emissions from the sand washery at the premises.	15-March-2008
PRP 2 - Control of Dust Emissions	Control of dust emissions. Dust management plan for the premises.	15-March-2008
PRP 3 - Air Monitoring Program	Undertake Total Suspended Particles and PM10 Monitoring Investigation Program for operations at Spring Farm.	14-May-2014

Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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

End Notes

1	Licence varied by notice 1016200, issued on 09-May-2003, which came into effect on 03-Jun-2003.
2	Licence varied by notice 1047682, issued on 12-Jul-2005, which came into effect on 06-Aug-2005.
3	Licence varied by notice 1058707, issued on 18-Apr-2006, which came into effect on 18-Apr-2006.
4	Licence varied by notice 1067861, issued on 20-Dec-2006, which came into effect on 20-Dec-2006.
5	Licence varied by notice 1081325, issued on 07-Jan-2008, which came into effect on 07-Jan-2008.
6	Licence varied by Change to schedule 1, issued on 08-May-2008, which came into effect on 08-May-2008.
7	Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
8	Licence varied by notice 1096062, issued on 20-Jan-2009, which came into effect on 20-Jan-2009.
9	Licence varied by notice 1103855, issued on 28-Jul-2009, which came into effect on 28-Jul-2009.
10	Licence varied by change to DECCW region, issued on 20-Aug-2009, which came into effect on 20-Aug-2009.
11	Licence varied by notice 1107936, issued on 20-Oct-2009, which came into effect on 20-Oct-2009.
12	Licence varied by correction to premise st name and number, issued on 13-Dec-2010, which came into effect on 13-Dec-2010.
13	Licence varied by notice 1124885, issued on 05-Apr-2011, which came into effect on 05-Apr-2011.
14	Licence varied by notice 1504257 issued on 20-Feb-2012
15	Licence varied by notice 1506975 issued on 08-Aug-2012
16	Licence varied by notice 1511248 issued on 13-Aug-2013

17	Licence varied by notice	1516264 issued on 20-Aug-2013
18	Licence varied by notice	1517225 issued on 19-Sep-2013
19	Licence varied by notice	1522816 issued on 18-Jun-2014

Together with a number, means a test method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

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

Mr Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 08-January-2001

NSW GOVERNMENT | Department of Primary Industries
Office of Water

Notice of Determination

issued under the Water Management Act 2000

Application details

Approval Number	**10 ERM2013/0830**
First applicant	Mr
Last Name	Collins
First Name	Matt
Address	PO Box 56 MILPERRA NSW 2214
Contact	0297741544 **Fax:**
Email	matt@mcollins.com.au
Second applicant (if applicable)	
Last Name	
First Name	
Address	 **Town:** **State:** **P/Code:**
Contact	**Ph:** **Fax:**
Email	

Determination

Application type	**Controlled Activity Approval** to be issued under Part 3, Chapter 3 of the *Water Management Act 2000* - for matters assessed as integrated development under Part 4 of the *Environmental Planning & Assessment Act 1979*
Determination	☒ Granted (subject to conditions) ☐ Refused
Date of Determination	8 October 2013
Reasons for Determination	see Attachment 1
Date of Expiry	8 October 2018
Location	Spring Farm and Nesbitt Site at Macarthur Road, ELDERSLIE
Description of activity	Sand and Soil Extraction

Determining Officer

Signature	
Name	**Mohammed Ismail** by delegation from the Minister administering the *Water Management Act 2000*

Right of Appeal: Section 368 of the *Water Management Act 2000* gives a right of appeal in certain circumstances. As this application has been assessed as integrated development it will not be subject to any third party rights of appeal under the *Water Management Act 2000*. This does not affect any right of appeal an objector may be entitled to under section 98 of the *Environmental Planning and Assessment Act, 1979*.

Notice of Determination

issued under the Water Management Act 2000

ATTACHMENT 1

Reason for determination

Approval Number: **10 ERM2013/0830**

Reason: This controlled activity approval is granted on the basis that the NSW Office of Water is satisfied the proposed development has adequate arrangements in place to ensure that no more than minimal harm will be done to waterfront land at this site as a consequence of carrying out the proposed controlled activity.

This controlled activity approval is subject to the attached conditions.

Schedule 1 - Approval holder(s)

Holder's name(1):	Matt Collins		
Postal Address:	PO Box 55		
	Town/City MILPERRA	**State** NSW	**P/Code** 2214
Holder's name(2):			
Postal Address:			
	Town/City	**State**	**P/Code**
Company Name:	M Collins & Sons Holdings pty Ltd		
ACN (if applicable):	000521871		
Office Address:	17 Fitzpatrick Street		
	Town/City REVERSBY	**State NSW**	**P/Code 2212**

Property/land owner's details

Name of Owner/s (1)	Matt Collins		
Postal Address:	PO Box 55		
	Town/City MILPERRA	**State** NSW	**P/Code** 2214
Name of Owner/s (2)	Gregory Penman		
Postal Address:	172 Macarthur Road		
	Town/City Spring Farm	**State** NSW	**P/Code** 2570

IMPORTANT NOTICE – Change of approval holder or landholder or contact person.

Please advise the Office of Water in the event of any of the following as soon as practicable:

- If there is a change in the ownership or occupation of the land benefited by this approval (see Schedule 2). Under the *Water Management Act 2000*, an approval is typically held by the owner or lawful occupier of the benefited land. Consequently, a change in ownership may cause a change in your legal obligations as an approval holder. *
- If there is a change to the contact person or their contact details. You will be required to lodge a written statement signed by all the approval holders. *
- If there is a change in the mailing address for the nominated contact person. This should be done by the contact person in writing.

** An updated Statement of Approval reflecting these changes will be issued free of charge.*

Department of Primary Industries
Office of Water

Statement of Approval

Water Management Act 2000

Approval details

Approval No: 10 ERM2013/0830 **File No:** 9056802

Previous Ref: ERM10/523 (ERM04/4720)
ERM10/210 (ERM04/4722

Status: CURRENT *

Approval type: Controlled Activity Approval

Water sharing plan: not applicable

Period of Approval

Date of effect: 8 October 2013

Expiry date: 8 October 2018

Approval holder(s): Schedule 1

Description of activity: Schedule 2

Conditions: Schedule 3

Contact for service of documents

Name: Matt Collins

Address: PO Box 55, MILPERRA, NSW, 2214

NOTE: An approval has effect for such period as is specified in the approval, or if the period is extended under section 105 of the *Water Management Act 2000*, that extended period. If an application for extension of an approval is lodged before the approval expires, the term of the expiring approval is extended until either the date of the final decision on the application, or a date fixed by the Minister for the approval, whichever is the later date. An approval which has expired can be the subject of an application to extend it but it needs to be accompanied by a statutory declaration of the reasons for the delay in making the application. If the Minister accepts these reasons the term of the approval is taken to have been extended, and the application may be dealt with, as if the application had been made before the approval expired.

It is an offence under the *Water Management Act 2000* to breach a term or condition of the approval or to construct or carry out a controlled activity to which the approval does not relate, or if the approval has expired, been surrendered or cancelled.

Schedule 2 – Controlled activity

Authorised Controlled Activity

Subject to the conditions of this approval, in relation to the controlled activity described, the holders of this approval are authorised to construct and carry out the controlled activity at the location specified:

Controlled activity: Sand and Soil Extraction,

Property Name:

Site address: 186 Macarthur Road, Spring Farm NSW 2570

Lot 1	DP 587631	Parish	County
Lot 22	DP 833317	Parish	County
Lot 32	DP 635271	Parish	County

ocal Council: Camden Council

Development Reference: (if applicable) 75/256 Mod3; L&E 10409/1996; (DA252/93)

Name of watercourse: Nepean River

Catchment name: Hawkesbury Nepean

Security Details (if applicable)

Number	Provider	Value
1	M Collins and Sons Holdings PL	$43,850.00
2	M Collins and Sons Holdings PL	$45,200.00

1

Application fees

Fee: $ 2,141.00 has been paid exclusive of GST

Receipt No: PAR13-06933; PAR13-693, PAR13-815

Approval issued by

Officer's name Mohammed Ismail

Schedule 3 Conditions:

In relation to the controlled activity described in Schedule 2, the holders of this approval are authorised to construct and carry out the controlled activity at the location specified subject to the conditions listed:

Number	Condition
Plans, standards and guidelines	
1	This Controlled Activity Approval number 10 ERM2013/0830 only applies to the controlled activity carried out at the location marked on the Aerial Site Photo as approved by the NSW Office of Water and stamped on 8 October 2013. This Controlled Activity Approval does not permit controlled activities at any other site.
2	The approval holder must not transfer this Controlled Activity Approval 10 ERM2013/0830 without the written approval of the NSW Office of Water.
3	The approval holder must keep a copy of the current Controlled Activity Approval 10 ERM2013/0830 on site at all times and make this approval available to officers from the NSW Office of Water on request.
4	If the controlled activities described in this Controlled Activity Approval 10 ERM2013/0830, have not commenced or been completed within the period of this approval, the approval holder must apply to the NSW Office of Water for a new approval or seek an extension prior to the lapsing of the consent.
5	The approval holder must notify the NSW Office of Water in writing within 14 calendar days of any change in (i) site management; (ii) land ownership; (iii) land occupation.
6	The approval holder must comply with the requirements of each of the plans approved by the NSW Office of Water and stamped on 8 October 2013 (or as indicated) as follows: i. Plan No. 77310.01.P08, Original Surface Contours (1983) by SMEC Urban ii. Plan No. 77310.01.P09, Current Surface Contours (2008) by SMEC Urban iii. Plan no. 77310.01.P16, Design Final Surface Contours by SMEC Urban. iv. Plans Nos. 77310.01.P04, 77310.01.P05, 77310.01.P06, 77310.01.P11, 77310.01.P12 & 77310.01.P13, Sand Mining Cross Sections by SMEC Urban. v. Plans No JET0328 drawing Nos 11 (issue 3) and 12 to 16 (inclusive all issue 2) by Johnstone Environmental Technology as indorsed by Department Land & Water (now office of Water) and department of Planning. vi. Plans No JET0989 drawing 2 to 4 inclusive and 7 to 10 inclusive.
7	The approval holder must carry out all vegetation management, erosion and sediment control and rehabilitation activities in accordance with the plans and schedules approved by the NSW Office of Water and stamped on 8 August 2013 as follows: i. Landscape Management Plan dated 24 April 2013 by Harvest Scientific Services Pty Ltd ii. Figure 3 Final Landform and Rehabilitation Management Plan No 201279 dated 4 September 2012 by Harvest Scientific Services iii. Attachment 1 to this CAA, Site drainage and erosion control measures. iv. Attachment 2 to this CAA, Site Rehabilitation v. Vegetation Management Plan (VMP), The Knoll, Spring Farm, Elderslie NSW date February 2002
8	The approval holder must submit for approval, by the NSW Office of Water, any amendments to a plan listed in Condition 6 (six) prior to carrying out any works in relation to the approved controlled activity.
9	The approval holder must clearly mark on the ground, the boundaries of the areas where the controlled activity is to be carried out before commencement of the controlled activity, and maintain the markings until the works are completed.

Number	Condition
10	Before commencing any extractive or deposition works on waterfront land the approval holder must engage a suitably qualified person to locate the benchmarks (cross-sections) as shown on Plan No 77310.01.P11, 77310.01.P12 & 77310.01.P13, Sand Mining Cross Sections by SMEC Urban, approved by the NSW Office of Water and clearly mark these cross sections with stakes using a GPS with an agreed coordinate system.
11	The approval holder must comply with the requirements of the approved Vegetation Management Plan VMP dated February 2002 to the extent that it relates to the carrying out of the rehabilitation activities on the site which is the subject of this controlled activity approval.
12 - 15	N/A
16	The approval holder must maintain the approved controlled activity on waterfront land for a period of two (2) years from the date of completion of the controlled activity works.
17	The approval holder must complete a maintenance period of two (2) years after final planting for all areas described in the Vegetation Management Plans (VMP) approved by the NSW Office of Water.
18	The approval holder must reinstate land in the manner and to the extent described in the rehabilitation plan/s stated in condition 7, approved by the NSW Office of Water and stamped on 8 August 2013.
19	N/A
20	The approval holder must submit survey plans to a professional standard of work as executed, and any other information required by the NSW Office of Water within 14 days of completion of the controlled activities.
21	At practical completion and/or at the end of the maintenance period, the approval holder must provide a final written report to the NSW Office of Water evidencing completion of the approved controlled activity.
22	The approval holder must provide a report on the implementation of the vegetation management plan (VMP) to the NSW Office of Water at the completion of the revegetation works at every twelve (12) months up to the end of the maintenance period that must include: (i) a schedule and map showing the vegetation species, number and location of initial and any replacement plantings and propagation materials, and (ii) the date of planting of vegetation, and (iii) the percentage cover of groundcover, shrubs, trees and weeds, and (iv) any problems that impacted on the survival rates of plants including climatic, fire, flooding and vandalism, and (v) a map of the location of any staged activities, and (vi) photographs showing the revegetation works during the reporting period.
23	The approval holder must provide the NSW Office of Water with a certificate of completion of approved activities and also a certificate of completion of maintenance to best practice provided by persons suitably experienced and/or qualified in such certification at the completion of the maintenance period.
24	The approval holder must provide a progress report to the NSW Office of Water every twelve (12) months.
25	The approval holder must notify the NSW Office of Water in writing within seven (7) days if the controlled activity (i) ceases for a period of more than 30 calendar days; or (ii) is terminated before its full completion, or (iii) is resumed.
Security deposits	
26	The approval holder must provide security of **$ 45,200 and $43,850** by way of bank guarantee to the NSW Office of Water prior to commencing the controlled activity work. The security deposit will be held until such time as the controlled activity, together with any rehabilitation or revegetation works, have been completed in accordance with the conditions of this approval. The approval holder must certify compliance with the conditions of this Controlled Activity Approval (certificate of compliance) prior to the release of any security being held for the controlled activity.

Number	Condition
27 - 34	N/A
Disposal	
35	The approval holder must relocate any unused or excess materials at least 40 metres from the river and/or outside the designated riparian corridor.
36	The approval holder must not leave materials which could obstruct the flow of water or damage river banks on waterfront land at any time.
37	The approval holder must remove surplus material when operations cease and the controlled activity is completed.
38	The approval holder must not put materials in the drainage line or river or in any area that has existing native vegetation and/or that is identified as part of the riparian corridor.
Drainage and Stormwater	
39	The approval holder must establish all drainage control works in accordance with any Plan submitted and approved by the NSW Office of Water.
40 - 41	N/A
Erosion control	
42	The approval holder must establish erosion and sediment control works in accordance with Plans submitted and approved by the NSW Office of Water prior to the commencement of any other works on the site.
43	The approval holder must not locate permanent basins within 40 meters of the highest bank of the river.
44	The approval holder must use only biodegradable materials for any erosion control matting in the riparian corridor.
45	The approval holder must decommission all erosion and sediment control works using a suitably qualified person.
46	The approval holder must (i) implement erosion and sediment control measures in accordance with the requirements of the Managing Urban Stormwater Manual, Volume 1, Soils and Construction (Landcom, 4th Edition, March 2004) prior to any works commencing at the site; and (ii) maintain the control measures for the duration of the approval to prevent sediment and dirty water entering the waterway.
47 - 48	N/A
Excavation	
49	The approval holder must not excavate beyond a depth of 3 metres above the normal flow water level (taken as R55.63).
50	The approval holder must not excavate beyond: i. The depth shown on Plans No. 77310.01.P04, 77310.01.P05, 77310.01.P06, 77310.01.P11, 77310.01.P12 & 77310.01.P13, Sand Mining Cross Sections by SMEC Urban approved by the NSW Office of Water and stamped on 8 October, 2013. ii. The approval holder must not excavate below the depth shown on plans JET0328 Drawing 12, 13, 14, & 15 (all issue 2) prepared by Johnstone Environmental technology Stamped on 30 April, 1996. iii. The approval holder must not excavate below the depth shown on plans JET0.989 drawings 8 issues 1, drawing 9 issues 0 and drawing 10 issues 0.
51 - 52	N/A
53	The approval holder must not allow machinery to enter or work in the Nepean River at any time.
54	N/A
Maintaining river	
55	The approval holder must not reduce river width, divert or realign the river from its existing alignment otherwise than in accordance with a Plan approved by the NSW Office of Water.

Number	Condition
56	N/A
River bed and bank protection	
57	The approval holder must grade the surfaces of river banks to a grade no flatter than 1 vertical to 50 horizontal, and no steeper than 1 vertical to 3 horizontal and grade them smooth and free from holes and ridges.
58 - 65	N/A
66	The approval holder must maintain and protect vegetation growing along the toe and face of the river bank and 3 metres above normal flow level of the river.
67	N/A
Vegetation management and riparian corridor	
68	The approval holder must delineate, protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the top of the river bank, otherwise than in accordance with a Plan approved by the NSW Office of Water.
69 - 70	N/A
71	The approval holder must not remove or damage vegetation on waterfront land otherwise than in accordance with a Plan approved by the NSW Office of Water.
72	The approval holder must not compromise the implementation of the Vegetation Management Plan (VMP) for any work and/or controlled activity at the site.
73	N/A
74	The approval holder must only use virgin excavated natural material (VENM) that does not contain exotic weed plants or seeds as fill within the tailings emplacement area.
75	N/A
END OF CONDITIONS	

SCHEDULE 1

Site Water and Sediment Runoff Management

Preamble

The aim of site water and sediment runoff management is to minimise the amount of sediment and dirty water that can enter the river system and thereby detrimentally affect the downstream environment. The requirements below are basic only and all designs are to follow current engineering standards and be in accordance with the requirements of the Managing Urban Stormwater Manual, Volume 1, Soils and Construction (Landcom, 4th Edition, March 2004) prior to any works commencing at the site; and (ii) maintain the control measures for the duration of the approval to prevent sediment and dirty water entering the waterway.

Site Runoff

A. All runoff from the site, or other streams or drains passing through disturbed areas, shall be conveyed by pipe or lined channel to the base of the river bank.

B. The outlet of any drainage line shall not induce scour of the river bed or banks.

Sediment Control

A. Runoff from the site of operations shall be intercepted by a catch drain or diversion bank and shall be directed to an appropriately designed and located sediment control structure.

B. There shall be no more than one sediment control structure within the area being worked. Any such structure shall:

- be no closer than 20 metres to the top of the river bank
- have a maximum depth of 2 metres and shall not intercept the water table
- have a maximum volume not exceeding that designed for the disturbed area
- have a filter fencing baffle intercepting flow through the outlet
- be regularly de-silted so as to maintain at least 60 precent capacity at all times
- be filled in and the site rehabilitated as the operation progresses

C. A filter fence of an appropriate geofabric shall be installed on the site downslope of all disturbed areas prior to the commencement of earthworks. Any such structure shall:

- have its base buried upslope to a minimum depth of 20 centimetres.
- be replaced as required.
- be regularly cleaned of accumulated sediment.

D. All sediment and erosion control structures shall be inspected following any local storm event and any necessary maintenance shall be undertaken to ensure the continued proper operation of the structures.

ATTACHMENT 2

Site Rehabilitation

Preamble

The aim of rehabilitation of the area of operations is to produce a healthy area of local native vegetation and habitat along the river. Revegetation is to aim at structural diversity using a mix of native tree, shrub, groundcover and grass species local to the area.
Rehabilitation of the Site is to be undertaken progressively in accordance with **this attachment** and is to be completed prior to the operation ceasing. Follow-up maintenance will be required.

Rehabilitation of that part of the Site located on Lot 1 DP 587631, Lot 22 DP 833317 and Lot 32 DP 635271 "Spring Farm" shall be in accordance with the requirements of the approval and the *Landscape Plan of Management (or VMP)*, but shall not be of a lesser standard than that described below.

Topsoil

A. A quantity of the original excavated topsoil sufficient to cover all areas of operation to a depth of 100 mm must be retained on Site. The topsoil is to be stored in low heaps to allow survival of soil organisms.

B. The topsoil shall be progressively spread over the area where operations have been completed.

C. Prior to spreading the topsoil, the subsoil shall be prepared by roughening.

D. The area covered in topsoil shall be contour ploughed, regrassed and maintained to prevent erosion.

Grass Cover

E. Grassing is to comprise of a cover crop of the following species:

Type	*Spring/Summer Sowing*	*Autumn/Winter Sowing*
Japanese Millet	20 kg/ha	---
Ryecorn/Barley	---	30 kg/ha
Red Clover	4 kg/ha	4 kg/ha
White Clover	4 kg/ha	4 kg/ha
Wimmera Rye	10 kg/ha	---
Perennial Rye	---	10 kg/ha
Couch	8/8 kg/ha (hulled/unhulled)	8/8 kg/ha (hulled/unhulled)

Note: Kikuyu is not to be used as it is a vigorous choking perennial that will out-compete native species.

F. Supplementary planting of local *native* grass and groundcover species shall be undertaken using locally collected seed consisting of species selected from the list below:

Aristida spp.	Three-awned Spear Grass
Cymbopogon refractus	Barbed-wire Grass
Danthonia pilosa var. *pilosa*	Wallaby Grass
Dichelachne micrantha	Plume Grass
Echinopogon spp.	Hedgehog Grass
Ghania spp.	Saw Sedge
Imperata cylindrica	Blady Grass
Kennedia rubicunda	Dusky Coral Pea
Lomandra longifolia	Spiny-headed Mat-rush
Microlaena stipoides	Weeping Meadow Grass
Oplismenus aemulus	Basket Grass
Pteridium esculentum	Bracken Fern
Stipa ramosissima	Stout Bamboo Grass
Themeda australis	Kangaroo Grass

Appropriate for planting on the bank and along the toe of the bank:

Baumea spp.	Twig-rushes
Carex spp.	Sedges
Eleocharis spp.	Spike rushes
Juncus spp.	Rushes
Lepidosperma spp.	Sword-sedges
Restio spp.	Cord-rushes
Schoenoplectus spp.	Club-rushes
Schoenus spp.	Bog-rushes

Trees and Shrubs

G. The following species shall be propagated from locally collected seed:

Trees

Angophora subvelutina	Broad-leaved Apple
Casuarina cunninghamiana	River Oak
Eucalyptus amplifolia	Cabbage Gum
Eucalyptus bauerana	Blue Box
Eucalyptus elata	River Peppermint
Eucalyptus eugenioides	Thin-leaved Stringybark
Eucalyptus viminalis	Ribbon Gum, Manna Gum

Shrubs

Acacia binervia (prev. *A. glaucescens*)	Coast Myall
Acacia decurrens	Green Wattle
Acacia floribunda	Sally Wattle
Acacia parramattensis	Sydney Green Wattle
Commersonia fraseri	Black-fellow's Hemp
Hymenanthera dentata	Tree Violet, Scrub Box
Callistemon viminalis	Bottle Brush
Leptospermum polygalyfolium (prev. *L. flavescens*)	Yellow Tea-tree
Tristaniopsis laurina	Water Gum

H. Native tree and shrub species are to be established on the banks of the Nepean River as follows:

- no more than 2 m apart
- in at least 16 staggered rows no more than 2 m apart
- to cover a strip 30 m wide from the top the river bank
- plant only *Casuarina, Leptospermum* and *Tristaniopsis* species in the three rows closest to the river
- with an even mix of all other shrub and tree species in remaining rows
- existing small native plants and seedlings growing on the area to be excavated are to be transplanted to the area being restored
- existing native trees and shrubs, when felled, are to have seeding branches collected and spread over the area under restoration

I. Native tree and shrub species are to be established on the western bank of the Anabranch, and across it near the access track at the northern boundary, to supplement existing native vegetation, as follows:

- no more than 2 m apart
- in staggered rows no more than 2 m apart
- to form a strip on the "Nesbitt" property at least 20 m wide, and on the "Spring Farm" property at least 50 m wide, from the top of the bank
- plant tree and shrub species listed except for the last three shrub species
- plant grass species as listed

General

J. The use of fertilizers shall be minimised in order to reduce the influx of nutrients to the river system. If used at all, fertilizers are to be low P types, and slow release, such as Agriform Tablets, Kokei Pellets, Osmocote, etc. Pellets, if used, are to be placed at least 100 mm beneath the root tip of seedlings being planted.

K. The vegetation shall be regularly watered and protected against predators such as hares and rabbits).

L. The rehabilitated area shall be regularly weeded of exotic plant species