

The Proper Officer
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Proper Officer,

**Owner's Consent to Application to Modify Project Approval 10_1083
Teralba Quarry Extension Project, Teralba New South Wales**

I am the registered owner of the land known as Lots 1, 2A and 2B DP 224037, being the site of the Teralba Quarry (Quarry site). The Quarry site is leased by me to Metromix Pty Limited under registered lease AG190255W. For ease of reference, I **attach** a title search of each of Lots 1, 2A and 2B, confirming that I am the registered owner of each lot.

On 22 February 2013 the then Minister for Planning and Infrastructure granted Project Approval 10_0183, approving an extension to the Teralba Quarry. This approval was granted by the Minister under the then Part 3A of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

Conditions 52 and 53 of PA10_0183 related to biodiversity offsets. Those conditions are as follows:

Existing Conditions 52 and 53

"Biodiversity Offset Strategy

52. *The Proponent shall implement the Biodiversity Offset Strategy, as described in the Environmental Assessment, summarised in Table 8 and shown conceptually in the figure in appendix 5, to the satisfaction of the Director-General.*

Table 8: Biodiversity Offset Strategy

<i>Area</i>	<i>Offset Type</i>	<i>Minimum Size (ha)</i>
<i>Offset area</i>	<i>Existing vegetation to be enhanced</i>	<i>142.6ha</i>
<i>Total</i>		<i>142.6ha</i>

"Long Term Security of Offsets

53. *By the end of June 2014, unless the Director-General agrees otherwise, the Proponent shall enter into a conservation agreement pursuant to section 69B of the National Parks and Wildlife Act 1974 for the Offset Area, which records the obligations assumed by the Proponent under the conditions of this approval in relation to this area, and shall register this agreement pursuant to section 69F of the National Parks and Wildlife Act 1974. The conservation agreement must remain in force in perpetuity.*

If the OEH is not prepared to enter into a conservation agreement, then to satisfy this condition, the Proponent may propose another conservation measure to secure the offset for approval by the Director-General."

I am informed that following the grant of PA10_0183 there were detailed and lengthy discussions between Metromix and its consultants of the one part and the Department of Planning and Infrastructure (Department), in consultation with the Office of Environment & Heritage (OEH), of the other part, in relation to those offsets. All parties concluded that a modification of PA10_0183 appeared to be appropriate.

I am informed that Metromix proposes to make an application to modify PA10_0183 to delete existing conditions 52 and 53 and to insert in their place new conditions 52 and 53, as set out below:

Proposed New Conditions 52 and 53

"Biodiversity Offset Strategy

52. *By 30 June 2018, the Applicant must submit a Biodiversity Offset Strategy in accordance with the Framework for Biodiversity Assessment – NSW Biodiversity Offsets for Major Projects 2014, for the retirement of ecosystem and species credits as set out in Table 8, to the satisfaction of the Secretary and OEH.*

Table 8: Biodiversity credits to be retired

<i>Credit Type</i>	<i>Number of Credits</i>
<i>Ecosystem Credits</i>	
<i>PCT1589 'Spotted Gum – Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast'</i>	<i>1 343</i>
<i>Species Credits</i>	
<i>Black-eyed Susan (Tetratheca juncea)</i>	<i>1 103</i>

"Long Term Security of Offsets

53. *By 31 December 2018, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the Biodiversity Offset Strategy, to the satisfaction of the Secretary. Any mechanism must remain in force in perpetuity.*

Note: Mechanisms are to provide appropriate long-term security for the land within the Biodiversity Offset Strategy in accordance with the NSW Biodiversity Offset Policy for Major Projects 2014."

As registered proprietor of the Quarry site, I hereby consent to Metromix submitting to the Minister, in accordance with clauses 2 and 3 of Schedule 6A to the EP&A Act, and in accordance with s75W of the EP&A Act (which is taken to apply to the application), the modification application described in this letter.

Yours faithfully,



Graeme Kerby

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