



Hornsby Shire Council - Design And Construction
Attention: Craig Clendinning
296 Peats Ferry Road
HORNSBY NSW 2077

NOTICE OF DETERMINATION

APPROVAL

Development Application No: DA/101/2019

This development consent is issued pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within 7 years of the date of this notice.

Section 8.2 of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 8.7 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 12 months from the date of this notice.

Property: Lot A DP 318676, Lot B DP 318676, Lot C DP 318676, Lot D DP 318676, Lot E DP 318676, Lot 1 DP 926103, Lot 1 DP 926449, Lot 1 DP 114323, Lot 1 DP 169188, Lot 2 DP 169188, Lot 7306 DP 1157797, Lot 1 DP 859646, Lot 11 DP 258657, Lot 9 DP 264621, Lot 3 DP 575390, Lot 13 DP 734459, Lot 404 DP 788628, Lot 114 DP 749606, Lot 213 DP 713249 No. Hornsby Park, HORNSBY NSW 2077

Development: Rehabilitation of the existing Hornsby Quarry involving bulk earthworks (and associated civil works including construction of access tracks, drainage and retaining walls), site remediation, tree removal, revegetation work and site rehabilitation

Effective date of this determination: 4 November 2020

Per:
Manager, Assessments
Planning and Compliance Division

Contact: Caroline Maeshian (9847 6732 – 8.30 am to 5.00 pm)

CONDITIONS OF APPROVAL

SCHEDULE 1

GENERAL CONDITIONS

The following- conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
Job No. 21-26457 Figure 01, Rev E	Existing Site Plan	GHD	November 2019	D08045375
Job No. 21-26457 Figure 02, Rev J	Proposed Landform	GHD	November 2019	D08045376
Job No. 21-26457 Figure 03A, Rev J	Cross Sections, Sheet 1	GHD	November 2019	D08045378
Job No. 21-26457 Figure 03B, Rev J	Cross Sections, Sheet 2	GHD	November 2019	D08045378
Job No. 21-26457 Figure 03C,	Cross Sections, Sheet 3	GHD	November 2019	D08045378

Plan No.	Plan Title	Drawn by	Dated	Council Reference
Rev J				
Job No. 21-26457 Figure 03D, Rev J	Cross Sections, Sheet 4	GHD	November 2019	D08045378
Job No. 21-26457 Figure 03E, Rev J	Cross Sections, Sheet 5	GHD	November 2019	D08045378
Job No. 21-26457 Figure 03F, Rev J	Cross Sections, Sheet 6	GHD	November 2019	D08045378
Job No. 21-26457 Figure 03G, Rev J	Cross Sections, Sheet 7	GHD	November 2019	D08045378
Job No. 21-26457 Figure 4, Rev E	Extent of Works	GHD	November 2019	D08045381
Job No. 21-26457 Figure 05, Rev C	Site Management Plan	GHD	November 2019	D08045382
Job No. 21-26457 Figure 06, Rev D	Cut and Fill Details	GHD	November 2019	D08045383
Project No. 100125 Sheet 1 of 9	Retaining Wall Details – Overall Site Plan	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125	Retaining Wall Details –	Hornsby Shire Council	Undated	D08045910

Plan No.	Plan Title	Drawn by	Dated	Council Reference
Sheet 2 of 9	Perspective View of Proposal	Design and Construction Branch		
Project No. 100125 Sheet 3 of 9	Retaining Wall Details – Section A	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 4 of 9	Retaining Wall Details – Section B	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 5 of 9	Retaining Wall Details – Section C	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 6 of 9	Retaining Wall Details – Section D	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 7 of 9	Retaining Wall Details – Section E	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 8 of 9	Retaining Wall Details – Micropile Details	Hornsby Shire Council Design and Construction Branch	Undated	D08045910
Project No. 100125 Sheet 9 of 9	Retaining Wall Details – Overall Site Plan Plan showing work area and general description of proposed works	Hornsby Shire Council Design and Construction Branch	Undated	D08045910

Plan No.	Plan Title	Drawn by	Dated	Council Reference
Project No. 100125 Issue A	Revised extent of Works and Vegetation Mapping	Hornsby Shire Council Design and Construction Branch	Undated	D08045989

Document Title	Prepared by	Dated	Council Reference
Hornsby Quarry Rehabilitation Environmental Impact Statement - Development Application Summary and Supporting Plans	GHD	February 2019	D07615302
Hornsby Quarry Rehabilitation Environmental Impact Statement, Volumes 1	GHD	February 2019	D07615289
Hornsby Quarry Rehabilitation Environmental Impact Statement, Volume 2	GHD	February 2019	D07615288
Hornsby Quarry Rehabilitation Environmental Impact Statement, Volume 3	GHD	February 2019	D07615290
Hornsby Quarry Rehabilitation Response to Submissions, Volume 1 and Appendices	GHD	November 2019	D07800884
Response to additional information in relation to Noise - Ref 2126457-77347	GHD	31 May 2019	D07700306
Further response to additional information in relation to Noise Vibration Impact Assessment	GHD	20 August 2019	D07737626
Response to additional information in relation to water quality – Ref 2126457-64006	GHD	5 December 2019	D08030760
Further response to additional information in relation to water quality	GHD	21 January 2020	D08030761
EPA General Terms of Approval Notice No: 1585178	EPA	13 February 2020	D08030762

Document Title	Prepared by	Dated	Council Reference
Hornsby Quarry Rehabilitation Biodiversity Offsets Strategy	Hornsby Shire Council	17/07/2020 Final draft	D07959036
Hornsby Quarry Rehabilitation Vegetation Management Plan and Habitat Creation and Enhancement Plan	Hornsby Shire Council	17/07/2020 Final draft	D07959036
Staging Plan	Hornsby Shire Council	undated	D07959036

2. **General Terms of Approval – Environment Protection Authority**

The Applicant is to comply with the General Terms of Approval (GTAs) issued by NSW Environment Protection Authority on 13 February 2020.

3. **Removal of Vegetation**

This development consent permits the removal of:

- a) 0.68 ha of Blue Gum High Forest,
- b) 0.86 ha of Blackbutt Gully Forest vegetation; and
- c) 2.31 ha of exotic vegetation.

The location of vegetation permitted to be removed is limited to vegetation within the area identified as 'Revised extent of works line' on plan titled 'Revised Extent of Works and Vegetation Mapping', Project 100125, Sheet 1 of 1, Issue A, dated 07/11/2019.

No other vegetation, other than vegetation listed in Table 1B.6(a) *Exempt Tree Species in Hornsby Shire* (in Part 1B6 Tree and Vegetation Preservation of Hornsby Development Control Plan 2013) is to be removed without prior approval being granted.

4. **Protection of Fauna**

Prior to the removal of any vegetation, a suitably qualified ecologist is required to inspect:

- a) All trees for resident fauna and/or nests or other signs of fauna occupancy;
- b) Identification of all hollow bearing trees and termite mounds; and
- c) All culverts which are to be disturbed for signs of roosting microbats.
- d) If any fauna is identified, the protocols set out in the Habitat Creation and Enhancement Plan are to be implemented prior to the removal or disturbance of any vegetation or soil.

A qualified ecologist is to submit certification to Council's Natural Resources Team at NaturalResources@hornsby.nsw.gov.au that the above inspections have occurred. The certification is also required to document the required actions arising following as a result of these inspections. This certification is required to be submitted prior to the removal of any vegetation on the site.

5. Statutory Requirements

The Applicant shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required throughout the life of the approved development. No condition of this approval removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

REFER TO ADVISORY NOTES:

NSW Environment Protection Authority (EPA) has advised that it cannot issue a licence in relation to the proposed works until the following matters are addressed:

- a) The EIS did not consider all the relevant matters under section 45 of the POEO Act, and a more detailed assessment relating to the proposal's water management is needed. Details required are listed in Attachment B to the GTAs.
- b) A Construction Noise and Vibration Management Plan (CNVMP) is required to manage residual noise and vibration impact risks. (See also Condition 13.r)).

6. Compliance Responsibilities

The Applicant (or the Applicant's appointed contractor) shall implement all appropriate measures to ensure that employees, contractors and sub-contractors are aware of, and comply with, the requirements of the conditions of this approval relevant to their respective activities.

The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

7. Incident Reporting

The Applicant shall notify the relevant public authority/ies of any incident with actual or potential significant on-site or off-site impacts on the natural and/or built environment within 24 hours of becoming aware of the incident.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Construction Certificate

- a) A construction certificate must be issued by a Certifying Authority prior to the commencement of any works relating to the construction certificate on the site approved under this development consent.

NOTE: This does not negate the issue of multiple construction certificates for different phases of work.

- b) The plans submitted with the application for the construction certificate must not be inconsistent with the plans approved under this development consent.

9. Vegetation Management Plan and Habitat Creation & Enhancement Plan

Prior to issue of the first Construction Certificate or prior to the commencement of works (whichever occurs first), the Vegetation Management Plan (VMP) and Habitat Creation & Enhancement Plan (HCEP) is to be amended to:

- a) Ensure the language in relation to the actions to be undertaken and commitments is more definitive than the terminology that has been used in the final draft version of this plan. For example, use "must" instead of "should", where appropriate.

- b) Incorporate the following additional management actions and performance criteria for the whole site:
 - (i) Pest Management
 - (ii) Nest Box Management Action
- c) Where preservation of identified habitat features is not possible, the VMP and HCEP is to detail what alternative remedial action will be taken.
- d) The VMP and HCEP is to be amended to include investigation of Powerful Owl habitat within nominated exclusion zone including potential habitat adjacent to the Quarry site. These amendments are to be prepared in consultation with Birdlife Australia.

The final amended VMP and HCEP must be certified by a qualified ecologist prior to issue of the first Construction Certificate or prior to commencement of works, whichever occurs first. The ecologist's certification and the final VMP and HCEP must be submitted to Council's Natural Resources at NaturalResources@hornsby.nsw.gov.au prior to issue of the first construction certificate or commencement of works, whichever occurs first.

10. **Geotechnical Considerations**

- a) In areas where public access exclusion zones are required at the base of slopes to meet safety requirements, the geometry of slope and the rockfall models are to be established by a suitably qualified geotechnical engineer incorporating rock fall trial data before issue of the relevant Construction Certificate.
- b) Additional geotechnical investigations and studies are to be undertaken prior to issue of the relevant Construction Certificate under the direction of a suitably qualified geotechnical practitioner to inform the final design and must as a minimum include:
 - i) Additional rock slope mapping to identify whether rock defects of more than 10 m are present which could cause global instability issues in the southern face and to define the level of rock slope treatments required in areas where no toe exclusion zone for public access applies.
 - ii) Additional boreholes near the quarry edges to inform design of the Southern Access Track.
 - iii) Additional settlement investigations and ongoing monitoring of the placed fill material in the quarry void.
 - iv) Investigation to inform a liquefaction assessment of the quarry void materials under earthquake conditions.
 - v) Any other geotechnical investigations and slope stability risk assessments as deemed necessary to inform the design by a suitably qualified geotechnical design consultant employed for the scheme.
- c) A certificate, prepared by a suitably qualified geotechnical engineer verifying that the investigations to inform the design of the retaining walls and micropile walls have been undertaken, is to be submitted to Council prior to issue of a construction certificate for the retaining walls and/or micropile walls.

11. **Retaining Walls**

- a) To ensure the stability of the site, structural details of all required retaining walls and micropile walls must be submitted with application for the relevant Construction Certificate.
- b) The designs for the retaining walls and micropile walls must be prepared by a suitably qualified engineer and must have regard to the detailed geotechnical investigations that have been undertaken and are required to be undertaken in accordance with Condition 9.
- c) A certificate, issued by a suitably qualified engineer and confirming that the retaining walls and micropile walls have been designed in accordance with the recommendations and requirements of the geotechnical engineer must be submitted to Council prior to issue of the Construction Certificate for the retaining walls and/or the micropile walls.

12. **No Importation of Fill**

No approval for the importation of fill onto the site is provided by this consent.

13. **Archaeological Research Design**

Prior to issue of the first Construction Certificate or prior to commencement of works, whichever occurs first, an Archaeological Research Design is to be prepared by a qualified archaeologist in consultation with the Geological Society of Australia to inform a program of archaeological investigation to mitigate impacts to any significant archaeological remains.

The Archaeological Research Design is to identify if any permits under Section 140, or an exception permit under Section 139 of the Heritage Act is required. If a Section 140 permit is required, this will be required to be submitted to Council.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

14. **Construction Environmental Management Plan**

To safeguard the public, the environment and Council's assets, a separate Construction Environment Management Plan (CEMP) must be prepared by an independent consultant in consultation with a qualified traffic engineer, a qualified ecologist, Birdlife Australia and AQF 5 arborist, and submitted to Council's Compliance Team at <https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and written approval prior to commencement of any works on the site.

The final CEMP is to be made available to the public upon request.

As a minimum, the CEMP must include the following

- a) A description of the works to be undertaken, including any staging of works.
- b) A detailed description of the site, including the work zones within the site.
- c) Details of the timeframes for the various stages of work, within each work zone.
- d) Details of the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- e) Details of induction procedures and any protocols to be implemented during the course of the project, including:
 - i) Unexpected finds protocols for contaminated materials.
 - ii) Unexpected finds protocols for Aboriginal artefacts.

- iii) Unexpected finds protocols for other heritage artefacts.
- iv) Protocols for working in close association with wildlife.
- v) Protocols for managing injured wildlife.
- vi) Protection of trees, including Critically Endangered Ecological Community (CEEC) vegetation, and any other flora to be retained.

The procedures shall include details of when the induction of staff/contractors will occur. At a minimum, induction must occur whenever new staff/contractors are engaged to undertake works at the site.

- f) Details of how public safety will be managed throughout the course of works.
- g) A communications strategy for the purposes of advising nearby or adjoining residents and building occupants/owners of the progress of the project, the nature and timing upcoming actions/works (including a timeframe for those works) and contact details of relevant personnel. As a minimum, communication should be made at least 2 weeks prior to commencement of work within each work zone or 2 weeks prior to each stage of work, as relevant.
- h) Details of incident management
- i) Methodologies to be implemented for managing complaints.
- j) Auditing procedures to be implemented.
- k) Details of the reporting hierarchy to be implemented.
- l) Inspections to be undertaken, including details of personnel who will be responsible for undertaking the inspections, areas/elements (e.g. erosion and sediment controls) to be inspected, frequency of inspections.
- m) Details of any rectification methodologies to be implemented following inspections.
- n) Details for the processes to be implemented in response to any unexpected finds relating to site contamination. The unexpected finds protocol must include details regarding the management of unexpected finds:
 - i) including ACM, at the workshop area and the fill areas and
 - ii) the management of surface aesthetics (with regard to anthropogenic materials in soils) during removal and reshaping of spoil in the fill areas.
- o) Air quality management on site, including dust suppression measures during works.
- p) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.
- q) A survey plan including existing survey marks, vehicle entry/ies, surrounding pedestrian footpaths and hoarding (fencing) locations to ensure Council assets are maintained and protected throughout the development.
- r) A Noise and Vibration Management Plan including the following:
 - i) A description of the works likely to generate noise and/or vibration, including a description of the equipment to be used, an estimate of duration of the noise and/or vibration creating activity and a measurement of noise/vibration generation.

- ii) Methods to be implemented for each construction work phase to minimise noise and vibration impacts, including whether any further noise modelling is required.
 - iii) Details of methodologies to be implemented to minimise noise impacts, inclusive of respite periods for high noise activities such as rock breaking, ripping and sawing.
 - iv) Details of the monitoring program to be implemented for the duration of the works.
 - v) The Noise and Vibration Management Plan shall also address the requirements listed at Attachments A and B to the Environmental Protection Authority's General Terms of Approval dated 13 February 2020.
 - vi) The Noise and Vibration Management Plan shall include the mitigation measures detailed in the Table to Sections 3.1 and 3.2 of the Preliminary Construction Environmental Management Plan, Appendix K to the Response to Submissions report prepared by GHD and dated November 2019.
- s) A Construction Traffic Management Plan (CTMP) including the following:
- i) Details of all construction equipment and vehicles being used at the same time during all stages.
 - ii) The CTMP shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) In order to prevent injury, accident and/or damage to property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like will be installed in any road reserve area without the written consent of Hornsby Shire Council.
 - iv) The CTMP shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - A. Public notification of proposed works;
 - B. Long term signage requirements;
 - C. Short term (during actual works) signage;
 - D. Vehicle Movement Plans, where applicable;
 - E. Traffic Management Plans;
 - F. Pedestrian and Cyclist access and safety.
 - G. Details of any temporary traffic controls to be implemented, including any temporary traffic controls used during non-working hours and those that facilitate pedestrian access and two-way traffic in the public road at all times.
 - H. Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - I. Details of the proposed truck haulage routes to and from the site including details of the frequency of truck movements for all stages of the development.

- J. Swept path analysis for ingress and egress for all vehicles likely to be required in conjunction with all stages of works.
 - K. Details of the total number and size of trucks for all exportation of soil and/or other materials throughout all stages of works inclusive of remedial works, and a breakdown of total numbers of trucks for each stage of works.
 - L. The plan must include the location details of the licensed waste facility where excavated material required for removal will be disposed.
 - M. The Plan must include a statement that the applicant and all employees of contractors on the site will obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - N. If there is a requirement to obtain an Out of Hours permit (where not permitted by condition 47), partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- t) A Soil and Water Management Plan is to be prepared in accordance with the Landcom Blue Book (2015 edition). The Soil and Water Management Plan is to address the requirements listed in the Environmental Protection Authority's General Terms of Approval dated 13 February 2020.
- u) A Construction Management Site Plan, detailing:
- i) The location of site sheds.
 - ii) The location of any site fencing.
 - iii) The location of vehicular entry/exit points to the site and any works zones.
 - iv) The plan shall include site plans for all stages of works including the location of site sheds, equipment storage, fuel storage, unloading and loading areas, concrete pump and crane locations waste and storage areas for all stages of works.
 - v) The location of any stockpiled materials, including stockpiling of vegetation to be processed for soil manufacture or for reuse elsewhere on the site.
 - vi) Details of the location of parking for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - vii) Details of erosion and sediment controls to be implemented.
- v) A Construction Waste Management Plan detailing the following:
- i) Procedures for the management of waste in accordance with relevant NSW Legislation and the principles of the waste management hierarchy set out in the NSW Waste Avoidance and Resource Strategy 2014-212 (EPA, 2014a).
 - ii) Management of wastewater and sewerage from site office amenities/site sheds.
 - iii) Details of the excavation of soil and or the materials, disposal methods and authorised disposal depots that will be used for exported materials. Asbestos management requirement and procedures for removal and disposal from the site in

accordance with AS 2601–2001 – ‘*The Demolition of Structures*’, and the *Protection of the Environment Operations (Waste) Regulation 2005*.

- iv) General construction waste details including construction waste skip bin locations and litter management for workers.
- w) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist, in consultation with a qualified ecologist, incorporating:
 - i) A plan identifying the location of fencing (or other suitable protection measures to be implemented) to avoid impacts to trees to be retained during construction works. The plan will also be required to identify protection of root zones of retained trees.
 - ii) Specifications of tree protection materials used and methods within the TPZ or SRZ.
 - iii) Location of dedicated material storage space on site outside the TPZs and SRZs for retained trees.
- iv) Any specific protection actions as detailed in the final VMP and HCEP.
- x) A Heritage Management Plan is to be prepared in accordance with the recommended in the Statement of Heritage Impact prepared by Artefact (Project No. 170175, dated 22 November 2018) by a suitably qualified heritage consultant. The Heritage Management Plan is to include details of the management of heritage items on the site and in the vicinity of the site including potential damage to heritage items as a result of activities associated with the works, including but not limited to vibration impacts.
- y) A Post Construction Environmental Management Plan is to be prepared which addresses:
 - i) A program for the maintenance of erosion and sediment control measures that will be required to be maintained on site until vegetation on disturbed areas is established or disturbed areas are otherwise stabilised.
 - ii) A program for rehabilitation works in accordance with the Vegetation Management Plan and Habitat Creation and Enhancement Plan.
 - iii) A program for the removal of equipment associated with the site restoration and earthworks.

15. **Council Approval of Construction Environmental Management Plan**

No works are to commence on site until Council has provided written approval of the Construction Environmental Management Plan.

16. **Compliance with Construction Environmental Management Plan**

The Council approved Construction Environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

17. **Licensing of Wildlife Spotters**

The wildlife spotters/catchers are required to be engaged whilst any vegetation clearing is being undertaken. Wildlife spotters/catchers are required to have appropriate scientific licences issued under the Biodiversity Conservation Act 2016 by NSW DPIE and an Animal Ethics Licence relevant to work undertaken issued under the Animal Research Act 1985 by NSW DPI. A copy of the relevant licences is to be provided to Council’s Natural Resources Team at NaturalResources@hornsby.nsw.gov.au prior to commencement of works.

18. Specialist Certification Details

- a) Details of all specialists who will be providing certification in relation to plans and or works are to be submitted to Council's Compliance Team compliance@hornsby.nsw.gov.au prior to commencement of works. The contact details of the following specialists are required to be provided to Council:
- i) Qualified ecologist.
 - ii) Qualified environmental consultant.
 - iii) Qualified traffic engineer.
 - iv) AQF 5 arborist.
 - v) Qualified civil and/or structural engineer.
 - vi) Qualified geotechnical engineer.
 - vii) Qualified heritage consultant.
- b) The following details are to be provided in relation to each specialist:
- i) Name of specialist
 - ii) Company Name
 - iii) Contact Address
 - iv) Contact Telephone Nos.
 - v) Contact Email Address.
 - vi) Details of Specialty

19. Vegetation Removal Certification

- a) A qualified ecologist is to confirm that the areas of vegetation in each of the vegetation communities for which approval to remove has been granted (as detailed in Condition 3).
- b) A certificate verifying the above is to be submitted to Council prior to commencement of works.
- c) A qualified ecologist and an AQF 5 Arborist are to supervise the removal of trees.

20. Habitat and Vegetation Rehabilitation Works

Prior to works commencing, a certificate from a suitably qualified ecologist is to be submitted to Council's Natural Resources Team at NaturalResources@hornsby.nsw.gov.au verifying that all site preparation works identified in the Vegetation Management Plan and Habitat Creation and Enhancement Plan as works required to be undertaken prior to works commencing have been completed.

21. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
- i) Showing the name, address and telephone number of the principal certifying authority for the work;

- ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

22. Protection of Adjoining Areas

A temporary hoarding or fence must be erected around each work zone before the works begin in that zone. The hoarding/fencing and must be kept in place until after the completion of the works in the zone. The hoarding/fencing is required if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place; and/or
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

23. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

24. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Soil and Water Management Plan, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

25. Tree Protection Barriers

- a) To safeguard the natural environment during the approved development works, tree protection fencing must be erected around trees to be retained.
- b) A qualified AQF 5 arborist is to provide certification to Council that the tree protection measures (as specified in the Tree Protection Plan) have been installed prior to any works commencing on site.

26. Garbage receptacle

- a) A garbage receptacle(s) must be provided at the work site before works begin and must be maintained until all works are completed.
- b) The garbage receptacle(s) must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- c) The receptacle lid(s) must be kept closed at all times, other than when garbage is being deposited.
- d) Food scraps must be placed in the garbage receptacle(s) and not in demolition and construction waste bins.

27. Archival Recording

An archival photographic record is to be prepared for those parts of the quarry site which will be altered as a result of the approved works, to form a record of that change for the future. The photographic archival recording is to be completed prior to any works commencing on the site. The archival recording is to be in accordance with the requirements of:

- a) The NSW Heritage Office publication "How to Prepare Archival Records of Heritage Items" (1998);
- b) The Department of Planning's "Recording Places of Cultural Significance" (1991).

The record in digital form is to be submitted to Council for approval by Council's Heritage Advisor prior to any works commencing on site.

REQUIREMENTS DURING ALL WORKS**28. Construction Work Hours**

Unless permitted by another condition of this consent or a licence issued by NSW EPA, construction works and activities (including rehabilitation) must:

- a) only be undertaken between the hours of 0700 and 1800 Monday to Friday; and
- b) only be undertaken between the hours of 0800 and 1300 Saturday; and
- c) not be undertaken on Sundays or Public Holidays.

Any variation to construction work hours will need separate approval of Council and EPA before proceeding.

NOTE: Refer GTAs issued by EPA for variations to the above hours

29. Compliance with ANZECC Water Quality Guidelines

All water discharge into creeks will be in accordance with National Water Quality Guidelines (ANZG, 2018).

30. Compliance with Vegetation Management Plan and Habitat Creation & Enhancement Plan

The management actions and protection works identified in the final VMP and HCEP are required to be implemented throughout all phases of works approved under this consent.

31. Habitat and Vegetation Rehabilitation Works

Every three (3) months and at the completion of works, a certificate from a suitably qualified ecologist is to be submitted to Council's Natural Resources Team at NaturalResources@hornsby.nsw.gov.au verifying that all site management actions and rehabilitation works identified in the VMP and HCEP as works required to be implemented and maintained during the construction phases were implemented and maintained as required.

32. Works Near Trees

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) Every three (3) months and at the completion of works, a certificate prepared by qualified AQF 5 arborist must be submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au verifying that the tree protection measures required by the approved Tree Protection Plan forming part of the Construction Environmental Management Plan have been implemented and maintained during the period of construction works.

33. Bushland Protection During Construction

To ensure the protection of bushland during construction, the Applicant must:

- a) ensure no works (other than approved rehabilitation works) are undertaken outside the approved works zones; and
- b) clean machinery of soil and debris before entering/leaving the site to prevent the spread of weeds and fungal pathogens.

Note: The site contains a 'Critically Endangered Ecological Community' under the Biodiversity Conservation Act 2016'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the Department of Planning, Industry and Environment where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

34. Excavated Material

Any excavated material removed from the site including but not limited to the removal of material associated with the decommissioning of the underground storage tanks must be classified by a suitably qualified person in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority.

35. Compliance with Construction Environmental Management Plan

The Council approved Construction Environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

36. **Site Remediation**

All remediation works are to be undertaken in accordance with the approved Remedial Action Plan.

37. **Unexpected Finds – Contamination**

In the event of contamination being found during ground works and excavation, work is to cease immediately. The area is to be investigated to ascertain the extent of contaminated land and the contaminated material is to be tested.

Upon receipt of the test results, a remedial action plan is to be prepared for the contaminated area. The results of the testing and the remedial action plan shall be submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for approval prior to remediation works commencing.

38. **Unexpected Finds – Aboriginal Archaeology**

In the event of Aboriginal archaeological deposits being identified during ground works and excavation, the following actions are required to be observed:

- a) Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor;
- b) Contact a suitable qualified archaeologist to assess the potential archaeological find;
- c) If Aboriginal archaeological material is identified, works in the affected area should cease, and the OEH should be informed. Further archaeological mitigation may be required prior to works recommencing;

If human remains are found:

- a) Do not further disturb or move these remains;
- b) Immediately cease all work at the particular location;
- c) Notify NSW Police;
- d) Notify OEH's Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location; and
- e) Do not recommence any work at that location unless authorised in writing by the relevant government agency.

39. **Traffic Management**

- a) All loading and unloading of vehicles is to take place on site.
- b) Unless otherwise authorised by any other condition of this consent, all vehicular access to the site is to be via the Bridge Road access. The prior approval of Council is required if access to the site via Quarry Road is required.
- c) No heavy vehicles are to access the site during peak hours.
- d) Appropriate exclusion barriers, signage and site supervision are to be employed to ensure that the project site is controlled, and that unauthorised vehicles and pedestrians are excluded from the works area.

POST WORKS CONDITIONS**40. Site Validation**

A Validation Report must be submitted to the PCA and a copy provided to Council's Compliance Team at compliance@hornsby.nsw.gov.au at the completion of remediation works at the subject site. The Validation Report must be prepared by a certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme – Site Contamination (CEnvP (SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of Site Contamination) Measure 2013* (NEPM), and the recommendations of the Remedial Action Plan, and include a statement that the site is suitable for the approved use.

41. Biodiversity Offsets Agreement

A biodiversity offsets package is to be prepared to offset the impact on biodiversity values as a result of the works undertaken as part of this development consent and to provide in perpetuity protection and management of offset areas. A conservation agreement covering the offset areas is to be entered into between Hornsby Shire Council and the Biodiversity Conservation Trust (BCT).

The agreement with BCT must be completed within 18 months of the commencement of works relating to the development consent.

Details of the agreement with BCT and any covenant to be registered on the title of the land to which it relates must be provided to Council's Compliance Team at compliance@hornsby.nsw.gov.au within 14 days of the finalisation of the agreement with BCT.

A copy of the final conservation agreement shall be made available to the public upon request.

42. Retention of Erosion and Sediment Controls

Erosion and sediment controls are to be maintained on site until vegetation on disturbed areas is established or disturbed areas are otherwise stabilised.

43. Certification of Retaining Walls

At the completion of works relating to the retaining walls and micropile walls, a certificate is to be issued by a suitably qualified structural engineer, certifying that the retaining walls and micropile walls have been constructed in accordance with relevant standards.

A copy of the certificate is to be provided to the principal certifier within one month of the completion of the retaining walls and micropile walls.

44. Heritage Management Plan

A Heritage Management Plan (HMP) for the site is to be prepared as soon as practical, but before any further development is undertaken on the site. The HMP should provide clear guidance and management strategies for the numerous significant values of the listed items within the study area. The HMP would outline how the state and local heritage items should be integrated into the future design and use of the study area.

45. Heritage Interpretation Plan

A Heritage Interpretation Plan is to be prepared by an experienced heritage interpretation practitioner and submitted to Council's Strategic Planning Team at hsc@hornsby.nsw.gov.au for written approval.

as soon as practical, but before any further development is undertaken on the site. The Interpretation Plan shall be in accordance with the NSW Heritage Council's Interpreting Heritage Places and Items Guidelines, 2005. The plan must make allowance for the display of any potential archaeology uncovered during the works, interpret the multiple uses and history of the various heritage items and contributory buildings on the site, in a way that is engaging, informative and readily accessible to the majority of visitors. Guidance on interpretation should come from the Heritage Management Plan (HMP).

46. Compliance with Construction Environmental Management Plan

- a) The Council approved Post Construction Environmental Management Plan (which is a component of the Construction Environmental Management Plan) must be complied with, unless otherwise approved by Council.
- b) At the completion of works, certificates from relevant specialist consultants verifying that the requirements of each of the management plans, with the exception of the Post Construction Environmental Management Plan, which form part of the Construction Environmental Management Plan (CEMP) have been implemented as required during the project are to be submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au. With the exception of the certificate verifying compliance with the Post Construction Environmental Management Plan, all other certificates are to be provided within three (3) months of the completion of works.

47. Ongoing Vegetation Management and Habitat Creation and Enhancement

The actions identified in the Vegetation Management Plan and Habitat Creation and Enhancement Plan as management actions to be taken upon completion of the earthworks approved under this consent are to be commenced upon completion of works and are to be continued to be implemented in perpetuity in accordance with the conservation agreement between Biodiversity Conservation Trust and Council.

GENERAL TERMS OF APPROVAL – Environment Protection Authority (EPA)

The conditions of consent as detailed in the approval issued by EPA on 13 February 2020 are General Terms of Approval pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

NOTE

In the event of any inconsistency between EPA conditions and any other condition(s) of this consent, the EPA condition(s) will prevail.

48. Information supplied to the EPA (A1)

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

- a) The development application DA/101/2019 submitted to the Hornsby Shire Council on 18 February 2019;
- b) All additional documents supplied to the EPA in relation to the development, including:
 - i) GHD Hornsby Quarry Rehabilitation - Response to Submissions and Revised Project Scope - Volume 1 – Main Report November 2019 (DOC19/276083-31)

- ii) GHD Hornsby Quarry Rehabilitation Environmental Impact Statement - Volume 1 - Main Report – February 2019 (DOC19/276083-6)
- iii) GHD Hornsby Quarry Rehabilitation Environmental Impact Statement - Volume 2 - Appendices A to F - February 2019 (DOC19/276083-6)
- iv) GHD Hornsby Quarry Rehabilitation Environmental Impact Statement - Volume 2 - Appendices G to K - February 2019 (DOC19/276083-6)
- v) GHD Hornsby Quarry Rehabilitation Environmental Impact Statement - Development Application Summary and Supporting Plans - February 2019 (DOC19/276083-6)
- vi) GHD Response to additional information in relation to Noise - 31 May 2019 - Ref 2126457-77347 (DOC19/276083-5)
- vii) Submissions provided by Hornsby Shire Council on 3 July 2019 (DOC19/276083-9, DOC19/276083-10 & DOC19/276083-11)
- viii) GHD Response to additional information in relation to Noise Vibration Impact Assessment - 20 August 2019 (DOC19/276083-15)
- ix) Hornsby Shire Council Companion Technical Report - Water Quality Report Card 2012 - 22 October 2019 (DOC19/276083-24)
- x) GHD Response to Submissions and Revised Project Scope - Volume 1 - Main Report - November 2019 (DOC19/276083-31)
- xi) GDH Response to Submissions and Revised Project Scope - Appendices A to K - November 2019 (DOC19/276083-31)
- xii) GHD Response to additional information in relation to water quality - 5 December 2019 – Ref 2126457-64006 (DOC19/276083-32)
- xiii) GHD Response to additional information in relation to water - 21 January 2020 - Ref 21/26457 (DOC19/276083-38)

49. **Fit and Proper Person (A2)**

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

50. **Pollution of waters (L1)**

Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

51. **Waste (L5)**

- a) The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

- b) This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

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

52. Noise limits (L6)

The licensee must implement all feasible and reasonable noise and vibration mitigation measures at the premises to minimise noise and vibration impacts on noise sensitive receivers and seek to achieve, where feasible and reasonable, the noise and vibration management levels in the Interim Construction Noise Guideline (EPA, 2009).

53. Hours of operation (L7)

Note: for the purpose of the Licence, construction works include the rehabilitation works proposed under DA/101/2019, and includes the licensed activity.

Unless permitted by another condition of this licence, construction works and activities (including rehabilitation) must:

- a) only be undertaken between the hours of 0700 and 1800 Monday to Friday; and
- b) only be undertaken between the hours of 0800 and 1300 Saturday; and
- c) not be undertaken on Sundays or Public Holidays.

54. Exemptions to standard construction hours for low noise impact works (L7.2)

The following works and activities may be carried out outside of the hours specified in Condition L6 if the works and activities do not cause, when measured at the boundary of the most affected noise sensitive receiver:

- a) LAeq(15 minute), dB(A) noise levels greater than 5dB above the day, evening and night rating background level (RBL) as applicable; and
- b) LA1(1 minute), dB(A) or LAmax, dB(A) noise levels greater than 15dB above the night RBL for night works; and
- c) Continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in "Environmental noise management - Assessing Vibration: a technical guideline" (Department of Environment and Conservation, February 2006); and
- d) Intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in "Environmental noise management - Assessing Vibration: a technical guideline" (Department of Environment and Conservation, February 2006).

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the LA10 noise level must be measured or computed 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;
- 30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

55. Noise Emission (L7.3)

The noise emission limits identified in L7.2 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:

- a) documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
- b) 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.

56. Exemptions to standard construction hours in exceptional circumstances (L7.4)

- a) The licensee may undertake works outside of standard construction hours if any of the following applies:
 - i) emergency works is required to avoid the loss of lives or property, or to prevent material harm to the environment;
 - ii) the delivery of oversized plant or structures has been determined by the police or other authorised authorities to require special arrangements to transport along public roads.
- b) The licensee must, on becoming aware of the need to undertake emergency construction work under this condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by 2pm on the next business day after the emergency works commenced that describes:
 - i) the cause, time and duration of the emergency; and
 - ii) action taken by or on behalf of the licensee in relation to the emergency; and
 - iii) details of any measures taken or proposed to be taken by the licensee to prevent or mitigate against a recurrence of the emergency.

For the purpose of this condition, "material harm to the environment" has the same meaning as in section 147 of the *POEO Act*.

57. High Noise Impact Works (L7.5)

Unless otherwise specified by another condition of this licence, the following applies in relation to high noise impact works:

- a) High noise impact works and activities must only be undertaken:
 - i) between the hours of 8:00am to 6:00pm Monday to Friday;
 - ii) between the hours of 8:00am to 1:00pm Saturday; and
 - iii) in continuous blocks not exceeding 3 hours each with a minimum respite from those activities and works of not less than 1 hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1hour respite between ceasing and recommencing any of the work that is the subject of this condition.

NOTE: High noise impact works means jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics

Operating Conditions**58. Activities must be carried out in a competent manner (O1)**

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.

59. Maintenance of plant and equipment (O2)

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.

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

60. Dust (O3)

- a) Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- b) Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may

require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)

61. Stormwater/sediment control (O4)

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented prior to commencement of licensed activities. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Note: ESCPs are required generally for smaller sites, typically involving the disturbance of less than 2,500 square metres. SWMPs are necessary for large scale developments (greater than 2,500 square metres disturbed area).

Monitoring Conditions

62. Monitoring records (M1.1)

The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

63. Monitoring records (M1.2)

All records required to be kept by the 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.

64. Monitoring records (M1.3)

The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken:

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

65. Telephone complaints line (M2)

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

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

This condition does not apply until the Environmental Protection Licence takes effect.

66. Notification of Telephone Complaints Line (M2.2)

The Licensee must ensure that the community notification required by condition M2.1 is undertaken:

- a) by including details on the project website on:
 - i) how the public can make a complaint on the telephone complaints line; and
 - ii) how complaints will be processed
- b) by clear signage at the boundary of the work site that contains both the telephone complaints line number and the project website details.

Note: For the purposes of this condition and condition M2.1, the telephone complaints line and notification of the telephone complaints line is operated and undertaken by Hornsby Shire Council. The licensee will have staff available to complaints during hours when works are occurring.

67. Noise and Vibration Complaints (M2.3)

- a) The licensee must investigate noise and vibration complaints within 1 day of the complaint being made.
- b) The licensee must ensure that any investigation referred to in this condition identifies if works or activities, being undertaken on the licensed premises, is the likely source of the complaint.
- c) The licensee must, in respect of each complaint made to the telephone complaints line required by Condition M2.2, advise each complainant of the results of its investigation of their complaint and any proposed remedial action.

68. Noise and Vibration Monitoring (M2.4)

The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

69. Recording of complaints (M2.5)

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

The record must include details of the following:

- 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 the outcome of the investigation and any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.
- g) the record of a complaint must be kept for at least 4 years after the complaint was made.
- h) the record must be produced to any authorised officer of the EPA who asks to see them.

Reporting Conditions**70. Annual return (R1.1)**

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

71. Annual Return Documents

What documents must an Annual Return contain?

- a) The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - i) A Statement of Compliance; and
 - ii) A Monitoring and Complaints Summary.
- b) A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

72. Period covered by Annual Return

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

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

- b) Where this licence is transferred from the licensee to a new licensee:
 - i) 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
 - ii) 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.

- c) 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:
 - i) In relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - ii) In relation to the revocation of the licence - the date from which notice revoking the licence operates.

73. Deadline for Annual Return

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

74. Notification where actual load can not be calculated

(Licences with assessable pollutants)

- a) Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.
- b) The notification must specify:
 - i) the assessable pollutants for which the actual load could not be calculated; and
 - ii) the relevant circumstances that were beyond the control of the licensee.

75. Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

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

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

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

77. Notification of environmental harm (R2)

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

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

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

78. Written report (R3)

- a) Where an authorised officer of the EPA suspects on reasonable grounds that:
 - i) where this licence applies to premises, an event has occurred at the premises; or
 - ii) 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.

- b) 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.
- c) The request may require a report which includes any or all of the following information:
 - i) the cause, time and duration of the event;
 - ii) the type, volume and concentration of every pollutant discharged as a result of the event;
 - iii) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - iv) 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;
 - v) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - vi) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - vii) any other relevant matters.

General conditions

- 79. Copy of licence kept at the premises or on the vehicle or mobile plant (G1)
- 80. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. (G1.1)
- 81. The licence must be produced to any authorised officer of the EPA who asks to see it. (G1.2)
- 82. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant. (G1.3)

Water

- 83. Additional water quality sampling within the void must be conducted to identify any pollutants with the potential to cause non-trivial harm, including sampling at multiple depths within the void water body. In addition to the analytes already identified, temperature data should be collected.
- 84. The potential impact discharges from sediment basins must be considered consistent with s45 **POEO Act**. This assessment should include details of the measures that have been considered and those proposed to be implemented to avoid and minimise discharges of pollutants, including but not limited to reuse.

For each proposed discharge point, this assessment should:

- a) estimate the expected frequency and volume of discharges
- b) characterise the expected quality of the discharge in terms of the typical and maximum concentrations of all pollutants likely to be present at non-trivial levels

- c) assess the potential impact of the proposed discharge on the environmental values of the receiving waterway consistent with the national Water Quality Guidelines (ANZG, 2018; including comparison of the predicted water quality to the relevant guideline values for slightly to moderately disturbed ecosystems).
- d) where relevant, identify appropriate measures to mitigate any identified impacts, including but not limited to the use of grassed swales and armoured channels.

Consistent with the principles of the NSW Water Quality Objectives, the discharge impact assessment should demonstrate that the proposal will maintain the environmental values of the receiving waterway where they are currently being achieved or contribute to restoring the environmental values where they are not currently being achieved.

- 85. Confirm the void offtake is from the surface to avoid thermal pollution downstream.
- 86. Propose licence limits based on the outcomes of the discharge impact assessment for any pollutants with the potential to cause non-trivial harm.
- 87. Update the water quality monitoring program based on the outcomes of the discharge impact assessment. The proposed monitoring program should include analytes monitored at a frequency commensurate with the potential risk.
- 88. The applicant commits to employing enhanced erosion control measures for catchments where sediment basins are sized for 5 day 80th percentile rainfall events.

Note: information required under conditions 1-6 is required to be provided to the EPA as part of the licence application, to EPA to set appropriate discharge limits and monitoring requirements.

Noise

89. Construction Noise and Vibration Management Plan

The proponent must prepare and implement a detailed Construction Noise and Vibration Management Plan (CNVMP), prior to commencement of construction and rehabilitation activities, that includes but is not necessarily limited to;

- a) identification of each work area, site compound and access route (both private and public)
- b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes, identification of all potentially affected sensitive receivers,
- c) the construction noise and vibration objectives detailed in the EPA Interim Construction Noise Guideline ("ICNG" - EPA, 2009) for all identified sensitive receivers,
- d) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the EPA Interim Construction Noise Guideline (EPA, 2009),
- e) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- f) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction,
- g) a strategy that outlines "additional mitigation measures" to deal with residual noise levels i.e. construction noise levels that exceed the noise management levels in the ICNG after all feasible and reasonable noise mitigation measures have been applied,

- h) a community engagement strategy that provides the community with a clear understanding of the likely impact of construction and how impacts will be managed,
- i) measures to provide the surrounding community with details including the construction activities that will take place, where they will take place, when they will take place, and for how long. Community views should be considered when developing feasible and reasonable mitigation.
- j) measures to monitor noise performance and respond to complaints.
- k) structural and cosmetic damage vibration limits for identified sensitive receivers.

Note: The EPA does not have a regulatory role with respect to structural or cosmetic damage and expects that the consent will include requirements to regulate those aspects of the proposal.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.