

# Notice of Modification

## Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



Carl Dumbleton  
A/Director Resource Assessments

Sydney

13 August 2021

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### SCHEDULE 1

The Development Consent (DA 267-11-99) for the Roberts Road Quarry, granted by the Minister for Urban Affairs and Planning on 31 May 2000.

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### SCHEDULE 2

1. In the list of definitions, delete “Department”, “DPI Water”, “National Parks and Wildlife Service” and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division within the Department
Calendar year	A period of 12 months from 1 January to 31 December
Department	Department of Planning, Industry and Environment
DPIE Water	The Water Group within the Department
ENM	Excavated Natural Material, as defined in the EPA’s resource recovery orders and exemptions clauses 91, 92 and 93 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>
EPL	Environment Protection Licence under the POEO Act
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
INP	<i>NSW Industrial Noise Policy (NSW EPA, 2000)</i>
Laden Trucks	Trucks transporting quarry products from the site and/or trucks transporting VENM/ENM to the site
MEG	Regional NSW – Mining, Exploration and Geoscience
Minister	NSW Minister for Planning and Public Spaces, or delegate
Modification 4	Modification application DA 267-11-99 MOD 4 and Statement of Environmental Effects titled: <i>Roberts Road Quarry Modification 4</i> , dated December 2019 prepared by Umwelt Environmental Consulting and Submissions Report titled: <i>Roberts Road Quarry Modification 4, Response to Submissions</i> , dated March 2020 prepared by Umwelt Environmental Consulting, and additional information supporting the Response to Submissions, including: <ul style="list-style-type: none"><li>revised noise assessment titled: <i>Noise Impact Assessment Rev 1</i>, dated May 2020 prepared by Umwelt Environmental Consulting;</li><li>letter from Umwelt Environmental Consulting, dated 20 May 2020; and</li><li>letter from Benbow Environmental, dated 10 September 2020.</li></ul>
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Quarrying products	Includes all saleable quarry products, but excludes tailings, other wastes and material needed for rehabilitation
Secretary	Planning Secretary under the EP&A Act, or nominee
TfNSW	Transport for NSW

VENM  
Waste

Virgin Excavated Natural Material, as defined in the POEO Act  
Has the same meaning as the definition of the term in the Dictionary to the POEO Act

2. Delete all references to "DPI-Water" and replace with "DPIE Water".
3. Delete all references to "National Parks and Wildlife Service", "NPWS" and "Heritage Office" and replace with "Heritage NSW".
4. In condition 2(a) of Schedule 2, delete "Modification 3 and Modification 2" and replace with "Modification 2, Modification 3 and Modification 4".
5. In the heading of condition 8 of Schedule 2, delete "Commencement and duration" and replace with "Limits on Approval".
6. In condition 9 of Schedule 2 delete "2025" and replace with "2030".
7. After condition 9, of Schedule 2 insert the following:

9A. The Applicant must not:

- (a) process or dispatch more than 480,000 tonnes of quarrying products at the site in any calendar year;
- (b) receive more than 320,000 tonnes of VENM and ENM (in total) at the site in any calendar year;
- (c) import more than 3 million tonnes of VENM and ENM to the site; and
- (d) import VENM and ENM beyond 31 May 2030.

8. After condition 17 insert the following:

**PRODUCTION DATA**

17A. The Applicant must provide MEG with annual quarry production data, covering a full calendar year, by no later than 30 January for the following calendar year.

17B. The data must be provided using the relevant standard form and a copy of the data must be included in the Annual Review (required under condition 66).

9. In condition 20 of Schedule 2:
  - a. delete the "g" in clause 20(g) and replace with "h";
  - b. delete the "f" in clause 20(f) and replace with "g"; and
  - c. after condition 20(e), insert "(f) the Traffic Management Plan (Condition 50A)".
10. Before condition 27 insert the following:

**Importation of VENM and ENM**

26. The applicant must:

- (a) ensure only verified VENM and ENM is received at the site;
- (b) collect data on the VENM and ENM received including details of the origin, date, and quantity received; and
- (c) include a copy of this data in the Annual Review.

11. In condition 27, delete the contents of the condition and replace with:

27. No other materials classified as waste under the EPA's *Waste Classification Guidelines 2009* (or its latest version) may be received or processed on the site, except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.

12. In condition 28 of Schedule 2, delete the contents of the condition and replace with:

28. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 1 at any residence on privately-owned land.

**Table 1:** Air quality criteria

<b>Pollutant</b>	<b>Averaging period</b>	<b>Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>
<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month <sup>a</sup> 4 g/m <sup>2</sup> /month

**Notes:**

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

<sup>d</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: *Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method*.

13. After condition 28 of Schedule 2, insert the following:

28A. The air quality criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

14. In condition 29(c) of Schedule 2, after “to ensure that areas”, insert “of the site which are exposed and active at any one time are minimised to the greatest extent practicable”.

15. After condition 29 of Schedule 2, insert the following:

29A. The Applicant must commission an expert review of the air quality monitoring system at the site. This review must:

- be undertaken by a suitably qualified and experience person(s) whose appointment has been approved by the Secretary;
- review the accuracy of the air quality monitoring system at the site over a 12 month period, in general accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007)* and with a particular focus on PM<sub>2.5</sub> monitoring;
- provide recommendations (where required) to improve the accuracy of air quality monitoring system at the site; and
- be undertaken in consultation with the EPA.

29B. A copy of the expert review report along with a timetable for implementing any recommendations arising from the review required under condition 29A of this Schedule, must be submitted by 30 November 2022, or as otherwise agreed by the Planning Secretary.

The Applicant must implement the recommendations of the expert review to the satisfaction of the Secretary.

16. Delete the contents of condition 47 of Schedule 2 and insert the following:

**Noise Operating Conditions**

47. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

**Table 2:** Operational noise criteria dB(A)

<b>Receiver</b>	<b>Day (7am-6pm) Monday to Saturday L<sub>Aeq</sub> (15 min)</b>	<b>6am-7am Monday to Saturday L<sub>Aeq</sub> (15 min)</b>	<b>6am-7am Monday to Saturday L<sub>A1</sub> (1 min)</b>
Receiver B	44	40	50
All other receivers	43	40	50

<sup>a</sup>The Noise Assessment Locations referred to in Table 2 are shown in Appendix 2

17. Delete the contents of Condition 50 of Schedule 2 and insert the following:

The Applicant must ensure that truck movements associated with the development do not exceed 70 outbound and 70 inbound per day and does not exceed 10 outbound and 10 inbound per hour.

18. After Condition 50 of Schedule 2, Insert the following:

**Traffic Management Plan**

50A. The Applicant must prepare a Traffic Management Plan that must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
- (b) be prepared in consultation with TfNSW and Council;
- (c) include a Drivers' Code of Conduct that contains procedures to ensure that drivers:
  - (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to designated transport routes;
  - (iii) implement safe and quiet driving practices; and
  - (iv) minimise potential conflict with school buses.
- (d) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct; and
- (e) propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site.

The Applicant must submit the Traffic Management Plan for the approval of the Secretary by the 31 October 2021, or as otherwise agreed by the Secretary. The Applicant must implement the Traffic Management Plan as approved.

19. In condition 58 of Schedule 2:

- after "rehabilitate the site", insert "in a manner that is consistent with the final landform designs in Appendix 1,";
- After "satisfaction of the Secretary." delete "This" and replace with "All"; and
- In Table 1: Rehabilitation Objectives, delete the row and contents for "Quarry Benches".
- In Table 1: Rehabilitation Objectives, add the following row as the last row:

Water Quality	<ul style="list-style-type: none"><li>• Water retained on the site is fit for the intended post-mining land use/s</li><li>• Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li></ul>
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20. In condition 68 of Schedule 2, delete the contents of the condition and replace with:

**REPORTING AND AUDITING**

**Incident Notification**

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

21. After condition 68 of Schedule 2, insert the following:

**Non-Compliance Notification**

68A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

22. After condition 72 of Schedule 2 insert the following:

# APPENDIX 1 FINAL LANDFORM DESIGN

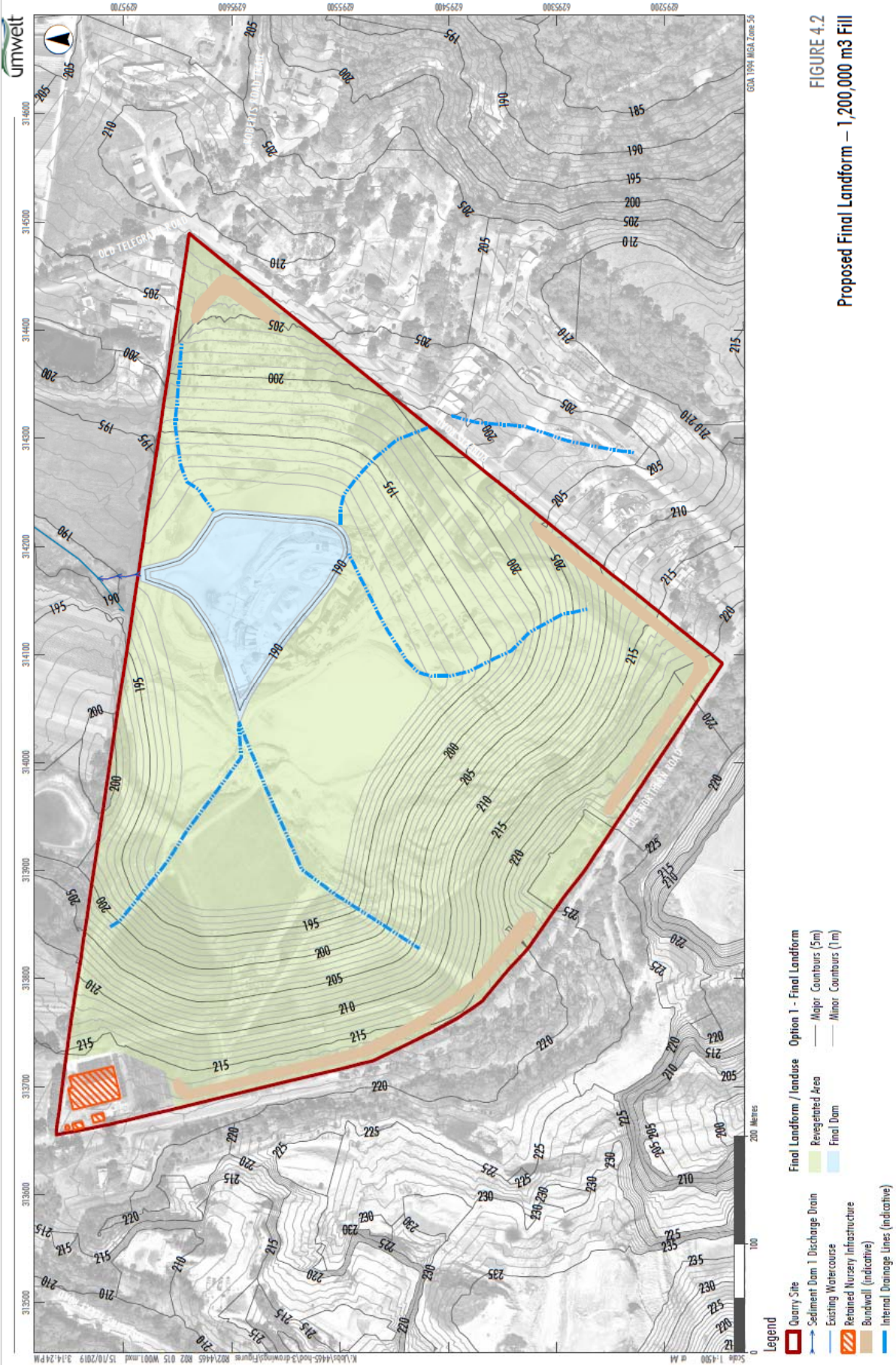


Figure 1: Final Landform Concept 1

FIGURE 4.2  
Proposed Final Landform – 1,200,000 m3 Fill



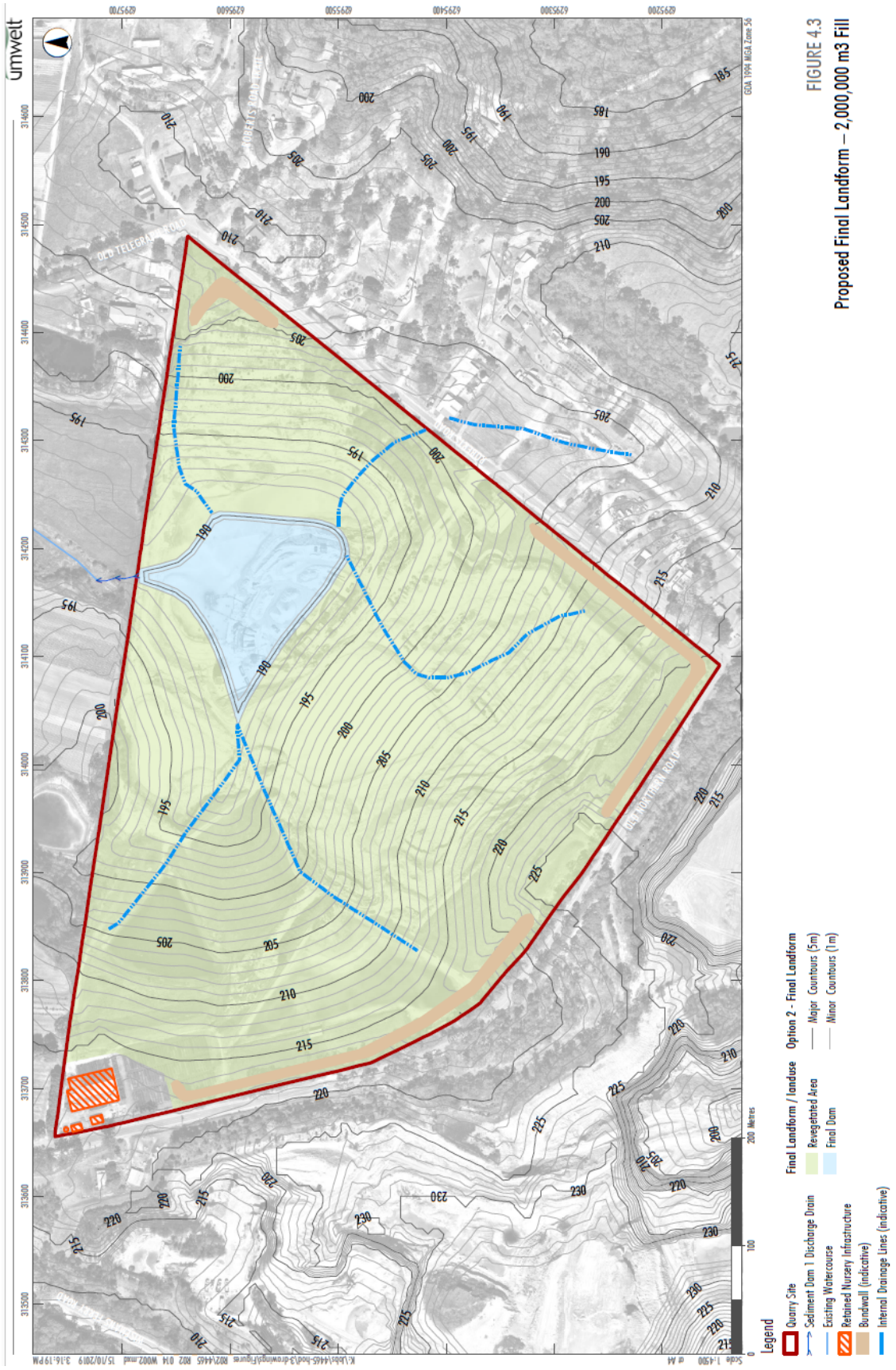


FIGURE 4.3  
Proposed Final Landform – 2,000,000 m3 FILL

Figure 2: Final Landform Concept 2



## APPENDIX 2 RECEIVER LOCATION PLAN

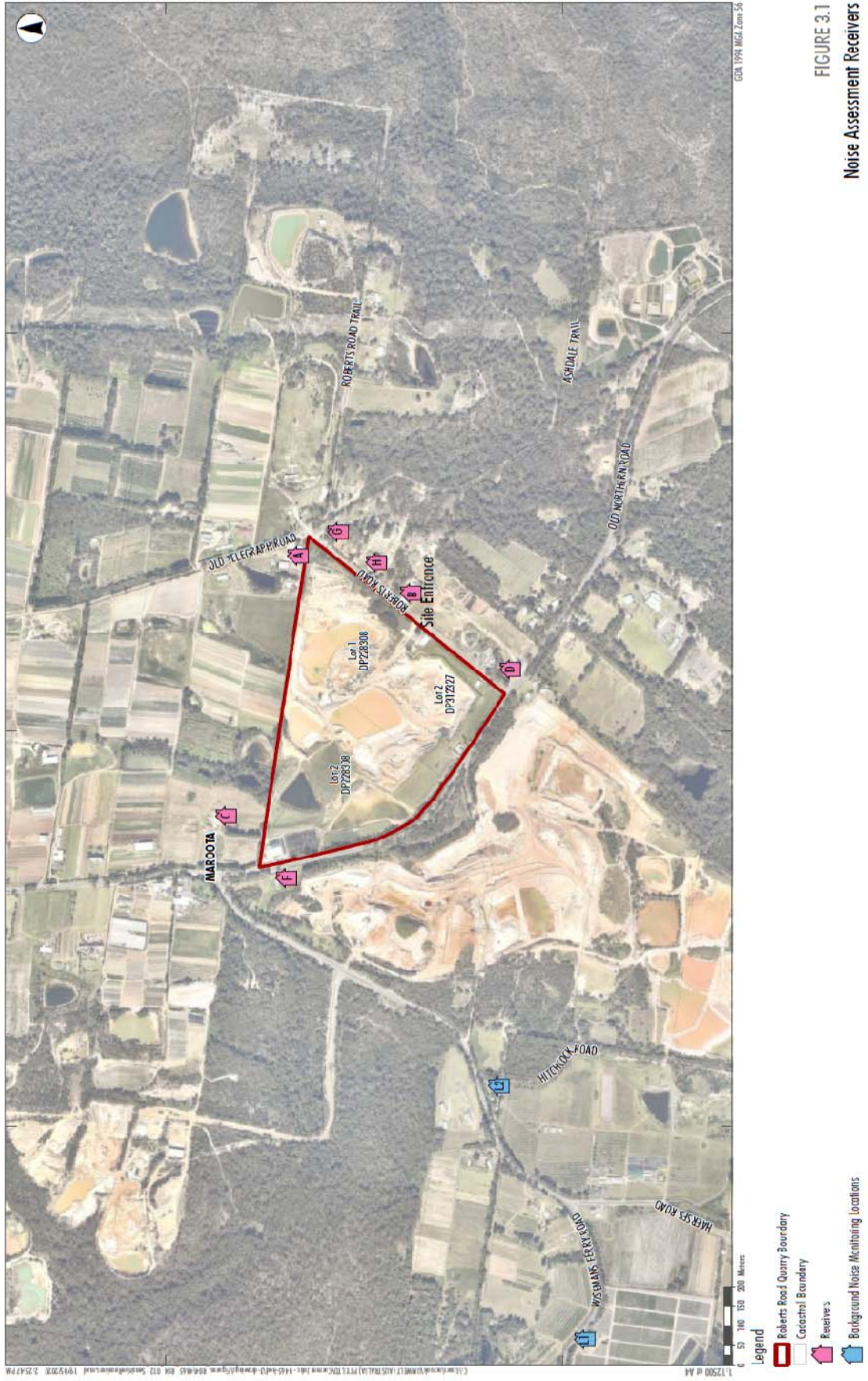


FIGURE 3.1  
Noise Assessment Receivers