

Appendix 1

Development Consent No. 267-11-99



Department of
Urban Affairs and Planning

Dr L. S. Martin
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Development and Infrastructure
Assessment

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P98/00772 Pt 3

Dear Dr. Martin,

Extraction of sand, clay and pebble – DA number 267-11-99

The Minister for Urban Affairs and Planning, the Hon Andrew Refshauge MP, has granted consent to your Development Application for the extraction and on-site processing of sand, clay and pebble at lots 1 and 2 DP 228308 and Lot 2 DP 312327, Roberts Road, Maroota, in the Baulkham Hills Local Government Area, subject to conditions. Pursuant to clause 68A of the *Environmental Planning and Assessment Regulation, 1994* a copy of the development consent is attached for your information.

The Instrument of Consent sets out the date on which the Application was determined and reasons for the conditions. The Consent becomes effective and operates 28 days from the date of this letter in accordance with Section 83 of the *Environmental Planning and Assessment Act 1979*.

If you are dissatisfied with this decision, section 97 of the *Environmental Planning and Assessment Act, 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

If you have any questions, please contact Caitlin Richards on (02) 9391 2176.

Yours sincerely

Richard Lloyd
Senior Environmental Planning Officer
Development and Infrastructure Assessment

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DETERMINATION OF A DEVELOPMENT APPLICATION UNDER SECTION 80(1) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Urban Affairs and Planning, under Section 80(1) of the Environmental Planning and Assessment Act, 1979 (the Act), determine the Development Application referred to in Schedule 1 by granting consent to the Application, subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to minimise any adverse environmental effects of the development, consistent with the objectives of the Act.



Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney 31 MAY 2000

File No. S98/00772

SCHEDULE 1

Application made by:	Dr L. S. Martin ('the Applicant').
To:	The Minister for Urban Affairs and Planning ('the Minister').
In respect of:	Lots 1 and 2 DP 228308, Lot 2 DP 312327, Roberts Road, Maroota, in the Baulkham Hills Local Government Area.
For the following:	Extraction and on-site processing of sand, clay and pebble; construction of a bund wall.
Development Application:	DA No. 267-11-99 lodged with the Department of Urban Affairs and Planning on 22 November 1999, accompanied by a Environmental Impact Statement prepared by Nexus Environmental Planning Pty Ltd. and dated November 1999.
Determination:	<p>1) To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.</p> <p>2) To ascertain the date upon which the consent is liable to lapse, refer to Section 95 of the Act.</p> <p>3) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.</p>

SCHEDULE 2

Conditions of Development Consent

Abbreviations and Interpretation

The Act	<i>Environmental Planning and Assessment Act 1979</i> , as amended.
Approval from EPA	means approved in writing by the EPA or as specified as a condition of a licence.
BCA	Building Code of Australia
construction	construction of the perimeter bund wall
Council	Baulkham Hills Shire Council
DA	Development Application
DCP 500	Baulkham Hills Shire Council Development Control Plan No. 500 – Extractive Industry
The Department	the Department of Urban Affairs and Planning
The Director-General	Director-General of the Department of Urban Affairs and Planning, or nominee
DLWC	Department of Land and Water Conservation
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	Environment Protection Authority
EPA Licence	means a licence under the <i>Protection of the Environment Operations Act 1997</i>
GTA	General Term of Approval
L _{A10} (15 minute)	is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.
NPWS	National Parks and Wildlife Service
PCA	Principal Certifying Authority
Subject Site	Lots 1 and 2 DP 228308, Lot 2 DP 312327, Roberts Road, Maroota, in the Baulkham Hills Local Government Area.

INTEGRATED DEVELOPMENT

Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals set out in the Act. The subject proposal is integrated development, as it requires development consent and the approval of the Environment Protection Authority under the *Protection of the Environment Operations Act 1997* and, the approval of the Department of Land and Water Conservation under Parts 2 and 5 of the *Water Act 1912*. The general terms of approval of both the EPA and the DLWC therefore form part of this Consent.

GENERAL

Obligation to Prevent and Minimise Harm to the Environment

1. There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, the decommissioning of the development.

Adherence to Terms of DA and EIS

2. Development shall be carried out in accordance with:
 - (a) DA No. 267-11-99;

- (b) the Environmental Impact Statement prepared by Nexus Environmental Planning Pty Ltd., dated November 1999, including the landscaping plan attached to the EIS;
- (c) all additional information supplied to the Department in relation to the development including:
 - the two faxes from Dick Benbow and Associates Pty Ltd. dated 17 February 2000 and attachments;
 - the letter from Dick Benbow and Associates Pty Ltd dated 27 January 2000;
 - the letter from Dick Benbow and Associates Pty Ltd dated 5 January 2000 and attachments;
 - the fax from Holmes Air Sciences dated 21 December 1999;
 - the letter from Nexus Environmental Planning Pty Ltd dated 21 December 1999 and attachments;
 - the letter from Woodward-Clyde dated 21 December 1999; and,
 - the letter from Woodward-Clyde dated 16 December 1999

except as modified by the following Conditions.

In the event of an inconsistency between this Consent and DA No. 267-11-99 (and the accompanying EIS), this Consent shall prevail.

Compliance

3. The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of the Conditions of this Consent, within such time as the Director-General agrees. The Director-General may order the Applicant to cease work until non-compliance has been addressed to the Director-General's satisfaction.
4. The Applicant shall ensure that all contractors and sub-contractors are aware of, and comply with, the Conditions of this Consent.
5. The Applicant shall comply with all relevant conditions prescribed in Part 7 of the *Environmental Planning and Assessment Regulation 1994*, as required by Section 80A (11) of the Act.
6. The Applicant will submit a Conditions Compliance Report to the Director-General prior to the commencement of extraction in areas that are not currently subject to extraction. Subsequent reports will be submitted annually for the first three years of extraction in areas not currently subject to extraction. Further reports shall be submitted as required by the Director-General.

To enable ready comparison with the EIS's predictions, diagrams and tables, the Conditions Compliance Reports shall include, but not be limited to, the following matters:

- (a) a compliance audit of the performance of the project against conditions of Consent and statutory approvals;
- (b) a review of the effectiveness of the environmental management of the development;
- (c) the results of environmental monitoring required under this Consent or other approvals, including interpretations and discussion by a suitably qualified person;
- (d) a listing of any variations obtained to approvals applicable to the DA since the last report;
- (e) a record of all complaints and the actions taken to mitigate all such complaints;
- (f) a report detailing the rehabilitation measures undertaken since the last report; and
- (g) environmental management targets and strategies for stages of the development yet to be completed.

7. The Director-General may, after considering a Conditions Compliance Report, notify the Applicant of any reasonable requirements for compliance with this Consent. The Applicant shall comply with those requirements within such time as the Director-General may direct.

Note: The Applicant is obliged to ensure that all statutory requirements, including all relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions and Directions of the Councils and relevant government agencies are met and approvals obtained.

Commencement and duration

8. No extraction shall commence in areas that are not currently subject to extraction, until the Applicant has:
- (a) constructed the perimeter bund wall;
 - (b) submitted the Conditions Compliance Report required under Condition 6; and
 - (c) obtained all licences necessary for the commencement of extraction.
9. The duration of extraction under this Consent is for a maximum period of 15 years. The Applicant shall ensure that rehabilitation of all disturbed areas is completed within six months of completion of extraction.

Complaints Procedures

10. Prior to commencement of construction, the Applicant shall:
- (a) publicise a telephone number on which complaints about the subject development can be registered during the hours of operation in Condition 16; and
 - (b) publicise a postal address where written complaints may be lodged.
- The telephone number and postal address shall be displayed on the property where it can be read from a public road, for the duration of the development.
11. The Applicant shall record details of all complaints received and actions taken in response to complaints in an up-to-date log book. The log book shall be made available for inspection upon request by the Director-General, the EPA or the Council; and a summary of complaints received shall be included in the Conditions Compliance Reports under Condition 6.
12. The Applicant shall ensure that an initial response to complaints is provided to the complainant within 24 hours of receipt. The Applicant shall then:
- (a) investigate the concerns raised by the complainant and undertake all reasonable attempts to determine the cause of concern; and
 - (b) if adverse impacts are identified, undertake all practicable measures to modify the activity which may be causing the impacts.
13. If the Applicant's response does not address the complaint to the satisfaction of the complainant within six weeks, the Applicant shall inform the Director-General and take any action as directed by the Director-General. This may include a requirement to carry out independent investigations of noise and/or dust at the cost of the Applicant, in accordance with Condition 14.
14. If the Director-General is satisfied that an independent investigation is required, the Applicant shall:
- (a) appoint a qualified independent person or team to plan and implement an investigation to qualify the impact and determine the sources of the impact; and
 - (b) bear the cost of the independent investigation and make available plans, programs and other information necessary for the independent person to form an appreciation of the past, present and future works and their effects on dust and/or noise emissions.

This investigation is to be carried out in accordance with a documented Plan. The Plan shall be designed and implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise and/or dust levels at the complainant's property, that are emitted by the development; and specify a monitoring period and reporting schedule.

The independent person or team, the Plan and the timing of its implementation, shall be approved by the Director-General. The independent person or team shall report to the Director-General and the Applicant.

Further independent investigations shall cease if the Director-General is satisfied that the relevant levels are not being exceeded and are unlikely to be exceeded in the future.

Dispute Resolution

15. In the event that the Applicant, Council, the PCA, or a government authority other than the Department, cannot agree on the specification or requirements applicable under this Consent, the matter shall be referred by either party to the Director-General or, if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

HOURS OF OPERATION

16. Unless prior written approval of the EPA is obtained, the hours of operation are:
 - construction: 7.00am to 6.00pm Monday to Friday
 - extraction and processing of material: 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm on Saturdays
 - vehicle loading: 6.00am to 6.00pm, Monday to Friday and 6.00am to 1.00pm on Saturdays.
 No works shall be undertaken on Sundays or Public Holidays.

These restrictions do not apply to routine maintenance work, such as the repair of machinery, provided the work does not result in exceedance of the noise limits in Condition 47.

DEPTH OF EXTRACTION

17. Baulkham Hills Shire Council Development Control Plan for Extractive Industries (DCP 500) requires that the depth of extraction incorporate a 2m freeboard above the wet weather high groundwater level. To meet the objectives of this policy, the Applicant shall ensure that the depth of extraction is consistent with the depth as shown in the extraction plan in the EIS and follow the procedures in Condition 40 if groundwater is encountered during extraction.

ENVIRONMENTAL MANAGEMENT PLAN

18. The Applicant shall prepare a Construction Environmental Management Plan (EMP) to the satisfaction of the Director-General prior to commencement of construction. The Construction EMP shall contain appropriate measures which demonstrate how the environmental objectives for the project will be achieved, including objectives stated in this Consent; and contain a monitoring, reporting and response program.
19. The Applicant shall prepare an Operational Environmental Management Plan (EMP) in consultation with the relevant authorities and to the satisfaction of the Director-General, prior to the commencement of extraction under this Consent. The EMP shall incorporate and integrate environmental management for the existing extraction areas, as well as the areas approved under this Consent.
20. The Operational EMP shall include, but not be limited to:
 - (a) environmental objectives for the site;
 - (b) the Air Quality Management Plan (Condition 29);

- (c) the Soil and Water Management Plan (Condition 38);
 - (d) the Noise Management Plan (Condition 46);
 - (e) the Road Noise Management Plan (Condition 48);
 - (f) the Flora and Fauna Management Plan (Condition 55); and
 - (g) the Rehabilitation Plan (Condition 58).
21. The Applicant shall make copies of both EMPs available to Council, EPA and DLWC within 14 days of approval by the Director-General. The Applicant shall also make a current copy of the EMPs available for inspection by the public or these agencies, for the duration of the Consent.
22. The Applicant shall, in consultation with the Director-General, the EPA and the DLWC, update the Operational EMP from time to time in order to ensure continuing compliance with the Conditions of this Consent and all relevant approvals and licenses. The EMR shall be responsible for determining if any significant changes to the Operational EMP should be referred to the Director-General for approval.

Environmental Management Representative

23. The Applicant shall be ultimately responsible for ensuring that all environmental safeguards proposed for the development, and as required by this Consent and other statutory approvals, are monitored and complied with. The Applicant shall nominate a management representative who has the authority to stop work if an adverse impact on the environment has occurred or is likely to occur. The Director-General shall approve the management representative.

The management representative shall:

- (a) oversee the receipt of, and response to, complaints about the environmental performance of the development; and
 - (b) liaise with the community in relation to matters of concern associated with the environmental impact of the development – this may involve public meetings from time to time.
24. The Applicant shall, for the duration of this Consent, engage suitably qualified environmental consultant(s) to assist the management representative in the environmental management of the project.

The environmental consultant(s) shall, in addition to assisting with the matters listed in Condition 23:

- (a) be responsible for the preparation or certification of all environmental management plans;
- (b) be responsible for considering and advising the Applicant on matters specified in the Conditions of this Consent and compliance with such matters;
- (c) facilitate an induction and training program for all persons involved with construction, extraction and rehabilitation activities; and
- (d) be present on-site during any critical construction or operation activities as defined in the EMPs.

INDEPENDENT ENVIRONMENTAL AUDIT

25. Every three (3) years from the date of this Consent, at the completion of works under this Consent, and at any additional time(s) as the Director-General may direct, the Applicant will arrange for an Independent Environmental Audit of the development. The audit will be conducted pursuant to ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing (or the current versions) and any specifications of the Director-General. The Applicant shall submit 4 copies of the report to the Director-General, who shall provide a copy to the EPA, DLWC and Council.

The audit will :

- (a) assess compliance with the requirements of this Consent, licence and approvals;
- (b) review the effectiveness of the environmental management of the development, including any mitigation works;

- (c) be carried out at the Applicant's expense; and
 - (d) be conducted by a duly qualified independent person or team approved by the Director-General.
26. The Director-General may, after considering an audit report and any submissions made by the EPA, DLWC and Council on the report, notify the Applicant of any reasonable requirements for compliance with this Consent. The Applicant shall comply with those requirements within such time as the Director-General may direct.

WASTE

27. The Applicant 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*. 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*.¹

AIR QUALITY

Air Quality Criteria

28. The Applicant shall take all practical steps to manage the development so that the ambient air quality goals for total suspended particles (TSP) of 90ug/m³ (annual average) and the dust deposition goal of 4gm/m² (annual average) are not exceeded as a result of the development, when measured at any monitoring location specified in the Air Quality Management Plan.

Air Quality Management

29. The Applicant shall prepare and implement an Air Quality Management Plan as part of the EMP. The Air Quality Management Plan shall:
- (a) identify existing and potential sources of dust deposition, TSP and fine particulates (PM₁₀ and PM_{2.5}) and specify appropriate monitoring intervals and locations. The purpose of the monitoring is to evaluate, assess and report on these emissions and the ambient impacts with the objective of understanding the development's contribution to levels of dust deposition, TSP and fine particulates in ambient air around the site;
 - (b) provide a monitoring plan having regard to local meteorology and the relevant Australian Standards, identifying the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements;
 - (c) provide details of dust suppression measures for all sources of dust from the development, including a planting and watering regime to ensure that no more than 3 hectares of the site are exposed and active at any one time. The use of a polymer in the water to minimise dust impacts shall be investigated as part of this Plan;
 - (d) provide details of actions to ameliorate impacts if they exceed the relevant criteria; and
 - (e) provide the design of the reactive management system intended to reduce the day-to-day impacts of dust and fine particulates due to the development.
30. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.²
31. The Applicant shall cease offending work at such times when the operations are resulting in visible dust emissions blowing in a direction so as to cross onto public roads or lands not owned by the Applicant.

¹ Environment Protection Authority General Term of Approval

² Environment Protection Authority General Term of Approval

32. The Applicant shall install, operate and maintain a sprinkler system to adequately water all cleared areas and stockpiles so as to minimise dust emissions to acceptable levels.
33. The Applicant shall ensure that all vehicular movements on unsealed areas are restricted to specific routes and that all vehicles within the subject site keep to a speed limit of 30 km/h.
34. The Applicant shall ensure that trucks are covered when entering and leaving the premises carrying loads of potentially dust generating material.

Air Quality Monitoring

35. All monitoring equipment is to be installed and operational prior to commencement of construction.
36. Operation of dust deposition gauges and monitoring must be carried out in accordance with;
 - (a) Australian Standard 3580.10. 01 (1991) Particulates – Deposited Matter – Gravimetric Method. Approved method AM-19 referred to in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*, December 1999.
 - (b) Australian Standard 2724.3 (1984) Particulate Matter – Determination of Total Suspended Particulates (TSP) - High Volume Sampler Gravimetric Method. Approved method AM 15 referred to in *Approved Methods for the sampling and Analysis of Air Pollutants in New South Wales*, December 1999.
 - (c) Australian Standard 3580.9.6 (1990) for Suspended Particulate Matter – PM10 High Volume Sampler with Size Selective Inlet-Gravimetric Method. Approved method AM-18 referred to in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*, December 1999³
37. A meteorological station measuring wind speed and direction must be installed and operated by the Applicant at a site determined in consultation with the EPA.⁴

WATER QUALITY

Soil and Water Management Plan

38. The Applicant shall prepare and implement a Soil and Water Management Plan as part of the EMP. This plan shall be updated on an annual basis, to the satisfaction of DLWC and in consultation with DLWC. This Plan shall have particular regard to the most recent editions of the Department of Housing's publications *Managing Urban Stormwater: Soils and Construction* (1998), and the requirements of Council's Development Control Plan 500 – Extractive Industries.

The Soil and Water Management Plan shall contain, but not be limited to:

- (a) management of the impacts of all phases of the development on the quality and quantity of surface and groundwater, including water in storage, sedimentation dams and flooding impacts;
- (b) details of measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters;
- (c) management of the impacts of the development on nearby creeks and waterbodies, in particular, the Hawkesbury River;
- (d) a strategy for the decommissioning of water management structures, including storage, sedimentation and leachate dams once extraction is complete;
- (e) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;

³ Environment Protection Authority General Term of Approval

⁴ Environment Protection Authority General Term of Approval

New South Wales

Department of Urban Affairs and Planning

- (f) description of monitoring methodologies and standards that will be adhered to;
- (g) identification of the locations where monitoring will be carried out;
- (h) detailed description of the monitoring cycle and the duration of each monitoring cycle;
- (i) details of actions to ameliorate impacts if they exceed the relevant criteria;
- (j) detail any exceedances and the mitigative actions used; and
- (k) emergency contingency plans for implementation in the event that the groundwater is encountered during excavation (see Condition 40).

Water Monitoring

39. Groundwater monitoring shall be undertaken on a regularly scheduled basis to provide data suitable for the determination of the wet weather high groundwater level, to the satisfaction of DLWC. A network of monitoring bores shall be installed at appropriate locations across the site to accommodate these objectives.⁵

Groundwater Management

40. The Applicant shall immediately notify DLWC in the event of groundwater being encountered during excavation. The location and elevation of such intersections is to be reported to allow determination by DLWC whether the water table occurs within a perched aquifer or if it is at a regional level. In the event of breaching of the groundwater table, operations are to cease and DLWC consulted immediately to determine the basis upon which extraction may recommence.⁶ If no response is received from DLWC within 24 hours, the Applicant shall implement the emergency contingency plans as described in the Soil and Water Management Plan (Condition 38). The Applicant shall advise the Director-General of the results of any such incidents under this Condition.
41. Site works and excavations are to be backfilled or infilled only with earth and rock materials sourced as a result of extraction operations in the Maroota area.⁷ This condition does not apply to the construction of the perimeter bund wall.

Licensable Groundwater Works

42. All groundwater investigation/monitoring and groundwater supply works are required to be licensed with the DLWC under the provisions of the *Water Act 1912*. A licence under Part 5 of the *Water Act 1912* is required to authorise a water supply bore (10BL157594) for industrial (Sand Washing) purposes and stock.

Surface Water Management

43. The applicant shall not allow any tailwater drainage to discharge into or onto:
- any adjoining public or Crown road;
 - any other persons land;
 - any Crown land;
 - any river, creek or watercourse;
 - any groundwater aquifer;
 - any native vegetation as described under the *Native Vegetation Conservation Act 1997*;
 - any wetlands of environmental significance.⁸
44. Surface stormwater runoff from the disturbed areas on the site must be directed to the sedimentation dam(s).⁹

⁵ Department of Land and Water Conservation General Term of Approval

⁶ Department of Land and Water Conservation General Term of Approval

⁷ Department of Land and Water Conservation General Term of Approval

⁸ Department of Land and Water Conservation General Term of Approval

Dam Licensing

45. A license will be required for any new dams under Part 2 of the *Water Act 1912*. The Applicant shall submit design plans/ survey of the structures as required by DLWC.¹⁰

NOISE

Noise Management Plan

46. The Applicant shall prepare and implement a Noise Management Plan as part of the EMP.

The Noise Management Plan shall:

- (a) identify existing and potential noise sources and their relative contribution to noise impacts from the development;
- (b) specify appropriate intervals for noise monitoring to evaluate, assess and report noise emission levels due to construction and normal operations of the development under prevailing weather conditions;
- (c) outline the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements, the design of any noise modelling or other studies, including the means for determining the noise levels emitted by the development;
- (d) specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they occur;
- (e) provide details of noise amelioration measures, including measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms) and reactive management responses for particular noise sources; and
- (f) contingency measures to be implemented should noise complaints be received.

Operational Noise Limits

47. Noise from the premises must not exceed:

- an $L_{A10(15\text{ minute})}$ noise emission criterion of 45 dB(A) (7am to 6pm) Monday to Saturday.
- an $L_{A10(15\text{ minute})}$ noise emission criterion of 40 dB(A) (6am and 7am) Monday to Saturday.
- an $L_{A1\text{ minute}}$ noise emission criterion of 50 dB(A) (6am and 7am) Monday to Saturday

Noise from the premises is to be measured at any affected receptor to determine compliance with this Condition.

Note: Noise measurement

For the purpose of noise measures required for this Condition, the L_{A10} noise level must be measured or computed at any point as specified below over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

- 1 metre from the facade of the residence for night time assessment;
- at the residential boundary;

⁹ Environment Protection Authority General Term of Approval

¹⁰ Department of Land and Water Conservation General Term of Approval

- 30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

The noise emission limits identified in this condition apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
- where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.¹¹

TRAFFIC AND TRANSPORT

Road Noise Management Plan

48. The Applicant shall ensure that traffic noise from the development does not exceed (L Aeq(1 hr)) 55 dB(A) between 7 am and 10 pm and 50 dB(A) between 10 pm and 7 am at any affected residence under adverse weather conditions. Where ambient Leq levels already exceed these criteria, the Applicant shall ensure that traffic noise from the development does not result in an increase of more than 2 dB(A).

Note: Adverse weather conditions means in the presence of winds up to 3 metres per second and/or temperature inversions of up to 4 degrees Centigrade per 100 metres.

49. The Applicant shall prepare a Road Noise Management Plan as part of the EMP. The Plan shall document measures to be taken to meet the criteria, including a monitoring, reporting and response program; and methods for educating drivers in the reduction of road noise impacts.

Truck movements

50. The Applicant shall ensure that truck movements associated with the development do not exceed 100 movements per day (50 laden truck movements) or 20 (10 laden truck movements) movements per hour, during construction or operation.

Section 94A Contributions

51. The Applicant shall pay to Council a contribution under Section 94A of the Act at the rate of \$0.65 per tonne of all extracted/ processed material transported from the subject site.

The following conditions apply to the payment of this contribution:

- (A) The contribution will be calculated and paid monthly from the date of this Consent;
- (b) The contribution will be indexed and adjusted annually as from the date of Consent, in accordance with the Consumer Price Index. This adjustment will be applicable to each financial year for the duration of this Consent and shall take effect from and including July each year, commencing 1 July 2000;
- (c) On or before the fourteenth day of each month for the duration of the Consent, the Applicant shall deliver to Council weighbridge records showing the true quantities of extracted/processed material transported from the property during the immediately proceeding month and the Council will then, as soon as it can conveniently do so, issue an invoice to the Applicant, to be paid within fourteen days;
- (d) The Council has the right to inspect and have the original records relating to any extraction/processing material, including numbers and types of laden trucks, trailers and load

¹¹ Environment Protection Authority General Term of Approval

quantities transported from the property audited, at any time when Council makes a written request to do so;

- (e) The Council will pay all the said contribution payments into a specially identified account for payment towards the rehabilitation, restoration, repair and/or maintenance of Old Northern and Wisemans Ferry Roads within the Baulkham Hills Shire boundary.

Note: This condition has been imposed in accordance with Council's Contributions Plan No. 6 – Extractive Industries. A copy of this plan may be inspected at the Customer Service Centre, Council's Administration Complex, corner of Carrington and Showground Roads, Castle Hill, between the hours of 8:30 am and 4:30 pm weekdays.

FLORA AND FAUNA

52. The Applicant shall conserve the six *Acacia bynoeana* plants in the following manner:
- a conservation area is to be established, containing the six plants and incorporating a 30 metre buffer;
 - the boundary of the conservation area shall be surveyed and marked by a suitably qualified surveyor, with the assistance of a botanist/ecologist;
 - the surveyed boundary shall be fenced to prevent vehicles entering the area;
 - no clearing, construction or extraction shall occur within 30 metres of any plant identified in the EIS until steps (a) to (c) have occurred.
53. The Applicant shall not clear the strip of remnant vegetation along the southern fence line (Old Northern Road) and the vegetation to the north of the site entrance (Roberts Road) containing Blue Mountains Mahogany (*Eucalyptus notabilis*). This area shall be fenced off to prevent vehicles entering the area.
54. In constructing the perimeter bund wall, the Applicant shall minimise disturbance to existing native vegetation.

Flora and Fauna Management Plan

55. The Applicant shall prepare a Flora and Fauna Management Plan as part of the EMP. The Plan shall be prepared in consultation with National Parks and Wildlife Service and Council, and shall:
- describe the characteristics and location of species, populations and communities that the proposal may impact upon;
 - consider the feasibility and practicality of salvaging trees removed for the development for relocation to conserved or rehabilitated areas, for the purposes of reconstructing habitat for ground fauna
 - contain a program for the active management and maintenance of all conserved and rehabilitated vegetation (as detailed in the EIS and required under this Consent) including consideration of:
 - post-extraction land use objectives for the site;
 - utilisation of local endemic species or species naturally occurring in the Maroota area;
 - planting around the *Acacia bynoeana* conservation area to further buffer this species and enhance its long term viability as a bushland ecosystem;
 - connection of existing areas and future areas of revegetation to form a network of wildlife corridors throughout site and to adjoining lands to facilitate species recruitment through natural immigration;
 - provision of rocks of varying sizes to provide refuge and basking sites for herpetofauna;
 - fencing of revegetated areas to prohibit grazing by stock; and
 - provision of artificial nest boxes for a range of arboreal fauna.
 - mitigation measures to be implemented should operations compromise the significant flora and fauna communities identified in the EIS; and

- (e) an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristical structure and diversity, resilience and robustness to disturbance, and fauna species diversity. The information obtained from the monitoring shall be used to guide future revegetation and management efforts.
56. The Applicant shall maintain the revegetated areas for the duration of the Consent. Maintenance may include:
- replanting failed or unsatisfactory areas
 - repairing erosion problems
 - fire management – fire suppression or fire encouragement
 - pest and weed control
 - control of feral animal populations
 - maintain and repair fencing
 - fertiliser application
 - watering plants in drier areas, especially in the establishment phase
 - application of lime or gypsum to control pH and improve soil structure.

HERITAGE

57. If, during the development, the Applicant becomes aware of any heritage or archaeological material, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the Heritage Office, and the Local Aboriginal Land Councils. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

REHABILITATION PLAN

58. The Applicant shall prepare a Plan for the staged rehabilitation of the site as part of the EMP. The Rehabilitation Plan shall:
- (a) outline procedures for the implementation of rehabilitation measures within an acceptable timeframe;
 - (b) document the source of material for rehabilitation and methods to ensure that no contaminated or otherwise unsuitable material is brought onto the site; and
 - (c) detail the preferred option for the final landform and the implementation of this landform.