

JRPP NO.:	2010SYW050
DA No. :	DA0538/10
Proposed Development:	Continued Operation of Quarry & Sandstone Sawing Plant - Lot 111 DP 1069071, 21A Bull Ridge Road, and Lot 4 DP 556534, 940 Putty Road, East Kurrajong
Applicant:	Damian Milgate Sydney Sandstone Quarries P/L
Submission:	Two
Report by:	Colleen Haron, Senior Town Planner Hawkesbury City Council

Assessment Report and Recommendation

Executive Summary

A development application was received 9 August 2010 seeking approval for the continued operation of a quarry and sandstone sawing plant.

The quarry was previously approved to operate until 2006. That approval lapsed and the application seeks to re-gain approval to operate as before. The quarry is currently operating without consent.

It has been estimated by the applicant that the quarry has a life span of in excess of thirty (30) years. The Environmental Impact Statement advises that the quarry has a resource of approximately 800,000 tonnes. However, at the proposed rate of extraction of 16,000 tonnes of material per year, the life span of the quarry is calculated to be more likely about 50 years.

Extraction will be carried out in three (3) stages as shown in Appendix 6, and rehabilitation and revegetation of the quarry will be carried out upon completion of each stage.

Assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Water
- Rehabilitation/Revegetation
- Noise
- Dust
- Traffic
- Staging of extraction and rehabilitation

The application is supported by:

- ❖ Environmental Impact Statement including
 - Acoustic Report
 - Flora and Fauna Report
 - Flora Assessment and Rehabilitation Plan

This matter is being reported to the Joint Regional Planning Panel due to the proposal being designated development.

The application was publicly notified from 3 September 2010 to 4 October 2010. Two (2) submissions were received. The matters raised in the submissions include:

- Environmental Impact Statement incomplete
- No proof of Water licences
- No consent from the Crown in respect to mining below 15.24 metres into Crown land space
- Groundwater studies absent
- S.94 contributions
- Viability of proposed end use
- Need for dust gauges
- Storage of old gas bottles on the site
- Quarry has been operating for over four years without consent
- Drainage of the final landform (bowl); potential for flooding

The matters raised are discussed later in the report however none warrant refusal of the application.

This Report demonstrates that the existing infrastructure on the site and operational procedures are satisfactory in ensuring that no significant adverse impacts will result from the continued operation of the quarry.

It is recommended that the application be conditionally approved.

Description of Proposal

The application seeks approval for the continued operation of an existing sandstone quarry and sandstone sawing plant on the subject land. The existing quarry is 16 ha in size and is located centrally on the land. 14.5ha of the quarry has been cleared, however, the remaining 1.5 ha contains bushland which is proposed to be removed.

The quarry will process 16,000 tonnes (approximately 8900m³) of material per year. The activity will generate approximately 20 vehicle movements per day, including staff, deliveries and product movement (2), and require ten (10) full time employees and three (3) part time employees. The hours of operation are 7:00am to 5:00pm Monday to Friday and 7:00am to 12:00 noon on Saturday.

The operation of the quarry does not include blasting.

The quarry will be progressively revegetated upon completion of each stage. The finished floor of the quarry will have an approximate area of 10ha and be at a level of 63m AHD.

Sandstone is cut from the quarry and the blocks transported to the quarry floor for cutting by excavators and front end loaders. Cut sandstone blocks are stored on the quarry floor prior to transportation. Product export generates two (2) truck movements per day. An existing bitumen sealed road provides access from Bull Ridge Road to the quarry floor.

All required infrastructure for the operation of the activity has been established on the land including site buildings, access roads, and four (4) sedimentation dams. On site generators provide power to the site. 'Portaloos' are installed on the land and are serviced on a weekly basis.

It is intended that upon ceasing the activity, and following rehabilitation, the land will be used for rural residential purposes. No application or details have been provided for this future purpose.

Description of the Site and Surrounds

The proposed development will be on Lot 111 DP 1069071, 21A Bull Ridge Road, and Lot 4 DP 556534, 940 Putty Road, East Kurrajong, which is 45.17 ha in area. The site has been used for the purposes of a quarry for approximately 38 years.

The quarry contains a site office, a site shed, storage containers, covered work area, building containing the generator and four sedimentation dams. The rest of the subject land contains bushland. A number of watercourses are located on the land, but external to the quarry area.

Surrounding landuses consist predominantly of land used for rural residential purposes. In addition, land to the north is used for agricultural purposes. Another quarry is in operation in the locality, and is located at 191 Bull Ridge Road.

All dwellings on adjoining properties are located 400m or more from the site of the quarry. The closest dwelling to the south is approximately 75m from the road leading to the quarry.

Background

DA68A/268 - On 25 July 1972, Colo Council approved in principle the quarrying and removal of sandstone. Condition No. 14 stated that the consent be for a period of 20 years. This consent became operational on 28 August 1973.

DA117/90 - Council refused an extension to the existing sandstone quarry and sandstone sawing on 14 August 1990. A 30 year extension was proposed.
At this Meeting, Council also resolved that "the applicant be invited to submit a new application incorporating the following changes from that previously submitted". These changes included a 'reduced time to no longer than ten years'.

DA0365/90 - This application sought consent for "continuation of the quarrying and the processing of sandstone including the installation and use of a

sandstone sawing plant.", and was approved by Council on 18 June 1991. 86 objections were submitted in respect to this application.

Appeals to the Land and Environment Court and the Supreme Court resulted in the application for continuation of extraction and processing of sandstone being approved by the Land and Environment Court on 6 September 1993. Condition No. 23 stated "Development in accordance with this consent is limited for a period of the (10) years from the date this consent become effective." The court refused that part of the application for the processing of sandstone by means of sandstone sawing plant and water-jet cutter.

DA0235/97 - This application proposed an extension to the existing sandstone quarry by the installation and operation of sandstone cutting/ sawing equipment and associated facilities. The application was approved by Council on 11 September 1997.

DA0365/90A - This s.96 Modification Application sought an amendment to Condition 23 of the Consent to extend the period of time for the operation of the activity. The amendment was approved on 23 March 2004, allowing the quarry to continue its operation until 23 March 2006.

Relevant Policies, Procedures and Codes

- ❖ State Environmental Planning Policy (Major Developments) 2005
- ❖ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- ❖ State Environmental Planning Policy (Infrastructure) 2007.
- ❖ State Environmental Planning policy No. 33 – Hazardous and Offensive Development
- ❖ State Environmental Planning Policy No. 44 – Koala habitat
- ❖ State Environmental Planning Policy No. 55 – Remediation of Land
- ❖ Sydney Regional Environmental Plan No. 9 – Extractive Industry
- ❖ Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- ❖ Hawkesbury Local Environmental Plan 1989
- ❖ Draft Hawkesbury Local Environmental Plan 2009
- ❖ Hawkesbury Development Control Plan
- ❖ S94A Development Contribution Plan
- ❖ Hawkesbury Community Strategic Plan

Section 79C Matters for Consideration

In determining the application, the following matters are relevant:

Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations 2000

Section 77A of the Act defines designated development to be development that is declared designated development by an EPI or the Regulations.

Designated Development

Consideration has been given to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (Regulations), which relates to designated development. Clause 19 - Extractive Industries, provides the criteria for extractive industries, and an assessment of the proposal against this criteria shows that the activity is 'designated development' for the following reasons:

- ❖ will disturb more than 2 hectares of land by:
 - Clearing and excavating,
 - Storing or depositing overburden, extractive material or tailings,

Environmental Impact Statement

In accordance with Section 78A(8) of the Act an environmental impact statement has been submitted. This statement is considered to be consistent with the requirements of Clauses 71, 72, 73 and Schedule 2 of the Regulations, which stipulates the information to be included within an environmental impact statement.

Notification

The application was publicly notified in accordance with Section 79 of the Act and Clauses 78, 79 & 80 of the Regulations, and referred to the relevant public authorities in accordance with Clause 77 of the Regulations.

In compliance with Clause 81 of the Regulations, all submissions were forwarded to the Director-General of the Department of Planning. The submissions were forwarded on 16 February 2011.

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

State Environmental Planning Policy (Major Developments) 2005

The application is referred to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(e) of this Policy as the development is identified as being 'designated development'.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Under this Policy, 'extractive industry' means "*the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include:*

- (a) *turf farming, or*
- (b) *tunnelling for the purpose of an approved infrastructure development, or*
- (c) *cut and fill operations, or the digging of foundations, ancillary to approved development, or*

- (d) *the creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site.*

An assessment of the development against the relevant provisions of this Policy follows:

Clause 7(3) allows with development consent extractive industry on land on which agriculture or industry can be carried out. The subject land is zoned Mixed Agriculture. Agriculture is permissible without consent within the Mixed Agriculture zoning.

Clause 7(4) allows certain ancillary purposes to be carried out on the land with development consent, if extractive industry is being carried out with development consent on that land. The additional uses relevant to the subject application include:

- ❖ the processing of extractive material
- ❖ facilities for the processing or transport of extractive material

Clause 10 & 10A list associated activities that are defined as exempt development. Clause 11 lists activities that are defined as complying development.

Clause 12 provides the matters for consideration for the assessment of development applications for extractive industries. It is considered that the proposed continued use of the site as a quarry, including sandstone sawing, will not have a significant adverse impact on surrounding properties, the majority of which are used for rural residential purposes. This is discussed further in this Report.

Clause 14 requires consideration of the imposition of conditions relating to impacts on water resources, threatened species and biodiversity, and the emission of greenhouse gases. Given the comparatively small scale of the activity, no specific conditions are considered to be warranted.

In accordance with Clause 15 it is considered that the operation of the quarry will be carried out so as to optimise the efficiency of recovery of extractive materials and minimise the creation of waste.

As per clause 16, the application was referred to the Roads and Traffic Authority, who raised no objection to the development on traffic grounds.

Clause 17 requires consideration of the imposition of conditions in relation to the rehabilitation of the quarry, including a plan of the end use and landform, requirements for waste management, remediation of contaminated land and safety of the site during and following rehabilitation. A comprehensive Rehabilitation Plan, which encompasses landscaping and vegetation management, will be required. In this regard, Condition 4 has been included in the Recommendation to this Assessment Report.

State Environmental Planning Policy (Infrastructure) 2007.

Clause 101 to this Policy relates to development with frontage to classified road and provides considerations for the assessment of developments in these circumstances. The subject land fronts Putty Road which is a classified road. However, access from

the quarry is via Bull Ridge Road, which is not a classified road. Given the activity generates 20 vehicle movements per day, two of which are truck movements, it is considered that the activity will not have an adverse impact on the safety, efficiency or ongoing operation of Putty Road. Likewise, dust generated by the development will have no significant impact on Putty Road in this regard. The development is not sensitive to traffic noise or vehicle emissions.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The application states:

“The Guidelines state that “the key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant. In the case of the East Kurrajong sandstone quarry the operation of quarrying on the site has been designed to minimise pollution and no licences are required from DECCW and hence the proposal is not an offensive industry”.

“The on-site storage of diesel is the only potentially hazardous substance, which depending on the manner in which it is stored on site, may result in the Project being classified a ‘potentially hazardous industry’. Diesel is defined as a C1 Flammable Liquid under the Australian Dangerous Goods Code. However, SEPP 33 states that diesel is not considered potentially hazardous if “it is stored in a separate bund or within a storage area where it is the only flammable liquid present”.

The diesel on the subject land is stored within a tank and is the only flammable liquid present within the vicinity of this storage tank. The proposed development is, therefore, not a ‘potentially hazardous industry’.

Given the above, the proposal is not considered to be ‘potentially offensive industry’ or ‘potentially hazardous industry’ as defined by this Policy.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The ‘Environmental Assessment’ Report identified the site as being ‘potential habitat’, but not ‘core koala habitat’ as defined by State Environmental Planning Policy No. 44.

Therefore the Panel is not prevented from granting consent to the proposal under the provisions of this Policy.

State Environmental Planning Policy No. 55 - Remediation of Land

A search of Council files indicated that the land has not been used for any activities which would render the soil contaminated to such a degree as to cause harm or prevent the proposed development of the land. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Sydney Regional Environmental Plan No. 9 (No. 2 – 1995) (Deemed SEPP)

The relevant Clauses to this Plan are considered below:

Clause 7 to this Plan permits, with council consent, land described within Schedules 1 and 2 to the Plan to be used for the purposes of an extractive industry. The subject land is identified within Division 8 of Schedule 1 to this Plan.

Clause 7(3) prevents Council from granting consent unless the following has been considered:

(a) the effect of the development on flood behaviour, the water quality, quantity and hydrodynamics of any watercourse or underground waters and also the effect of flood behaviour on the development and operations associated with the development in the vicinity.

Comment: It is considered that the proposed development will have no significant affect on the nature of flooding in the locality, the quantity or quality of water entering watercourses and waterbodies in the locality or on groundwater conditions. (See discussion under Water below)

(b) a rehabilitation plan prepared in accordance with the Guidelines for Rehabilitation Plans in the Extractive Industry Report.

Comment: The submitted Rehabilitation Plan is considered to be generally consistent with the guidelines for Rehabilitation Plans within the Planning Report. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 also provides requirements in respect to the provision of a rehabilitation plan. A detailed rehabilitation plan will be required as a condition of consent. In this regard, Condition 4 has been included in the Recommendation to this Assessment Report.

(c) noise and vibration levels will generally be in accordance with the guidelines in the State Pollution Control Commission Environment Noise Manual (1985 edition).

Comment: It is considered that the quarry activity can meet current legislative requirements for noise and vibration levels.

(d) rehabilitation measures will be carried out in accordance with the guidelines in the Urban Erosion and Sediment Control Handbook (1992).

Comment: Erosion and sedimentation controls will be in place for both the quarrying and sandstone sawing activity, as well as during rehabilitation. Measures implemented will be in accordance with best management practices and guidelines, and ensured through conditions of consent.

In accordance with Clause 8 of this Plan, the application was forwarded to the Department of Mineral Resources, now known as NSW Industry & Investment. In their letter of 29 September 2010, Industry & Investment provided comments, which are considered further in this Report.

Clause 9 requires council to consider the recommendations within the Extractive Industry Report. The quarry will be producing dimensional sandstone, of which the Industry Report does not provide any specific recommendations.

In accordance with Clause 19 (2), it is considered that the proposed extractive industry will be carried out in such a manner as to maximise the quality of the material extracted and minimise the creation of waste.

Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20).

The subject land falls within the boundary of SREP 20. This Policy 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." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(6), 6(7), 6(11) and 11(3) & 11(16) of the Plan applies to the proposal and have been considered in the table below:

Specific Planning Policies and Recommended Strategies	Compliance	Comment
Total Catchment Management	Yes	It is considered that the proposed development will have no significant impact on the catchment of the Colo River.
Environmentally Sensitive Areas	Yes	The proposed development will have no significant impact on water quality, aquatic habitats, riverine vegetation, bank stability or the water table.
Water Quality	Yes	It is considered that there will be no significant impact on the quality of water within the River or its tributaries. Erosion and sedimentation controls will be required during the operation of the quarry.
Water Quantity	Yes	The proposal will not significantly increase water run-off from the site or the rate at which it leaves.
Flora and Fauna	Yes	There will be no significant adverse impact on flora and fauna species, populations or habitats.

Development Controls	Compliance	Comments
Extractive Industries	Yes	The proposed development is not prohibited under this Policy.

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River, either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

Clause 2 – Aims, objectives etc,

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of Hawkesbury Local Environmental Plan 1989.

Clause 6 – Adoption of 1980 Model Provisions

HELP 1989 adopts a number of the Model Provisions definitions, including the definition of ‘extractive industry’.

‘Extractive industry’ means:

- “(a) the winning of extractive material; or*
- (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;”*

Clause 8 – Zones indicated on the map

The subject land is within the Mixed Agriculture zone.

Clause 9 – Carrying out of development

The proposed quarrying activity is defined as ‘extractive industry’ which is permissible with consent within the Mixed Agriculture zone.

In addition, under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 the development, comprised of both the quarry and the processing of the material by sawing, is permitted.

Clause 9A – Zone objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Mixed Agriculture zone are:

- (a) to encourage existing sustainable agricultural activities,*

Comment: At present the property is not used for any agricultural purpose.

- (b) to ensure that development does not create or contribute to rural land use conflicts,*

Comment: It is considered that the continued operation of the quarry will have no adverse impacts on surrounding rural residential properties as demonstrated further in this Report.

(c) *to encourage agricultural activities that do not rely on highly fertile land,*

Comment: It is considered that following rehabilitation and revegetation of the quarry, the land has potential to be used for agricultural purposes such as grazing.

(d) *to prevent fragmentation of agricultural land,*

Comment: The proposal will not result in the fragmentation of agricultural land.

(e) *to ensure that agricultural activities occur in a manner:*

a. that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and

b. that satisfies best practice guidelines and best management practices,

Comment: Whilst the proposed development is not for agricultural purposes, it is considered that the quarry, including sandstone sawing, will have no significant adverse impacts on water catchments, surface and groundwater quality and flows, or on the watercourses and the wetlands in the locality as demonstrated further in this Report.

(f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

Comment: The application is supported by a flora and fauna report which satisfactorily demonstrates that the proposed development will have no significant impact on local native vegetation or the habitat of threatened species, populations or ecological communities.

(g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

Comment: The site has been used as a quarry in the past. Due to the topography of the land and surrounding bushland, the quarry cannot be readily seen from most surrounding areas. Following rehabilitation and revegetation of the site, the quarry area will have a bushland character consistent with the rural residential surroundings.

(h) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposed development is not listed as traffic generating development under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

(i) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The proposal does not involve signage.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposed development will not create unreasonable demands for the provision/extension of public amenities or services.

Clause 18 – Provision of water, sewerage etc services

Telephone services are available to the site. The site is serviced by onsite collection of water and port-a-loos, as well as a generator to provide electricity. It is considered that the provision of services are satisfactory for the proposed development.

Clause 36 – Clearing of land in certain environmental and other zones.

This Clause prohibits the felling of trees, filling or otherwise altering the surface level of land without the consent of the Council.

Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map

The subject land falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. Within 500m is land within Classes 3 and 4. It is considered that the development will not lower the watertable beyond 2 metres below natural ground surface or below 1mAHD on the adjacent Class 3 and 4 land.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. The exhibition of this draft Plan was undertaken from 5 February 2010 to 12 April 2010. Under this Plan the subject land is proposed to be zoned RU1 Primary Production. The proposed use is permissible with consent and is considered to be consistent with the RU1 zone objectives.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2000

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

Notification Chapter

The application was publicly exhibited and notified in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Regulations, 2000. Two (2) submissions were received and are discussed further in this Report.

Erosion and Sediment Control Chapter

Erosion and sediment control will be enforced through conditions of consent in accordance with the provisions of this Chapter.

- iv. **Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

- v. **Matters prescribed by the Regulations:**

There are no relevant prescribed matters that relate to the subject development.

- b. **The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

Context & Setting

Surrounding landuses consist predominantly of land used for rural residential purposes. Some land in the locality is used for agricultural purposes, and in particular the property to the north of the quarry site. All dwellings on adjoining properties are located 400m or more from the quarry proper. The closest dwelling to the south is approximately 75m from the road leading to the quarry.

The proposed development will have no unreasonable impact on visual or acoustic privacy of adjoining or nearby properties, or on loss of views or vistas. The proposed development will not overshadow adjoining properties or have an adverse impact on the streetscape of Bull Ridge Road or Putty Road.

The site has been used as a quarry in the past. Due to the topography of the land and surrounding bushland, the quarry cannot be readily seen from most surrounding areas. The top of the quarry can only be partially viewed from Putty Road and properties to the west and north, however this view is intermittent along roadways due to surrounding vegetation. Following rehabilitation and revegetation of the site, the quarry area will have a bushland character consistent with the immediate surroundings.

Access, Transport & Traffic

Access to the quarry is to and from Bull Ridge Road a short distance from its intersection with Putty Road. Bull Ridge Road is a local road under Council's care and control. Putty Road is controlled by the Roads and Traffic Authority. Council records show that the company previously upgraded both the short section of local road and the highway intersection to a standard suitable for heavy truck movements, including trucks associated with the quarry. No further improvements or upgrade works are required.

The proposed development will generate approximately twenty (20) vehicle movements, two (2) of which are associated with trucks exporting products from the site. Traffic generated by the activity will have no significant adverse impact on the local road network.

Heritage

In respect to Aboriginal Cultural Heritage, the application advises:

"The subject land has been heavily disturbed by market gardening and quarry purposes for many years. Development consent was issued for the continuation of extraction and processing of sandstone on the subject land by the Land and Environment Court in 1993. At the time, the NSW National Parks and Wildlife Service advised that it has "no objections on archaeological grounds on the proposed quarry extension proceeding. The current proposal covers a smaller footprint than the previous consent mentioned above.

The Deerubbin Local Aboriginal Land Council was notified of the application and did not make any submissions.

Water

Soil and rock material are contained within the quarry. The design of the quarry ensures that the all water runoff is directed into the system of four dams located on the quarry floor. The applicant states that three of the dams are used for

"process water in the sandstone processing section of the quarry. Process water is recycled through these dams back to the sawing area with the dam nearest to the processing area acting as the principal settling pond.

It has been the Company's experience that three process water dams act as sediment traps adjacent to the main dam and collect most of the coarse sediment and that only fine materials are stored in the sedimentation dam (the larger fourth (4th) dam). The three process water dams are cleaned out regularly by a front-end loader with the collected sand and silt size particles distributed on areas undergoing rehabilitation in other parts of the quarry. The sedimentation dams are cleaned out or scraped every 12 months. The amount of material collected and distributed is approximately 5m³ per dam.

Councils Development Engineer advised:

All catchment within the 16ha quarry development area is captured by 4 sedimentation dams. These in service ponds collect suspended solids from normal runoff and runoff from recycled process waters used during saw cutting operations.

While the ponds effectively serve as detention basins their primary water quality objective is to retain suspended solids.

Conditions (16) and (17) (reproduced below) were attached to the Development Consent issued for the continuation of quarrying activities by the Land & Environment Court in 1993.

"(16) (a) On site sedimentation dams are to be constructed to have collectively a capacity of not less than 500 cubic metres capacity per hectare of land disturbed.

(b) The dams are to be constructed to the satisfaction of the Environmental Protection Authority and the Council.

- (c) *Each sedimentation dam shall be cleaned out whenever its capacity is reduced by 25%.*
- (d) *A spillway shall be constructed in bedrock from the final sedimentation dam to an outlet point.*
- (e) *The spillway shall be constructed at a height that ensures that a 1:100 year critical duration event will be contained within the quarry.*

(17) Water pumped from the sedimentation dam over the spillway shall not have a suspended solids concentration exceeding 50mg per litre. A report containing details of the suspended solids concentrations shall be submitted to Council within fourteen (14) days of any such discharge."

Visually the ponds are meeting objectives however no details have been provided in respect to total volume. Applying condition 16(a) to a development area of 16ha equates to a required storage of 8 mega litres.

The Environmental Impact Statement advises that the *combined storage capacity of the sedimentation dams is in excess of 15 000m³ (15 mega litres) which would provide a storage capacity of at least 1000m³/ha for the final area covered by the quarry.*

The subject land is at a level above the 1 in 100 year flood level for the locality. All stormwater runoff from the quarry area is directed into a series of four dams. These dams provide sedimentation control as well as acting as detention basins. In addition, all water is reused on the site in the operations of the quarry and ancillary sandstone sawing plant. On the rare occasions that it is necessary to discharge water from the larger fourth dam (due to a storm event) this is only done following settling of the dam and when the concentration of suspended solids in the water is less than 50mg/l. This level of total suspended solids in the water is satisfactory and meets environmental standards. (For comparison purposes, freshwater rivers have a total suspended solids range of 100 to 1,000mg/L)

The adjoining property to the north contains a wetland which is also transversed by Roberts Creek. This wetland is at a level of approximately 3 to 5m AHD, giving an indication of the level of the water table in the locality. The floor of the quarry will be at a finished level of 63mAHD. Site observations of the quarry show that the quarry activity has not exposed any groundwater.

In view of the above, it is considered that the proposed development will have no significant adverse affect on the nature of flooding in the locality, the quantity or quality of water entering watercourses and waterbodies in the area or on groundwater conditions.

Soil

Most of the overburden from the quarry has been stockpiled within the quarry limits. The applicant advises that: *"The small amount of skeletal soil profile that remains on the western and southern parts of the proposed quarry area will removed and*

stockpiled using a front end loader.” The stockpiled material will be located near the excavation works and used in the progressive rehabilitation of the site.

Sediments captured within the dams are cleaned out on an annual basis and stored for use in the rehabilitation of the site.

Air and Microclimate

The applicant advises that the removal and stockpiling of overburden will be carried out on relatively calm days and be watered during handling if required. It is considered that with these measures in place, no significant impact will result in respect to dust generation.

Dust generated by the cutting for removal of sandstone rock would generally be contained within the quarry because of the existing quarry walls around the working area. However, dust generated by the quarrying of exposed areas around the perimeter of the quarry would need to be controlled by limiting works in these areas to calm days or days when the wind direction will blow dust away from nearby residential properties.

All sandstone sawing in the processing area is undertaken with water to improve saw efficiency as well as to suppress any dust generated.

The internal quarry road is sealed, and no dust will be generated by use of this road. The product will not produce dust during transportation. Sandstone is a naturally moist material, which minimise dust emissions.

Attenuation of dust will also occur as a result of the distance between the quarry and nearby residences/properties, and by the surrounding bushland.

In view of the above, it is considered that the proposed development will have no adverse impact on the locality due to dust emissions.

These measures can be ensured through conditions of Consent. In this regard Conditions 3, 22 and 28 has been included in the Recommendation to this Assessment Report.

Flora & Fauna

A Report titled ‘Flora and Fauna Assessment, Sydney Sandstone Quarry, East Kurrajong - NSW’, Reference J/No 07002, dated 21 December 2007 and prepared by ASC Environmental Consulting was submitted in support of the application.

This Report concluded:

“It is the opinion of the author that the proposed development should not have a significant impact on any threatened species or communities on the condition that the following allowances area made:

- 1. During the extension of the quarry, it is recommended that minimal further vegetation be disturbed outside the quarry extension area and within the drainage line shown on the site map. It is recommended that mature canopy species in these areas, especially those containing hollows be retained to encourage avian and arboreal mammal use.*

2. *Sediment and erosion control measures to a standard set out in the NSW Department of Housing "Managing Urban Stormwater: Soils and Construction" (1998) are implemented for all works on the site.*
3. *Staged regeneration/revegetation of the quarry batters is a control already prescribed to the quarry, and will be implemented on the quarry extension once activities are complete.*
4. *To be consistent with the Recovery Strategy 7: Monitoring of the Threatened Species Conservation Act 1995, monitoring for presence of the Powerful Owl is recommended once during the quarry extension and once after the extension has reached its limit. Monitoring should be in the form of identification and habitat assessment, and should be undertaken according to the DEC's Threatened Species Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft (2004). It must be noted that the present habitat assessment identified the site as a semi-transient hunting habitat: as such absence of the Owl in future monitoring does not indicate the development of the site has had an adverse effect on the species.*

It is therefore considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

A Flora Assessment and Rehabilitation Plan, Sydney Sandstone Quarry, East Kurrajong, NSW dated 8 August 2010, prepared by GreyGums Bushland Management was also submitted with the application.

This Rehabilitation Plan provided a number of guidelines to be incorporate in the rehabilitation/revegetation of the site. The Rehabilitation Plan is considered satisfactory with respect to the re-establishment and management of vegetation however details in respect to the following are required:

- ❖ Timeframe for rehabilitation of each stage;
- ❖ Identify area and location of pasture and biodiversity conservation areas – plans;
- ❖ Proposed rehabilitation works for the quarry floor once operation of the quarry has ceased
- ❖ Dams – any works proposed/required
- ❖ Safety measures during rehabilitation and post rehabilitation – stabilisation; how long each measure will be required, maintenance of measures.
- ❖ Measures to maintain viability of topsoil over time and its use in rehabilitation
- ❖ Erosion control
- ❖ Proposed pasture types to be established (if applicable)
- ❖ Weed management
- ❖ Monitoring – action plans
- ❖ Maintenance
- ❖ Stormwater drainage plan

The limited level of detail does not prevent the determination of the application as further details can be provided through conditions of consent, as encouraged by

SEPP (Mining, Petroleum Production and Extractive Industries) 2007. In this regard Condition 4 has been included in the Recommendation to this Report.

All works will be required to be carried out in accordance with the Rehabilitation Plan.

Waste

The toilet facilities and collection point will be located within the vicinity of the site office and adjacent to the internal driveway to facilitate servicing by private contractors.

Noise & Vibration

The EIS states that the design of the quarry, with a wall height of a least 17m from the quarry floor provides significant attenuation of noise generated by the quarry activity. In addition, it advises that the following measures maintain noise to an acceptable level:

- ❖ All earthmoving equipment is fitted with mufflers, and that these mufflers are maintained to ensure effectiveness;
- ❖ The diesel generators used to supply power to the quarry are enclosed within a building;
- ❖ The quarry's operational procedures include restricting works in exposed areas to the hours of 9:00am and 3:00pm and only when winds are blowing away from nearby residences.
- ❖ Sandstone product sawing plant is located on the quarry floor.
- ❖ The grade and sealing of the internal haul road ensure that noise from trucks climbing out of the quarry is minimised. The applicant states that *"The quarry rim is well above the internal haul road on the eastern site of the quarry thereby shielding distant residences to the east from such noise."* The activity will generate 2 truck movements per day.
- ❖ Hours of operation being 7:00am to 5:00pm Monday to Friday and 7:00am to 12:00 noon on Saturday.

An 'Acoustical Impact Statement' prepared by RSA Acoustics dated August 2009 was submitted in support of the application.

The following plant used on the site was considered in the Statement:

*Breakdown saw
Paving saw
Generator
Block splitter
Special purpose saw
Bridge saw
Bullnose machine
Forklifts
Terex loader
Daewoo excavator saw
Rocksaw 3.3m diameter*

The 'Acoustical Impact Statement' concluded that:

“The investigation, measurement and assessment of noise impact from the operation of plant and equipment in the extension of the quarry wall 50 metres southwest has shown that there is no noise impact on the rural residential community surrounding the quarry.”

Noise attenuation will also occur as a result of the distance between the quarry and nearby residences/properties

Natural Hazards

The land and quarry is located above the 1 in 100 year flood level for the locality. The property is identified as ‘bush fire prone’ land. This affectation is not prohibitive to the development.

Economic Impact in the Locality

It is considered that the development will continue to have a positive effect on the locality by providing local jobs, and products in close proximity to customers within the Sydney region.

Site Design and Internal Design

As shown on Appendix 6, quarrying of the site will be carried out in three (3) stages. Stage one involves work within three (3) areas; stage two involves work within two (2) area and stage three within one (1) area. The staging has been designed to enable the operators to gain access to a range of materials to meet client’s product specifications and to facilitate the progressive rehabilitation of the quarry.

Cumulative Impacts

The proposed development has been operating for a significant period of time without detriment to surrounding landuses and therefore no negative cumulative impact is foreseen.

c. Suitability of the site for the development:

The development site has adequate setbacks from roads to minimise visual, dust and noise impacts on nearby properties. The application demonstrates that the continued operation of the quarry will have no adverse impacts on the locality.

d. Any submissions made in accordance with the Act or the Regulations:

Public Authorities

The application was referred to the following public authorities for comment:

- Department of Environment, Climate Changes and Water (EPA & NP&WS);
- NSW Industry & Investment (Agriculture, Mineral Resources, Fisheries);
- NSW Office of Water;
- Roads and Traffic Authority;
- Department of Planning;
- NSW Land & Property Management Authority (Crown Lands)

The following agencies responded:

NSW Office of Water

In their letter of 9 September 2010, NSW Office of Water provided the following comments:

From the information provided the Office of Water does not have any issues with the proposed continuation of the sandstone quarry.

There appears to be no new works within water front land and there appears to be no groundwater impacts. It is noted that the current dams are for the purposes of erosion and sediment control and there appears to be no need for these to be licenced, unless the capacity of these dams are in excess of the minimum requirements for that purpose and the sites harvestable rights.

As part of the rehabilitation of the site, best management practice should be practised and any rehabilitation plan needs to be updated on a regular basis (ie every 3 to 5 years) to ensure the best outcome to the satisfaction of future environmental standards will occur.

Comment: The maximum harvestable right for the land has been calculated at 3.6 mega litres. The four dams on the site have a combined capacity of 15 mega litres. Licencing of the dams can be ensured through conditions of consent. In this regard, Condition 2 has been included in the Recommendation to this Assessment Report.

Department of Environment and Climate Change – Environment Protection and Regulation Group

In their letter of 7 September 2010, The Department of Environment and Climate Change provided the following:

“DECCW has reviewed the Environmental Impact Statement (EIS) and notes on page 5 that “...The sandstone reserves on the site are calculated at approximately 800,000m³ or 1.92 million tonnes...” Further, DECCW notes on page 25 that “...The proposed truck movements for product export are two truck movements per day...” The EIS does not however state how many tonnes of sandstone will be extracted from the quarry per year and this needs to be clarified.

If the proposal triggers an activity prescribed in schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act), then an Environment Protection Licence (EPL) would be required and the DECCW would be the Appropriate Regulatory Authority (ARA). For example, schedule 1 of the POEO Act states inter alia that:

“...19 Extractive activities

(1) This clause applies to the following activities

land-based extractive activity, meaning the extraction, processing or storage of extractive materials, either for sale or re-use, by means of excavation, blasting, tunnelling, quarrying or other such land-based methods.

water-based extractive activity, meaning the extraction of extractive materials, either for sale or re-use, by means of dredging or other such water based methods.

- (2) In this clause, **extractive materials** means clay, sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the Mining Act 1992.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

**Column 1
Activity**

Land-based extractive activity

Water-based extractive activity

**Column 2
Criteria**

involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials

involves the extraction of more than 30,000 cubic metres per year of extractive materials...

If a schedule 1 activity under the POEO Act is not triggered however, then an EPL would not be required and Hawkesbury City Council would continue to be the ARA."

Comment: The quarry will process 16,000 tonnes (approximately 8900m²) of material per year, and therefore will not require licencing under the Protection of the Environment Operations Act, 1997.

NSW Industry & Investment

In their letter of 29 September 2010, NSW Industry and Investment provided the following:

"This is a coordinated response from the Mineral Resources and Agriculture divisions of the former Department of Primary Industries, now part of I&I NSW. The Fisheries Division and Forests NSW have no issues to raise.

Mineral Issues

The EIS demonstrates that the quarry represents a valuable source of sandstone for dimension stone and paving purposes and is able to supply a broad market.

The document however lacks detail concerning the status of the current consent relating to the quarry. It appears that the most recent consent issued in 1993 was extended to March 2006. The document does not outline in detail the proposed staging of extraction over coming years other than Figure 2.4 which lacks information on timing of staged activities. It is estimated that there is approximately 30 years worth of sandstone resource on the site however the development application does not specify the period of time requested for continued operations at the quarry.

Comment: Previous approvals for the operation of the quarry have been time limited. Whilst it is unclear why, it is considered that the time limit was imposed given the nature and intensity of the previous quarrying activity on the site and the public response at that time.

Placing a time limit on the current activity is not considered appropriate for the following reasons:

- The activity will have no adverse impact on the locality or the amenity of nearby residences as demonstrated in this Report.
- SREP No. 9 has identified the land as a significant resource. It is considered unreasonable to limit the utilisation of the land in this respect, given:
 - the quarry is established;
 - the quarry has a potential lifespan of 50 years,
 - the capital investment of the operators,
 - the location of the quarry, enabling the products produced at the quarry to economically service the Sydney region,
 - the activity is dependant on consumer needs.
- The majority of existing land parcels in the general vicinity of the quarry have been developed for residential purposes and there is limited subdivision potential in the area. The locality has not been identified within draft Hawkesbury Residential Strategy for increased residential development. Therefore, there will be no increased potential for land use conflicts in the area.
- Imposing a timeframe may result in the consent lapsing, and the abandonment of the quarry, prior to the finalisation of rehabilitation and revegetation.

Agriculture Issues

General agricultural issues and management responses are identified in the attached draft Primefact – “Agricultural Issues for Extractive Industries on Rural Lands”.

Comment: It is considered that the continued use of the quarry is consistent with this document.

Roads and Traffic Authority

In their letter of 27 October 2010, the Roads and Traffic Authority raised no objection to the proposal, subject to conditions and advised that “*the continued operation of the sandstone quarry will not have a significant impact on the classified road network*”. In regard to the Authority’s conditions, Condition 10 and an Advisory Note have been included in the Recommendation to this Report.

Public Submissions

The application was publicly exhibited for the period 3 September 2010 to 4 October 2010. Two (2) submissions were received. The matters raised in the submissions are addressed below:

- Councils ability to enforce conditions of consent

Comment: The Environmental Planning and Assessment Act, 1979 provides the mechanism and procedures by which Council can enforce conditions of consent.

- EIS simplistic and inadequate

Comment: It is considered that adequate information has been provided to enable assessment of the likely impact of the proposed development.

- No proof of Water licences

Comment: It will be ensured through conditions of consent that all appropriate licences be obtained within an appropriate timeframe. In this regard, Condition 2 has been included in the Recommendation to this Assessment Report.

- No consent from the Crown in respect to mining below 15.24 metres into Crown land space

Comment: The Land and Property Management Authority advised that mining 15.24m below natural ground level may require a licence issued by the Authority. This is applicable if a restriction in this respect has been place on the title to the land. The title of the subject land, being DP 1069071 & DP 556534, has no such restriction on it.

- Groundwater studies absent

Comment: As previously discussed, it is considered that the quarry will have no adverse impacts on groundwater. This is supported by the NSW Office of Water who have not raised any concerns in this respect. A specific groundwater study is not considered to be warranted for this proposal.

- S.94 contributions

Comment: A contribution plan under Section 94A of the Environmental Planning and Assessment Act, 1979 applies to the Hawkesbury LGA. However, a contribution is not applicable to this development because the cost of the development (being \$20,000.00) is less than \$100,000.00.

- Viability of proposed end use

Comment: It is considered that following rehabilitation of the quarry site, the subject land will be suitable and capable of being used for residential and/or agricultural purposes.

- Need for dust gauges

Comment: As previously discussed, it is considered that due to the scale of the development, its location and the topography of the land, the operational procedures of the quarry, surrounding bushland and distance from surrounding properties, the proposal will have no adverse

impact on the locality from dust. As a result, it is further considered that dust gauges are not warranted.

- Storage of old gas bottles on the site

Comment: No gas bottles were observed on site, and the applicant has advised that no old gas bottles are stored on the property.

- Quarry has been operating for over four years without consent

Comment: The applicant advises:

“Development consent for the extraction and processing of sandstone lapsed in March 2006. The need for obtaining a renewed approval was recognised in 2006 however it took some time in organising consultants. The quarry has operated responsibly for many years and at no time since 2006 have there been any complaints registered to the company or to Council for that matter regarding operation of the quarry. The tardiness in lodging the development application is regretted and it is hoped that this issue is inconsequential in the long run.

Councils records indicate that no complaints have been received in respect to the quarry since at least 2002.

The matter of operating the quarry without consent has been referred to Council Compliance Section for the appropriate action.

- Drainage of the final landform (bowl); potential for flooding

Comment: The final landform will not result in flooding. The existing dams will be retained and stormwater runoff will be directed through these dams, which will act as detention basins.

e. The Public Interest:

The quarry has been operating on the site for approximately 38 years. The quarry initially produced crushed sandstone to be used primarily for road base. The change in the operation of the quarry to produce dimensional stone has reduced the impacts of the quarry on adjoining properties and the environment in general. It has been demonstrated that the proposed continued operation of this quarry will have no significant impact on the locality.

The quarry represents a valuable source of sandstone for dimension stone and paving purposes and is able to supply a broad market. It is considered that the continued operation of the quarry will serve a wider public interest.

Section 94A Development Contribution Plan

A contribution plan under Section 94A of the Environmental Planning and Assessment Act, 1979 applies to the Hawkesbury LGA. However, a contribution is not applicable to this development because the cost of the development (being \$20,000.00) is less than \$100,000.00.

Conclusion:

The application demonstrates that the proposed continued operation of the quarry and ancillary sandstone sawing plant will have no significant adverse impacts on the locality in regard to noise and dust generation, traffic generation, flora and fauna or water quality. Procedures undertaken by the operators of the quarry to minimise any impacts will be implemented through the Operational Management Plan.

It is considered that the rehabilitation and revegetation of the quarry, both progressively and upon cessation of the operation of the quarry, can be achieved to current environmental standards. This will be ensured through the implementation of the Rehabilitation Management Plan as required by conditions of consent.

With the implementation of the recommendations contained within this report and the continuation of the quarry's operational procedures it is considered that the development will have no significant or unreasonable environmental impacts.

RECOMMENDATION:

That development application DA0538/10 at Lot 111 DP 1069071, 21A Bull Ridge Road, and Lot 4 DP 556534, 940 Putty Road, East Kurrajong for the purposes of a quarry and sandstone sawing plant be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions, including the recommendations within:
2. A copy of a Water Licence for the development issued by NSW Office of Water, or written evidence from the NSW Office of Water that a water licence is not required, is to be submitted to Council within three (3) months of the date of this Consent.
3. An Operational Management Plan shall be submitted and approved by Council within three (3) months of the date of this consent. This Plan shall detail the quarry practices to minimise impacts on the locality from dust, noise, traffic, water pollution etc.
4. A Rehabilitation Management Plan shall be submitted to, and approved by Council within twelve (12) months of the date of this Consent. The Plan shall incorporate, but not be limited to the following:
 - The recommendations contained within the 'Flora and Fauna Assessment, Sydney Sandstone Quarry, East Kurrajong - NSW', Reference J/No 07002, dated 21 December 2007 and prepared by ASC Environmental Consulting.
 - The recommendations contained within the A Flora Assessment and Rehabilitation Plan, Sydney Sandstone Quarry, East Kurrajong, NSW dated 8 August 2010, prepared by GreyGums Bushland Management.
 - A Landscaping plan:

- Identifying area and location of pasture and biodiversity conservation areas;
 - detailing the planting regime and the methods of revegetation (such as brush matting).
 - using seeds that are locally sourced to maintain genetic integrity of the site
 - providing plans for the progressive revegetation of each stage (or part stage);
- A Vegetation Management plan:
 - proposing methods for protecting existing vegetation and revegetated areas from quarry activities;
 - including weed management;
 - including maintenance and monitoring of revegetated areas;
 - replacement planting;
 - irrigation.
- Timeframe and staging for rehabilitation;
 - Plan showing areas to be revegetated with native vegetation and areas for pasture/future development.
 - Proposed rehabilitation works for the quarry floor once operation of the quarry has ceased
 - Proposed landscaping of the dams
 - Safety measures during rehabilitation and post rehabilitation – stabilisation; how long each measure will be required, maintenance of measures.
 - Measures to maintain viability of topsoil over time and its use in rehabilitation
 - Erosion control in accordance with the guidelines in “Urban Erosion and Sedimentation Control” Handbook (1992)
 - Stormwater drainage plan

The revegetation of the land is to be supervised by a suitably qualified and experienced person, such as a bush regenerator. This person is also to be consulted in respect to the compilation of the Landscape Plan and the Vegetation Management Plan.

The Rehabilitation Plan shall be updated every five (5) years, commencing from the date of this Consent. A copy is to be provided to Council.

5. A compliance certificate for each stage, to indicate that works have been satisfactorily completed, is to be obtained from Council prior to the commencement of the subsequent stage. A works as executed plan for the completed stage is to be submitted prior to the issue of the compliance certificate.
6. Following the quarry and sandstone sawing activity ceasing, the removal of all buildings and structures, and the rehabilitation of the site shall be carried out in accordance with the approved Rehabilitation Management Plan.

7. No native vegetation shall be lopped or cleared outside the proposed limits of excavation as shown in the approved plan titled Appendix B.
8. A registered surveyor, will, within two (2) months from the date of this consent becoming effective, survey the outer limit of the quarry (to which extraction is permitted in accordance with this consent and which is shown in the approved plan titled Appendix B) and will furnish a report thereon, including a survey plan to the Council. The outer limit so surveyed will be marked with pegs no further than 50 metres apart and such pegs will remain in place for the duration of the consent.
9. Excavation and processing of material shall be limited to 16,000 tonnes per year. Any intensification or modification of the approved use will require separate approval from Council.
10. The subject property is affected by proposed road widening. Any new buildings or structures must be erected clear of the land required for road widening and the quarrying of sandstone must be carried out clear of the land required for road widening.

Use of the Development

11. The quarry is to be operated in accordance with the approved Operational Management Plan.
12. The rehabilitation and revegetation of the quarry is to be carried out in accordance with the approved Rehabilitation Plan, under the supervision of a suitably qualified person/s.
13. Water shall not be discharged from the sedimentation dams unless, following testing, the Total Suspended Solids are less than 50mg/L.
14. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
15. To ensure sanitary facilities are provided for the occupants of the site, suitable facilities shall be provided in the form of the following:
 - One closet pan and one washbasin as a portable structure, which is to be serviced and cleaned regularly
 - Sanitary disposal facilities
 - Potable water to be provided to handbasins and drinking purposes
 - Canteen facilities are to be provided in accordance with Work Cover requirements
 - A contract is to be signed with a waste contractor and details are to be sent to Council.
16. Trucks entering or leaving the quarry shall be required not to travel along the section of Bull Ridge Road which is located east of the access road to the quarry, apart from trucks delivering material for works associated with Bull Ridge Road or with properties fronting or accessible only from that road.

17. The sedimentation dams shall be cleaned out whenever their capacity is reduced by 25%.
18. Stormwater runoff from all buildings shall be directed through oil and grease separators.
19. Fuel spills on the site shall be cleaned up immediately. Any contaminated area shall be rehabilitated to the satisfaction of the Council. The contaminated ground shall be removed from the site and deposited at Council's waste depot.
20. No sandstone, partly finished or finished products are to be imported to the site.
21. The sandstone sawing/cutting operation, associated activities and maintenance and repair to plant and equipment shall be limited to 7:00am to 5:00pm Monday to Friday and 7:00am to 12:00 noon Saturdays. No work to be carried out on Sundays and public holidays.
22. All necessary steps are to be taken to suppress dust, generated as a result of the development, to the satisfaction of the Director City Planning.
23. Sedimentation control devices shall be maintained during the development, to the satisfaction of the Director City Planning.
24. The development shall be limited to the area shown on the submitted plans.
25. All waste material shall be regularly removed from the property.
26. Proposed development is to be carried out in accordance with acoustic report titled, *"Sydney Sandstone Quarries Pty Ltd Kurrajong Quarry, Acoustical Impact Statement, Report 4387. Prepared for Sydney Sandstone Pty Ltd August 2009, by Rodney Stevens, Principal Consultant for RSA Acoustics"*.
27. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
28. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
29. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
30. Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise

Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

31. Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

32. Noise generated as a result of the development in the day and evening (defined by the NSW Industrial Noise Source Policy) shall be managed so that the L_{Aeq} noise levels, measured at any point in accordance with the NSW DECCWs' *Industrial Noise Source Policy*, do not exceed 5dB(A) (L_{Aeq}) above background levels (L_{A90}) with respect to noise amenity of other properties and associated outdoor areas.

Advisory Notes

*** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

*** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

*** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

*** All works and regulatory sign posting associated with the development are to be at no cost to the Roads and Traffic Authority.

Attachments

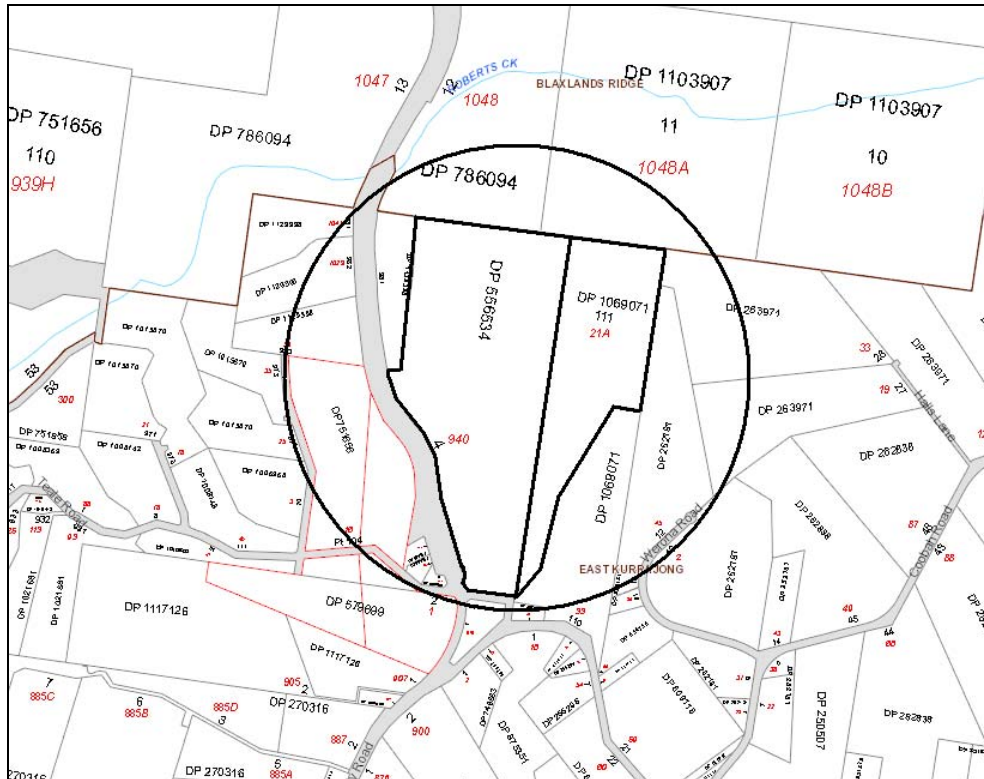
AT 1 – Locality Plan

AT 2 – Site Plan

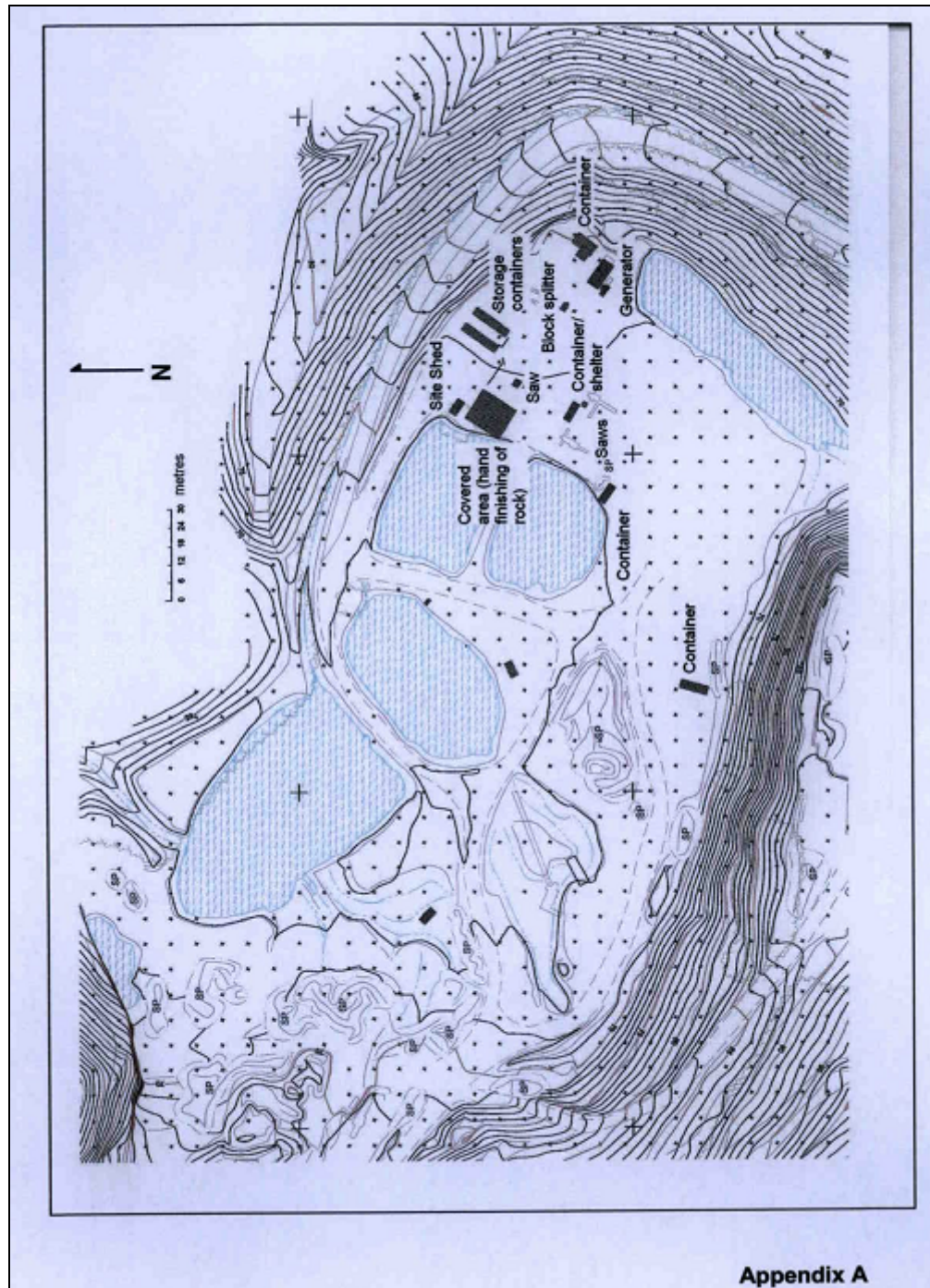
AT 3 – Plan showing Extent of Quarry

AT 4 – Plan showing Final Quarry Profile
AT 5 – Cross Section Plans
AT 6 – Plan showing Staging

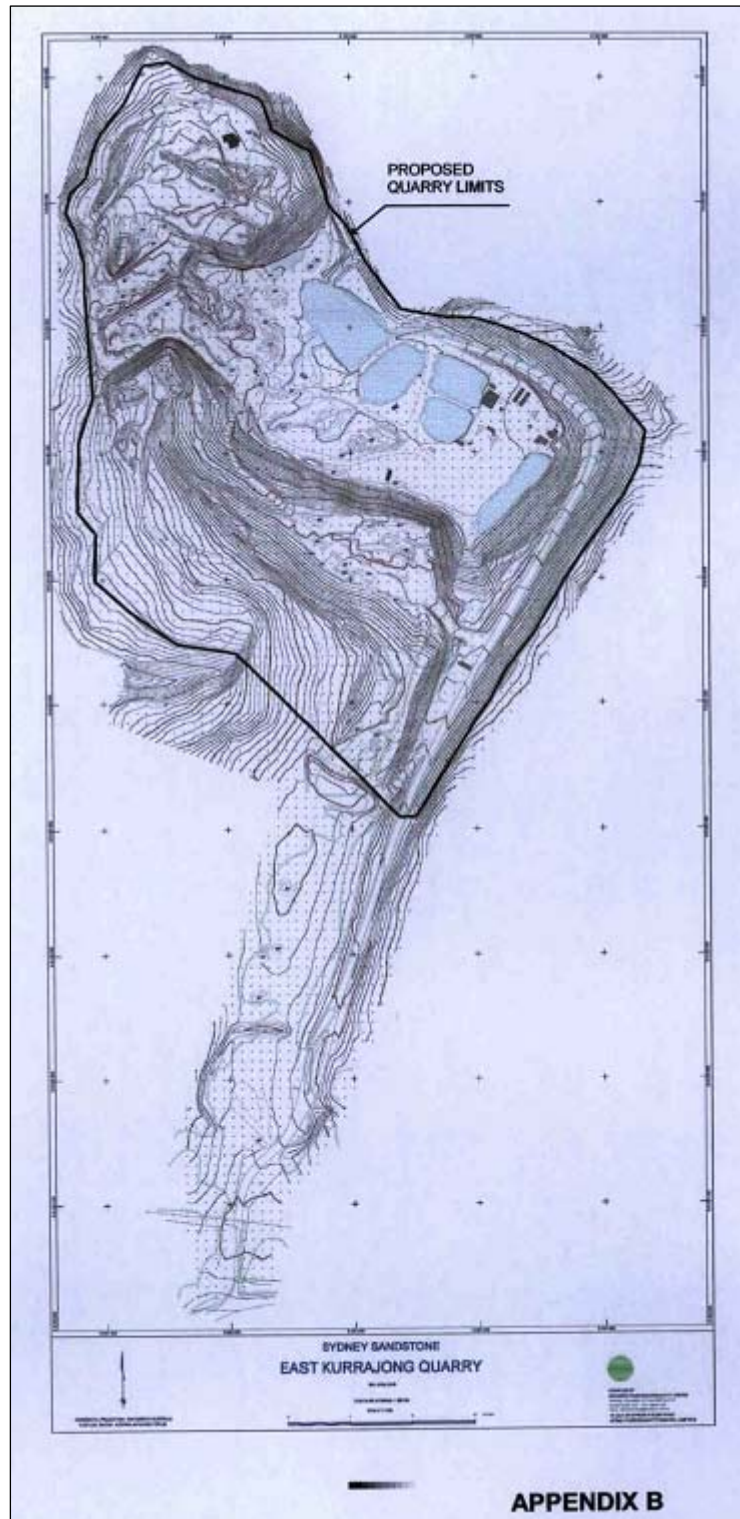
Appendix 1
Locality Plan and Aerial Photo
Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong



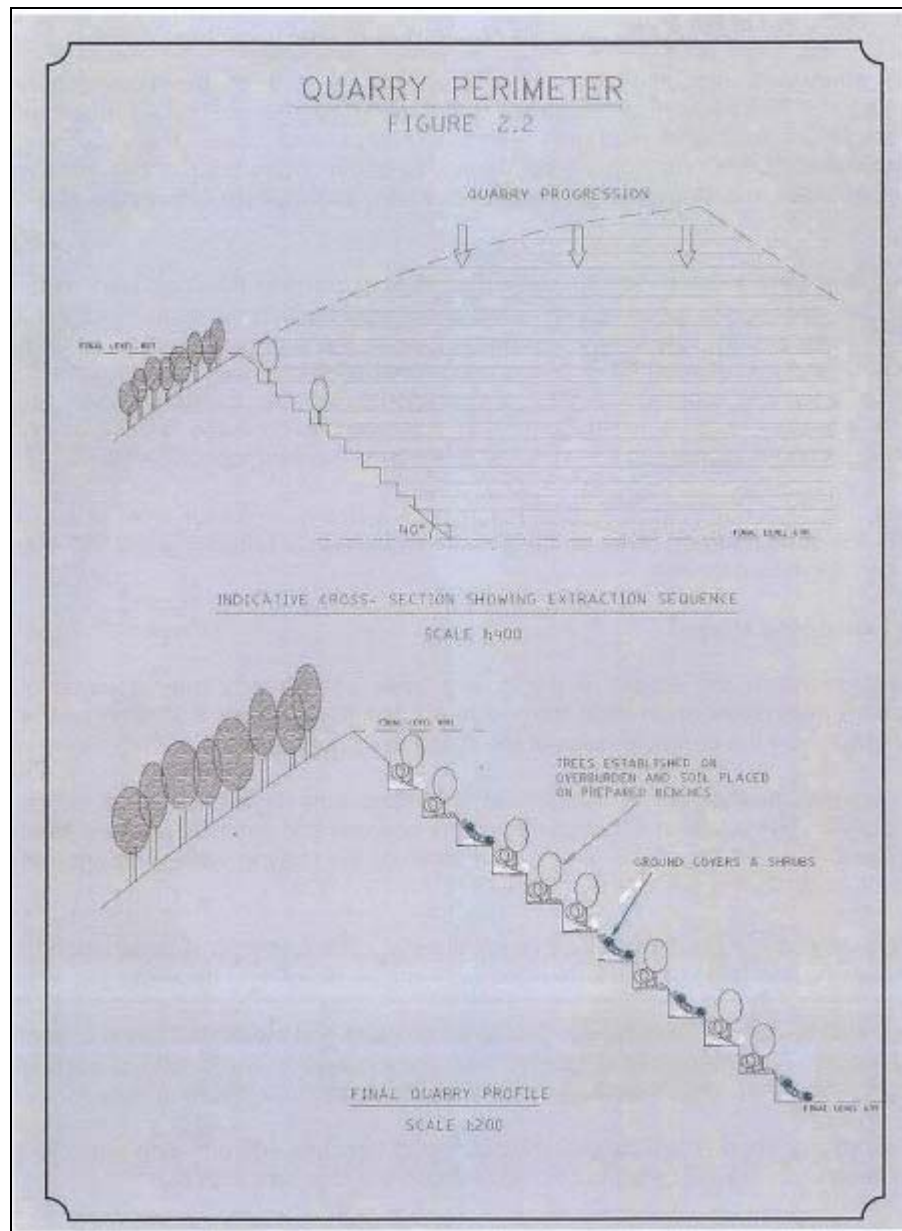
Appendix 2
Site Plan
Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong



Appendix 3
Plan showing Extent of Quarry
Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong

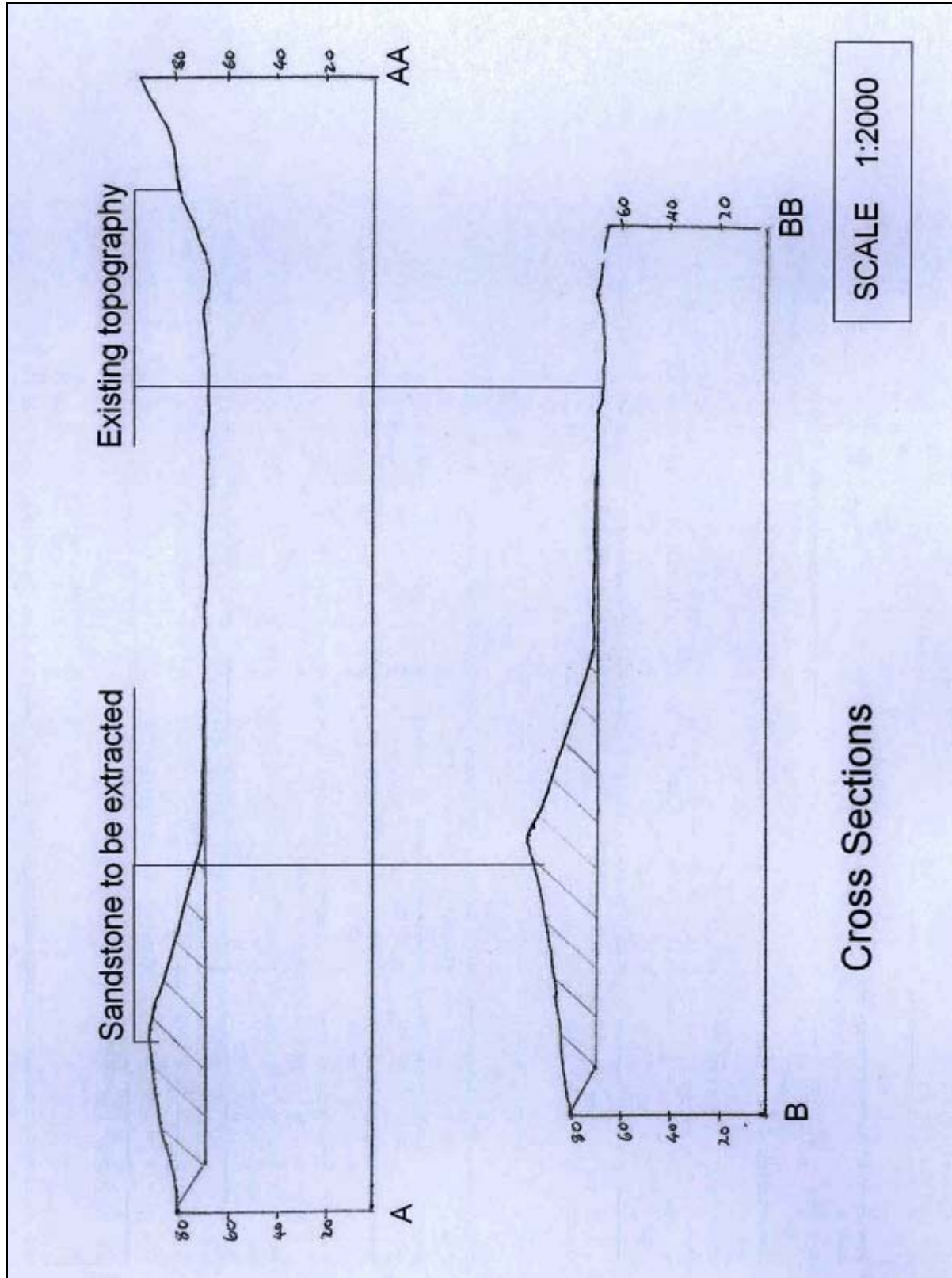


Plan showing Final Quarry Profile
Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong



Appendix 5

Cross Section Plans
Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong



Appendix 6
Plan showing Staging

**Lot 111 DP 1069071, 21A Bull Ridge Road and Lot 4 DP 556534, 940 Putty Road,
East Kurrajong**

