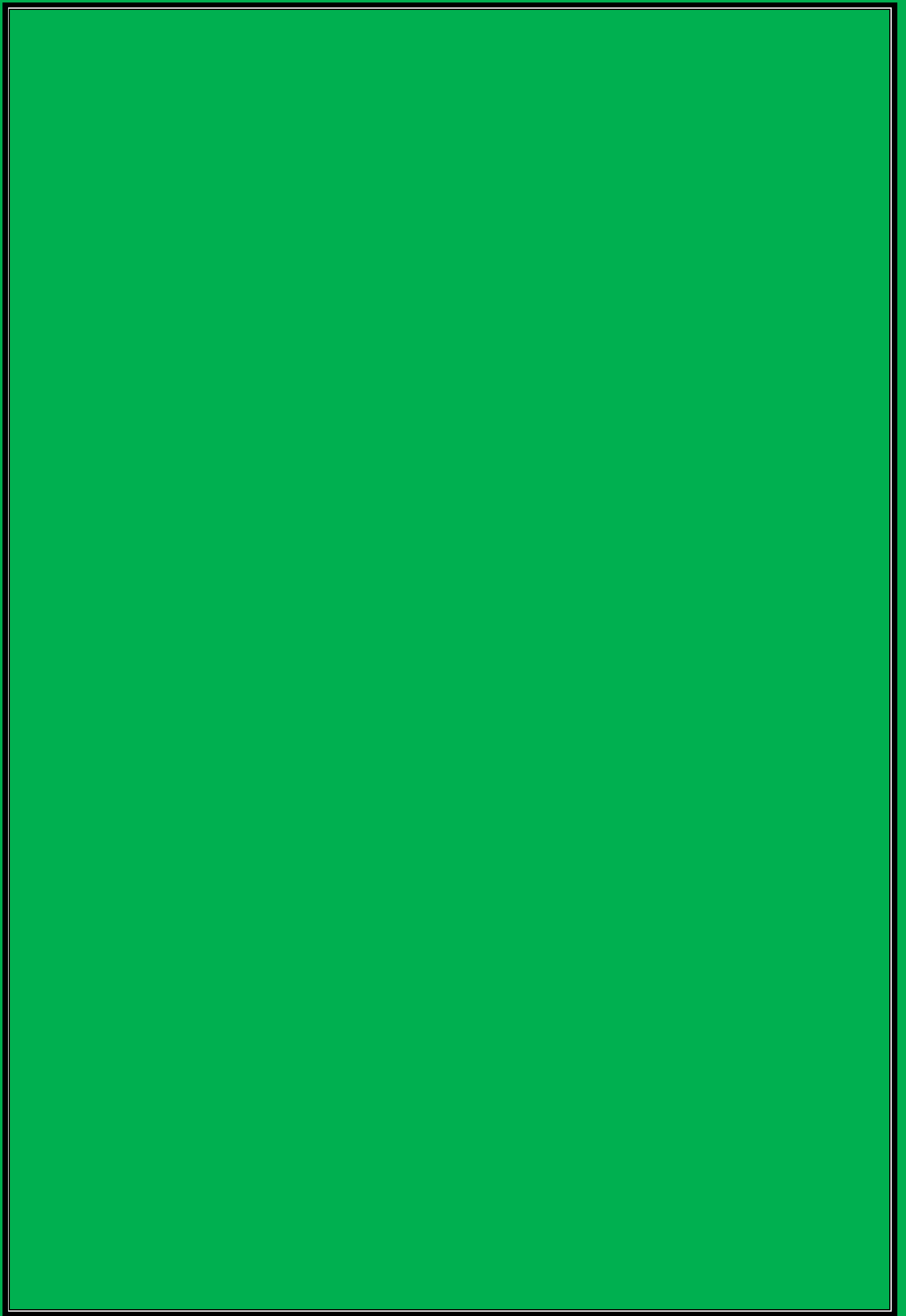


Council Assessment Report

2015STH006 (MOD.2015.003 (DA.2014.035))

Sand Quarry Modifications to Conditions

Kings Highway, Bungendore



JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2015STH006
DA Number	MOD.2015.003 (DA.2014.035)
Local Government Area	Palerang
Proposed Development	Sand Extraction
Street Address	Kings Highway, Bungendore
Applicant/Owner	Applicant - Carnavalesca Pty Ltd Trading as Paragalli Sands
Number of Submissions	Adjoining Owners – Nil Departments – Three Submissions
Regional Development Criteria (Schedule 4A of the Act)	Section 8 Particular designated development Development for the purposes of: (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <u>Environmental Planning and Assessment Regulation 2000</u> .
List of All Relevant s79C(1)(a) Matters	List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy No 44 – Koala Habitat Protection • State Environmental Planning Policy (Infrastructure) • Tallaganda Local Environmental Plan 1991 (TLEP 1991) • Yarrowlumla Local Environmental Plan 2002 (YLEP 2002) • Palerang Local Environmental Plan 2014 (PLEP 2013) List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> • Palerang Development Control Plan 2015
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Planners Assessment Report • Modification Development Application • Attachment 1 – Applicant Submission
Recommendation	Consent subject to the attached modified conditions

Report by	Haydon Murdoch
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Assessment Report and Recommendation Cover Sheet

Assessment Report and Recommendation

SUBJECT	Determination under section 96 of the <i>Environmental Planning & Assessment Act 1979</i> of Modification Application MOD.2015.003 for a sand extraction quarry at Lots 50, 52, 183 and 196 DP754878 Lots 3 and 4 DP1160367, and Lot 31 DP1178883.		
FILE NO.	DA.2014.035	DIVISION	Planning & Environmental Services

Attachments

1. Aerial photograph
2. Proposed Conditions of Consent

Synopsis

Applicant: Carnavalesca Pty Ltd trading as Paragalli Sands

Owner: Thomas William John Gordon
Robert David Henry Gordon
Chloe Violet Bambach
Elle Elizabeth Bambach

Date lodged: 17 February 2015

Site Area: Lot 50 – 460.09 ha
Lot 52 – 354.92 ha
Lot 183 – 120.98 ha
Lot 196 – 16.31 ha
Lot 3 – 428.4 ha
Lot 4 – 96.6 ha
Lot 31 – 4.45 ha
Total – 1481.75 ha

Zoning: PLEP RU1 Primary Production
Previously TLEP 1(a) Rural – Original Development Application
Previously YLEP 1(a) Rural – Original Development Application

Recommendation

That Modification Application MOD.2015.003 for a Sand Extraction Quarry, on Lots 50, 52, 183 and 196 DP754878, Lots 3 and 4 DP1160367 and Lot 31 DP1178883 be approved under Section 96 of the *Environmental Planning and Assessment Act 1979*, subject to the attached modified conditions.

Report

Proposal description

The original development application sought approval to undertake sand extraction on approximately 14 ha across the south eastern corner of Lot 183 DP754878, across Lot 31 DP1178883 and extending on to the south western corner of Lot 3 DP1160367. Specifically, the proposal includes:

- Extraction of a total volume of 117,000 cubic metres of sand over an eight year period;
- An annual extraction rate of 15,000 cubic metres;
- Clearing of approximately 14 ha of former pine plantation;
- Lowering the surface of the extraction site up to 2 metres;
- Truck movements between 7am and 4pm via the Birkenburn access road across the Timber Tops property to the Kings Highway, then via the Kings Highway to Paragalli Sands' yard in Queanbeyan.
- Relocation of highway intersection.
- Access Road across Lot 50 DP754878, Lot 4 DP1160367, Lot 196 DP754878 and Lot 52 DP 754878.
- Associated moveable site buildings

The application proposed that the extraction would be undertaken in six stages, with each stage being essentially independent. It is proposed that as the extraction process is completed for each stage, rehabilitation will commence on the affected part of the site.

The Modification Application proposes the following;

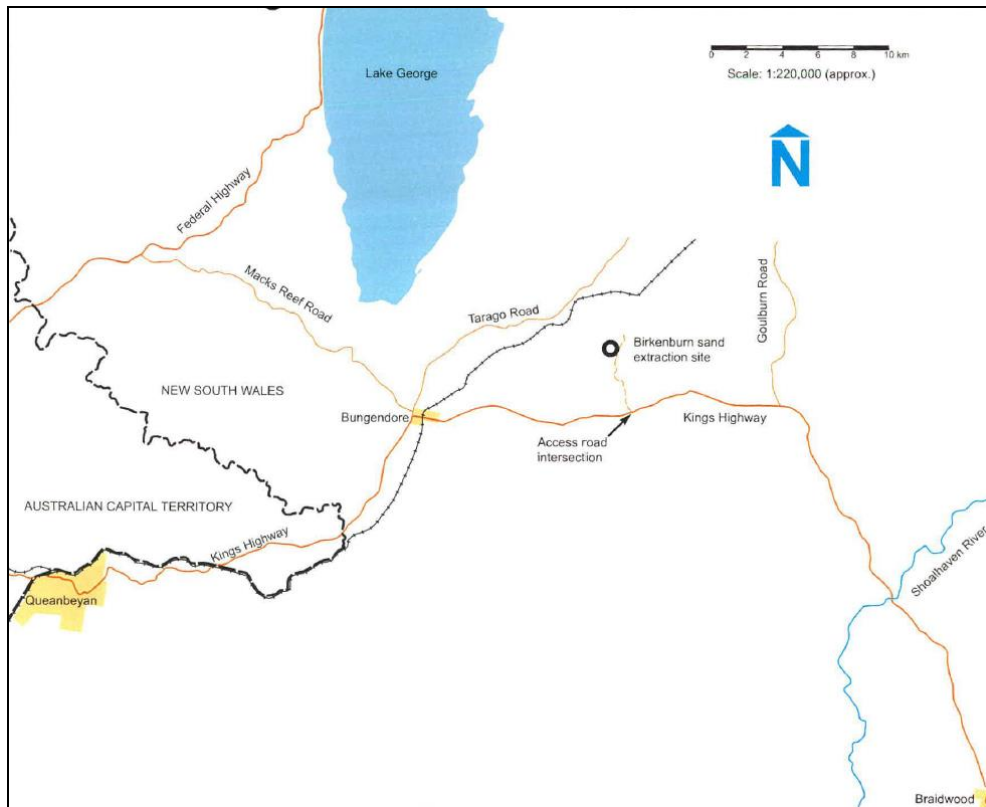
- Deletion of Condition 9 Fencing
- Modification of Condition 32 Access Road to the Quarry
- Modification of Condition 37 Signage and Traffic Control Devices

Site description and location

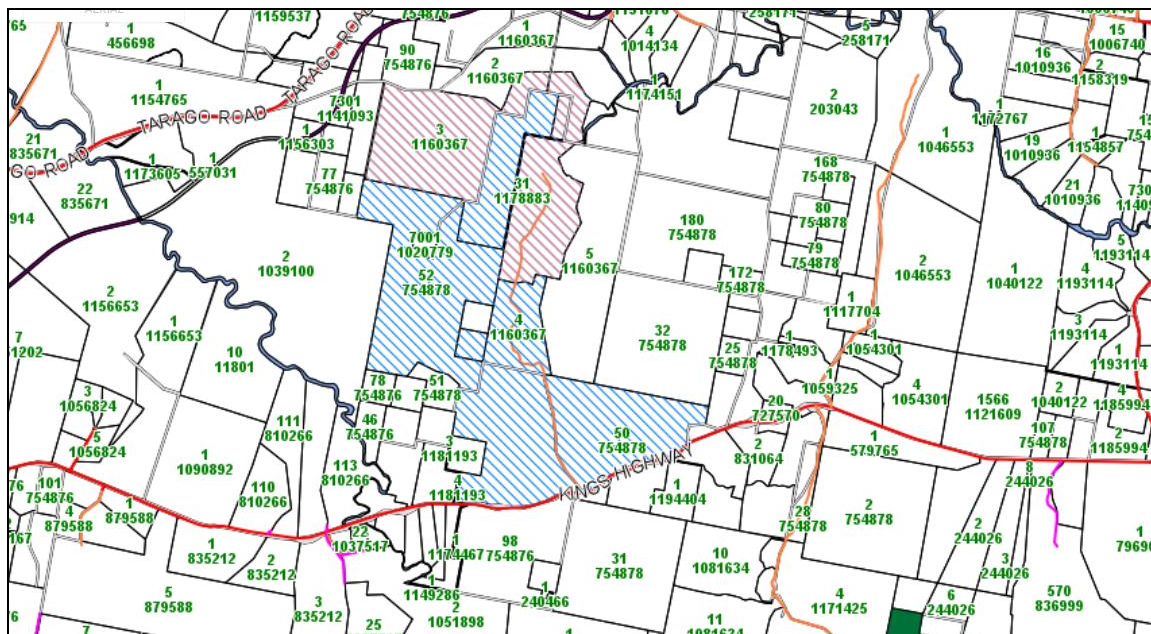
The site is located approximately 10 kilometres east of Bungendore along the Kings Highway and is legally known as Lots 50, 52, 183 and 196 DP754878, Lots 3 and 4 DP1160367, and Lot 31 DP1178883. The allotments feature a mixture of agricultural uses, pine plantation, native vegetation and revegetated extractive sites. The application has detailed that extractive industries have been undertaken on the Birkenburn property since the 1960s, predominately along the southern and eastern slopes of the range of Hills known as The Sand Hills. The existing property is accessed via an unsealed road off the Kings Highway. The site also contains three rural dwellings, shearers' quarters and ancillary rural outbuildings. The slopes of the allotments are undulating. The extractive area is sloped predominantly in an easterly direction.

Surrounding development is of a rural nature comprising of rural dwellings and detached structures on varying allotment sizes containing undulating slopes, drainage lines and dams and a mixture of grazing land, pine plantations and native vegetation.

Location plan



Land affected by development application



Statutory Framework

Consent authority

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be designated development. Under Schedule 4A of the EP&A Act the

proposal is regional development for which the regional panel is authorised to exercise the consent authority functions of council.

Assessment

An assessment has been undertaken against the justification the applicant has supplied to Council relating to the condition that are requested to be deleted or modified.

Fencing

9. The extraction sites are to be fenced with 1.8 m high wildlife-friendly wire fencing that meets the approval of Council for the duration of extraction and until the rehabilitation of the sites is achieved.

Reason: To ensure the site is protected.

Applicant's Reason for Condition 9 to be Removed

Condition 9 Fencing required the extraction sites to be fenced with a 1.8m high wildlife-friendly wire fence to be erected for the duration of the extractive industry and until the site was rehabilitated. The applicant seeks to delete this condition based on the site being remote and naturally bounded by forest on the high side, and natural barriers of furrows and fallen timber on the low side. The applicant also considers the fence to be too costly and unnecessary.

Planners Comment

Given the remote location and the natural site constraints it is considered appropriate to remove the requirement for 1.8m wire fencing. However, the reason for the condition was to ensure both the quarry and areas adjoining the quarry were protected. As a result it is recommended that the condition not be deleted, but that it be modified such that it requires a survey of the extraction site to be submitted to Council annually. This will ensure the extraction processes do not occur outside the proposed extraction area.

Access Road to the Quarry

32. Design the internal access road and drainage structures between the property access and the sand extraction area, including the right of carriageway over Lot 50 DP 754878, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palarang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.

Applicants Reasons to Modify Condition 32

The modification application requests (with reference to figure 1):

- *New access road (right of carriageway) across Lot 50 DP 754878 (Section 1) to generally be Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palarang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with cross falls of 3% for sealed and 5% for unsealed pavements.*
- *Internal Access road (Section 2) Review existing road alignment for provision passing bays Refer Item 33.*

- Internal access road (Section 3) to generally be Type 4C road (Rolling Terrain) in accordance with ARRB Unsealed Roads Manual 2009, a more recent publication to ARR354 published in 2001.

This road classification relevant to unsealed roads provides suitable design standards for and access road with traffic volumes of 10-50 ADT.

In section 2 minimising new works outside the existing road formation footprint to reduce environmental impacts through loss of vegetation.



Figure 1

Planners Comment

The existing condition requires the entire access road to be constructed to Type 2 standard. The modification application has requested the following standard on the various sections of road:

- Section 1 – Type 2 road (Right of Carriageway).
- Section 2 – Review existing road standard to reduce environmental impact.
- Section 3 – Type 4C road (Rolling Terrain) in accordance with ARRB Unsealed Roads Manual 2009.

The modification request is considered to be acceptable as the road standards proposed are likely to have less environmental impact but will still provide an appropriate standards of access. It is considered appropriate to reduce the road standard in Section 2 to a Type 1 road if passing bays are provided as required by Condition 33. Condition 33 is also required to be modified to ensure Section 3 in MOD.2015.003 is identified and reference is made to ARRB Unsealed Roads Manual 2009.

Road Signage and Traffic Control Devices

37. Provide speed signage (40 km/h) and traffic control devices for the internal road to Austroads (and RMS supplements) standards. Submit details to the principal certifying authority prior to issue of a construction certificate

Reason: To ensure that roads have appropriate signage and traffic control devices.

Applicants Reason to Modify Condition 37

The modification application requests:

- *The intersection with the Kings Highway and sealed section of access road provide road signage to and traffic control devices to Austroads (and RMS supplements) standards.*
- *For the unsealed internal road, provide warning signage suitable to gravel roads and traffic control devices to Australian standards, including RMS supplements. Submit details to the principal certifying authority prior to issue of a construction certificate.*

Due to the variable nature of gravel road surfaces under wet and dry conditions it is accepted practice among road authorities that gravel roads are not signposted with either Speed Limits or advisory speed signs.

Planner Comment

The modification request is considered to be reasonable because it is accepted practice that speed signage on private gravel roads is not supplied. Furthermore, the application was also referred to the NSW RMS who also advised that it generally does not support speed zoning on private roads. The condition should be modified as per the attached conditions of consent which will remove speed signage from the condition.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated development

The original proposal was designated development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* because the total area of disturbance would be more than 2 hectares. In addition, some parts of the extraction operation would be located within 40 metres of a natural water body.

Integrated Development

The original development is classified as integrated development under Section 91 of the EP&A Act because it required the following additional approval:

Water Management Act 2000 – The modification development application was referred to the NSW Office of Water. General Terms of Approval were not modified and no objection was received.

The original development application did not require any other additional approvals. The proposed modification also does not trigger any additional approvals.

Section 96 Modification of consent – generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

It is considered that the modification will have minimal environmental impact. The removal of condition 9 Fencing will not have any detrimental impacts on the surrounding environment and the modification of conditions 32 and 37 do not require any additional roadworks from those already approved. Therefore, the application was deemed a 96 (1A) Modification involving minimal environmental impact.

It is considered reasonable to accept that the development to which the modification application relates is substantially the same development.

The application is seeking the deletion of one condition relating to fencing and the modification of two conditions relating to the access road.

The approved extractive mining development is otherwise unchanged and if the modification is approved, development will be substantially the same development.

Given the nature of the original development application being an Extractive Industry triggering the requirements within Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and the discussions held at the Joint Regional Planning Panel determination meeting, Council staff determined that the modification application should be re-notified and advertised for a period of 14 days and should be referred back to the JRPP for determination.

The modification was also referred to the following State Agencies:

- Roads and Maritime Services (response received)
- NSW Office of Water (response received)
- Water NSW (response received)

The matters within Section 79C (1) have been addressed as outlined below.

Section 79C(1)(a)(i) the provisions of any environmental planning instrument

State environmental planning policies (SEPPs)

SEPP No. 33 - Hazardous and Offensive Development

Clause 8 of the SEPP states:

"In determining whether a development is:

(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or

(b) an offensive storage establishment, offensive industry or other potentially offensive industry,

consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development."

The modification application does not propose to modify any aspects of the development regarding potentially hazardous substance. Therefore, it is considered that SEPP No.33 does not apply.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Under Part 2, Section 7 (development permissible with consent), Clause 3 (extractive industry), the proposed development is permissible with consent as it involves an extractive industry on land which development for the purpose of agriculture or industry may be carried out.

The original application was considered to be consistent with the provisions of SEPP (Mining, Petroleum Production and Extractive Industries) 2007. As the modification is of a minor nature and minimal environmental impact, it is considered that the development is still consistent with SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

SEPP No. 55 – Remediation of Land

The areas affected by the extractive procedures to be undertaken as part of the development have not been subject to contamination. The site has only been used for pine plantation, agricultural land or has been covered by native vegetation. Rehabilitation of the site has been conditioned to ensure the site returns to a native or agricultural state. SEPP 55 is considered not to apply.

SEPP No. 44 - Koala Habitat Protection

The following provisions of SEPP No. 44 - Koala Habitat Protection are considered relevant to assessment of the proposal:

An Ecological Assessment was prepared by David Hogg from David Hogg Pty Ltd, Environmental Consultants and submitted as part of the EIS.

The assessment found that there are no mature trees within the extraction site which would support koalas, and that the tree species in the forest adjoining the Kings Highway do not provide suitable habitat.

The modification application does not propose any amendments to the application that will impact on SEPP No. 44.

SEPP (Sydney Drinking Water Catchment) 2011

The application is required to address the provisions of SEPP (Sydney Drinking Water Catchment) 2011. The original application was referred to SCA (now Water NSW) for concurrence in accordance with SEPP (Sydney Drinking Water Catchment) 2011. The modification was also referred to Water NSW for concurrence. Water NSW provided a response, stating that the proposed modification changes do not impact on water quality.

Local Environmental Plans

Palerang Local Environmental Plan 2014

When the development application was approved on 1 October 2015 it was subject to the provisions of the Yarrowlumla LEP 2002 and the Tallaganda LEP 1991. The Palerang Local Environmental Plan 2014 came into force on the 31 October 2014 and now applies to the site. The site is now zoned RU1 Primary Production and the development is still permissible, subject to development consent. The application does not propose the modification of anything within the original consent that will be contrary to the PLEP. It is considered that the modification is consistent with the objectives in the RU1 Zone as shown in the following table.

Objectives	
Zone RU1 Primary Production	
1 Objectives of zone <ul style="list-style-type: none"><i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i><i>To encourage diversity in primary industry</i>	The modification application maintains the objectives within the RU1 Zone. The application is located on a site previously used as a pine plantation. The removal of the

<i>enterprises and systems appropriate for the area.</i> <ul style="list-style-type: none"> • <i>To minimise the fragmentation and alienation of resource lands.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> • <i>To minimise the impact of any development on the natural environment.</i> • <i>To ensure that development does not unreasonably increase the demand for public services or facilities.</i> 	<p>fencing condition will not impact on surrounding primary industry or create conflicts between land uses. However, to ensure the extractive processes are maintained within the proposed development boundaries, it is proposed that a survey plan be required to be submitted to Council annually, demonstrating the extent of extractive processes, through the modification of condition 9.</p> <p>The modification of internal road conditions do not contravene these objectives.</p>
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Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority;

There are no draft environmental planning instruments applying to the site.

Section 79C(1)(a)(iii) any development control plan;

The original application was considered against the relevant clauses of the Tallaganda Development Control Plan No. 4 – Rural 1(a). It was determined that the development was consistent with the relevant provisions.

The Palerang Development Control Plan 2015 (PDCP), now applies to the land. The savings provision in the PDCP requires that the application be assessed under the previous DCPs. In any event, the modification does not propose any changes that are inconsistent with the relevant provisions within the PDCP.

Section 79C(1)(a)(iii)(a) any 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 are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates;

Conditions were included within the original consent regarding compliance with requirements regarding the erection of signs and shoring of adjoining property, to satisfy Clauses 98A, and 98E of the EP&A Regulation 2000.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality;

Access and Traffic

The original application included the construction of an extension of the existing internal access road to the Kings Highway. As such the original application was required to be referred to the NSW RMS who did not object to the application subject to the entrance being constructed in accordance with RMS standards.

The modification application was also referred to the RMS who responded to the referral stating no objection. As discussed above, it is noted that the RMS does not generally support speed zoning private roads. The original condition prescribed a 40km/h speed sign on the internal access road.

Surface and Groundwater

The modification was referred to Water NSW (former SCA) who did not object to the application and did not recommend any change to the existing conditions.

Section 79C(1)(c) the suitability of the site for the development;

As assessed above, subject to the inclusion of the recommended modified conditions of consent, the site of the proposed sand extraction has been assessed as being suitable because the proposal will not result in any significant impacts on the natural, social or economic environments.

Section 79C(1)(d) any submissions made in accordance with the Act or Regulations;

Notification

The modification application was renotified and advertised for a period of 14 days. One submission was received on behalf of John Holland Rail. Clarification was requested, regarding whether the fencing adjacent to the rail corridor was being affected. The application was discussed with Kerrie Symonds of John Holland Rail, and it was explained that the area to be fenced under Condition 9 does not adjoin railway land.

Development Engineer

The modification application was referred to Council's Development Engineer for assessment of the proposed internal road modification. The response received indicated that the proposed modification would comply with the relevant Austroads standards subject to the implementation of the conditions of consent.

NSW Roads and Maritime Services

The modification application was referred to the NSW RMS because the original application sought approval to connect an access road on to the Kings Highway. The NSW RMS did not object to the application, but noted that the NSW RMS does not generally support speed signage on private roads.

NSW Office of Water

The original application was referred to the NSW Office of Water in accordance with section 91 of the EP&A Act, as the development is located within 40m of a watercourse. The modification application was also referred to the NSW Office of Water. The NSW Office of Water did not object and required no amendments to the issued General Terms of Approval.

Water NSW (former Sydney Catchment Authority)

The original application was referred to the Sydney Catchment Authority (now Water NSW) as it required concurrence in accordance with section 11 under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The modification application was also referred to Water NSW. Water NSW did not object to the application and determined that there will be a neutral or beneficial effect on water quality.

Section 79C(1)(e) the public interest

As discussed above and subject to the recommended modified conditions of consent, it is not considered that the proposed development would be contrary to the public interest because potential impacts on the natural, social and economic environments are considered to be minimal, with appropriate measures to be implemented during the construction and operation process to mitigate against any negative impacts.

Section 94 contribution plans

Section 94 contributions are not required under any section 94 Contributions plan. The development will not require the provision of or increase the demand for public amenities or public services within the area.

Section 64 contribution plans

Section 64 contributions are not required for the proposed development.

79B(3)b Is the development likely to significantly affect a threatened species, population, or ecological community, or its habitat

An Ecological Assessment by a suitably qualified person was lodged with the original development application. The ecological assessment concluded that the areas affected by the proposed works contain limited habitat features that would support threatened species or ecological communities. The assessment noted that the proposed road works area off the Kings Highway is less disturbed than the extraction site and contains potential habitat. Surveys were undertaken, which demonstrated impacts on threatened species or ecological communities were unlikely to occur. The modification application subject to the modification of condition 9 in the consent requiring an annual survey plan to be submitted to Council, does not present any additional impacts outlined in the original development and ecological assessment.

79BA Consultation and development consent—certain bush fire prone land

The modification does not propose to alter any building arrangements approved as part of the original development application. It is considered that requirements within 79BA will be maintained.

Conclusion

The application has been assessed in accordance with the EP&A Act and the relevant Environmental Planning Instruments and Development Control Plans.

It is considered that, subject to the implementation of the recommended modified conditions of consent as indicated in the table below, the development can be operated in a manner that would avoid significant impact on the locality having regard to the natural, social and economic environments.

Existing Condition	Modified Condition
<p>Fencing</p> <p>9. The extraction sites are to be fenced with 1.8 m high wildlife-friendly wire fencing that meets the approval of Council for the duration of extraction and until the rehabilitation of the sites is achieved.</p> <p><i>Reason: To ensure the site is protected.</i></p>	<p>Monitoring of development boundaries</p> <p>9. As part of the Operational Management Plan, the operator is required to submit a survey of the extraction sites to Council from the date of commencement annually for the duration of extraction and until the rehabilitation of the sites is achieved. The survey is to clearly show the boundary of the development area and the extent of all extraction and disturbance.</p> <p><i>Reason: To ensure areas outside the site are protected.</i></p>

Access Road to the Quarry

32. Design the internal access road and drainage structures between the property access and the sand extraction area, including the right of carriageway over Lot 50 DP 754878, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.
33. When designing the road, refer to ARRB Report ARR354 "Road classifications, geometric designs and maintenance standards for low volume roads", to provide guidance to design requirements for this class of road (ARRB Class 5D).
Intermediate sight distance ($ISD = 2 \times SSD$), measured from 1.1 m to 1.25 m for a design speed of 40km/h must be provided in the design. Restricted visibility widening to 2 lanes must be designed for locations where ISD is not economically achievable.
Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown at a minimum. Crossings of any prescribed streams are to be referred to The NSW Office of Water for approval.

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

Access Road to the Quarry

32. Design the access road in the ROW (right of carriageway) over Lot 50 DP 754878, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.
- Design the access road, identified as Section 2 on the approved plan identified as Figure 1: Sand extraction site Road Sections – for reference to proposed design standards modifications, in MOD.2015.003, generally as a Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. To minimise clearing and earthworks extents, the road width may be reduced to a Type 1 Road, subject to provision of passing bays, as required in Condition 33.
- Design the access road, identified as Section 3 in MOD.2015.003, generally as a Type 4C, as per standards specified in Condition 33.
33. When designing the access road, identified as Section 3 in MOD.2015.003, refer to ARRB Unsealed Roads Manual 2009, to provide guidance to design requirements for this class of road (ARRB Class 4C).
Intermediate sight distance ($ISD = 2 \times SSD$), measured from 1.1 m to 1.25 m for a design speed of up to 40km/h must be provided in the design. Restricted visibility widening to 2 lanes must be designed for locations where ISD is not economically achievable.
Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream

	<p>crossings are to be shown at a minimum. Crossings of any prescribed streams are to be referred to The NSW Office of Water for approval.</p> <p><i>Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.</i></p>
<p>Road Signage and Traffic Control Devices</p> <p>37. Provide speed signage (40 km/h) and traffic control devices for the internal road to Austroads (and RMS supplements) standards. Submit details to the principal certifying authority prior to issue of a construction certificate</p> <p><i>Reason: To ensure that roads have appropriate signage and traffic control devices.</i></p>	<p>Road Signage and Traffic Control Devices</p> <p>37. For the intersection with Kings Highway and the sealed section of road, provide signage and traffic control devices to Austroads (and RMS supplements) standards.</p> <p>For the unsealed internal road, provide warning signage suitable for unsealed roads to Australian standard AS 1742, including RMS supplements.</p> <p>Submit details to the principal certifying authority prior to issue of a construction certificate</p> <p><i>Reason: To ensure that roads have appropriate signage and traffic control devices.</i></p>

Recommendation

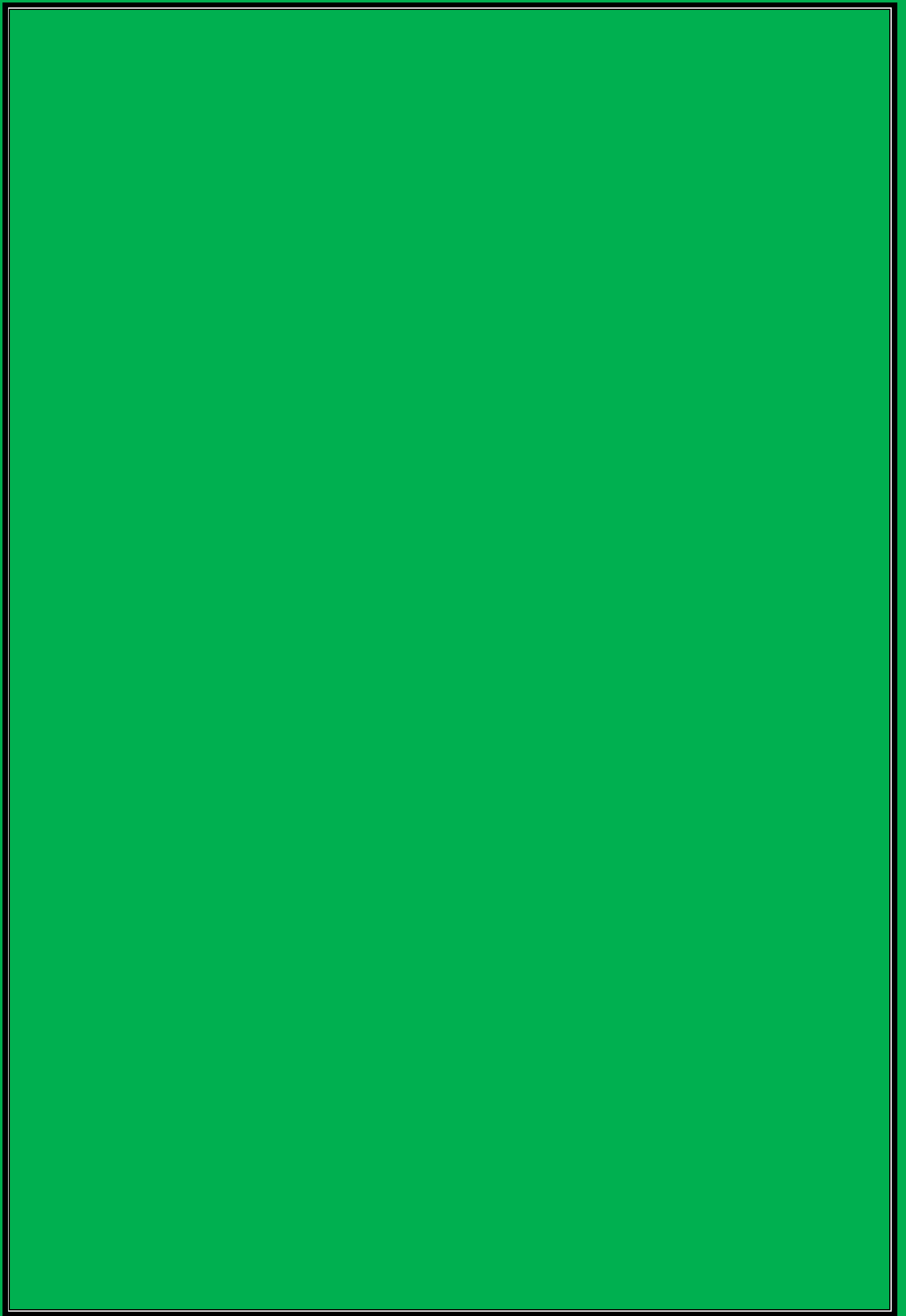
It is recommended that pursuant to Section 96(1A0 of the Environmental Planning and Assessment Act 1979 the Joint Regional Planning Panel as consent authority modify development consent DA.2014.035 by amending conditions No. 9, 32, 33 and 37 as shown in the attached conditions of consent.

Attachments

2015STH006 (MOD.2015.003 (DA.2014.035))

Sand Quarry Modifications to Conditions

Kings Highway, Bungendore



Palerang Council

All mail to: PO Box 348 Bungendore NSW 2621 Email: records@palerang.nsw.gov.au
Phone: (02) 6238 8111 or 1300 735 025 Fax: (02) 6238 1290

Braidwood Office: 144 Wallace Street, Braidwood
Bungendore Office: 10 Majara Street, Bungendore

OFFICE USE ONLY

Date received 17/2/15

Application Number

MOD. 2015. 003

D# 5243
R# 80644

Modify Development Consent Application

Upon completion, this document will be published on Council's website in accordance with the *Government Information (Public Access) Act 2009*.

Use this form to apply to modify a development consent. If the changes you propose mean the development will not be substantially the same as originally approved, you need to submit a new development application. (Please do not use this form.)

1. Details of the applicant

Full Name(s) or Company / Organisation

Carnavalesca Pty Ltd T/a Paragalli Sands

Postal Address

14 Barber Street

Locality or Town

Queanbeyan

State

NSW

Postcode

2620

2. Identify the land

Flat/Street Number

3578

Street name

Kings Highway

Locality or Town

BUNGENDORE NSW

Postcode

2621

Lot/Section Number

50,52,183,96/ 3, 4/31

DP Number

754878/ 1160367 /1178883

Parish

Fairy Meadow

You can find the lot no/section, DP no and Parish details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or a map with these details.

3. Details of the original development consent

Describe what the original consent allows

Operation of a sand extraction quarry

What is the development application no.?

DA 2014.035

What is the date of the consent?

1 October 2014

Palerang Council
Document Generated
18 FEB 2015
ECM No:
Dist to:

4. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐.

- ☐ A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

- ☒ A modification that will have minimal environmental impact

Describe the modification and its expected impact

See attached Technical Note. The proposed modifications to the internal roads are intended to ensure that they are consistent with Council's specifications for private access roads and entrances, and to ensure that appropriate safety and traffic control devices are provided

Deletion of Clause 8 - Provision of Fencing. The extraction site is remotely located on private property. There are no signs indicating its presence. There are two locked gates on the road into the site and there is no other access for unauthorised vehicles.

The excavation site is on a benched difficult to approach on foot and is naturally bounded by forest on the high side and natural barriers of furrows and fallen timber on the low side. Machinery and stores on site are locked and secured.

The proposed fence is a costly and unnecessary requirement.

- ☐ Any other modification

Describe the modification and its expected impact

Will the modified development be substantially the same as the development that was originally approved?

No ☐

Yes ☒ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list the material attached).

The approved development permits the operation of a sand extraction quarry.

The proposed modifications would allow the quarry to operate without a perimeter fence; and for the internal road from the highway to be constructed to a standard acceptable by Council.

The modifications sought also specify the traffic signage to be used on the access road.

None of the modifications sought in any way alter the nature or conduct of the approved development

5. Political Donations and Gifts Disclosure Statement to Council

Has the applicant or owner made a donation or given any gift to any Councillor or member of staff? Yes ☐ No ☒

Note: Reportable political donations include those of or above \$1000. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

If yes, the applicant or owner must advise of any gift or donation in accordance with the Amendment to Local Government & Planning Legislation Bill 2008 (Political Donation). A copy of the statement is available on Council's website at www.palerang.nsw.gov.au More information is available at www.planning.nsw.gov.au/donations

6. Applicants Signature

Applicants Signature

Date



17/2/2015

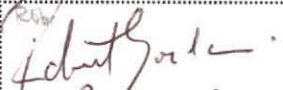

7. Signatures

All owners of the land to be developed must sign the application.

If the land is owned by a company, a director of the company must sign the application. If the land is Crown land, an authorised officer of the Department of Lands must sign the application.

As the owner(s) of the above property, I/we consent to this application, and also give permission for Council staff to enter the property to undertake the necessary inspections:

Signature



Name Robert Gordon THOMAS GORDON.

Robert David Henry Gordon
Thomas William John Gordon

Date

17-2-2015

Signature

Name Ellie Bambach

Elle Elizabeth Bambach
Chloe Violet Bambach Chloe Bambach

Date

17.2.2015

8. Privacy policy

The information you provide in this application will enable your application to be assessed by the certifying authority. If the information is not provided, your application may not be accepted. Please contact the council if the information you have provided in your application is incorrect or changes.

TECHNICAL NOTE

Access Road to the Quarry

Item 32

Design the internal access road and drainage structures between the property access and the sand extraction area, including the right of carriageway over Lot 50 DP 754878, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.

Requested Modification

With reference to Figure 1, it is requested that the Development Consent Conditions 32 be modified as follows;



Figure 1: Sand extraction site Road Sections – for reference to proposed design standards modifications.

New access road (right of carriageway) across Lot 50 DP 754878 (Section 1) to generally be Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.

Internal Access road (Section 2) Review existing road alignment for provision passing bays Refer Item 33.

Internal access road (Section 3) to generally be Type 4C road (Rolling Terrain) in accordance with ARRB Unsealed Roads Manual 2009, a more recent publication to ARR354 published in 2001.

Reason:

This road classification relevant to unsealed roads provides suitable design standards for and access road with traffic volumes of 10-50 ADT.

In section 2 minimising new works outside the existing road formation footprint to reduce environmental impacts through loss of vegetation.

TECHNICAL NOTE

Item 32 modification (cont'd)

Intended Outcome:

The road section will be provided to recognised standard to safely cater for the existing traffic and additional traffic generated by the sand extraction development, for the life of the sand extraction operations at this location.

Item 37 – Signage and Traffic Control Devices

“Provide speed signage (40 km/h) and traffic control devices for the internal road to Austroads (and RMS supplements) standards. Submit details to the principal certifying authority prior to issue of a construction certificate” - Reason: To ensure that roads have appropriate signage and traffic control devices.

Requested Modification

For the intersection with the Kings Highway and sealed section of access road provide road signage to and traffic control devices to Austroads (and RMS supplements) standards.

For the unsealed internal road, provide warning signage suitable to gravel roads and traffic control devices to Australian standards, including RMS supplements.

Submit details to the principal certifying authority prior to issue of a construction certificate.

Reason:

Due to the variable nature of gravel road surfaces under wet and dry conditions it is accepted practice among road authorities that gravel roads are not signposted with either Speed Limits or advisory speed signs.

Supporting Information:

Suggested standard warning signage for the gravel section of the access road in accordance with Australian Standard AS 1742 and RMS Supplements may include the following signs;

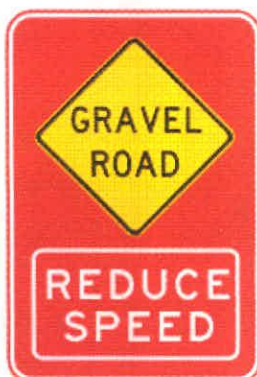
Gravel Road (W5-19) signage

Curve warning signs (W1 series) for any substandard horizontal curves or curves sections of the alignment.

Crest (W5-11) or DIP (W5-9)

Other signage not covered by AS1742 may include provision of the following sign at the Kings Hwy end of the gravel road section, accepted for use by RMS.

Gravel Road “REDUCE SPEED” (W5-249) – RMS Standard Sign



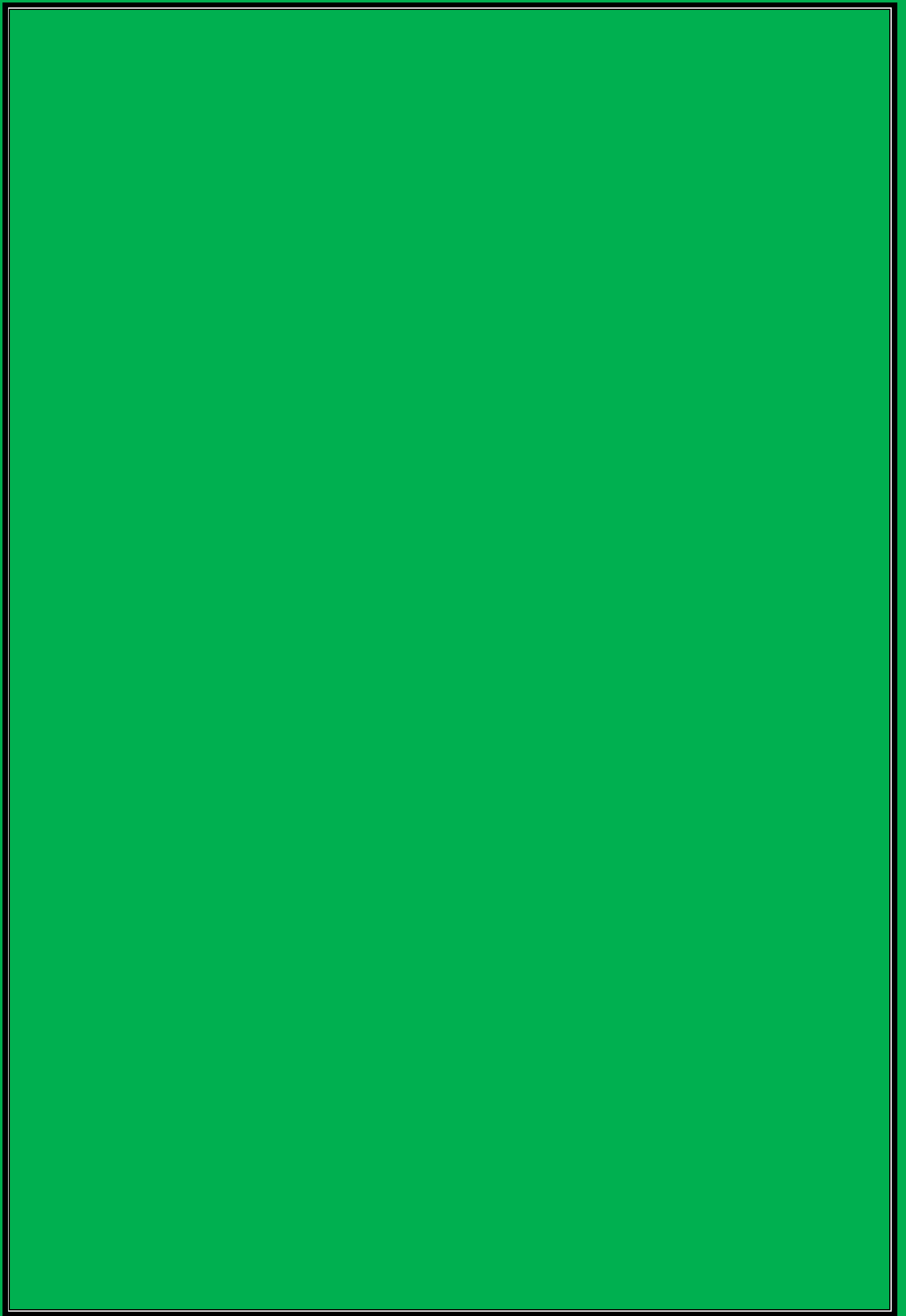
TECHNICAL NOTE

Referral Responses

2015STH006 (MOD.2015.003 (DA.2014.035))

Sand Quarry Modifications to Conditions

Kings Highway, Bungendore



Haydon Murdoch

From: MILLET Chris P <Chris.MILLET@rms.nsw.gov.au>
Sent: Thursday, 12 March 2015 9:48 AM
To: Records
Cc: Haydon Murdoch
Subject: DA.2014.035 Modification - Paragali Sands, Mount Fairy (RMS ref: STH09/02024/20)
Attachments: 20150306 Council Referral MOD2015.003- Attachments.pdf

Haydon

Reference is made to your letter dated 5 March 2015.

RMS notes the modifications concern internal roads. RMS advises that it generally does not support speed zoning private roads. All others aspects of the modification are considered a matter for Council.

Chris Millet
Manager Land Use
Southern Region

T 02 4221 2570 F 02 4221 2777
www.rms.nsw.gov.au

Roads and Maritime Services
90 Crown St Wollongong NSW 2500
PO Box 477 Wollongong 2520

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PO Box 323, Penrith NSW 2751
Level 4, 2-6 Station Street,
Penrith NSW 2750
Ph: 1300 722 468
www.waternsw.com.au
ABN 21 147 934 787

Ref: 14045-a2
Your Ref: DA.2014.035

General Manager
Palerang Council
PO Box 348
BUNGENDORE 2621

Attention: Haydon Murdoch

Dear Sir/Madam

Subject: Sydney Drinking Water Catchment SEPP
DA No DA.2014.035; Lots 50, 52, 183 and 196 DP 754878, Lots 3 and 4 DP 1160367,
and Lot 31 DP 1178883; Off Kings Way, Mt Fairy

I refer to Council's letter received 9 March 2015 with a Section 96 modification application to an existing consent. A response regarding submissions was received on 4 June 2015. The modification seeks to:

- change the specifications for the construction of the access road, and
- delete the requirement for a perimeter fence.

Based on Water NSW's site inspection and the information provided including that previously provided, the proposed modification has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The proposed changes do not impact on water quality. Therefore Water NSW does not object to the modification. All conditions in Water NSW's previous concurrence advice to Council (dated 11 June 2014) still apply.

Water NSW would appreciate receiving a copy of Council's determination of the application for modification of consent.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely

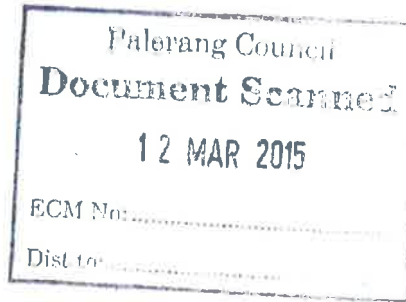
A handwritten signature in black ink, appearing to read "FRAN KELLY", followed by the date "23/6/15" written in a large, stylized script.

FRAN KELLY
Manager Planning & Assessments



Department of
Primary Industries
Office of Water

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621



Contact: Tim Smith
Phone: 02 6229 7307
Fax: 02 6229 7301
Email: tim.smith@dpi.nsw.gov.au

Our ref: 40 ERM2014/0231
File No: 9057874
Your Ref: DA.2014.035

Attention: Haydon Murdoch

10 March 2015

Dear Sir/Madam

**Re: Proposed modification to integrated development – DA.2014.035
under S96(1A) of the *Environmental Planning and Assessment Act 1979*.
Controlled activity described as: Extractive Mining
Located at: Kings Highway, Mount Fairy**

I refer to Council's letter dated 5 March 2015 advising of the proposed modification or amendment to an integrated development proposal for the abovementioned property.

Based on a review of the information provided:

- ☒ the Office of Water confirms the existing **General Terms of Approval** (for 'works' requiring a *Controlled Activity Approval under the Water Management Act 2000*), **issued on 2 May 2014** remain valid for the amended proposal and no amendments to the General Terms of Approval are necessary.
- ☐ the Office of Water has amended its General Terms of Approval and a copy of the amend GTA are attached.
- ☐ the applicant will need to **apply to amend** the Controlled Activity Approval **40 ERM2014/0231** to reflect these changes.

Further information on Controlled Activity Approvals under the *Water Management Act 2000* can be obtained from the NSW Office of Water's website
www.water.nsw.gov.au – Go to: Water-Licensing > Approvals > Controlled-activities.

The Office of Water should be notified if any further amendments result in more than minimal change to the proposed development or in additional works on waterfront land.

Please direct any questions regarding this correspondence to **Tim Smith**, at tim.smith@dpi.nsw.gov.au.

Yours sincerely

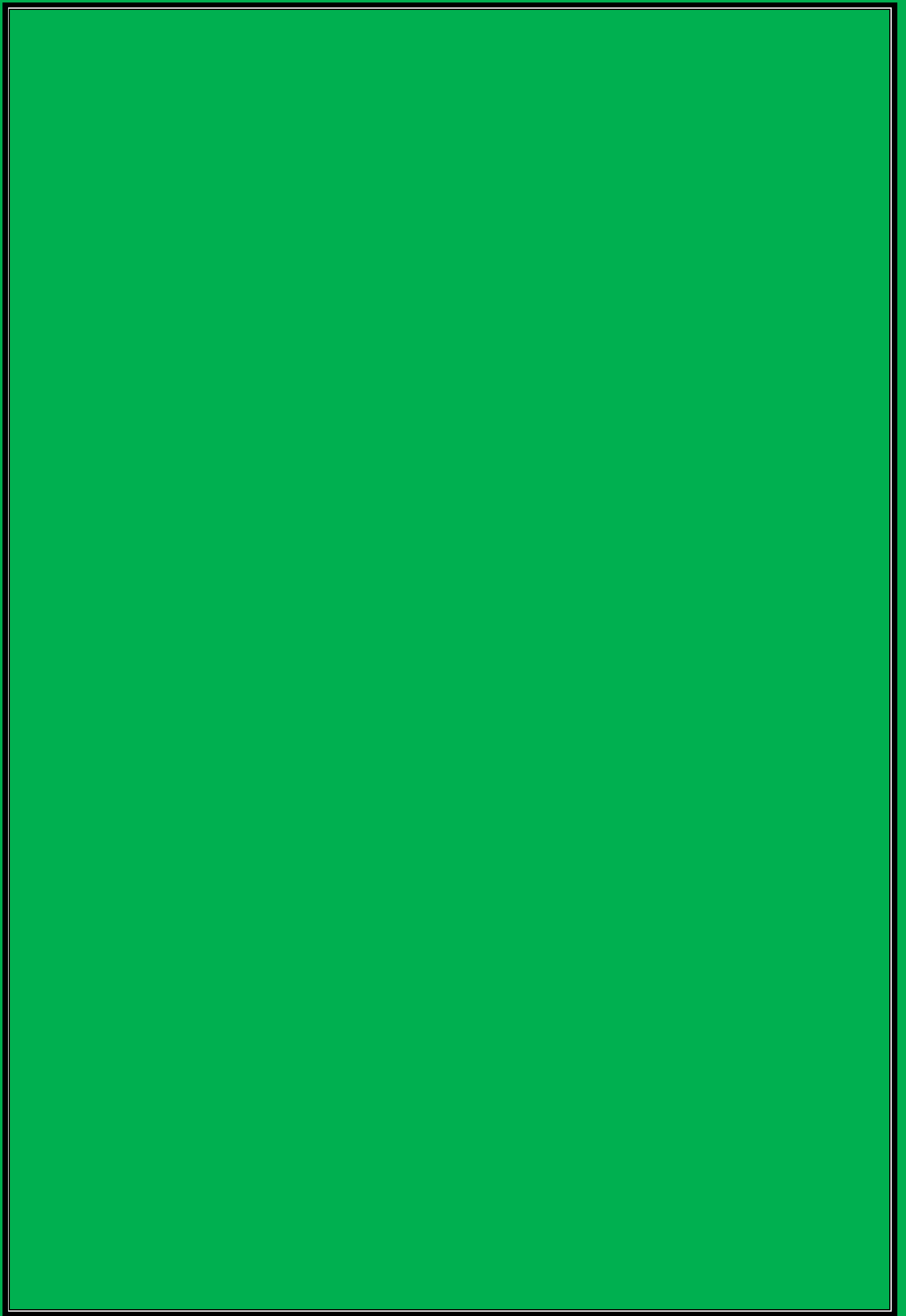
Tim Smith
Senior Water Regulation Officer
NSW Department of Primary Industries
Office of Water
Water Regulatory Operations, Murray Basin South

Schedule of Conditions

2015STH006 (MOD.2015.003 (DA.2014.035))

Sand Quarry Modifications to Conditions

Kings Highway, Bungendore



SCHEDULE OF CONDITIONS
Development Consent MOD.2015.003

General Conditions

1. Before any works associated with the development are undertaken a section 90 Aboriginal Heritage Impact Permit (AHIP), must be obtained from the NSW Office of Environment and Heritage.

Reason: To ensure disturbance of any Aboriginal heritage relics/sites has received the appropriate approvals before works commence.

Right of Carriageway

2. Create a covenant by way of a section 88B instrument, under the *Conveyancing Act 1919*, providing right of carriageways of 10 metres width, or as approved by Palerang Council, to contain all road formation and associated drainage works over the following lots;

- Lot 50 DP 754878 to benefit Lot 4 DP 1160367 and Lots 52, 183 and 196 DP 754878;
- Lot 4 DP1160367 to benefit Lots 52, 183 and 196 DP754878;
- Lot 196 DP754878 to benefit Lots 52 and 183 DP754878;
- Lot 52 DP754878 to benefit Lot 183 DP754878.

The alignment of the right of carriageways shall be determined after the design of the internal road has been certified as satisfying Council's specifications in accordance with Conditions 32 and 33. Palerang Council shall have the sole power to vary or remove the required covenant.

Reason: To ensure coinciding legal and physical access to the lot(s) benefitted.

3. No extractive materials are to be transported from the site until the internal access road utilising the right of carriageway over Lot 50 DP 754878 and new intersection with the Kings Highway has been fully constructed in accordance with the NSW Roads and Maritime Services conditions.

Reason: To allow the preparation of the extractive site and ensure safe transportation of materials.

Approved development

4. The development is to be carried out strictly in accordance with the following plans and reports, except as otherwise provided by the conditions of this consent.
 - Environment Impact Statement (David Hogg Pty Ltd, February 2014)
 - Intersection and Access Road General Arrangement (Drawing No. C11052-D001; Brown Consulting, 14 December 2013)
 - Intersection and Access Road Report (Brown Consulting, Issue A, 16 December 2013)
 - Water Cycle Management Study for Proposed New Access Road (SEEC, Ref 14000060-WCMS-01, 7 May 2014)
 - Water Cycle Management Study (SEEC, 29 September 2011)
 - Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08) (SEEC, July 2011)

- ARRB Report ARR354
- Operational Environmental Management Plan (OEMP) (Malcolm McMullen (Revision dated 22 January 2008)
- Water Cycle Management Study (SEEC, 29 September 2011)
- Quarry Pit Plan and Operations Manual (Malcolm McMullen, 2007)

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

Limits on Approval

5. This consent will lapse after 117,000 cubic metres of material have been extracted from the development, or 8 years after the date it commences, whichever comes first.
6. No more than 20,000 cubic metres a year shall be extracted and transported from the development. The proponent shall provide details to Council on an annual basis of actual quantities of materials that have been extracted and transported.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only

Site identification

7. Prior to undertaking any site establishment construction works:
 - a. A registered land surveyor is to be engaged to mark out the boundaries of the approved limits of extraction;
 - b. These boundaries are to be clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

Reason: The site is managed in a safe manner.

8. The site where works are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;
 - a. the development application number,
 - b. name, address and telephone number of the principal certifying authority,
 - c. name of the principal contractor (if any) and 24 hour contact telephone number, and
 - d. a statement that "unauthorised entry to the work site is prohibited".

Reason: The site is managed in a safe manner.

Monitoring of development boundaries

9. As part of the Operational Management Plan, the operator is required to submit a survey of the extraction all extraction and disturbance.

Reason: To ensure areas outside the site are protected.

Staging of development

10. The extraction operation shall be staged in accordance with section 5.5 Staging within the EIS.

Reason: To ensure the site is excavated and rehabilitated in accordance with the EIS.

Noise Control

11. Noise generated at the project is not to exceed 40dB(A) Leq(15min) at any residence or approved residence on privately owned land or no more than 25 per cent of any privately owned land not owned or controlled by the Proponent.

Plans to be kept on site

12. A copy of all stamped approved plans, specifications and documents is to be kept on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Operation

13. All operations are to be undertaken in accordance with the Environmental Impact Statement (Hogg, 2014) and Quarry Pit Plan and Operations Manual (Malcolm McMullen, 2007).

Reason: To ensure operations associated with the development are undertaken as proposed.

14. All construction and preparation work at the premises must only be conducted between 7:00am and 6:00pm Monday to Friday and between 8:00am and 1:00pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises not owned or controlled by the Proponent.

15. Activities at the premises, other than construction work, may only be carried on between 7:00am and 6:00pm Monday to Friday, and between 7:00am and 2:00pm Saturdays and at no time on Sundays and public holidays.

Reason: Minimise impacts on any surrounding dwellings.

Operational Environmental Management Plan

16. In addition to the Quarry Pit Plan and Operations Manual (Malcolm McMullen, 2007), the proponent is to prepare an Operational Environmental Management Plan, to the satisfaction of the Principal Certifying Authority, which includes:-

- a. baseline data,
- b. a description of the relevant statutory requirements and relevant performance measures/limits placed on the project by this consent,
- c. a description of the measures that will be implemented to comply with the relevant statutory requirements, performance measures/limits,
- d. a program to monitor and report impacts and environmental performance of the project and the effectiveness of any management measures, and
- e. a complaints handling and reporting system

The OEMP shall be updated annually and each year the Proponent shall submit a copy of the annual results to Council and relevant public agencies which are to be made available on Council's web site for the information of local residents.

Reason: To ensure the proposal complies with the conditions of consent.

Evacuation and Emergency Management

17. In recognition of the isolated location of the development an Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Preparation of Emergency/Evacuation Plan* to the satisfaction of Council.

Reason: The intent of measures is to provide suitable emergency and evacuation arrangements for users of the development.

Asset Protection Zones

18. The moveable buildings associated with the extractive processes are to be located within each stage to ensure an adequate asset protection zone is established in accordance with section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Vehicle Movements

19. All vehicles associated with the transportation of extractive materials from the site shall remain on the Kings Highway when within the Palerang Local Government Area.

Reason: Safety for road users and amenity of nearby residents.

Road Haulage dust and debris

20. All loaded vehicles entering or leaving the site are to be covered to prevent the escape of dust and debris. Measures shall be taken to the satisfaction of Council to prevent mud from being tracked onto the Kings Highway.

Reason: To ensure that local residents and activities are not disadvantaged by dust during the life of the development.

Vehicle access

21. Vehicle access to the quarry is to be taken from the new entrance to the property from the Kings Highway.

Prior to the extraction of any material from the site, the Kings Highway entrance is to be constructed in accordance with the NSW RMS conditions (Conditions 47-55).

22. A maximum of ten haulage movements shall occur on a daily basis (five in each direction along the Kings Highway).

Reason: Minimise the impact of the traffic generated on the local road system.

Waste Management

23. All waste materials other than waste spoil generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

Stormwater

24. Direct surface water drainage to existing natural drainage or to Palerang Council drainage infrastructure. Surface water must not be directed onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem. All measures are to be approved by the principal certifying authority.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

Construction standard

25. All building work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

Discovery of Unanticipated Aboriginal Objects

26. All Aboriginal objects and places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). After the issuance of an AHIP over the Study Area works may continue. In the event of large dense concentrations of artefacts being encountered, works must cease in the vicinity and the site reassessed by a qualified archaeologist.
27. Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity, you must:
- a. Immediately cease all work at that location and not further move or disturb the remains.
 - b. Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location. Work is not to recommence at that location until authorised in writing by OEH.

Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Engineering Conditions

Pre-construction requirements

Construction certificate – Civil Works

28. A civil works construction certificate shall be obtained from Palerang Council or an appropriately accredited private certifier before undertaking any works not part of the RMS works. A copy of any construction certificate issued by a private certifier shall be forwarded to Palerang Council at least 2 business days before undertaking any work in accordance with that construction certificate.

Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Principal certifying authority – civil works

29. Appoint a Principal Certifying Authority to inspect civil works which are not part of the RMS works. (generally within the property) as required and certify the works on completion.

Advice: If you wish to engage Palerang Council as the nominated PCA, please contact Council to arrange a quote and payment of the required fees.

Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Design requirements

Design standard:

30. Civil works are to be designed and constructed to Aus-Spec #1 Development Specification Series as amended by Council, which includes Council's Specification for

the Construction of Private Access Roads and Entrances, Austroads Road Design Guides (including RMS supplements) and relevant Australian Standards.

31. Design work is to be done by appropriately accredited engineering designers. Construction work is to be carried out by contractors who are experienced in road and stormwater drainage to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Additional insurance may be required under Section 138 of the Roads Act to work on a public road.

Reason: Roads and other works are of a standard to safely cater for the traffic generated by the development.

Access Road to the Quarry

32. Design the access road in the ROW (right of carriageway) over Lot 50 DP 754878, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.

Design the access road, identified as Section 2 on the approved plan identified as Figure 1: Sand extraction site Road Sections – for reference to proposed design standards modifications, in MOD.2015.003, generally as a Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. To minimise clearing and earthworks extents, the road width may be reduced to a Type 1 Road, subject to provision of passing bays, as required in Condition 33.

Design the access road, identified as Section 3 in MOD.2015.003, generally as a Type 4C, as per standards specified in Condition 33.

33. When designing the access road, identified as Section 3 in MOD.2015.003, refer to ARRB Unsealed Roads Manual 2009, to provide guidance to design requirements for this class of road (ARRB Class 4C).

Intermediate sight distance ($ISD = 2 \times SSD$), measured from 1.1 m to 1.25 m for a design speed of up to 40km/h must be provided in the design. Restricted visibility widening to 2 lanes must be designed for locations where ISD is not economically achievable.

Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown at a minimum. Crossings of any prescribed streams are to be referred to The NSW Office of Water for approval.

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

Design drawings – civil works

34. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.

Advice: If Palerang Council is nominated as the principal certifying authority, engineering drawings shall:

- a. Be prepared by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- b. Be signed by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- c. Include a note that "All work to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Palerang Council, and the terms of the Development Consent".
- d. Show consent requirements such as construction hours.
- e. Include, as a minimum:
 - A site plan showing the access road centreline, vegetation to be removed and drainage structures. Permanent and ephemeral streams shall be shown where they cross the road centreline.
 - A longitudinal section along the access road centreline;
 - A typical cross section showing longitudinal drainage structures;
 - Erosion and sediment control measures are required as specified in Section 4.1 of the Water Cycle Management Study (dated 29 September 2011) and shown on the Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08; dated July 2011) both prepared by SEEC shall be implemented. for all site works, including road works and access. The measures are to be approved by the principal certifying authority prior to work commencing.
The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). The ESCP shall include maintenance requirements and inspection schedules for all control measures. The ESCP is to be approved as part of the Construction Certificate.

Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Designers and Contractors

35. Engage civil engineering construction contractors who are appropriately experienced in construction to AUS-SPEC #1 Development Specification Series or similar, be in possession of a registered copy of the Construction Volume of AUS-SPEC #1 Development Specification Series as amended by Council, have quality management, OH&S and environmental management systems in place, and have appropriately qualified staff employed or commissioned to superintend the work, manage the quality system and submit quality records to the certifier.
36. When working in public road reserves contractors must have staff or subcontractors on site who have NSW Roads and Maritime Services accreditation to work with worksite traffic control plans.

Reason: To ensure that the design and construction of works complies with Council's design, construction and risk management standards.

Road Signage and Traffic Control Devices

37. For the intersection with Kings Highway and the sealed section of road, provide signage and traffic control devices to Austroads (and RMS supplements) standards.

For the unsealed internal road, provide warning signage suitable for unsealed roads to Australian standard AS 1742, including RMS supplements.

Submit details to the principal certifying authority prior to issue of a construction certificate

Reason: To ensure that roads have appropriate signage and traffic control devices.

Pavement design

38. Provide a pavement design, conforming to the procedures set out in Aus-Spec #1 to Palerang Council Specification D2 and other relevant specifications.

The design must be based on site-existing subgrade CBR information along the routes of all proposed internal roads and is to be shown on typical cross sections in the design drawings.

Reason: To ensure that roads are designed to cater for the traffics generated by the development.

Civil works construction requirements

Damage to any Infrastructure:

39. Any infrastructure (public or private) that is damaged during construction is the responsibility of the proponent to correct and repair or replace as necessary, to bring the damaged infrastructure back to the condition or better, existing prior to any damage. The proponent or contractor is to determine the locations of all services, prior to works commencement.

Reason: To ensure existing infrastructure is protected.

Construction of Engineering Works – Internal Road

40. Engineering works are to be constructed at the proponent's full cost prior to the export of product from the property.

Reason: To ensure the development is serviced to Council's standards.

Erosion Control

41. Erosion and sediment control measures are required to be installed for all site works, including road works, and to be approved by the principal certifying authority prior to work commencing.

The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). The ESCP shall include maintenance requirements and inspection schedules for all control measures.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

Site Revegetation

42. Rehabilitation shall use species contained on the attached list of suitable plants provided by the South East Local Lands Service. Vegetation is to be planted on all disturbed

surfaces as soon as practicable at the completion of each stage of work. Do not use species that are listed under the Noxious Weeds Act 1993.

Reason: Appropriate vegetation species are used throughout the rehabilitation process. Prevent soil erosion, water pollution and the discharge of sediment on surrounding land.

Dust Suppression

43. Respond to Councils direction to provide dust suppression on roads leading to, adjacent to and within the development in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.

Inspection and Test Plans:

44. A Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site foreman or other nominated to do so in the Project Quality Plan:

- a. installation of erosion and sediment control devices
- b. culvert location and installation including preparation of base, bedding and backfill
- c. earthworks including longitudinal drainage and subgrade preparation, prior to placement of pavement materials
- d. pavement materials and construction
- e. bitumen sealing where applicable
- f. fencing, signs, guideposts and markings installation (if applicable)
- g. Final inspection of completed works

Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the proponent's Project Superintendent.

Reason: To ensure that the works are carried in accordance with quality assurance principles.

Certification of completed works

45. At the completion of works the superintendent of works shall present to Palerang Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1.

Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.

Works as - executed Drawings:

46. Provide one A3 copy, one PDF copy and one electronic copy in AutoCAD format of works as-executed drawings to Palerang Council, clearly identifying any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.

Reason: To provide a record of works for future technical reference.

NSW Roads and Maritime Services

47. Prior to the commencement of operations, the proponent shall enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Kings Highway. The proponent shall provide a copy of the WAD to Council when it is obtained.
48. Only one access point to the Kings Highway from the subject property will be permitted as shown in the intersection access design drawings (Appendix I. Intersection and Access Road Report, Brown Consulting (ACT)). All existing vehicular access points to the Kings Highway shall be physically closed by fencing and revegetating the access.
49. Prior to the commencement of operations, the proponent shall upgrade the junction of the new access road and the Kings Highway to be a sealed Type BAL left turn configuration in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. The access shall be sealed a minimum distance of 10m back from the edge of seal.
50. The existing Channelised Right Turn (CHR) treatment at the existing access road intersection shall remain to ensure provision for residents to safely turn into the bus stopping area to park/drop off while picking up kids from the school bus stop and mail collection.
51. All pavement design on the State road network shall be in accordance with Austroads standards.
52. All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works shall be completed prior to the commencement of operations.
53. All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:
<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>
54. RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Kings Highway. Given this, Section 138 consent under the Roads Act, 1993 shall be obtained from the RMS prior to construction.
55. The proponent shall apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The proponent shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon RMS receiving an accurate and compliant TMP.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

Reason: To ensure the new intersection is constructed in accordance with NSW RMS standards.

NSW Office of Environment and Heritage

Advice: OEH refers the proponent to 'NSW Office of Environment and Heritage principles for the use of biodiversity offsets in NSW' available at <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>.

56. OEH's Biobanking tool is to be used to determine the area, location and amount of vegetation and habitat that is required to offset the clearing of 0.5 hectares for the realigned access road. The proponent shall submit the results of the Biobanking tool to OEH and Council and obtain their approval prior to the commencement of construction of the new access road.
57. In line with the Principles for the use of biodiversity offsets in NSW, the management for biodiversity must be for perpetuity, and offsets and their actions must be enforceable through development consent conditions, licence conditions, conservation agreements or contracts. A full description of the offsetting principles, for the proponent's use, is attached.

Reason: To ensure compliance with the principles for the use of biodiversity offsets in NSW.

Sydney Catchment Authority

General

58. The quarry layout and staging shall be as shown on the Surface Water Management Plans prepared by SEEC (Project 11000115; Sheets SWMP01 to 08; dated July 2011). There shall be no revision to the site layout or works that will impact on water quality without the agreement of the Sydney Catchment Authority.
59. The quarry operation shall occur as described in the Environmental Impact Statement prepared by David Hogg Pty Ltd (dated February 2014) as noted in Condition 4.
60. The extent of the actual quarry boundary shall be clearly and permanently delineated on the ground by star pickets or posts in accordance with Condition 7.

Reason - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

Wastewater Management

61. No on-site wastewater management system shall be constructed on the site in conjunction with the quarry without the written approval of Council or the Sydney Catchment Authority.

Reason- To ensure that inappropriate wastewater management system is not constructed on the site, and to ensure that any future system is appropriately designed to have a sustainable neutral or beneficial effect on water quality over the longer term.

Quarry Stormwater Management

62. All stormwater management measures as specified in Section 4.1 of the Water Cycle Management Study (dated 29 September 2011) and shown on the Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08; dated July 2011) both prepared by SEEC shall be implemented.

All measures are to be approved by the Principal Certifying Authority.

Reason– To ensure that a stormwater management system is designed and managed that ensures a sustainable neutral or beneficial effect on water quality for the development as a whole over the longer term.

Operational Environmental Management Plan

63. The Operational Environmental Management Plan (OEMP) prepared by Malcolm McMullen (Revision dated 22 January 2008) shall be updated to the satisfaction of Council to incorporate information in the Water Cycle Management Study prepared by SEEC (dated 29 September 2011). The OEMP shall also include checklists for all standard operations in addition to those matters detailed in Condition 16.

Reason– To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Access to the Quarry

64. The access road to the quarry shall be located as shown on the plan titled Intersection and Access Road General Arrangement (Drawing No. C11052-D001; dated 14 December 2013) prepared by Brown Consulting (ACT) Pty Ltd.
65. The access road shall be designed and constructed in accordance with the Intersection and Access Road Report prepared by Brown Consulting (ACT) Pty Ltd (Issue A; dated 16 December 2013) and the Water Cycle Management Study for Proposed New Access Road prepared by SEEC (Ref 14000060-WCMS-01; dated 7 May 2014).
67. There shall be no revision to the access road layout or works that will impact on water quality without the agreement of the Sydney Catchment Authority.

Reason for Conditions 64 to 67 - To ensure the access road and associated drainage works and water quality control measures have a minimal impact on water quality and can be maintained over the longer term.

Construction Activities

68. Effective erosion and sediment controls shall be installed as per the Surface Water Management Plans referred to in Condition 62 above prior to all construction works. The controls shall prevent sediment and contaminated water leaving the construction site or entering drains or watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

Reason - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

NSW Office of Water

69. Development must comply with the General Terms of Approval issued by the NSW Office of Water dated 7 May 2014 as appended.

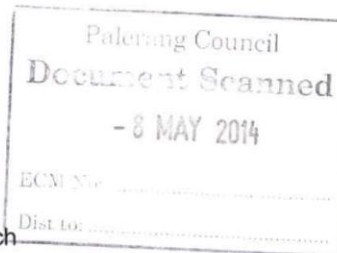
Reason – to manage adverse environmental and water quality impacts.



Department of
Primary Industries
Office of Water

Contact: Tim Smith
Phone: 02 6229 7307
Fax: 02 6229 7301
Email: tim.smith@water.nsw.gov.au
Our ref: 40 ERM2014/0231
Our file: 9057874
Your ref: DA.2014.035

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621



Attention: Haydon Murdoch

7 May 2014

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA.2014.035
Description of proposed activity: Extractive Mining
Site location: Kings Highway, Mount Fairy

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au

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- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

With the proposal as presented a CAA will only be required for the undertaking of work for the establishment of Stages 3 and 5 and the subsequent extraction of sand. No CAA is required for Stages 1, 2, 4, and 6 of the proposal as outlined in the environmental review.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Tim Smith
Senior Water Regulation Officer
Office of Water - Murray Basin South

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference:	40 ERM2014/0231	File No: 9057874
Site Address:	Kings Highway, Mount Fairy	
DA Number:	DA.2014.035	
LGA:	Palerang Council	

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA.2014.035 and provided by Council:</p> <ul style="list-style-type: none"> (i) Site plan, map and/or surveys (ii) Vegetation Management Plan (iii) Works Schedule (iv) Erosion and Sediment Control Plan (v) Soil and Water Management Plan (vi) Rehabilitation Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

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Our Reference: 40 ERM2014/0231 **File No:** 9057874
Site Address: Kings Highway, Mount Fairy
DA Number: DA.2014.035
LGA: Palerang Council

Number	Condition
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

Attachment 1: Principles for the use of biodiversity offsets in NSW

These principles have been developed by the Office of Environment and Heritage (OEH) to provide a useful framework when considering biodiversity impacts and appropriate offset requirements.

1. Impacts must be avoided first by using prevention and mitigation measures.

Offsets are then used to address the remaining impacts. This may include modifying the proposal to avoid an area of biodiversity value or putting in place measures to prevent offsite impacts.

2. All regulatory requirements must be met.

Offsets cannot be used to satisfy approvals or assessments under other legislation, such as assessment requirements for Aboriginal heritage sites and for pollution or other environmental impacts (unless specifically provided for by legislation or additional approvals).

3. Offsets must never reward ongoing poor performance.

Offset schemes should not encourage landholders to deliberately degrade or mismanage offset areas in order to increase the value from the offset.

4. Offsets will complement other government programs.

A range of tools is required to achieve the NSW Government's conservation objectives, including the establishment and management of new national parks, nature reserves, state conservation areas and regional parks, and incentives for private landholders.

5. Offsets must be underpinned by sound ecological principles.

They must:

- include the conservation of structure, function and compositional elements of biodiversity, including threatened species
- enhance biodiversity at a range of scales
- consider the conservation status of ecological communities
- ensure the long-term viability and functionality of biodiversity.

Biodiversity management actions, such as enhancement of existing habitat and securing and managing land of conservation value for biodiversity, can be suitable offsets. Reconstruction of ecological communities involves high risks and uncertainties for biodiversity outcomes and is generally less preferable than other management strategies, such as enhancing existing habitat.

6. Offsets should aim to result in a net improvement in biodiversity over time.

Enhancement of biodiversity in offset areas should be equal to or greater than the loss in biodiversity from the impact site.

Setting aside areas for biodiversity conservation without additional management or increased security is generally not sufficient to offset the loss of biodiversity. Factors to consider include protection of existing biodiversity (removal of threats), time-lag effects, and the uncertainties and risks associated with actions such as revegetation.

Offsets may include:

- enhancing habitat
- reconstructing habitat in strategic areas to link areas of conservation value
- increasing buffer zones around areas of conservation value
- removing threats by conservation agreements or reservation.