

JRPP No:	2009SYW019
DA No:	2165/2009/DA-DE
Proposed Development:	Extraction, processing and export of sand and soil products
Applicant:	Landcom
Report By:	Jim Baldwin, Manager Development Services, Campbelltown City Council

ASSESSMENT REPORT AND RECOMMENDATION

Appendices

1. Recommended conditions of approval
2. Location map
3. Extractive site plan and layout

EXECUTIVE SUMMARY

Reason for Consideration by the South West Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13 B(1)(e) of the State Environmental Planning Policy - Major Development as the development is categorised as a designated development.

Proposal

The development application seeks approval to extract and process 2.4 million tonnes of sand and soil over a period of 10-12 years, using the following method:

- Material 'won' by excavator and/or front-end loader;
- Processed by dry and/or wet methods;
- Blended, where necessary with imported materials to produce a premium product;
- Stockpiled ready for sale; and
- Sold by weight and transported off-site.

The project will initially entail the establishment of extraction infrastructure, which will include internal access roads, sediment basins, two water storage basins (tailing ponds) and the establishment of an Administrative and Blending Area (ABA). The ABA will include a weighbridge, portable office, ablution facilities, a power-screen and two (2) metre high earth mounds around its perimeter to aid in noise attenuation and visual screening. Vegetative plantings will be established on the earth bund.

Permissibility

The site is currently zoned 1 Non Urban (40ha minimum) pursuant to Interim Development Order No. 15 (IDO). The proposal (extractive industry) may be carried out pursuant to clause 4 of the IDO. Further, the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits extractive industries under clause 7 (Development permissible with consent) which provides as follows:

(3) Extractive industry

Development for any of the following purposes may be carried out with development consent:

- (a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),
- (b) extractive industry in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone.

Agricultural development is a permitted land use within the 1 Non-Urban Zone and therefore this proposal is permissible with development consent.

Consultation

The application was notified in accordance with Council's Notification Policy and two (2) submissions were received. The main issues raised within the submissions received during the notification period consisted of issues relating to:

- Flooding
- Impact on flora and fauna
- Rehabilitation strategy
- Indigenous and non indigenous heritage impact
- Air quality
- Impact on riparian corridor
- Sediment erosion controls
- Environmental management
- Traffic implications
- Timeframe

RECOMMENDATION

These issues and other areas of consideration are discussed within this report with the final recommendation being that DA -2165/2009/DA-DE for the proposed extraction, processing and export of sand and soil products at Lot D DP 19853 and Lot X DP 378264 Menangle Park be approved subject to the conditions contained in Appendix 1.

Background and History

The subject site has been used for the purposes of agricultural pursuits including crops and grazing. Recently the subject site has been used for the purpose of flying model aeroplanes. The latter activity is subject to a leasing agreement between the Camden Valley Radio Control Miniature Aviation Sports Club and the landowner, Landcom.

The site contains the remains of Brien's Farm and House site which was demolished in 1934; and the remains of the Chinese Market Gardener's House and Shed site which ceased to function in the 1970's. Both are items of archaeological items of interest.

The site also contains some artefacts and objects of Aboriginal archaeological heritage of which will be impacted upon by the proposed development.

Site Description

The subject site is known as Lot D DP 19853 and Lot X DP 378264 and is currently owned by Landcom. The site has an area of 182.64 hectares (a location map is shown at Appendix 2).

Howes Creek traverses the site and runs in a westerly direction, joining the Nepean River in the north west corner of the site.

The site is primarily set in a rural area with surrounding land uses and features including a Coal Washery and Waste Services facility to the north; the Main Southern Railway and rural lands to the east; the Nepean River to the west; and Menangle Sand and Soil operation (MSS) (an existing extraction operation), Menangle Park Village and Menangle Park Paceway to the south.

The Nepean River (at the proposed extraction site) is bound by floodplains on both sides and flows in a northerly direction. The main channel is between 120 and 150 metres wide and 10 to 15 metres deep. The channel banks are well-vegetated with a range of exotic and native species.

Howes Creek is an ephemeral tributary of the Nepean River, which enters the Nepean River at the downstream extent of the site. It is heavily disturbed at the most eastern portion of the site and then becomes more defined as a channel which is vegetated by dense, mainly exotic, riparian vegetation with limited understorey cover.

Access to the subject site is obtained via an existing dirt track from Menangle Road and over land owned by Campbelltown City Council and the Harness Racing NSW.

Proposal

The development application seeks approval to extract and process 2.4 million tonnes of sand and soil over a period of 10-12 years, using the following five step process:

- Material 'won' by excavator and/or front-end loader;
- Processed by dry and/or wet methods;
- Blended, where necessary with imported materials to produce a premium product;
- Stockpiled ready for sale; and
- Sold by weight and transported off-site.

The deposit will be extracted by standard open-pit methods, with extraction via front-end loader, hydraulic excavator and/or bull dozer combinations. To maximise the value of the end product, the deposit may be washed, screened and then blended with imported materials.

The extraction itself will require the establishment of at least two active extraction areas (designated for the benefit of this report as Pits 1 and 2) where the basic screening and stockpiling of the raw material takes place. The two pits will optimise the value of the product. The main feature of the extraction (and rehabilitation) sequence is that the extractive activities are focused on cells which are approximately 1 ha in area. The basic extractive concept is to limit the total area of active sand and soil extraction to approximately 2 ha (on

the basis that 2 pits are operating at any one time). Once a cell is extracted, rehabilitation measures can be commenced within that cell as the extractor moves onto the adjoining cell. Extraction and rehabilitation will therefore go hand in hand. The general process suggests that there will potentially be one area under rehabilitation, one being actively extracted and one being prepared for extraction for each pit site at any given time. Appendix 3 provides a layout of the proposed extractive site plan and layout.

In most circumstances there will only be the rehabilitation area and active area operating, the preparation area occurs toward the end of the life of the currently active extraction pit.

Elsewhere, areas dedicated to a wash plant, cyclones and tailings dams will also be established. Operating the site efficiently will rely on the mobility of the operating and processing plant to follow the extractive path.

Rehabilitation of extracted areas to the final approved landform will be staged sequentially and in tandem with the extraction process and will be executed on an ongoing basis, subject to final landform requirements and other site constraints.

Subject to gaining consent for this application, Landcom intends to invite experienced extractors to tender for the right to extract the deposit generally in compliance with the consent.

An Administrative and Blending Area (ABA) hosting a weighbridge, office block, generator, parking and materials blending area is to be located above the 1 in 100 year flood level.

Products

There is the potential to produce a number of sand and soil based products. These include:

- Filling sand;
- Concrete and mortar sand;
- Raw soil (fill and top-dressing); and
- Blended soil (garden mix and top-dressing).

Infrastructure and Personnel

To undertake a sand extraction project on the scale envisaged, an inventory of the typical plant and equipment that would be required is provided in Table 1 below.

Table 1- Inventory of Plant and Equipment

Item	Description	Purpose
Employees	Typically 5 to 6 employees.	To operate extraction and processing equipment and to man the weighbridge.
Wash Plant	Wet treatment for sand products. Comprised of screens and reverse screws Typical capacity of 100 Tonnes/hour required.	Wash fines out of sand products to produce a higher quality sand product.
Power Screen /s	Usually require one large and one small screen with hourly capacities of 700 and 80 tonnes per hour respectively. An allowance should be made for stockpiles of up to 10 metres in height (equivalent to about 5000 tonnes).	To screen product into specific sizes and remove trash.
Weighbridge	Measuring approximately (9 x 3 metres).	To provide management control on materials entering and leaving site for operational,

		environmental and financial requirements.
Front End Loaders	At least two required. Typically with 3.1m ³ bucket capacity.	Pick up raw product and feed power screen and/or stockpiled product and load into trucks.
Hydraulic excavator/s	Typically a 30 tonne excavator.	To excavate trenches and excavate raw product.
Bulldozer	Typically a Cat D7 or larger.	To clear site of trees and shrubs, push up bunding, dig dams and push out raw product.
Dump Truck	Usually 20 to 40 tonne capacity.	Removal of product from excavation face to treatment centre.
Haul Trucks	Usually 20 to 24 tonne capacity, either owner operated or contracted.	Removal of product off-site.
Office and amenities block	Demountable office facility – includes all normal office facilities and power. Minimum of 60 m ² required.	Operational centre.
Storage shed	Steel and colourbond clad. Floor area of around 150 m ² required.	To house/store equipment and machinery during the extraction operation.
Fuel supply tanks	1 – 2 steel tanks with approximately 1000-2000 litre capacity.	Provide on-site fuel storage for mobile plant and equipment – above 1 in 100 flood contour and within protection bunding
Water dam and tailings settlement dams	Earthen dams pushed up on site – may be relocated once or twice throughout operation.	Main use is to process water for sand washing. Ancillary uses include dust suppression and rehabilitation.
Access roads	All weather roads – not sealed.	Access to all parts of site as well as working face.
Environmental	Bunding, trenches, culverts, sediment fences etc	Provide soil and water management and other regulatory controls.
Water cart	A cart fitted with a tank and sprinkler system. Capacities typically range from 15-70,000 L.	To provide mobile water supply and dust suppression on haul roads and work areas.

Operating Times

The development proposes to operate 5.5 days a week all year round, with no works on Sundays or Public holidays. During weekdays the operating hours are proposed from 7:00am to 4:00pm with maintenance crews servicing equipment 1 hour either side of the above operating hours. Saturday operating hours are proposed between 7:00am to 2:00pm, again with maintenance crews able to service equipment for one hour either side of the operation times.

Transport Route

The original EIS proposed two forms of access from the site. One was via Menangle Road and into Campbelltown local government area. The other route was via Springs Road which is through the Camden local government area. The supplementary report to the EIS proposes the Menangle Road route as the preferred option for this application, with Springs Road being the subject of a separate development approval, if sought.

Traffic generation is proposed as follows:

Car	6 -12 daily
Truck	50 – 68 daily - An average truck load of twenty five (25) tonnes. It is noted however, that the typical range of loads will be from about five (5) tonnes for a small vehicle to thirty two (32) tonnes for a truck and bogie.

Application Process

The following is a timeline that informs the JRPP of the various stages encountered during the assessment of this application :

- 16 October 2009 - Development Application lodged with Council
- 2 November 2009 to the 4 December 2009 - The development application was publicly exhibited and notified.
- 26 November 2009 - SWJRPP briefed on the development proposal.
- Submissions were received from Wollondilly Shire Council and Campbelltown City Council. No submissions were received from adjoining or nearby residents.
- 10 December 2009 - The DECCW requested 'Stop the Clock' provisions apply to the application to enable further investigation into aboriginal heritage
- 15 January 2010 - Council sought further information from the Applicant regarding the development proposal. Details included various Council Officer's concerns (Technical Services, Environment and Planning), State Government submissions received and other submissions received in respect to the proposal.
- 8 February 2010 - The DECCW requested further 'Stop the Clock' provisions apply to the application to enable further investigation into Environmental matters.
- 8 July 2010 - Council requested the application be withdrawn based on the time it has taken to provide additional information
- 21 July 2010 - A Supplementary Report to the EIS was submitted to Council.
- 6 September 2010 – One late submission was received from the Hawkesbury Nepean Catchment Management Authority.
- 18 October 2010 - A meeting was held with Officers of DECCW, the Applicant and Council Officers to resolve outstanding issues and determine acceptable limits with regards to the DECCW's requirements.
- 25 November 2010 - The DECCW issued General Terms of Approval (GTA's).

Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in section 79C (1) of the EP&A Act 1979 as are of relevance to the development. The following table (Table 2) summarises the relevant matters of consideration under

79C (a)(i) the provisions of any environmental planning instrument

Table 2 relevant matters of consideration

Environmental Planning Instruments	Clauses	Compliance
SEPP 33 – Hazardous and Offensive Development	Clauses 3 and 4 – Definitions	The proposal is neither classed as hazardous or offensive or a potentially hazardous or potentially offensive industry.
SEPP – Infrastructure (2007)	Schedule 3 – Traffic Generating Development	Extractive Industries are not listed as a traffic generating development within this SEPP although a traffic impact analysis has been included with the application.
SEPP 44 – Koala Habitat Protection	<p>Clause 6 – Land to which this Part applies</p> <p>Schedule 2 – Feed tree species constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</p>	<p>The majority of the site has been substantially cleared as a result historic clearing and ongoing agricultural activities with exception of the area immediately adjacent to the Nepean River and last section of Howes Creek. This remaining vegetation contains a mix of native forest, riparian forest, which is partially disturbed, containing regrowth woodland, derived native grass and sedgeland which comprises of Endangered ecological communities (EEC's).</p> <p>The site is greater than 1 hectare and is not mapped as core koala habitat.</p> <p>The study area does however contain Koala Feed Trees listed on Schedule 2, and constitutes potential koala habitat. No Koala scats were observed during field surveys and is removed from a local Georges River population 5-7km to the east of the site. It was concluded that the site does not comprise of core Koala habitat.</p>
SEPP (Mining, Petroleum, Production and Extractive	Part 3 – Development applications – matters for	The proposal is permissible with consent under the

Industries) 2007	<p>consideration. Before determination of an application for the purpose of extractive industry the consent authority must consider:</p> <ul style="list-style-type: none"> • Existing or proposed land use in the vicinity of the development; • Natural resource management environmental agreement; • Resource management; • Transport; and • Rehabilitation. 	<p>SEPP. The Mining, Petroleum Production and Extractive Industries SEPP permits extractive industries under clause 7 (Development permissible with consent) which provides as follows:</p> <p>(3) extractive industry development for any of the following purposes may be carried out with development consent:</p> <p>(a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),</p> <p>(b) extractive industry in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone.</p> <p>The existing land use is compatible with the extractive industry.</p> <p>The operations and methods of extraction and rehabilitation are addressed and considered to adequately address environmental concerns.</p> <p>The operation is restricted to hours - 7:00am to after 4pm but requests on-site servicing 1hr before and after the operating times for maintenance purposes.</p>
Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (number s – 1997)-(Deemed SEPP 1 July 2009)	The development proposal and aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	<p>The land is currently used by the Camden Valley Radio Control Miniature Aviation Sports Club and for grazing of cattle.</p> <p>The use will revert back to grazing once operations have finished and it is unlikely to have any impact on surround agricultural</p>

		uses. Sediment, erosion and rehabilitation are addressed in the EIS and will be included as conditions of consent.
Interim Development Order No. 15	<p>The proposal fits the criteria for 'Extractive Industry' as defined in the Model Provisions 1980 as: <i>extractive industry means:</i> <i>a) the winning of extractive material; or</i> <i>b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land;</i></p> <p>Schedule 4 – Items of Environmental Heritage</p>	<p>The proposal is defined as 'Extractive Industry' under the Model Provisions 1980 and is permissible in the zone with development consent.</p> <p>The site is not identified as being of Environmental Heritage Significance.</p>

79C (a)(ii) the provisions of any draft environmental planning instrument

Although not subject to the provisions of any exhibited Draft LEP, it is noted that the majority of the site is likely to be zoned RU2 (Rural Landscape). The area with direct frontage to the Nepean River is likely to be zoned E2 Environmental Conservation under the future Standard Instrument for Campbelltown LEP. The proposal will remain permissible where the site is changed to these zonings.

79C (a)(iii) any development control plan

Applicable DCP	Clauses	Compliance
Campbelltown Sustainable City Development Control Plan 2009 (SCDCP)	<p>Clause 2.3 - Views and Vistas</p> <p>Objectives:</p> <ul style="list-style-type: none"> Protect the scenic value of Campbelltown's natural and built environment. Protect significant views and vistas from and to public places. 	<p>A visual analysis was undertaken by Musecape Pty Ltd which is provided in Appendix 14 of the EIS. It was noted that the site is visible from adjoining residential areas in Menangle Park Village and 'Glenlee' State Heritage registered property. From a public domain the site is visible from the Main Southern</p>

		Railway line, Menangle Park village, Mount Annan Botanic Garden. The development proposes to provide short term screen planting, perimeter earth mounding with landscaping, staging of extraction/rehabilitation and long term planting and rehabilitation. This proposed measures satisfies the intention of the SCDCP
Development Control Plan No. 49 Rural Environmental Protection Subdivision and Dwelling Policy	<p>This policy aims to retain the rural/residential character of Campbelltown's scenic protection, rural environmental protection, rural and non-urban areas by providing guidelines for –</p> <ol style="list-style-type: none"> 1. Subdivision standards. 2. Provision of services and amenities. 3. Erection of dwellings. 4. Erection of outbuildings. 5. Creation of dual occupancy buildings. 	Whilst the policy does not directly address an extractive industry development, the applicant has addressed the visual impact which is detailed in the above section of this table. The proposed measures are considered satisfactory and meet the aims of DCP 49 by retaining the rural character of the area..

79C (a) (iv) any matters prescribed by the regulations

The proposed development does not trigger the need to consider any matters prescribed by the regulations.

- 79C (b) the likely impacts

Likely impacts	Impact
Urban and Building Design	
- context and setting	The extractive area is located on the Nepean River approximately 500m from the village of Menangle Park.
- public domain	No impact
- heritage	<p>The site is already predominantly cleared and disturbed as a result of previous agricultural activities, however it was found to have contained 2 historic European items of local significance and also aboriginal items of archaeological significance.</p> <p>European Heritage</p>

	<p>The Statement of Cultural Significance conducted by Rappoport Pty Ltd in the EIS (appendix 13) determined Brien's Farm and House site has local historical significance and the Chinese Market Gardeners House site has moderate to weak historical, associational, aesthetic, social and technical/research significance.</p> <p>Both these sites have been identified as having local historical significance and the potential to yield some information about the cultural history of the local area through archaeological research.</p> <p>Both Brien's Farm and House site and the Chinese Market Gardeners' House and shed site have undergone photographic archival recording in accordance with Heritage Branch guidelines.</p> <p>Council's Environmental Protection Heritage Subcommittee has also reviewed the proposal and raised no objection to the proposed photographic archival recording and have requested that opportunities for appropriate signage to identify the sites of the former Chinese Market Garden and Brien's Farmhouse be investigated.</p> <p>Aboriginal Heritage Jo McDonald Cultural Heritage Management Pty Ltd was contracted to assess the potential impact of the proposed extraction activities on Aboriginal archaeological heritage which is located in Appendix 12 of the EIS. The results of the formal archaeological assessment of the project site has indicated that the proposed sand and soil extraction activities will impact on an archaeological deposit which contains 'objects' as defined under the National Parks and Wildlife Act 1974 (NPW Act). Subject to the outcome of a granted AHIP, it is concluded that the tenor of the archaeological significance of the project site is not of a stature which would prevent the proposed development from proceeding.</p> <p>It is noted that the DECCW has issued GTA's in respect to matters pertaining to the aboriginal archaeological assessment of the site.</p>
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- site design and internal design	The site will be rehabilitated after each stage of extraction. The site office, weigh bridge and storage shed are the only buildings on the site.
- construction	The site office and associated infrastructure will be constructed above the 1:100 year flood event on the site.
- utilities	Utilities will be provided on the site as necessary. No electrical service is required to operate the extraction facility and electricity to the site office will be by generator when necessary. Toilet facilities will be provided on site.
- ecological sustainable building design	Not applicable
Environmental Impacts	
- water	There is no potable water to be provided on site for the site office. Water will be used for the screening process which will be controlled by the Sediment and Erosion Control plan. Water tanks shall also be used to collect water for the purposes of on-site effluent disposal, potable water and washing down equipment. Further details are required to be submitted at the construction certificate stage.
- soil	An Erosion and Sediment Control plans adequately addresses any particles or sediment leaving the excavation area.
- air and micro-climate	This has been addressed in the Air quality section in the EIS (appendices 7 & 8) and in a supplementary Report by Heggies (appendix 7). The Air quality assessment reviewed the operation and transport to and from the site by Parson Brinkerhoff and subsequently peer reviewed by Heggies Limited as a third party independent air quality consultant. A matter raised during community consultation was in respect to air pollutants including silicosis arising from silicate products produced from the development. The Dept of Health requested further investigation into the potential impact that that development may produce. The Supplementary report concludes that silicate arising from this proposal would be minimal and well within the Dept of Health's limits. No further comments were received from the Dept of Health in respect to the supplementary report to the EIS.

	<p>Mitigation measures will be in place to reduce any potential impact for the surrounding area. Mitigation measures include the use of a water cart and stopping excavation in times of high wind.</p> <p>Monitoring will involve on and off site receptors, visual and conditional management (i.e. wind conditions) and is included in the GTA's for the development.</p>
- other land resources	The site is zoned for agricultural uses and forms part of the water catchment for the Nepean River. The design of the water management system reflects this.
- flora and fauna	<p>The site is predominantly cleared, however the vegetation (River flat Eucalypt forest) fronting the Nepean River is part of an Endangered Ecological Community (EEC). The original intent of the extraction operation was to mine within 40m of the Nepean River. However through further investigations (detailed in the Supplementary Ecological Study by GHD) and subsequent negotiations with the DECCW, the extraction will not be within the 40m of the Nepean River (top of bank) which retains the EEC.</p> <p>Further, the EEC will be managed through a vegetation management plan including weed control which will further enhance this EEC community.</p> <p>The DECCW has issued GTA's which addresses the management of the development with respect to the EEC.</p>
- waste	Minimal waste materials will be produced from the operations.
- Energy	The proposal has not identified any energy saving devices or systems.
Hazards	
- noise and vibration	<p>This has been addressed in the section 21 of the EIS and was undertaken by Parson Brinckerhoff. The report has concluded that all noise modally has been based on maximum power levels and the closest point within the proposed site to noise sensitive receivers. The report recommends mitigation measures which are included in conditions of consent. Mitigation methods are as follows:</p> <ul style="list-style-type: none"> • Restricted hours of operation; • Modified plant and equipment where possible;

	<ul style="list-style-type: none"> Modified methods of operation e.g. restricting dropping material from heights in to trucks.
- Natural hazards	The site is identified within 40 metres of the Nepean River and as such would be subject to any flood event. Measures have been put into place to avoid any adverse impact of such an event e.g. storage of all plant and equipment in flood free areas, flood attenuation measures including sediment erosion control and retainment of material on-site.
- safety, security and crime prevention (CPTED)	The equipment will be stored in a secure area.
Social and economic impacts	
- Social impact in the locality	The proposal is unlikely to cause a negative effect on the social composition of the area.
- economic impact in the locality	The proposal is likely to benefit the community by providing additional employment opportunities in the area and the supply of material which is in strong demand within the local and regional area.
Cumulative impacts	The development is unlikely to cause negative cumulative impacts in the area.
Other	

79C (c) the suitability of the site for the development

(b) the suitability of the site for the Development	Suitability
<ul style="list-style-type: none"> - fit into the locality - site attributes conducive to development 	The proposal is sited 500m from any dwelling not associated with the proposal and is therefore not likely to have any negative impact. Measures have been incorporated into the design to ensure that there are negligible impacts on the surrounding area.

79C (d) any submissions made in accordance with this Act or Regulations

Note: No public submissions were received. Submissions received were from Wollondilly Shire Council, Campbelltown City Council and the Hawkesbury Nepean Catchment Management Committee.

(d) any submissions made	Matters raised
The issues raised are relevant to the development application and have been adequately addressed within the application and this report.	Flooding issues Traffic Noise and dust Flora and fauna Impact on Nepean River Bank Self auditing and monitoring

	Limited resource Sediment and erosion controls Rehabilitation measures and sequencing Loss of resource during flooding events
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□ 79C (e) the public interest

(e) the public interest	
- federal, state and local government interests	The applicant is required to obtain a Controlled Activity Approval under the Water Management Act 2000, an Environmental Protection Licence, and a 123C licence under the Threatened Species Act 1995 from the DECCW.
- Community interests	The proposal integrates economic and environmental goals within the design of the site.

Public Participation

The proposal was advertised in accordance with the requirements for the *Environmental Planning & Assessment Regulations 2000* for designated and integrated development. No submissions were received from the general public however separate submissions were received from Wollondilly Shire Council and Campbelltown City Council within the exhibition period and one (1) submission was received after the exhibition period was closed (Hawkesbury Nepean River Catchment Management Committee). These are provided in Appendix 4. The applicant has addressed Wollondilly Shire Council and Campbelltown Council's submissions in Attachment 5 of this report). In summary the issues raised in the submissions are provided in the following table: (Table 3)

Table 3: Summary of Submissions

Objection	Planning Comment
<p><i>Indigenous and Non Indigenous Heritage</i></p> <p>Whilst the EIS has addressed a number of indigenous and non indigenous heritage matters, the impact of this proposal on Glenlee House must be recognised. It is expected that views from Glenlee House will be impacted upon. The amelioration of the potential loss of views from Glenlee House must be addressed by the JRPP in its determination.</p> <p>Council's Heritage Protection Sub-Committee has noted the information relating to this proposed project, and has requested Council to raise the following concerns to the Joint Regional Planning Panel:</p> <ul style="list-style-type: none"> ○ "The need for conservation of the natural heritage values of the land including vegetation and biodiversity; 	<p>The DECCW has provided GTA's with respect to the proposed development. A sequential landscape plan is proposed to provide screening to Glenlee House and surrounds in order to reduce the visual impact of the operation, which is generally set within a rural landscape area.</p> <p>Negotiations between the DECCW and the Applicant has resulted in the extraction area being restricted to no closer than 40m from the Nepean River (top pf bank). This results in the ECC's being retained on-site.</p> <p>A condition of an approval will require archival recordings of the Chinese Market Garden and Brien's Farmhouse in accordance with the Heritage Branch guidelines.</p>

<ul style="list-style-type: none"> ○ That consideration be given to changing the boundaries of the extraction areas in order to protect the areas of high ecological and conservation significance; ○ That opportunities to refer concerns regarding vegetation (Cumberland Plain Woodland) to the Federal Government be considered; ○ That due respect is given to the archaeological values of the land; ○ That opportunities for appropriate signage to identify the sites of the former Chinese Market Garden and Brien's Farmhouse be investigated; ○ That the feasibility of successful rehabilitation of the land, including an assessment of the future hydrology, be examined prior to determination of the Development Application; ○ That consideration be given to the possible undermining of the riverbanks and the associated environmental impacts of such actions; ○ That the impact of the proposed development on the existing topography, cultural rural landscape, and the relationship of the existing landscape to the river be considered." ○ 	
<p><i>Environmental Management</i></p> <ul style="list-style-type: none"> • Reinstating fill post mining activities. No infill plans or landscaping plans were sited in the main body of the EIS. • There is no validation plans or remediation plans of the site. The soil types and potential of "uncertified clean fill" entering the site is high. There appears to be no plan on how this will be managed, monitored and what is of acceptable standard. 	<p>The DECCW and the Department of Industry and Investment NSW (I&I NSW) have provided comments and GTA's with respect to the proposed development.</p>
<p><i>Flora and Fauna of the site</i></p> <p>The proposed development will have an impact on EEC and fauna populations within the site. The main EIS report (page 98 to 100) describes quite a few direct impacts including reduced water quality, alterations to</p>	<p>The DECCW and I&I NSW have provided comments and GTA's with respect to the proposed development.</p>

<p>hydrology, loss of stream and riparian habitat, as well as runoff and sediments from areas stripped of vegetation and leakage from vehicles</p> <p>The Vegetation Management plan must be adopted and imposed. Additionally to this plan it is recommended that Weed management is imposed especially in respect to noxious weeds and invasive environmental weeds.</p> <p>It is recommended that plantings on the previous leases to the south and the north of the clearing be started prior to the commencement of these operations to assist in reducing the impact on some of the fauna species found on site.</p>	
<p><i>Flooding</i></p> <p>The information provided indicates that post development flood levels associated with Wollondilly Shire generally decrease marginally or are contained within plus or minus 50mm of existing levels. It is noted that a small area experiences up to 100mm increase at the confluence of Howes Creek and the Nepean River. However this appears to be confined to the Campbelltown (and Site) area.</p> <p>The issue associated with flooding is the potential Nepean River bank stability during a flood event if this occurs at maximum extraction depth. The 5 year ARI flood covers the entire extraction area. As the report states, in any ten year period there is an 87% chance of a 5 year flood occurrence.</p> <p>The excavation proposed will be close to permanent river levels, behind the river bank. This will create a situation where surface flows have the potential to destroy the bank from behind. This situation has not been addressed other than generalised statements such as undertaking all works in accordance with the "blue book".</p> <p>It is considered that the exposed face is required to be protected on a constant basis when the excavation falls below (or is close to) the River top of bank level.</p>	<p>The DECCW and I&I NSW have provided comments and GTA's with respect to the proposed development.</p> <p>Council's Technical Services has also reviewed the proposal and provided conditions should the development be approved.</p>
<p><i>Traffic Management</i></p>	<p>RTA has provided conditions and upgrade</p>

<p>The Traffic assessment included as a component of the EIS is inadequate. It falls short and does not appropriately address the excessive number of truck movements to and from the site and the nominated truck routes which will significantly impact upon the wider communities of Wollondilly and Camden Council locales. It is requested that further information be provided to address these issues and there negative impact upon Council's existing road infrastructure.</p>	<p>requirements to Menangle Road intersection.</p> <p>The truck route is nominated from Menangle Road, not Springs Road. This was considered acceptable.</p>
<p><i>Timeframe</i></p> <p>This is a project which has an expected life span of 12-15 years, at the end of which time the subject site is proposed to be rehabilitated and returned to a rural landscape. However, it is important to be sure that any implications of the proposed extraction works on the development of the Menangle Park Urban Release Area, during these 12-15 years, are fully addressed. Council should seek reassurance from the JRPP that appropriate measures would be put in place as part of any approval to protect the capacity for the take up of residential development opportunities in Menangle Park, and land that has been rezoned.</p>	<p>The application has sought approval for 10-12 years. The consent will be limited to 12 years. This development will also be conditioned to ensure that it complies with appropriate dust, noise measures, rehabilitation programs and monitoring.</p> <p>It is likely that if the Menangle Park Urban Release Area goes ahead, this development is likely to supply many infrastructure and building materials to this future project.</p>
<p><i>Hawkesbury Nepean Catchment Management Authority (HNCMA)</i></p> <p>It is of concern to the Hawkesbury Nepean Catchment Management Authority that the extractive industry proposal will destroy a 600m length of river bank from a natural bank height of approximately 16m to a finished height of approximately 5m. This will result in the total removal of identified significant and high quality native riparian vegetation within that bank area. This is likely to have adverse impacts on river health and biological functioning, both for the life of the project, and for a significant time after the end of the active extraction phase.</p> <p>The Office places a high importance on the maintenance of high riparian values to assist in maintaining the health of the river system. The proposal as it presently stands will adversely impact on these values and appears to be inconsistent with the current Menangle Park Precinct planning. A major</p>	<p>This matter has been resolved through negotiations with the DECCW. A minimum 40m exclusion zone is now proposed in order to retain the Nepean bank and existing vegetation along the Nepean River.</p>

component of the Menangle Park Precinct planning was to enable a regionally significant vegetated corridor to be established between Mount Annan Botanic Gardens and the Nepean River. Removal of established riparian vegetation, as proposed, will severely compromise that corridor function for many generations.	
<i>Health Risk Assessment</i>	A peer review by Heggies Limited of the Air quality assessment report by Parson Brinckerhoff report was undertaken and submitted with the supplementary Report to the EIS. It concluded that matters such as silicosis was well below the Dept of Health's limits. No further comments were received from the Dept of Health in respect to the supplementary report to the EIS.
<p><i>Section 94A</i></p> <p>It is considered that Council should advocate to the JRPP for the proposed development to be liable for a contribution under Council's <i>Section 94A Development Contributions Plan</i> (May 2007). Thus, Council should request the JRPP to consider this matter in its determination of the DA.</p>	Section 94A applies to this form of development and has been included as a condition of approval.
<p><i>Menangle Park Urban Release Area</i></p> <p>The means by which Council can be assured that the take up of residential development opportunities within the Menangle Park Urban Release Area will not be constrained.</p>	The development is limited to 12 years. The applicant has also indicated that the rehabilitation of the site will be viable for future development. It is acknowledged that most of the site is flood liable and not suitable for residential development, but could be used as open space.

Assessment – Key Issues

Designated Development

The proposed development is a 'designated development' as it is proposed to obtain or process for sale, or reuse more than 30,000m³ of extractive material per year in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Integrated Development

The proposed development is an 'integrated development' as an Environmental Protection Licence is required to be issued by the Department of Environment, Climate Change and Water (DECCW) under Section 5 of the *Protection of the Environmental Operations Act 1997*, and as it is proposed to obtain or process for sale, or reuse more than 30,000m³ of extractive material per year.

The Water Management Act 2000 (WMA) provides for the protection of river and lakeside land in NSW, formerly held under the Rivers and Foreshore Improvements Act 1948 for

areas covered by a Water Sharing Plan. The project site is not subject to a Water Sharing Plan (WSP). Licences and approvals required for the development include:

- A Controlled Activity Approval (CAA) to drain groundwater.
- A Controlled Activity Approval (CAA) for works within 40m of the top of bank of waterfront land. The CAA would apply to works associated with Howes Creek and the bank of the Nepean River.
- A Water Access Licence (WAL) may be required for the use and/or re-use of surface waters collected onsite in storage dams (tailing ponds). These dams are to be installed for environmental purposes (i.e. sediment management).
- A Water Access Licence (WAL) may be required for the use of groundwater onsite for dust suppression and process water.

The DECCW is responsible for administering EPA licence, CAAs and WALs. The DECCW has issued GTA's for the proposed development.

Threatened Species Conservation Act 1995

The Threatened Species Conservation Act 1995 (TSC Act) provides for the conservation of threatened species, populations and ecological communities of animals and plants. It provides a framework for the assessment of any action that may impact on threatened species. A 123C licence under the Threatened Species Act 1995 is required for works within an Endangered Ecological Community (EEC). A 123C licence is required for the project site.

The DECCW is responsible for administering a 123 licence under the TSC Act. The DECCW has issued GTA's for the proposed development.

Fisheries Management Act 1994 (FM Act)

Marine and freshwater threatened species, populations and ecological communities of fish and vegetation are addressed in the Fisheries Management Act 1994 (FM Act). The objectives of the FM Act are to:

- Conserve biological diversity of fish and marine vegetation and promote ecologically sustainable development and activities;
- Prevent the extinction and promote the recovery of threatened species, populations and ecological communities of fish and marine vegetation;
- Protect the critical habitat of those threatened species, populations and ecological communities that are endangered;
- Eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities of fish and marine vegetation;
- Ensure that the impact of any action affecting threatened species, populations and ecological communities of fish and marine vegetation is properly assessed; and
- Encourage the conservation of threatened species, populations and ecological communities of fish and marine vegetation by the adoption of measures involving cooperative management.

Section 220ZZ of the FM Act, as amended by the Threatened Species Legislation Amendment Act 2004, lists the factors to be addressed in the Assessment of Significance of impact on threatened species, populations, ecological communities of fish and marine vegetation. These matters of consideration are addressed in section 7 & 8 of the EIS Report.

A permit under Part 7a of the Fisheries Management Act 1994 is required for works within a 'Key Fish Habitat'. Part 7a permits are administered by the Department of Industry and

Investment (I&I NSW) (fisheries).

The I&I NSW has issued their comments and recommended conditions of consent for the proposed development.

National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NP&W Act) has the explicit intent of conserving the State's natural and cultural heritage; fostering public appreciation, understanding and enjoyment of their State's natural and cultural heritage; and managing any lands reserved for the purposes of conserving and fostering public appreciation and enjoyment of the State's natural and/or cultural heritage.

The NP&W Act seeks to conserve "...places, objects and features of significance to Aboriginal people.."; "places of social value to the people of New South Wales.."; and "places of historic, architectural or scientific significance.

Aboriginal heritage items are addressed in Section 18 of the EIS.

An Aboriginal Heritage Impact Permit (AHIP) issued under Part 6 of the NP&W Act is required for an activity that is likely to impact on Aboriginal objects or places. AHIPs are administered by the Department of Environment, Climate Change and Water (DECCW).

The DECCW has issued GTA's for the proposed development.

Rural Fires Act 1997

The objects of this Act are to provide for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts. It also provides for the co-ordination of bush fire fighting and bush fire prevention throughout the State, the protection of persons from injury or death, and property from damage, arising from fires and the protection of the environment by requiring certain activities to be carried out having regard to the principles of ecologically sustainable development.

Bushfire protection measures are addressed in Section 15 of this EIS. The nature of the development and the large separation distance from bushfire prone vegetation provides an adequate bushfire protection and operational environmental. Recommendations include 10m asset protection zone around all assets, ember proofing of the main site office, dedicated static water supply and fire hose reels to be maintained for fire fighting purposes, maintenance of two access points to aid emergency access/egress.

Roads Act 1993

The objects of this Act are to set out the rights of members of the public to pass along public roads, set out the rights of persons who own land adjoining a public road to have access to the public road, establish the procedures for the opening and closing of a public road and provide for the classification of roads.

Furthermore, this Act provides for the declaration of the RTA and other public authorities as roads authorities for both classified and unclassified roads, confers certain functions on the RTA and on other roads authorities, provides for the distribution of the functions conferred by this Act between the RTA and other roads authorities and regulates the carrying out of various activities on public roads. .

Access provisions are addressed in Section 22 of this EIS.

The RTA has reviewed the proposal and provided recommended conditions of approval.

Noxious Weeds Act 1993

The Noxious Weeds Act 1993 (NW Act) defines the roles of government, departments and private land holders in the management of noxious weeds. The NW Act establishes categorisation and controls actions for the various listed noxious weeds according to their potential to cause harm to the local environment. Weeds are categorised in Control Classes 1 through 4 and managed accordingly.

The environmental assessment considers these management measures in Section 16 of the EIS. Flora, fauna and aquatic assessments and any mitigation measures would be included in the Construction Environmental Management Plan (CEMP) for the construction and operation phases of the development.

The Noxious Weed Management forms part of the GTA/POEO licence and is part of the vegetation management and rehabilitation plan.

Heritage Act 1977

The Heritage Act 1977 provides protection for natural and cultural heritage by providing for the listing of heritage items or places on the State Heritage register and providing for the making of orders for the protection of heritage items or places.

Heritage items are addressed in Section 19 of this EIS.

Both the European heritage items that are located on the site were determined to be of local significance, but were of a condition that was not viable to retain. Therefore the site has undergone photographic archival recording following the Heritage Branch guidelines.

Aboriginal heritage items is addressed under the National Parks and Wildlife Act 1974.

Glenlee House which is a State Heritage Registered listed property, is visible from the subject site. The proposal underwent a visual impact assessment by MUSEcape Pty Ltd (Appendix 14 of the EIS) which reviewed short term and long term impacts resulting from the development. It concluded that there will be some impact, mostly short term, but could be resolved through the implementation of a vegetation screening management plan and bunding.

Mines Subsidence Act 1961

Compensation for damage to buildings, roads, pathways, service infrastructure above and below the ground caused by mine subsidence are dealt with under the Mines Subsidence Compensation Act 1961. The Act compensates the owners or renters of the land depending upon the damages that occur. The proposed development is located in the South Campbelltown Mine Subsidence District (see Section 8 of this EIS). However there is no current plan to mine under the project site for several decades, the proposed development will therefore not be impeded by mine subsidence issues.

The Mine Subsidence Board issued advice that supports the proposed development.

State Agency Consultation

Department of Environment, Climate Change and Water (DECCW)

The DECCW issued a stop the clock order in respect to the proposal due to matters concerning aboriginal archaeology in January 2010. A further stop the clock order was received in respect to matters pertaining to biodiversity, contamination, sediment and erosion control, noise, vibration and water concerns.

A Supplementary Report was prepared in support of the EIS which addressed the matters raised by the DECCW in addition to other matters raised by various Government Agencies, Council Officer concerns and other submissions received.

A review of the supplementary report by the DECCW raised further issues in relation to the proximity of the extraction area to the Nepean River, its potential impact on the EEC's and stability and flooding.

A meeting was held in October 2010 between the DECCW and the applicant which resulted in the Applicant accepting the DECCW's position and accepting the imposition of restrictions to the development of land within 40m of the top of bank of the Nepean River. On this basis, DECCW was able to issue GTA's in respect to the development proposal

Dept of Industry and Investment (I&I NSW)

Minerals Resources

The Environmental Impact Statement has adequately addressed issues relevant to mineral resources. The proposal would provide a valuable, strategically located source of construction sand and soil for the local and broader Sydney region in the short to medium term. Available resources of sand and soil in south-western Sydney are declining and the nearby deposits at Elderslie and Menangle, which have long been an important source of construction and major source of soil for the Sydney region, are approaching depletion. The resources within the proposal area would effectively extend the life of the existing sources in the Elderslie – Menangle area and hence ensure the continued availability of a strategically located source of sand and soil to service the needs of the local area during a period of rapid urban growth.

The proposal would also optimise the use of the site to the benefit of the community and state by providing access to a valuable sand and soil resource which will support the provision of housing to meet the needs of Sydney's growing population.

To assist the Department in its role of collecting data on the production of construction materials in NSW it is requested that if the development application is approved the following condition should be included in the consent;

The operator is required to provide annual production data to the Department of Industry & Investment.

Fisheries

The Department of Industry and Investment (Aquatic Habitat Protection Unit) has reviewed the above proposal in light of the provisions under the Fisheries Management Act 1994 (namely the aquatic habitat protection and threatened species provisions in Parts 7 and 7A of the Act,

respectively), and the associated Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999). I&I NSW is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend.

The Nepean River is considered to be an important key fish habitat and as such I&I NSW is particularly concerned about aspects of this proposal that could impact upon this waterway. The NSW Office of Water (NOW) is responsible for issuing authority for works in the riparian zone. As these works require a Controlled Activities Approval under the Water Management Act from the NOW, a permit to dredge under s.201 of the Fisheries Management Act will not be required.

I&I NSW has noted that part of the riparian zone proposed to be cleared contains the River Flat Eucalypt Forest Endangered Ecological Community listed under the Threatened Species Conservation Act. Whilst I&I NSW would raise concerns in the potential loss of this habitat, the ultimate responsibility falls with the DECCW and Campbelltown City Council.

The degradation of native riparian vegetation along NSW watercourses is listed as a key threatening process under the Fisheries Management Act. The Department’s Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999) recommends that to the greatest extent possible, riparian vegetation within a minimum 50 m river frontage buffer zone be maintained in an undamaged and unaltered condition, and that this riparian buffer zone should be increased wherever appropriate. For example, when the riparian zone is unstable, susceptible to erosion or the proposed development is particularly threatening.

The proposed extraction activity itself poses a significant risk to the adjacent key fish habitat in the Nepean River, particularly from bank slumping that could occur when the steep unstable banks are cleared of vegetation and progressively excavated. Measures to mitigate such risk are to be included in any approval of this proposal.

It is noted that the proponent now proposes to maintain a 40 m riparian buffer zone adjacent to the river and progressively rehabilitate and maintain the riparian zone following extraction such that the long-term stability and condition of the existing riparian zone is improved and the overall width of the existing vegetated buffer zone is increased. This is aligned with the intention of the buffer zone requirement stated above.

As such the I&I NSW is able to issue General Terms of Approval for the development.

Mine Subsidence Board

The Mines Subsidence Board provided advice that the proposal is considered satisfactory.

Roads and Traffic Authority (RTA)

For the purpose of ensuring the safety of road users is maintained in an around the existing access point off Menangle Road, the RTA requires that the intersection at Menangle Road be upgraded and has recommended conditions to be included with any consent issued for the development proposal.

Department of Health

The Department of Health raised concern with the proposed development in terms of air quality, and silicosis and related diseases. The Applicant provided a supplementary report to the EIS which addressed the matters raised. This was forwarded to the Department of Health, however no further comments were received.

Internal Review by Council Officers

Technical Services

The following is a list of comments provided by Council's Technical Services Section following a review of the subject application:

1. The property is affected by flooding from a 100 year Average Recurrence Interval (ARI) flood in the adjacent Nepean River.

Notwithstanding the above mentioned affectation, the proposed development together with the submitted Flooding Assessment (appendix 6 of the EIS), addresses the flooding issues. The proposed development (upon completion), increases the available flood storage and decreases flood levels across the development area.

2. The submitted Vegetation Management Plan (Appendix 11) details a comprehensive and robust rehabilitation program however Technical Services have concerns with the lack of interim measures planned during the extraction process.
3. The applicant will need to demonstrate through an additional supplementary flooding impact report that the environmental impacts of flood flows in the Nepean River flowing in and out of the extracted area (behind the 40m wide bank) does not create an area of high erosion. A range of storm events (average recurrence interval and duration combinations) will need to be reviewed prior to commencement of works/operation.
4. The applicant will need to demonstrate that the proposed planting (or alternate treatment) is sufficient to withstand the predicted velocities at the confluence. This can be provided to Council prior to commencement of works on the site.
5. With respect to flooding impacts (i.e. flood levels) it is agreed that these will remain fundamentally unchanged from those predicted in the original assessment of the impact of the development.
6. The Supplementary report was reviewed and deemed to be satisfactory in terms of exposure to flooding, erosion and sediment control and vegetation management plan. Technical Services recommended conditions to be imposed should the application be approved.

The above comments are considered reasonable and have been incorporated into a general free form condition in the recommended conditions of consent.

Environmental Services

The review of the Supplementary Environmental Impact Statement (EIS) was undertaken in terms of considering the adequacy of the response of the applicant (LANDCOM) to the previous items outlined in Council's letter to the Applicant dated 15 January 2010. The review has also considered the regulatory responsibilities of Industry and Investment (I&I NSW) (in relation to the aquatic environment) and the New South Wales Office of Water (NOW) (in relation to the riparian environment). In this regard, the review also considered the submissions provided by these agencies on the initial Environmental Assessment (EIS) that accompanied the development application as well as the subsequent submission from the DECCW (dated 10 September 2010). The following table (Table 4) summarises the matters raised of concern with respect to the proposed development:

Table 4: Environmental Service's concern

Issue	Planning Comment
<p><i>(i) Impacts on landform and geology</i></p> <p><i>There are concerns over the adequacy of the intended mitigation measures to minimise erosion of the extracted areas whilst in an unstable condition during flood events</i></p> <p>Previous comments referred to the long-term benefits of the project in restoring degraded sections of the riparian corridor adjacent to the Nepean River but expressed concerns over the adequacy of the intended mitigation measures during the periods the extracted areas are in an unstable state. Accordingly, the comments requested the Applicant specify the recommendations outlined in the Sediment and Erosion Control Plan (SECP) (in the EIS) to be implemented to minimise the potential for erosion during flood events. It is noted the extraction boundary has been adjusted moderately to achieve a uniform 40 metre buffer adjacent to the Nepean River, which now addresses these concerns. It is also noted Appendix 2 of the Supplementary Report contains a detailed assessment in regard to the impacts of the proposed operation on the overall geomorphology of the Nepean River. While the detailed review of this report is a matter for Technical Services and the NOW, it is considered the assessment in this report is largely focussed on the relevant effectiveness of different vegetation types in enhancing stability and resisting erosion. Consequently, it is considered this report has not adequately responded to the previous expressed concerns from an environmental perspective.</p> <p>Accordingly, it is requested that the EIS be further amended to adopt the recommendations contained in the SECP.</p>	<p>The proposed development and EIS has been further amended to nominate those recommendations in the specialist report to be adopted and to address the concerns expressed by DECCW in its correspondence (dated 10 September 2010)</p>
<p><i>(ii) Drainage and surface waters</i></p> <p><i>The Applicant provide details of the intended measures to protect waters from impacts associated with the proposed development rather than providing demonstration of compliance with the Sydney Catchment Authority's Neutral of Beneficial Effect Test (NORBE).</i></p> <p>This previous comments (dated 7 January 2010) was based on advice provided from the SCA that it assesses the adequacy of intended measures</p>	<p>Council's Technical Services has advised that the proposed method of drainage of surface waters, in addition to flood waters was deemed to be satisfactory subject to imposing conditions should the application be approved.</p> <p>GTA's were also provided by the DECCW.</p>

<p>designed to satisfy this test when reviewing applications. However, it is noted the Supplementary Report has not outlined any amendment to the application in response to this comment. It is also noted the submission from the NOW (incorporated into the DECCW submission) states that the risk to bank stability as a consequence of the extraction activity and the changes in flow regimes threatens unacceptable harm to the receiving water and its users. It is also noted this submission recommends that approval not be granted for the proposed development in its current form due to these concerns.</p> <p>Accordingly, it is requested the Applicant be required to outline measures to protect waters from impacts associated with the proposed development and that these measures be incorporated into a Water Cycle Management Plan. It is the preferred view of the reviewing EP officers that this Plan be submitted to Council prior to the application being provided to the JRPP in accordance with the recommendation of the DECCW.</p>	
<p><i>(iii) Biodiversity</i></p> <ul style="list-style-type: none"> ○ Assessment of impacts on the habitat corridor adjacent to the Nepean River <p><i>The Applicant be required to provide a stronger definitive statement regarding the potential impacts of the proposed development on the long-term condition of the regional significant corridor adjacent to the Nepean than 'the retained 10 to 25 metre area is likely to be sufficient</i></p> <p>Previous comments identified inconsistencies with the <i>Threatened Species Assessment Guidelines</i> produced by the DECCW both in terms of methodology as well as the basis of the conclusions. It also expressed opposition to the classification of the highly degraded section of the riparian corridor as 'exotic woodland' rather than degraded River Flat Eucalypt Forest (RFEF). It is considered the Supplementary Report has not adequately responded to the previous comments.</p> <p>It is noted the DECCW submission (dated 10 September 2010) strongly recommends that the Applicant amend the current design footprint of the proposed development to include a vegetated buffer of at least 40 metres from the top of the bank. This recommendation is supported on the grounds that it is consistent with draft provisions provided by the NSW</p>	<p>The DECCW has issued GTA's with respect to Biodiversity impacts, rehabilitation and pre and post management of the site.</p>

<p>Department of Planning in regard to the consolidated LEP as well as latest research regarding required widths of habitat corridors to maintain their functionality. Consequently, it is recommended that the Applicant be required to further amend the EIS to recognise the connectivity of the classified exotic woodland with higher quality RFEF adjacent to the Nepean River as well as provide more definitive statements in regard to the level of impact on the movement of fauna in the habitat corridor adjacent to the Nepean River. The amendment of the EIS should also incorporate the outcomes of the discussions with the Applicant requested by the DECCW.</p>	
<p>○ Offsetting strategy</p> <p>The DECCW submission (dated 10 September 2010) contains a number of comments/concerns on the <i>'Proposed Framework for Vegetation Offset'</i> outlined in the supplementary report to the EIS. In this regard, it is noted the submission states that the <i>'setting aside of areas for biodiversity conservation without additional management or increased legal security is not sufficient to offset against the loss of biodiversity'</i>. This comment is supported and such requirements are currently being considered as part of the preparation of Council's consolidated LEP. Options to provide this legal security should be developed by the Applicant in association with the DECCW and Council.</p>	<p>The off-set strategy was considered to be satisfactory by the DECCW subject to terms provided in the DECCW's GTA's.</p> <p>Council's Environment Section have also provided the following conditions to apply to the development:</p> <p><i>Prior to commencement of works the applicant shall provide to the satisfaction of Council the following Plans:</i></p> <p>a. A bush regeneration management plan which aims to improve the condition of retained River Flat Eucalypt Forest endangered ecological community (EEC). The bush regeneration plan is to supplement the Bush Regeneration and Vegetation Offsets which were identified in the supplementary information received by DECCW on 9 November 2010.</p> <p>b. A bush regeneration management plan which aims to improve the condition the retained remnant vegetation along the Nepean River corridor.</p> <p>c. the Applicant shall provide a supplementary report which recognises the connectivity of the classified exotic woodland with higher quality River Flat Eucalypt Forest (RFEF) adjacent to the</p>

	<p><i>Nepean River as well as provide more definitive statements in regard to the level of impact on the movement of fauna in the habitat corridor adjacent to the Nepean River.</i></p> <p><i>The bush regeneration management plan must be prepared by a consultant accredited with the Association of Bush Regenerators and be consistent with the Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (DECCW 2005).</i></p>
<p>Identified impacts on air quality and mitigation measures</p> <ul style="list-style-type: none"> ○ The Applicant be required to amend the modelling within the EIS to include a receptor in the Menangle Park village itself (or the south east corner of the project area) to allow for the monitoring of potential air quality impacts on this Village as well as the development footprint of the Menangle Park Urban Release Area under 'worst case scenario' conditions. ○ The Applicant be required to amend the modelling contained within the EIS to include factors associated with the increase in particular matter emissions that will likely occur as a consequence of development within the Menangle Park URA in assessing cumulative impacts. ○ The Applicant be required to amend the specialist report (presented in Appendix 17) to provide a more comprehensive response to concerns expressed by local residents regarding potential impacts associated with dust generation associated with the proposed development in association with the New South Wales Department of Health. 	<p>Air quality impacts were deemed to be acceptable in terms of legislative requirements, and the DECCW has issued its GTA's in respect to this development and this matter.</p> <p>No further response was provided by the Dept of Health in respect to the Supplementary EIS Report which addressed such matters raised regarding particulate matter and health concerns.</p>
<p>Identified impacts on terrestrial and aquatic biodiversity and mitigation measures</p> <ul style="list-style-type: none"> ○ The Applicant is required to provide a Weed Management Plan as part of the Application that provides details on the intended weed control and mitigation measures listed in the EIS. 	<p>This matter is addressed above and is considered to have been satisfied.</p>

<ul style="list-style-type: none"> ○ The Applicant be required to conduct detailed surveys/sampling and assessment of potential impacts in and adjacent to the section of the Nepean River potentially impacted by the proposed development within the context of any requirements provided by I&I NSW and the DWE in relation to this matter. ○ The Applicant be required to amend the EIS to provide a more precise determination on the potential impacts of the proposed development on the condition of the regional habitat corridor adjacent to the Nepean River than the current statement the intended retained corridor (10 to 25 metres wide) is <i>'likely to be sufficient'</i>. ○ The Applicant is required to provide a more precise determination in regard to the level of significance of impact on the threatened River Flat Eucalypt Forest within the regional habitat corridor adjacent to the Nepean River to avoid the need for a Species Impact Statement. In this regard, it should be noted the DECCW guidelines state <i>'where there is reasonable doubt regarding the likely impacts, or where detailed information is not available'</i>, a Species Impact Statement should be prepared. 	
<p><i>Issues associated with drainage and surface waters (Section 10 of EIS)</i></p> <p>It is noted the DECCW and I&I NSW required that the EIS <i>'assess the potential water (including surface and groundwater) impacts of the proposal during construction and operation, and describe what measures would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor potential impacts'</i>.</p>	<p>Council's Technical Services and the DECCW have both provided conditions and GTA's which address the drainage and surface water's impact of the proposal.</p>

Other Planning Matters

Access and Transport

A Traffic Impact Report has been completed which forms part of the EIS (see Appendix 16 of the EIS). Access to the property is via Menangle Road (a classified Main Road).

The Report estimates that based on approximately 50-68 heavy vehicle movements per day, a maximum annual extraction amount of 150,000 -200,000m³ will be achieved. The EIS

indicated that this is likely to vary from between 15,000 m³ to 75,000 m³ due to variances in demand throughout the year.

The entrance to the site will be via land owned by Campbelltown City Council and Harness Racing NSW land. Due the number of vehicular movements proposed, the RTA has reviewed the intersection at Menangle Road in which case it has considered that an upgrade is required to accommodate a Type 'B' Intersection. A condition requiring the construction of the particular intersection type has been included as a recommended condition of consent.

Noise

A Noise Impact Assessment has been undertaken by Parsons Brickerhoff in Section Appendix 15 of the EIS. It concludes that the extraction is unlikely to exceed noise standards set under the POEO Act due to the site's location and distance from residential development. The modeling undertaken is considered to be conservative with all sources show as being simultaneous at their maximum output. Potential noise hazards are likely to result from poorly maintained exhaust mufflers, processing machinery as well as noise sources derived from the extraction, transport and processing components of the operations. The noise mitigations methods that are proposed and reflected in conditions of consent are as follows:

- Operating hours are limited to between 7 am and 4pm Monday to Friday and 7 am to 2 pm Saturdays, with exception of machinery maintenance 1 hr before and 1hr after operating time for the purposes of maintenance only.
- Implementation of a noise barrier screen to the Crushing Plant Area (CPA) powerscreen operations.
- Earthen bund heights of 2.0m at extraction cells and 3.0m for mixing area stockpiles.
- All equipment should be in good working condition;
- Continue to monitor noise as required;
- All engine covers should be kept closed while equipment is operating;
- Materials dropping heights into or out of trucks should be minimised;
- Noise emanating from combustion engine plant (e.g. generators compressor etc) will be checked to ensure they produce minimal noise with particular attention to residential grade
- Incorporation of exhaust silencers;
- Machines found to produce excessive noise compared to industry best practice should be removed from site until repairs or modification can be made.

Dust/ air quality

Modeling and assessment has been undertaken in accordance with DECCW Guidelines and the assessment has revealed that the impact criteria can be satisfied with the proposed normal levels of control. This is due to the high level of moisture in the sand which is sufficient to ensure dust impacts are minimal to the surrounding dwellings. It is also noted that a water cart will be used at all times during dry periods. In windy periods the development should cease operating.

Sediment and Erosion Control

The proposed extraction will disturb the geology and soils in the area by clearing and removing them from the site. An Erosion and Sediment Control Plan has been prepared in accordance the Managing Urban Stormwater: Soil and Construction (Landcom, 2004) which includes, stockpiling protocols, traffic movement protocols, process for the installation of sediment control measures around excavations and stockpiles and plans for rehabilitation of disturbed areas.

RECOMMENDATION IMPLICATIONS:

Environmental

As a result of the assessment of this proposal it is considered that the environmental factors are able to be mitigated. The proposal provides an Environmental Management Plan (EMP) which includes measures and controls for the management of sediment and erosion, flood mitigation, vegetation management, weed control and rehabilitation management programs, and air quality control. The EMP also includes periodic compliance auditing in response to the requirements of the various licences, as well as recommended conditions of consent with a reporting regime which measures performance of the project against a number of environmental and community goals, standards and criteria.

Social

Nil - It is predicted that there will be a large demand for sand and soil products both in the Macarthur Region and the Greater Sydney Region. The Menangle Park West Deposit is considered to be an important resource because of its close proximity to areas of current and future demand for such a resource and also because many of the sand and soil deposits that are currently being worked in the Sydney basin are approaching exhaustion.

In the short term, the proposed extraction and processing operations provides a consistent supply of sand and soil in the local area.

It is therefore anticipated that there will not be any significant disturbance (perceived or otherwise) generated by the project site as a result of the proposed operations. The project is unlikely to have any significant long-term impact on the amenity of the area and over time, the site will be rehabilitated and the surrounding area planted with screen vegetation to minimize impacts.

Economic (Financial)

Potential for increased local employment during construction and operations of the plant. This will be through direct employment through the operation on-site, and indirect employment including truck operators, native plant nursery operators, refueling, bush regenerators and environmental monitoring consultants.

There are a number of commercial and environmental factors which will determine the economic viability of developing the deposit. These include:

- Volume of the material available for extraction (after applying environmental and physical constraints);
- Quality of the material and the potential for enhancement by blending internally or with other imported materials;
- Capital and operating costs (these tend to be well known and understood by the extractive industry in general);
- Government (Local and State) and landowner levies; and
- Long-term demand for product. Current knowledge about the Deposit together with an understanding of the current economic climate has generated sufficient interest amongst a number of commercial operators to suggest that an extraction project on this site is economically viable.

Officer's Recommendation

That development application 2165/2009/DA-DE for the proposed extraction, processing and export of sand and soil products at Lot D DP 19853 and Lot X DP 378264 Menangle Park be approved subject to conditions provided in Appendix 1:

