

Notice of Modification

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



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A/Director
Resource Assessments

Sydney

23 April 2021

SCHEDULE 1

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

SCHEDULE 2

- In the list of definitions delete the terms "Department", "Development", "DoI", "DPI", "DRG", "Minister", "RMS" and "Secretary", and their definitions, and insert the following in alphabetical order:

Department	Department of Planning, Industry and Environment
Development	The operation, closure and rehabilitation of the Spring Farm Quarry as described in the documents listed in condition 2(a) of Schedule 2
DPI (Agriculture NSW)	The Agriculture Branch of the Primary Industries Group within the Department
DPIE Water	Water Group within the Department
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
MEG	Mining, Exploration and Geoscience within Regional NSW
Minister	NSW Minister for Planning and Public Spaces, or delegate
MR (Mod 5)	Modification Report titled <i>Proposed Modification No. 5 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</i> prepared by Pascoe Planning Solutions, dated August 2020, and the associated Response to Submissions titled <i>Attachment "A" Spring Farm Quarry (Modification 5) – Submissions Response</i> dated 19 November 2020
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Quarrying Operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Secretary	Planning Secretary under the EP&A Act, or nominee
- Delete all references to "DRG" and replace with "MEG".
- Delete all references to "DoI Lands and Water" and replace with "DPIE Water".

4. In condition 2(a) of Schedule 2:
 - (a) after “(Mod 3)”, delete the word “and” and replace with a comma; and
 - (b) after “(Mod 4)”, insert “and MR (Mod 5)”.
5. In condition 5 of Schedule 2, delete “2021” and replace with “2023”.
6. Delete condition 8 of Schedule 3 and insert the following:
 8. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 1, 2 and 3 at any residence on privately-owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³

Table 2: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

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

Notes:

- ^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
- ^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
- ^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.
- ^d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

- 8A. The air quality criteria in Tables 1, 2 and 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.
7. In condition 19 of Schedule 3, delete all references to “EPA” and replace with “Heritage NSW”.
8. Delete condition 3 of Schedule 5 and the preceding headings titled “REPORTING” and “Incident Reporting” and insert the following:

REPORTING AND AUDITING

Incident Notification

3. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

4. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

9. Update the Table of Contents to reflect changes made by this instrument.