

General Terms of Approval - Issued



Notice No: 1528023

Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Attention: Ms Cassandra Williams

Notice Number 1528023
File Number EF13/2943
Date 23-Apr-2015

**Re: DA/1380/2014 - Industrial - Extractive Industry - Demolition - Lot 1 & 2 DP 732708 - 97 113
Old Telegraph Road, MAROOTA NSW 2756**

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 20 January 2015.

The EPA has reviewed the information and an addendum report on the noise assessment provided by Koikas Acoustics Pty Ltd dated 25 March 2015 (Ref 2563A2015032 mfcLots1-2 OldTelegraphRd Marootav3O). The EPA has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence.

The General Terms of Approval (GTA) for this proposal are provided at 'Attachment-A'. If Hornsby Shire Council (HSC) grants development consent for this proposal these conditions should be incorporated into the consent.

This GTA relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTA needs to be modified in light of the changes.

In assessing the proposal EPA has also identified a number of noise issues that HSC may wish to consider in its overall assessment of the application. These issues are discussed in 'Attachment-B' and include exceedences of the project-specific noise levels detailed in Table 1 of the addendum report the addendum report together with recommended conditions of approval for the proposal and relate to scenario 1 & 4 and also the project-specific noise level at the residential receiver at R1,

General Terms of Approval - Issued



Notice No: 1528023

where an exceedance of 8dB is predicted after application of all feasible and reasonable mitigation measures.

Nevertheless, the EPA can support the project based on predicted noise levels in the addendum report and the EPA's recommended conditions of consent in this GTA .

If you have any questions, or wish to discuss this matter further please contact Nazrul Chowdhury on (02) 9995 6862.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'David Gathercole', written over a horizontal dotted line.

David Gathercole

Unit Head

Metropolitan - Sydney Industry

(by Delegation)

General Terms of Approval - Issued



Notice No: 1528023

Attachment – A

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA/1380/2014;
- environmental impact statement for *Sand Extraction at Lots 1 and 2 DP 732708 dated November 2014 prepared for P F Formation by Environmental Planning Pty Ltd* relating to the development; and
- additional documents supplied to the EPA in relation to the development, including:
 1. *Air Quality Assessment, Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Pacific Environment Limited.*
 2. *Groundwater & Surfacewater Assessment for Sand Extraction Proposal (Lots 1 & 2 in DP732708), Old Telegraph Road, Maroota, NSW, September 2014, Earth2Water.*
 3. *Sand Extraction at Lots 1 & 2 DP 732708 Traffic Impact Assessment Old Telegraph Road, Maroota, September 2014, McLaren Traffic Engineering Pty Ltd.*
 4. *Impact Noise and Vibration Assessment, Proposed Sand Quarry Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Koikas Acoustics Pty Ltd (Ref.2563A20150325mfcLots1-2OldTelegraphRdMarootav4)*
 5. *Quarry Rehabilitation Plan Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Footprint Green Pty Ltd.*
 6. *Addendum to Noise and Vibration Assessment report provided by Koikas Acoustics Pty Ltd dated 25 March 2015 (Ref.2563A20150325mfcLots1-2OldTelegraphRdMarootav3)*

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the

General Terms of Approval - Issued



Notice No: 1528023

premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L2.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L3. Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits in the Table below. The location numbers in this table are taken from Appendix A and Table 5 of the report Impact Noise and Vibration Assessment – Proposed Sand Quarry, Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota (INVA) prepared by Koikas Acoustics dated 29 September 2014 (Ref 2563R20140929mfcOldTelegraphRdMarootav4).

Location	NOISE LIMITS dB(A) ¹
	Day
	LAeq (15 minute)
R2	39
R3	38
R4	
R5	37
R6	35
R7	

Note 1: The noise limits provided in L3.1 do not apply to any land shaping/softening and bund/barrier establishment activities on both lots, provided these are completed within two months of the commencement of any activities on the premises.

L3.2 For the purpose of condition L3.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday.

L3.3 The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

- Wind speeds greater than 3 metres/second at 10 metres above ground level.
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Stability category G temperature inversion conditions.

L3.4 For the purposes of condition L3.3:

- Data recorded by a meteorological station installed on site must be used to determine meteorological conditions; and

General Terms of Approval - Issued



Notice No: 1528023

- b. Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L3.5 To determine compliance:

- a. with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b. with the LA1(1 minute) noise limits in condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c. with the noise limits in condition L3.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L3.5(a) or L3.5(b).

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- a. at a location other than an area prescribed by conditions L3.5(a) and L3.5(b); and/or
- b. at a point other than the most affected point at a location.

L3.7 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L4. Hours of operation

L4.1 Activities at the premises may only be carried on between 7am and 6pm Monday to Saturday excluding Sundays and public holidays.

L4.2 A maximum of ten (10) truck movements each day, entering and exiting the site, between 6am and 7am will be allowed.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 The hours of operation specified in conditions L4.1 and L4.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

General Terms of Approval - Issued



Notice No: 1528023

Operating conditions

01. Odour

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

02. Dust

02.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

02.2 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Air quality management plan

03.1 The proponent shall prepare an air quality management plan addressing all air emission sources at the site. The air quality management plan shall be implemented prior to the commencement of earth moving activities at the site. The air quality management plan must contain, as a minimum:

- a. Key performance indicator(s)
- b. Monitoring method(s)
- c. Location, frequency and duration of monitoring
- d. Record keeping
- e. Response mechanisms and
- f. Compliance reporting.

04. Stormwater/sediment control - Construction Phase

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

05. Stormwater/sediment control - Operation Phase

05.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater

General Terms of Approval - Issued



Notice No: 1528023

Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and
- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

M2 Requirement to monitor noise

[THIS CONDITION CAN BE VARIED AND MUST BE NEGOTIATED WITH THE PROPONENT BEFORE BEING FINALISED IN ANY PROJECT APPROVAL]

M2.1 To assess compliance with Condition L3.1, attended noise monitoring must be undertaken in accordance with Conditions L3.5 and:

- a. at each one of the locations listed in Condition L3.1;
- b. occur annually in a reporting period;
- c. occur for a minimum of 1.5 hours during the day period as defined in the NSW Industrial Noise Policy.

Reporting conditions

R1 Annual return

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

General Terms of Approval - Issued



Notice No: 1528023

R2 Noise monitoring report

[THIS CONDITION CAN BE VARIED AND MUST BE NEGOTIATED WITH THE PROPONENT BEFORE BEING FINALISED IN ANY PROJECT APPROVAL]

R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the yearly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a. an assessment of compliance with noise limits presented in Condition L3.1; and
- b. an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1.

Special condition

S1 Negotiated agreement

S1.1 The proponent must provide evidence to the satisfaction of Council and the EPA that they have entered into a negotiated agreement with the owners of residential receiver location R1, in accordance with Chapter 8 of the NSW Industrial Noise Policy.

General Terms of Approval - Issued



Notice No: 1528023

Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a. must be maintained in a proper and efficient condition; and
 - b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

- The record must include details of the following:
 - a. the date and time of the complaint;
 - b. the method by which the complaint was made;
 - c. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d. the nature of the complaint;
 - e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f. if no action was taken by the licensee, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

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

General Terms of Approval - Issued



Notice No: 1528023

- The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a. a Statement of Compliance; and
 - b. a Monitoring and Complaints Summary.
- At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

- An Annual Return must be prepared in respect of each reporting, except as provided below.
- Where this licence is transferred from the licensee to a new licensee:
 - a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
 - a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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

Note: An application to transfer a licence must be made in the approved form for this purpose.

Deadline for Annual Return

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

General Terms of Approval - Issued



Notice No: 1528023

Licensee must retain copy of Annual Return

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

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

- Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
 - a. the licence holder; or
 - b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

Notification of environmental harm

- Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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

Written report

- Where an authorised officer of the EPA suspects on reasonable grounds that:
 - a. where this licence applies to premises, an event has occurred at the premises; or
 - b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- The request may require a report which includes any or all of the following information:
 - a. the cause, time and duration of the event;
 - b. the type, volume and concentration of every pollutant discharged as a result of the event;
 - c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

General Terms of Approval - Issued



Notice No: 1528023

- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - g. any other relevant matters.
- The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

- A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- The licence must be produced to any authorised officer of the EPA who asks to see it.
- The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

General Terms of Approval - Issued



Notice No: 1528023

Attachment – B

The EPA considers the responses to its comments to be largely adequate. The EPA notes, however, that despite the inclusion of a 4 metre high noise barrier/bund along the entire boundary of the excavation sites, some exceedances of the project-specific noise levels remain.

The majority of these exceedances, detailed in Table 1 of the addendum report, relate to Scenario 1 and Scenario 4, both describing the land shaping/softening process for each of the lots, as well as the process of constructing the barrier/bund. The addendum report states that these processes are expected to have a duration of one month, after which excavation is to be carried out for up to 5 years.

The EPA considers that the noise limits provided in the recommended conditions of consent should not apply to the land shaping/softening and bund/barrier establishment activities on both lots, provided these are completed within two months of the commencement of any activities on the premises. This is to allow the proponent to carry out works to mitigate noise from long-term extraction activities.

The EPA recommends that it should be made a condition of consent that the bund/barrier establishment activities must result in a bund/barrier of minimum height 4m above existing ground level as detailed in the addendum report, and all feasible and reasonable noise mitigation and management measures must be implemented by the proponent to minimise noise emissions during these activities.

The EPA notes that even with the application of feasible and reasonable noise mitigation measures, an exceedance of the project-specific noise level of up to 8 dB at residential receiver R1 is predicted in the western position under Scenario 5. The EPA does not normally license to these levels. The EPA thus recommends that it be made a condition of consent that the proponent provide evidence they have entered into a negotiated agreement with the owners of residential receiver R1, in accordance with Chapter 8 of the NSW Industrial Noise Policy.

Reference:

- a) Impact Noise and Vibration Assessment – Proposed Sand Quarry, Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota (INVA) prepared by Koikas Acoustics dated 29 September 2014 (**Ref 2563R20140929mfcOldTelegraphRdMarootav4**) for the proposal
- b) The Addendum report on Impact Noise and Vibration Assessment provided by Koikas Acoustics Pty Ltd dated 25 March 2015 (**Ref2563A20150325mfcLots1-2OldTelegraphRdMarootav3**), together with recommended conditions of approval for the proposal.

Our reference: DOC15/173271-02

Contact: Nazrul Chowdhury; (02) 9995 6862

Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Attention: Ms Cassandra Williams

Dear Ms Williams

I refer to the letter from Environment Planning Pty Ltd on behalf of P F Formation (the proponent), responding to the Environment Protection Authority's (EPA) General Terms of Approval (GTA) issued for DA1380/2014 – Lot 1 & 2 DP 732708 – 97-113 Old Telegraph Road, Maroota NSW 2756. The letter was forwarded to the EPA by Hornsby Shire Council on 7 May 2015.

You will recall that the proponent's letter included comments on some noise conditions recommended by the EPA in the GTA. The proponent has requested in the letter that the EPA reconsiders these noise conditions as they are either not suitable or not required to be in the development consent.

In the light of the proponent's request and the new information made available, the EPA has carefully reconsidered the requirements of these conditions and has decided to make the following amendments to the conditions in the GTA:

- Delete parts (b) and (c) of L3.3 relating to noise limit applicability under Stability category F and G temperature inversion conditions;
- Delete part (b) of L3.4 relating to the method for determination of temperature inversion conditions; and
- Delete part (b) of L3.5 relating to $L_{A1(1\text{minute})}$ noise limits not applicable to this proposal;

Notwithstanding the above, the following is an explanation for the EPA's original requirements. The proponent's letter states *'that there is no evidence that the site is affected by wind for more than 30% or more of the time in any assessment period between the source and the receiver'*, hence the inclusion of a condition to record meteorological data is not warranted. EPA notes this assertion, however, neither the initial Noise Impact Assessment (dated 29 September 2014) nor the Addendum Report (dated 25 March 2015) for the proposal, provided an analysis of wind conditions in the area in accordance with Chapter 5 of the NSW Industrial Noise Policy. Meteorological data recording is commonplace – it has been carried out on other similar premises in the locality, for example the Expansion of Hitchcock Road (Trig Hill) Quarry – available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=56 in Volume 2 of the Environmental Assessment, Technical Paper 4 (Noise) Section 3.2.1 Table 6, pp12.

The inclusion of L3.3 (a) is a standard EPA licensing requirement and has been included in many other Environment Protection Licences (EPLs) for similar premises in the locality, e.g.

- EPL 3407 and EPL 3829 (ETRA P/L); and
- EPL 3916 and EPL 12513 (Dixon Sand (Penrith) P/L).

The EPA considers that in this instance, the weather station already in operation at Lot 198 DP 752025 (1774 Wisemans Ferry Road, Maroota) is in reasonable proximity to the subject site and may be used to record and determine meteorological conditions for the proposed project. EPA recommends that the 3m/s wind speed condition of L3.3 (a) can be applied at that point, if acceptable to the proponent.

With regard to recommended condition L3.5(c), this is a standard inclusion in EPLs which ensures noise measurement equipment is located at the most affected point when determining compliance and the EPA recommends that it be retained.

The proponent's letter states that there is no basis for requiring a minimum 1.5 hour noise monitoring period when determining compliance, as suggested in Condition M2.1(c). The EPA considers that a single 15 minute duration compliance measurement is likely to be insufficient to reliably establish the level of noise emission from the premises and suggests that the requirement could be reasonably reduced to one hour (i.e. four 15-minute periods) but should not be less than three 15-minute periods.

The proponent's letter also puts forward that in Condition R2.1 a 30 day time period for the submission of reports following yearly monitoring is onerous, and proposes that a 90 day period is more reasonable. The EPA has reviewed EPLs for other similar premises in the area and recommends that a 60 day period is appropriate and consistent with the requirements of other licences, including:

- EPL 3407 and EPL 3829 (ETRA P/L);
- EPL 3916 and EPL 12513 (Dixon Sand (Penrith) P/L); and
- EPL 6535 (HB Maroota).

If you require any clarification on the contents of this letter please contact Nazrul Chowdhury on (02) 9995 6862.

Yours sincerely



2 June 2015

DAVID GATHERCOLE
Unit Head Sydney Industry
Environment Protection Authority



The General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Contact: John Galea
Phone: 88387520
Fax: 02 88387554
Email: john.galea@dpi.nsw.gov.au

Our ref: 10ERM2015/1127
Your Ref: DA2014/1380

Attn: Cassandra Williams
cmwilliams@hornsby.nsw.gov.au

08/05/2017

Dear Casandra,

Re: DA2014/1380 Issue of DPI Water GTA for Proposed Extractive Industry - 97 & 113 Old Telegraph Road Maroota

I refer to a previous letter sent by the Department of Primary Industries Water (DPI Water) to the Council on 3 March 2016 regarding the above Development Application (DA). Due to a misunderstanding of the Department's requirements for an Environmental Impact Statement, some of the matters that needed to be assessed were not done so fully and additional reports had to be provided.

DPI Water has met with the proponents on several occasions and has assessed the supplementary report *"PF Formation Aquifer Interference Report, Land & Water Impact Statement for Sand Extraction Proposal (Lot 1&2 in DP 732708) Old Telegraph Rd, Maroota, NSW"* (Earth2Water, 11 January 2017). DPI Water is now in a position to issue General Terms of Approval (GTA) for DA2014/1380.

The GTA for DA2014/1380 are listed in Attachment A,

Should you have any further enquiries about this matter please contact John Galea on john.galea@dpi.nsw.gov.au or telephone number (02) 8838 7520.

Yours sincerely,

Irene Zinger
Regional Manager - Metro
Water Regulation, DPI Water

cc: Stuart Withington, Department of Planning NSW Stuart.Withington@planning.nsw.gov.au

Attachment A
General Terms of Approval

1. The combined estimated of average annual usage of 10 ML/year needs to be proportioned between the two groundwater sources:
 - Sydney Basin Central Groundwater Source, and
 - Maroota Tertiary Sands Groundwater Source,in the Water Sharing Plan for Greater Metropolitan Region Groundwater Sources 2011.
2. The monitoring and mitigation strategy must be enhanced to ensure compliance with the proposed minimum 2 m buffer above the wet weather "inferred" regional groundwater table, defined in the above mentioned report, Section 2.1 Project Amendments (Figures 4 and 5).
3. Should extraction of groundwater be undertaken for quarrying activities from the eastern dam, which is inferred to be into the regional water table, an additional groundwater licence will be required from the Sydney Basin Central Groundwater Source.
4. The proponent must acquire a suitable water access licence to account for the volume greater than the maximum harvestable right for the dam to be built on site. Council must not sign off final rehabilitation approval unless the proponent holds a water access licence with the appropriate share entitlement.

End of Attachment A



15 October 2015

Roads and Maritime Reference: SYD15/01219/01 (A10419629)
Council Ref: DA/1380/2014

The General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Attention: **Cassandra Williams**

Dear Sir/Madam,

PROPOSED AMENDED PLANS FOR SAND EXTRACTION AT LOT 1 DP 732708 & LOT 2 DP 732708, 97 & 113 OLD TELEGRAPH ROAD, MAROOTA

Reference is made to Council's letter dated 17 September 2015, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted documentation and raise no objection to the proposed development application.

Any inquiries in relation to this Application can be directed to Saif Zaman on (02) 8849 2048 or development.sydney@rms.nsw.gov.au.

Yours sincerely,

Angela Malloch

**Senior Land Use Planner
Network and Safety Section**

Cassandra Williams

From: RATHAN Pahee <Pahee.RATHAN@rms.nsw.gov.au>
Sent: Tuesday, 27 June 2017 3:29 PM
To: Cassandra Williams
Subject: HPRM: RE: DA/1380/2014 - Clarification of RMS referral comments - 97 & 113 Old Telegraph Road Maroota

HP Records Manager Record Number:
D07242383

Good Afternoon Cassandra,

I refer to your email below regarding proposed sand extraction at 97 & 113 Old Telegraph Road, Maroota.

This email is to confirm that the advice provided in the letter dated 15 October 2015 was in accordance with *State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007*.

If you like to discuss this matter further, please call me on 8849 2219.

Regards

Pahee Rathan
Senior Land Use Planner
Network Sydney | North Precinct
T 02 8849 2219
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
27 Argyle Street Parramatta NSW 2150

From: Cassandra Williams [<mailto:CMWilliams@hornsby.nsw.gov.au>]
Sent: Tuesday, 27 June 2017 9:45 AM
To: 'Saif.Zaman@rms.nsw.gov.au'
Cc: FREW Angela
Subject: DA/1380/2014 - Clarification of RMS referral comments - 97 & 113 Old Telegraph Road Maroota
Importance: High

Attention Saif Zaman

Dear Sir,

The above application is due to go before the Sydney North Planning Panel and Council is seeking clarification with respect to a possible typographical error on the referral comments received from the RMS.

The application was referred to RMS in accordance with Clause 16(2) of *State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007* (see attached letter). It is noted that the advice received from RMS (attached) references *State Environmental Planning Policy (Infrastructure) 2007*.

As the report is to be finalised on Wednesday 28 June 2017, Council seeks urgent clarification that the advice received is in accordance with *SEPP (Mining, Petroleum, Production and Extractive Industries)*.

If you would like to discuss any aspect of this matter please do not hesitate to contact me on 9847 6724 (Mon, Tues, Thurs).

Regards

Cassandra Williams

Team Leader | Development Assessment | Hornsby Shire Council

p 02 9847 6724 (Mon, Tues & Thurs) **m** 0438 777 559

e cmwilliams@hornsby.nsw.gov.au | **w** hornsby.nsw.gov.au | **f** facebook.com/HornsbyCouncil

Council acknowledges the traditional owners of the lands of Hornsby Shire, the Darug and Guringai people.

-----< HP Records Manager Record Information >-----

Record Number : D06659989

Title : DA/1380/2014 - RMS Referral Letter - 97 & 113 Old Telegraph Road Maroota

-----< HP Records Manager Record Information >-----

Record Number : D06730049

Title : DA/1380/2014 - Referral Comments - NSW RMS - 97 & 113 Old Telegraph Road MAROOTA



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Office of Environment & Heritage

1380

Your reference: DA/1380/2014
Our reference: DOC15/7670
Contact: Richard Bonner, 9995 6917

Ms Cassandra Williams
Assessments – Planning Division
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Dear Ms Williams

I refer to your letter of 2 January 2015 regarding a proposed extractive industry development at 97 and 113 Old Telegraph Road, Maroota. The Office of Environment and Heritage (OEH) has reviewed the Environmental Impact Statement (EIS) accompanying the development application (DA) and provides the following comments in relation to biodiversity.

The Hornsby DCP 2013 [Table 2.5.1(a)] recommends a minimum setback of 40m (to include a vegetative buffer) to habitats of threatened species, populations and ecological communities. The EIS Flora and Fauna Assessment acknowledges this recommendation but concludes it is not applicable (as, presumably, no critical habitat components was found on site). OEH notes, however, intact bushland areas immediately adjoining the site to the south and the north-east. In addition, OEH's Wildlife Atlas contains recent records of a number of threatened plant species (eg *Kunzea rupestris*, *Acacia bynoeana*, *Persoonia hirsuta* and *Tetratheca glandulosa*) within 0.5 km of the proposed extraction area. As the EIS contains no assessment of vegetation adjoining the site, OEH recommends flora surveys be undertaken within 40m of the extraction area to determine the presence of threatened species.

The Hornsby DCP 2013 [Section 2.5.3(y)] also recommends a Soil and Water Management Plan (SWMP) be submitted with relevant DAs that identifies site constraints, such as 'existing vegetation'. The EIS states the Rehabilitation Plan and the Groundwater Assessment satisfies this requirement. OEH notes, however, the Rehabilitation Plan (and Groundwater Assessment) include no measures that refer to the management or impact mitigation of mapped vegetated areas on and adjacent to the site. It is therefore unclear how the Rehabilitation Plan recognises existing vegetation as a site constraint. OEH recommends Council ensure that adequate measures are included in the Rehabilitation Plan to maintain the viability of retained native vegetation on and adjoining the site. Species used in the temporary cover crop (specification 7.7), for example, should not be environmental weeds.

Please contact Richard Bonner, Conservation Planning Officer, on 9995 6917 should you wish to discuss this advice.

Yours sincerely

S. Harrison 30/01/15

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region
Regional Operations