

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference	2015SYW013
DA Number	860/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	EXPANSION OF EXISTING SANDSTONE QUARRY
Street Address	LOT 145 DP 752039, NO. 878 WISEMANS FERRY ROAD, SOUTH MAROOTA
Applicant/Owner	PGH ENVIRONMENTAL PLANNING / BASHA INVESTMENT GROUP PTY LTD AND T&M INVESTMENT GROUP PTY LTD
Date of DA lodgement	23 DECEMBER 2014
Number of Submissions	TWO
Recommendation	APPROVAL
Regional Development Criteria (Schedule 4A of the EP&A Act)	PARTICULAR DESIGNATED DEVELOPMENT (EXTRACTIVE INDUSTRIES)
List of all relevant s79C(1)(a) matters	<p>List all of the relevant environmental planning instruments:</p> <p>s79C(1)(a)(i) State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy No 55 — Remediation of Land. Sydney Regional Environmental Plan No. 20 (SREP No. 20) – Hawkesbury - Nepean River The Hill Local Environmental Plan 2012</p> <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) Nil.</p> <p>List any relevant development control plan: s79C(1)(a)(iii) THDCP 2012 Part B Section 1 – Rural</p> <p>List any relevant 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: s79C(1)(a)(iv) Nil</p> <p>List any coastal zone management plan: s79C(1)(a)(v) Nil</p> <p>List any relevant regulations: s79C(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288 Environmental Planning and Assessment Act Regulation 2000</p>

List all documents submitted with this report for the Panel's consideration	Submissions
Report prepared by	Development Assessment Coordinator Robert Buckham
Report date	16 February 2017

Summary of S.79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the expansion of the extraction area of an existing sandstone quarry. The quarry was originally approved in 2010 by Council (DA 1324/2009/HB). The proposed quarry expansion, as amended, will increase the quarrying area in the north-western area of the site from 8,088m² to 9882m² which is an increase of 1,704m². All other operational aspects such as hours of operation, traffic movements and vehicle access movements are not proposed to be altered. The material will be extracted to a depth of 15.24 metres below existing ground level.

The development is defined as a "Designated Development" under Schedule 3 of the Environmental Planning & Assessment Regulation, 2000 because it is within 40 metres of an environmentally sensitive area.

The applicant originally sought to increase the extractive area by a further 3,141m² with a setback from the western (rear) boundary of 5 metres. The western boundary adjoins the Maroota Ridge State Conversation Area. The Conservation Area was created in 2006 and

covers an area of 260 hectares. Council staff and the Office of Environment Heritage raised concern with the limited buffer area, direct on-site impacts and indirect off-site impacts of the proposed extraction area. The applicant subsequently amended the proposal to provide a 20 metre setback from the western boundary.

The proposal complies with the DCP requirements with the exception of the setbacks required to state forests and threatened species. The DCP requires a 40 metre setback to the western boundary, whilst a 20 metre setback is proposed. The proposal results in the removal of threatened vegetation however its removal has been appropriately offset and the setback of 20m to the Maroota Ridge State Conversation Area is considered acceptable in providing an appropriate buffer to mitigate any direct impacts on the Conservation Area. In this regard part of the mitigation strategy includes bio-banking to offset impacts associated with the proposed setback and loss of *Tetratheca glandulosa*, a threatened species on the site. It should be noted that the Office of Environment and Heritage have advised that they support the application of the BioBanking Assessment Methodology to offset the impacts of the proposal but that they maintain that a 40 metre buffer in accordance with the DCP should be maintained to protect the Maroota Ridge State Conservation Area.

Through the imposition of conditions of consent and on-going monitoring including bi-annual inspections by Council staff, it is considered that the development will be carried out in an appropriate manner and limited impacts on adjoining residents and the environment will result.

The proposal was exhibited and notified to adjoining and surrounding properties and two submissions were received. Since the exhibition period, one of the properties has now been purchased by the quarry operator. The submission raises concern with the expansion of the quarry. The proposed expansion of the quarry is considered appropriate and will not unreasonably impact in the amenity of nearby properties owners.

It is recommended that the Development Application be approved subject conditions.

In the absence of the SWCPP process, this matter would be determined by Council's Development Assessment Unit.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Basha Investment Group Pty Ltd. and T & M Investment Group Pty Ltd.	1.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
Zoning:	RU2 Rural Landscape	2.	<u>LEP 2012</u> – Satisfactory.
Area:	11.79Ha	3.	<u>SEPP (Mining, Petroleum Production and Extractive Industry) 2007</u> – Satisfactory.
Existing Development:	Existing Quarry	4.	<u>SEPP 55—Remediation of Land</u> - Satisfactory
		5.	<u>SREP 20 – Hawkesbury Nepean River</u> - Satisfactory.
			<u>THDCP Part B Section 1 – Rural–Variations proposed, refer report.</u>
			<u>Section 94 Contribution</u> – Yes, currently \$0.99 per tonne

SUBMISSIONS		REASON FOR REFERRAL TO SWCPP	
1. Exhibition:	Yes 31 days	1.	Designated Development (Extractive Industry)
2. Notice Adj Owners:	Yes 31 days		
3. Number Advised:	30		
4. Submissions Received:	2		

HISTORY

23/12/2014	Subject Development Application lodged.
05/02/2015	Briefing to Joint Regional Planning Panel.
07/04/2015	Letter sent to applicant raising concerns with proposed setback to the western boundary and impact on ecology.
19/05/2015	Status update received from the applicant advising that their ecologist was reviewing issues raised by Council staff and the Office of Environment and Heritage.
29/09/2015	Request for an update of the matter sent to the applicant.
02/10/2016	Applicant advised that a response was being finalised.
20/10/2015	Additional information submitted in relation to alternative setback options and biodiversity offsetting.
24/11/2015	Advice received from applicant that bio-banking investigations and field surveys commencing.
30/03/2016	Correspondence received from the applicant confirming that they were in the process of undertaking a bio-banking offset strategy to address the loss of the Tetratheca glandulosa.
06/04/2016	Meeting with applicant's consultants and Council staff in relation offset strategy.
15/04/2016	Correspondence received from the applicant confirming the offset strategy direction and progression of reporting.
06/07/2016	Correspondence received from the applicant addressing the bio-banking Assessment Methodology for referral to OEH.
01/09/2016	Comments received from OEH. Correspondence forwarded to the applicant to address.
21/10/2016	Correspondence received from applicant in response to issues received from OEH.

PROPOSAL

The proposal seeks to expand the extraction area of an existing sandstone quarry. The quarry was originally approved in 2010 by Council (DA 1324/2009/HB).

Existing Quarry Operation - As Approved

The existing quarry operation involves the following:

- An area of approximately 13,700m² associated with the quarry.
- Up to six (6) days a week operation, 7.00 am to 5.00pm from Monday – Saturday.
- Up to four (4) full time employees.
- Extraction of up to 55 tonnes (23m³) daily.
- Extraction of 17,160 tonnes (7,170m³) per year of sandstone material.
- The total volume of material is calculated to be 252,000 tonnes (105,000m³).
- Approval for extraction of material for a period of twenty (20) years, plus a further two (2) year period (after cessation of the extraction period) for completion of the rehabilitation works. This allows extraction until 2030 and completion of rehabilitation works by 2032.

Proposed Quarry Operations

The proposed expansion will increase the quarrying area in the north-western area of the site by a further 1,704m² (reduced from 3,141m² as originally proposed). The application has been revised to include a 20 metre setback from the western boundary with Maroota Ridge State Conservation Area (5 metres originally proposed) see Attachment 5. All other operational aspects will not be altered.

The material will be extracted to a depth no greater than 15.24 metres below existing ground level and consequently it is proposed that the expansion area will be benched to a depth of between RL 83m AHD to RL 75m AHD, consistent with the approved depth.

ISSUES FOR CONSIDERATION

1. Designated Development - Schedule 3 of NSW Environmental Planning & Assessment Regulations 2000

The provisions of Schedule 3 of the NSW Environmental Planning and Assessment Regulations 2000 identify designated development.

Under Schedule 3 the proposal is classified as a “Designated Development – Extractive Industry” as the proposed expansion area is located within 40 metres of an environmentally sensitive area, (being the Maroota Ridge State Conservation Area located adjacent to the site to the west). The proposed works are set back 20 metres from the common boundary with the Conservation Area

Given the application is ‘Designated Development’ an EIS is required to accompany the application. Part 6, Division 4 Clauses 71 – 76 of the Environmental Planning and Assessment Regulations 2000 specify matters to be addressed in the preparation of an EIS. This includes a requirement that the Department of Planning and Environment be consulted regarding the specific form and content of the EIS. The Director General’s Requirements (DGR 709) were obtained and have been addressed by the applicant.

The proposal has been submitted in accordance with the requirements of the Regulations and is considered satisfactory.

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

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining) generally aims to provide for the proper management and development of mineral, petroleum and extractive material resources.

Specifically Section 5(3) provides that ‘Subject to subclause (4), if this Policy is inconsistent with any other environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency’.

The land is zoned RU2 Rural Landscape under the Hills Local Environmental Plan 2012, a zone which generally aims to encourage sustainable primary industry production and a range of compatible land uses, including extensive agriculture.

Clause 7(3) of the SEPP states *'Development for any of the following purposes may be carried out with development consent:*

(a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent)."

The RU2 Rural Landscape zone permits extensive agriculture (which falls under the agriculture group term), consequently pursuant to SEPP the proposal is permitted with consent.

3. State Environmental Planning Policy No. 55 - Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states: -

1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site contains bushland vegetation with no evidence of past agricultural uses or impacts from existing quarry operations. It is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

4. Compliance with The Hills Local Environmental Plan 2012

The site is currently zoned RU2 Rural Landscape under The Hills Local Environmental Plan 2012. The proposal is defined as an "extractive industry" which is permissible with consent in the zone.

Extractive Industry means:

"means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming."

Extractive material means:

"sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992."

The proposal is consistent with the definition of extractive industry.

Clause 7.4 Biodiversity (Terrestrial)

Clause 7.4 of LEP 2012 and the associated biodiversity map (refer Attachment 4) identify land with ecological value.

Clause 7.4 states:

- (1) *The objective of this clause is to maintain terrestrial biodiversity, including by:*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *any potential adverse impacts from the proposed development on the following:*
 - (i) *the condition and significance of the vegetation on the land and whether it should be substantially retained,*
 - (ii) *the importance of the vegetation in that particular location to native fauna,*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity values of the land,*
 - (iv) *the condition and role of the vegetation as a habitat corridor, and*
 - (b) *any proposed measures to minimise or mitigate those impacts.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The existing quarry is located within the biodiversity mapped area. The impacts associated with the expansion of the quarry have been assessed and appropriately offset or mitigated. Council staff have considered the matters outlined in subclause 3 above and it is considered that the proposal satisfies the requirements outlined in subclause 4 above. The impact on flora and fauna in particular *Tetratheca Glandulosa* is addressed in this report, however it is considered the rehabilitation works and environmental and vegetation management will limit the impact on the species.

5. Compliance with The Hills Development Control Plan

The proposal has been assessed against the relevant objectives and controls of The Hills Development Control Plan including Part B Section 1 – Rural. Specifically Part 2 – Extractive Industries applies to the development. The proposal complies with the requirements in the DCP with the exception of the following.

DEVELOPMENT STANDARD	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Planning	Minimum setback of 40m to National Park, State Forest or Crown Lands boundary.	The site adjoins to the west the Maroota Ridge State Conversation Area. The proposed expansion area has a setback of 20m to the	No, however the setback provided allows for the protection of the adjoining Conservation Area.

DEVELOPMENT STANDARD	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Flora and Fauna Buffer Zones.	Minimum setback of 50m from important habitats of threatened species, populations, and ecological communities.	common boundary. The application proposes the removal of threatened species Tetratheca Glandulosa. Specimens are located within the extractive area.	No, however the loss of threatened species is offset through the use of bio-banking.

The variations to the DCP are addressed as follows.

a. Site Planning

Section 1 Council's Development Control Plan DCP Part B Section 1 – Rural, Part 2 – Extractive Industries requires;

"Minimum setback of 40m to National Park, State Forest or Crown Lands boundary"

The subject site adjoins to the west the Maroota Ridge State Conversation Area. The proposed expansion area has a setback of 20m to the common boundary of the Conservation Area.

The relevant statement of outcomes are:

- *Extractive industries and related activities maintain an effective buffer to protect landscape quality, the habitats of threatened species, populations and ecological communities of the shire; and*
- *Extractive industries maintain and enhance the rural-residential streetscape, existing character and amenity of rural-residential activities.*

The applicant in justifying the proposed variation states that: -

"Council's concern relates to the conservation significance of the adjoining Maroota Ridge State Conservation Area. The specialist reports, in particular the Flora and Fauna and Groundwater Reports, provide no evidence that there will be any adverse direct or indirect impacts as a result of the proposed expansion into the current setback area. It is acknowledged that there have been two prior incidents involving encroachment of the nominated buffer zones however in our opinion the situation surrounding both were not the result of a deliberate attempt to encroach and the operator is now aware of the need to reinforce the nominated setbacks. Since the initial occurrences the site has been resurveyed and the boundary setbacks have been pegged with more permanent markings to avoid accidental encroachment.

We understand that the setback has been introduced to afford protection to the adjoining State conservation area and that the buffer serves to control visual, noise and odour impacts, stormwater erosion and sedimentation control, threats to ecological connectivity and edge effects due to quarrying activities. However it is our understanding that the 40 metre setback is a historical control and is not based upon any scientific research.

In our opinion the proposed encroachment does not prevent the achievement of the objectives of the setback standards and can be supported by Council."

Comment:

The existing quarry has a 40m setback to the Maroota Ridge state Conservation Area. Although the applicant has previously encroached into the defined setback areas, it is considered that the 20m setback now proposed (5m originally proposed) will provide for an acceptable buffer to the Conservation Area.

Through the imposition of conditions of consent and on-going monitoring including bi-annual inspections by Council staff, it is considered that the development will be carried out with limited impacts on adjoining Conservation Area.

The 20 metre setback area will allow a reasonable visual buffer to remain between the Conservation Area and the extractive operations. As can be seen in the aerial photograph in Attachment 2, there are no structures located in close proximity to the works. As such there is unlikely to be any unreasonable impacts to character or rural-residential activities.

In addition, as outlined below in Part B and Section 7, the impacts on threatened species is considered reasonable and is adequately offset through the use of bio-banking.

Accordingly the proposal is considered to be satisfactory in regard to the provisions of the DCP.

b. Flora and Fauna Buffer Zones

Section 5 of Council's Development Control Plan DCP Part B Section 1 – Rural, Part 2 – Extractive Industries requires;

"Minimum setback of 50m from important habitats of threatened species, populations, and ecological communities".

Removal of threatened species *Tetratheca Glandulosa* is proposed which is located within the expansion area, and the quarry will be located within 50 metres of remaining populations.

The relevant statement of outcome of the DCP is:

- *Sufficient separation is provided to threatened species and critical ecological communities, and the scenic and environmental quality of the Shire is retained.*

The applicant in justifying the proposed variation to the Development Standards states that:-

"The site has a large number of a threatened species Tetratheca Glandulosa. This species is located both within the quarry area and surrounding setback areas, consequently it is proposed to remove approximately 77 individual specimens of the identified population. A number of the remaining plants are located within 50 metres of the proposal.

The Flora and Fauna report has concluded that subject to the implementation of nominated recommendations together with the proposal to retain the majority of the site in a natural condition, then it is unlikely that a significant adverse impact will occur for any species or communities of importance.

Having carefully considered the matter it is our view that a variation to this section of the DCP can be supported by Council."

Comment:

A number of conditions relating to the performance of the quarrying operation will be imposed in order to ensure that the operation will be conducted in a manner that preserves the environmental characteristics of the area.

The removal of *Tetratheca Glandulosa* will be managed to ensure that only those in the expansion area will be impacted upon. Other specimens will be retained on the site will be safeguarded to ensure survival. The National Parks and Wildlife Atlas identifies a total of 712 registered sites, 92 of which are in the Shire. The majority of specimens on site will be retained and connectivity to other sites including the Maroota Ridge State Conservation Area retained.

The Office of Environment and Heritage (OEH) have stated that they support the application of the BioBanking Assessment Methodology to offset the impacts of the proposal but that they maintain that a 40 metre buffer in accordance with the DCP should be maintained to protect the Conservation Area. As addressed above the 20m setback is considered reasonable and the direct impact on the site vegetation has been appropriately offset.

Accordingly the proposal is considered to be satisfactory in regard to the provisions of the DCP.

6. Sydney Regional Environmental Plan No. 20 (SREP No. 20) – Hawkesbury - Nepean River

The proposal is subject to the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (SREP No. 20). These provisions address matters such as water quality, general planning considerations, and recommended strategies and controls.

The proposal is considered to be consistent with the aims and objectives of SREP No. 20. The operation of the site and measures utilised will ensure that water quality and quantity will be maintained within the Hawkesbury Nepean River. Appropriate conditions of consent have been imposed requiring regular monitoring, and an environmental management plan.

7. Ecology

The development site contains significant biodiversity. Two threatened species, *Tetratheca glandulosa* and the Red-crowned Toadlet, which are listed on the *NSW Threatened Species Conservation Act* (1995), occur on the site. The subject site borders Maroota Ridge State Conservation Area which is a high conservation significance area. It is one of three key management sites within NSW under the Office of Environment and Heritage's Saving Our Species program. Conservation management of *T. glandulosa* within the Maroota Ridge State Conservation Area is required to help secure it from extinction in NSW over the next 100 years.

Approximately 65 individuals of *T. glandulosa* were removed for the construction of the existing quarry. The original expansion proposal (which proposed a 5 metre rear setback) would have resulted in the further direct removal of approximately 123 individuals of *Tetratheca glandulosa* and additional potential loss by the encroachment of work into designated buffer areas on the site and within Maroota Ridge State Conservation Area.

Observations made during the site inspection indicate that the original proposed five metre buffer would be inadequate to fully protect retained *T. glandulosa* and the high conservation significance Maroota Ridge State Conservation Area.

The application has been revised to include a 20 metre setback from the western boundary with Maroota Ridge State Conservation Area and the direct removal of

Tetratheca glandulosa has been reduced to 77 species. The proposal also includes the offsetting of the loss of biodiversity through the NSW Biobanking scheme.

The assessment of this application has included considerable review of the history of the site and a site inspection. It has been concluded that a 20 metre vegetated buffer is likely to be adequate to protect biodiversity within Maroota Ridge State Conservation Area from actions of the quarry. A 20 metre buffer would allow a balanced outcome for the site. The setback will protect additional biodiversity, including the threatened species *Tetratheca glandulosa*. The setback will also provide an adequate buffer to protect biodiversity within Maroota Ridge State Conservation Area and provide some development opportunity for the applicant. Impacts on biodiversity would be offset through the purchase and retirement of Biobanking credits. This method of offsetting is supported by the OEH.

Current Biobanking offset calculations are based on adaptation of data collected for the flora and fauna impact assessment by Keystone Ecological. While it would be more accurate to undertake the full Biobanking Assessment Methodology (BBAM) to calculate these offsets the method used by Keystone Ecological appears to be conservative and therefore the offsets proposed by the applicant in combination with conditions of consent that require a vegetation management plan which includes the translocation of threatened plant material, are considered adequate to offset the proposed loss of biodiversity. If the requirement to undertake a full BBAM report was imposed on the applicant it would create additional financial burden that would most likely yield the same end result. This money would be better invested in on ground vegetation management plan works.

Subject to the conditions recommended the biodiversity outcomes associated with the proposal are considered acceptable.

8. Monitoring and Reporting

Council staff undertake bi-annual monitoring inspections and annual reporting on extractive industries in the Shire.

As required by the previous Development Consent (1324/2009/HB), an Environmental Management Plan identifies ongoing site operational requirements including reporting requirements. A Vegetation Management Plan was prepared for the site in 2012 and this report identified ongoing maintenance requirements including establishment of plants and weed removal.

Since the quarry has been operating, Council staff have identified a number of issues that required the operator to either rectify breaches of the consent or improve quarry operations. It should be noted that Council staff have identified two instances of encroachments into setback areas. One occurrence involved the placement of overburden within the northern 10 metre setback area which resulted in some impact to existing threatened species. The operator has undertaken ongoing rehabilitation of the setback area and also installed more permanent barriers to mark the extent of the quarry extraction area.

The second occurrence involved an encroachment of up to 6 metres (approximate total area 218m²) into the western 40 metre setback area. The setbacks were resurveyed and new pegs installed to reinforce the existing buffer zones. No further encroachments have occurred and these works have not resulted in any adverse environmental impacts.

Penalty Infringement Notices were issued to the operator in relation to the both breaches. Apart from these breaches the quarry has generally operated in a satisfactory manner with limited impacts on surrounding bushland and adjoining residents.

9. Issues Raised in Submissions

Two submissions were received during the notification period. One of the submissions was from the owner of an adjoining property now owned by the quarry operator. That submission raised issues of compliance which have been reviewed as part of Council's bi-annual monitoring. Both submissions are addressed below.

ISSUE/OBJECTION	COMMENT	OUTCOME
I disagree to the application to expand the existing quarry. I was under the impression that when the quarry was originally approved it was never going to have the area increased. So I strongly object to this expansion.	The applicant is able to lodge a new application to expand the quarry. The merits of the application have been assessed in this report.	Issue addressed.
We had accepted a vegetated earth mound sound barrier adjacent to our side boundary instead of an acoustic screen as detailed in the original DA. This has not happened but instead a huge stockpile was there for over the last two years. The majority of this dust laden stockpile has now been removed but still no earth mound with vegetation. Please can you insist this is carried out before any expansion. We are concerned that the stockpile will be returning with the expansion. The stock piles are the major source of the dust migration to our property.	<p>The previous consent (1324/2009/HB) required a temporary acoustic barrier of 3.5 metres in height around the extraction area until a natural barrier of 6 metres is achieved through the extractive process. An acoustic barrier of 2 metres in height was also required between the internal haulage road and No. 888 Wisemans Ferry Road.</p> <p>The quarry extraction has provided for the natural barrier along the northern boundary in lieu of any temporary barriers. A natural earth mound barrier was constructed adjacent to the internal haul road. As such the development is compliant.</p> <p>Separate conditions of consent exist in relation to dust suppression. Council staff will ensure all stockpiles are appropriately suppressed during future inspections.</p>	Issue addressed
There are white and red barriers which are ugly and offensive and not in keeping with the proposed earth mound which would make the devastation less apparent. These barriers, if required, should be at the excavation edge instead of adjacent to our side	A condition of consent required the installation of high visibility fencing to delineate setback areas. All barriers are located at the excavation edge.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
boundary.		
Regeneration of the existing quarry must be a priority before extending the devastation.	This application seeks to extend the existing quarry area. Rehabilitation of the existing quarry area prior to extraction of the expansion area is not possible.	Issue addressed.
Measures to protect the natural bush adjacent to the rear boundary must be implemented.	Through the imposition of conditions of consent and on-going monitoring including bi-annual inspections by Council staff, it is considered that an appropriate strategy is in place to ensure development will be carried out on adjoining bushland.	Issue addressed.
The "no trespassing" signs along our side boundary are also offensive and should be removed.	These signs are not a requirement of the existing consent, and would be a matter between land owners.	Issue addressed.
The major noise impact for us is the truck and excavators which are now increased with the dust laden stock piles removed.	Noise impacts associated with the quarry have been reviewed by Council staff and it is considered that the noise generating activities attenuation measures are consistent with the existing development consent and are satisfactory.	Issue addressed.

9. Comments from Government Authorities and Referrals

The proposal was referred to Office of Environment and Heritage, Roads and Maritime Services, Castle Hill Police, Office of Water, Department of Trade and Investment and Environment Protection Authority. The comments received from the authorities are summarised below.

The proposal was also referred to Darug Tribal Aboriginal Corporation, Deerubbin Local Aboriginal Land Council and Hawkesbury Nepean Catchment Management Authority however no comments were received from these groups.

(i) Office of Environment and Heritage

The Office of Environment and Heritage is not required to provide concurrence as the impacts of the development are not considered to be "Threatened Species Development" under Section 79B of the Environmental Planning and Assessment Act 1979 being the biodiversity impacts are not considered "significant".

The initial comments received from OEH raised a number of concerns in relation to biodiversity. As a result additional information was provided by the applicant and this information was referred to OEH for review and comment. The OEH have stated that they support the application of the BioBanking Assessment Methodology to offset the impacts of the proposal but that they maintain that a 40 metre buffer in accordance with the DCP

should be maintained to protect the Maroota Ridge State Conservation Area. OEH's comments as well as the Applicant's response to those comments are included at Attachments 6 and 7.

The matters raised by OEH have been appropriately responded to and Council staff consider that the biodiversity outcomes associated with the proposal are considered acceptable.

(ii) Roads and Maritime Services

The RMS have advised that they raise no objection to the proposal

(iii) Castle Hill Police

The Castle Hill Police advised that they have no concerns with the proposal and have not requested the imposition of any conditions of consent. However, the Police have requested that Council consider the impacts of traffic, access and noise. It is considered that these issues have been satisfactorily addressed.

(iv) Office of Water

The Office of Water have reviewed the proposal and raise no objection.

(v) Department of Trade and Investment

The Department of Trade and Investment raised no objection, however requested that a condition of consent be imposed to assist the Department in the collection of production statistics by requiring the applicant to provide annual production data.

A condition of consent to this effect was imposed on the original consent and remains relevant (refer Attachment 8, Condition 4).

(v) Environment Protection Authority (EPA)

The EPA has reviewed the proposal and assessed that the proposed activity will not require an environment protection licence (EPL) under the Protection of the Environment Operations Act, 1997 (POEO Act). The EPA's review of the EIS has assessed that the proposed expansion of the extraction area of the quarry will not be considered a Scheduled Activity under Schedule 1 of the POEO Act, as the extraction volume of material (17,160 tonnes (7,170m³) of sandstone) per annum from the quarry is below the nominated threshold limit of 30,000 tonnes (extraction, processing or storage) per year of extractive materials.

Based on this information the EPA does not consider this proposal to be an Integrated Development for the EPA's purposes. However, the EPA have requested that conditions of consent are imposed in order to achieve sufficient reduction in water, air and noise pollution both during development and operational phases of the quarry. These conditions are captured by the previous consent (refer Attachment 8) and replicated by the proposed recommended conditions that refer to the previous consent.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Mining, Petroleum Production and Extractive Industries) 2007, SEPP 55 Remediation of Land, Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River, LEP 2012 and The Hills Development Control Plan and is considered to be satisfactory.

Through the imposition of conditions of consent and a high level of monitoring including bi-annual inspections by Council staff, it is considered that the development will be carried out in accordance with community needs and expectations, and limited impact on the environment.

The issues raised in the submissions have been addressed in the report. Further amendment or refusal of the application is not warranted.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

RECOMMENDATION

The application be approved subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
PGH-080274A	Site Layout Plan	DA001	F	30/01/2017
PGH-080274A	Site Layout Plan - Detail	DA002	C	30/01/2017
14000212	Soil and Water Management	P01	A	16/12/2014

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with Development Consent 1324/2009/HB

All the requirements of Development Consent 1324/2009/HB, attached as Appendix A to this consent are to be complied with, with the exception of the following conditions of this consent which replace those conditions where specifically identified.

3. Setbacks

All setbacks to boundaries are to be surveyed prior to work commencing and pegs or other appropriate markers placed in the ground. This includes:

- Twenty (20) metres from western boundary (Maroota Ridge State Conservation Area);
- Ten (10) metres from the northern boundary;
- Forty-six (46) metres from the watercourse; and
- Southern extent of the quarry.

High visibility fencing is to be installed to delineate the setback areas. No works are to be undertaken within setback areas.

This condition supersedes condition No. 39 of Development Consent 1324/2009/HB.

4. Tree Removal and Fauna Protection

Approval is granted for the removal of trees within the approved quarry footprint including road construction, installation of services and level changes. All other trees are to remain. Trees in the vicinity of quarry works that are to be kept must be suitably identified and protected during any work to ensure they are not inadvertently damaged during construction or operational works.

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated (please note: only appropriately vaccinated personnel are to handle bats).

Trees shall be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the "grab" attachment of a machine.

5. Section 94 Contribution - Extractive Industry

The applicant shall pay or procure payment to the Council of a developer contribution under Section 94 of the *Environmental Planning and Assessment Act, 1979* at the rate of \$0.99 per tonne of all extracted/processed material transported from the subject site, and in respect of the said contribution, the following provisions shall apply: -

- a) The developer contribution will be calculated and paid monthly from the date on which development consent became effective. The amount of contributions imposed in a development consent will be calculated based on the contribution rate applicable to Contributions Plan No.6 at the time of the issuing of development consent.
- b) The contribution rate imposed under this condition will be indexed and adjusted annually in accordance with the Consumer Price Index for Sydney applicable to each year ending 30 June, commencing 1 July 2008 for the duration of the development consent. The quantum of the adjustment will be consistent with the change in CPI over the preceding 12 months to 30 June of each year. At the time of payment of developer contributions, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rate that is applicable at the time of payment.
- c) On or before the fourteenth day of each month of the duration of the consent, the applicant shall deliver or procure delivery to the Council of true certified copy weighbridge or other returns or records showing the true quantities of extracted/processed material transported from the property during the immediately preceding month and the Council will then, as soon as it can conveniently do so, issue an invoice to the applicant or its consenting assignee, who will pay to the Council within fourteen (14) days of the date thereof.
- d) The Council has the right to inspect and have the original records relating to any of the extracted/processed material, including numbers and types of laden trucks, trailers and load quantities transported from the property audited by any person nominated by its internal accountant any time when he may, be written request so require.
- e) The Council will pay all of the said contribution payments into a specially identified account for payments towards the rehabilitation, restoration, repair and/or maintenance of Old Northern and Wisemans Ferry Roads between the intersection of the access road and the Baulkham Hills Shire boundary at Cattai Creek and other projects identified in the Plan of Management for Extractive Industries adopted by Council.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No. 6.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

6. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site, including the removal of Red Bloodwood – Grey Gum woodland and the threatened plant species *Tetratheca glandulosa*, the development must purchase and retire:

1. Seventeen (17) x HN564 Ecosystem Credits
2. Seven hundred and sixty eight (768) x *Tetratheca glandulosa* Species Credits

A retirement certificate from the NSW BioBanking Office to demonstrate compliance with this condition is to be provided to The Hills Shire Council's Manager – Environment and Health prior to any works commencing which relate to this consent.

7. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared to protect existing biodiversity and environmental values on the site during the construction phase of the project.

The Plan must be submitted to The Hills Shire Council's Manager – Environment & Health for approval prior to any works commencing which relate to this consent.

8. Vegetation Management Plan

A Vegetation Management Plan must be prepared strictly in accordance with Council's *Vegetation Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management. The Plan must be submitted to Council's Manager – Environment and Health for approval prior to any works commencing which relate to this consent.

The Vegetation Management Plan must include details relating to:

- The rehabilitation and management of native vegetation within the retained native vegetation areas on site.
- Translocation of propagative plant material (*Tetratheca glandulosa*) including soil translocation from the proposed construction area to current rehabilitation areas.
- Permanent erosion and sediment control devices.
- Ongoing weed control.
- The wording and erection of signage at key locations.
- The location and type of fencing required.

9. Rehabilitation Bond

The proponent shall submit a Rehabilitation Bond in the form of an unconditional bank guarantee to be held by Council as a legal document over the life of the development. The rehabilitation bond shall be based upon \$10.00 per square metre of extracted area in accordance with the approved extraction and rehabilitation program for the subject development. This rehabilitation bond is to be lodged with Council prior to any works commencing which relate to this consent.

The Rehabilitation Bond will be released upon submission by the proponent of a certificate by a qualified ecological consultant indicating that final rehabilitation has been completed in accordance with the conditions of this consent concerning rehabilitation and the Council's satisfaction of that fact.

10. Project Ecologist

Prior to any works commencing, a Project Ecologist is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Ecologist is replaced, The Hills Shire Council's Manager – Environment & Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.

11. Bushland Protection Fencing

Prior to any works commencing on site temporary Bushland Protection Fencing must be in place along the edge of the approved quarry and extraction areas.

The temporary fence is to be a minimum high visibility parrawebbing or similar and be suitable to restrict unauthorised entry into retained native vegetation areas.

The temporary fence is to stop the following occurring:

- Stockpiling of materials within significant bushland.
- Placement of fill within significant bushland.
- Parking of vehicles within significant bushland.
- Compaction of soil within significant bushland.
- Cement washout and other chemical or fuel contaminants within significant bushland.
- Damage to threatened plants and their habitat.

12. Site Rehabilitation

At the completion of the quarrying activities, a Vegetation Management Plan must be prepared strictly in accordance with Council's Vegetation Management Plan Guideline (available on Council's website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management. The Plan must be submitted to Council's Manager – Environment and Health for approval.

The site must be rehabilitated using an integrated strategy of methods such as the direct seeding of local native grasses, brush matting, supplementary planting and maintenance weeding. Only local provenance plant stock is to be used in revegetation works.

Upon completion of rehabilitation planting, the applicant is to submit certification from a suitably qualified bush regenerator or restoration ecologist that all revegetation works have been completed in accordance with the approved Vegetation Management Plan. Upon receipt of the certification report The Hills Shire Council's Environment Team will inspect the site.

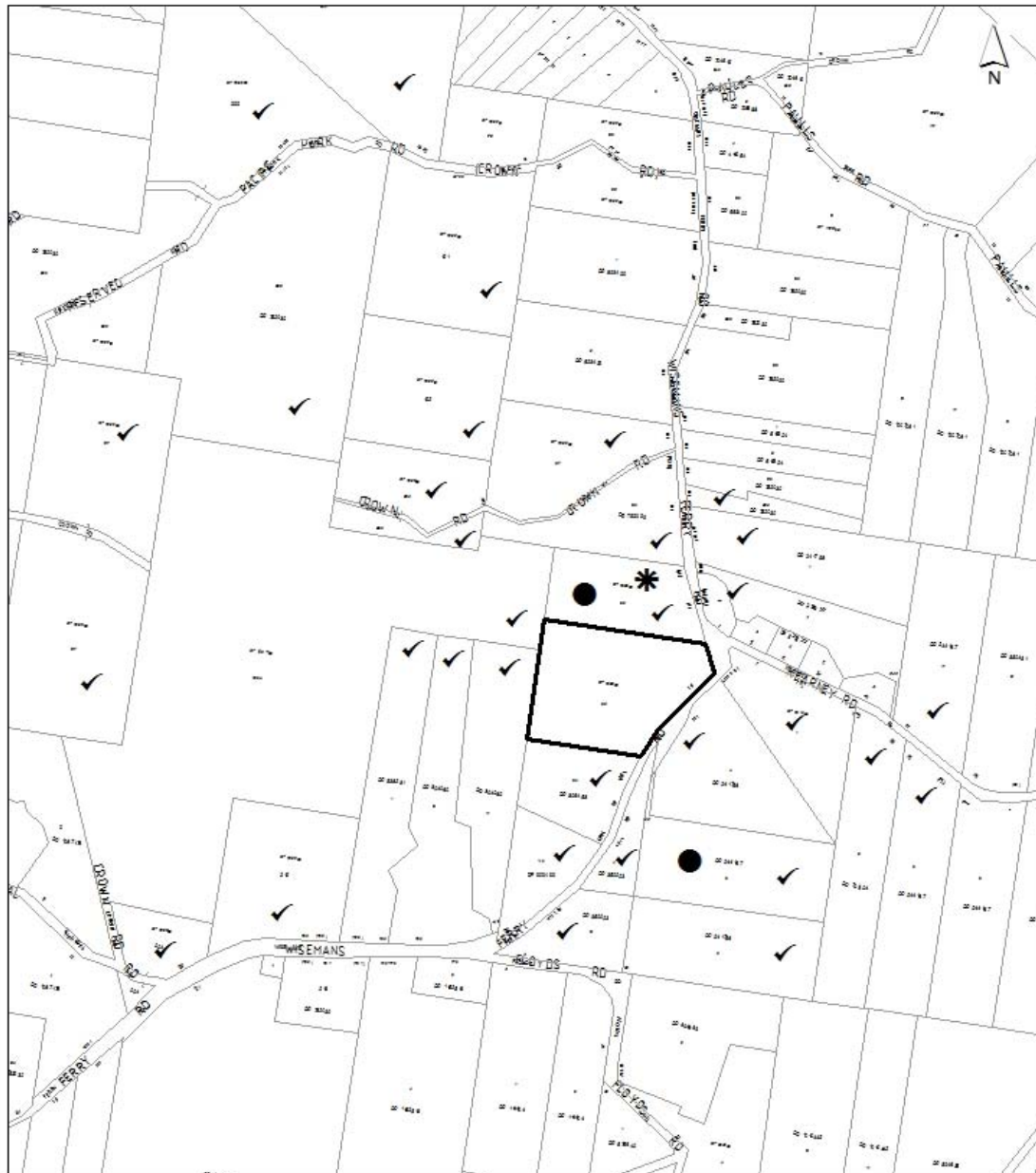
The release of the bond will be staged as follows:

1. 50% 12 months after the Council-certified completion of rehabilitation works.
2. 25% 36 months after the Council-certified completion of rehabilitation works.
3. 25% 60 months after the Council-certified completion of rehabilitation works.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Biodiversity Map
5. Site Plan
6. Office of Environment and Heritage Letter dated 1 September 2016
7. Applicant's response to OEH letter
8. Development Consent 1324/2009/HB

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

* NOTE: PROPERTY NOW OWNED BY QUARRY OPERATOR

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

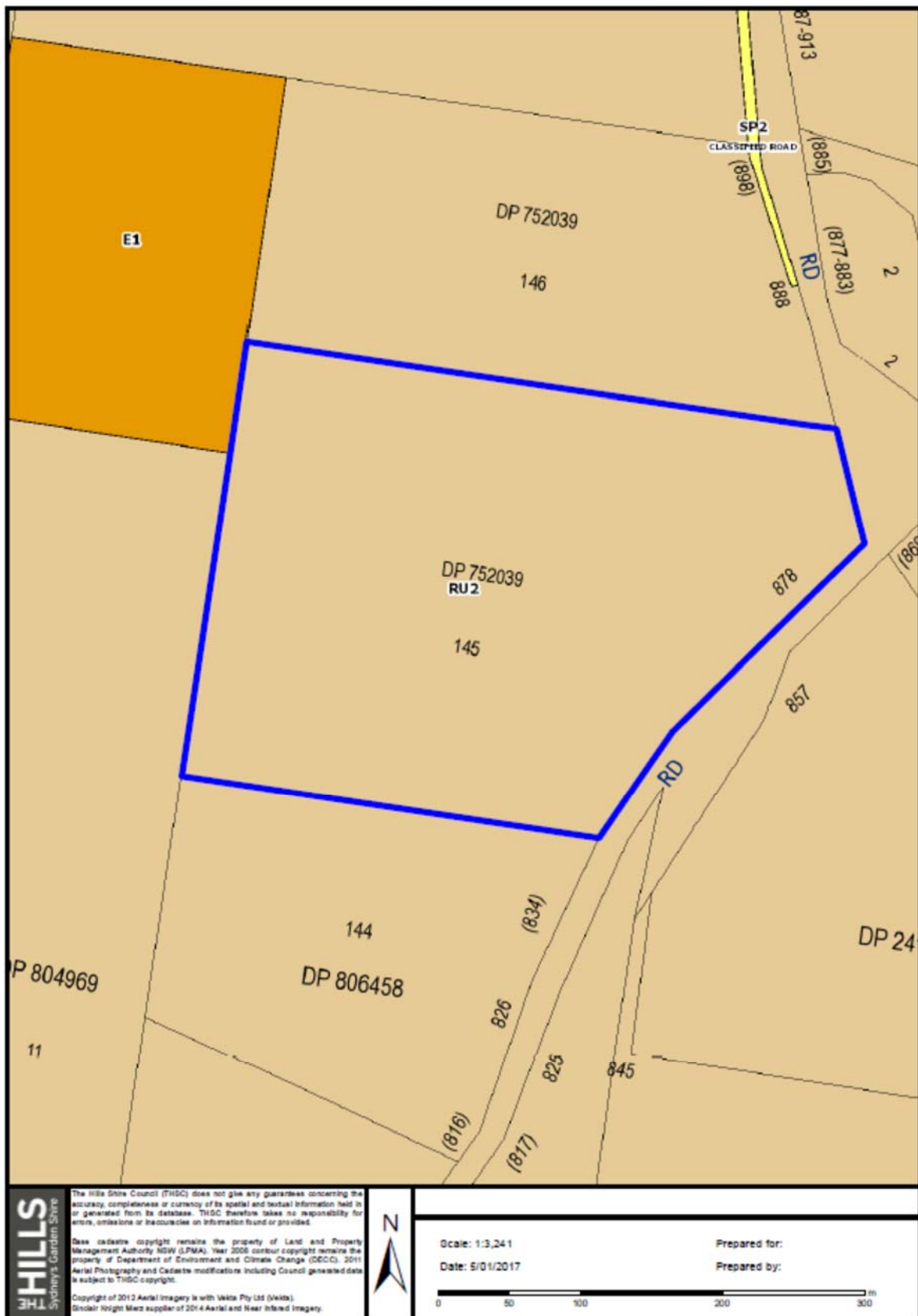
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASE CADASTRE, COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



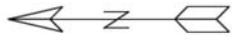
ATTACHMENT 3 – LEP ZONING MAP



ATTACHMENT 4 – LEP BIODIVERSITY LAYER



ATTACHMENT 5 – SITE PLAN





Office of
Environment
& Heritage

DOC16/405492
860/2015/JP

Mr Robert Buckham
Development Assessment Coordinator
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Dear Mr Buckham

Expansion of Existing Extraction Area of the Operational Sandstone Quarry - Designated Development (860/2015/JP)

I refer to your letter of 3 August 2016 which was mailed to an incorrect PO Box address requesting comments from the Office of Environment and Heritage (OEH) on a biodiversity offsetting proposal in support of the above revised designated development.

OEH have reviewed the information provided and understands the revised proposal includes a commitment to purchase and retire the required number of credits for Red Bloodwood – Grey Gum Woodland (HN564) and *Tetratheca glandulosa*, and that this will occur prior to the issue of a construction certificate and/or commencement of works. While the application of the BioBanking Assessment Methodology to develop this offsetting proposal is supported, OEH remains concerned with the proposed 20 m setback between the extraction area and Maroota Ridge State Conservation Area (SCA) and therefore reiterates its 27 February 2015 advice recommending the retention and maintenance of a naturally vegetated 40m buffer and setback in accordance with development consent for the existing quarry and The Hills Development Control Plan 2012.

OEH also notes a number of matters in its 27 February 2015 regarding the biodiversity related Director-General's Requirements do not appear to have been addressed in the information provided. These include:

- An assessment of impacts from vegetation clearing not directly associated with extraction e.g. for access roads, entry upgrades, construction fencing, erosion and sediment control measures;
- A cumulative impact assessment for *Tetratheca glandulosa*;
- A consideration of the increased fragmentation between the *Tetratheca glandulosa* populations on the eastern side of the development site and those within the SCA to the west;
- A consideration of other threatened flora species which may occur in the area;
- The timing of surveys which limited the opportunity to identify potential species (e.g. orchids); and
- The provision of an updated Vegetation Management Plan.

OEH recommends Council ensures these matters be adequately addressed.

PO Box 644 Parramatta NSW 2124
Level 6, 10 Valentine Ave Parramatta NSW 2150
Tel: (02) 9995 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au

If you have any queries regarding this advice please contact Richard Bonner on 9995 6917 or richard.bonner@environment.nsw.gov.au.

Yours sincerely

S. Harrison 01/09/16

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region

Contact officer: RICHARD BONNER
9995 6917

ATTACHMENT 7 – APPLICANT’S RESPONSE TO OEH CORRESPONDENCE

Our Ref: PGH:08-0274A

21 October 2016

The General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153



Attention Robert Buckham

Dear Sir

**Submission of Additional Information- Response to OEH
(DA860/2015/JP)_No. 878 Wisemans Ferry Road South Maroota (Lot 145 DP 752039)**

We refer to the subject application and correspondence from the NSW Office of Environment and Heritage dated 1st September 2016 raising a number of issues in respect of its original advice of 27 February 2015, namely:

- *An assessment of impacts from vegetation clearing not directly associated with extraction e.g. for access roads, entry upgrades, construction fencing, erosion and sediment control measures;*
- *A cumulative impact assessment for *Tetratheca glandulosa*;*
- *A consideration of the increased fragmentation between the *Tetratheca glandulosa* populations on the eastern side of the development site and those within the SCA to the west;*
- *A consideration of other threatened flora species which may occur in the area;*
- *The timing of surveys which limited the opportunity to identify potential species (e.g. orchids); and*
- *The provision of an updated Vegetation Management Plan.*

We spoke to Mr Richard Bonner (OEH) on 17 October and in summary his position is that it is a matter for Council to consider the issues and satisfy itself that they have been addressed. Accordingly, we have reviewed these matters and provide the following responses for Council's consideration.

1. *An assessment of impacts from vegetation clearing not directly associated with extraction e.g. for access roads, entry upgrades, construction fencing, erosion and sediment control measures*

No further impacts will occur as a result of the proposed extension. All such impacts have already occurred with the establishment of the quarry and mitigation measures have been put in place. Refer PGH Environmental Planning correspondence (20 October 2015) and Flora and Fauna Report (20 December 2014, section 4, page 22).

Corro to Council -additional info_201016.docx

PO Box 714, Springwood NSW 2777 Phone: (02) 4751 1522 Fax: (02) 4751 1622 Email: info@pghep.com.au Web: www.pghep.com.au ABN 46 104 323 024

PGH
ENVIRONMENTAL
PLANNING

2. A cumulative impact assessment for *Tetratheca glandulosa*

A cumulative impact assessment taking into account losses for the original quarry footprint was not provided, instead the proposed extension was considered on its own merits. In discussions with our ecologist it is our collective view that the proposed offsetting arrangement does not require an assessment of loss to be undertaken as inherent in an offsetting proposal is the requirement to satisfy a “maintain or improve” outcome.

3. A consideration of the increased fragmentation between the *Tetratheca glandulosa* populations on the eastern side of the development site and those within the SCA to the west

Consideration of fragmentation of habitat for the local population is a component of the Assessment of Significance and is provided in the Flora and Fauna Report (20 December 2014, Appendix 3). It is considered that the “pattern of connectivity will remain essentially unaltered”. Keystone Ecological maintains that the habitat within which the individuals to the east of the quarry occur is directly connected to the population to the west by uninterrupted bushland. The increased separation is restricted to the increased incursion into the buffer and only in that buffer area; the other connections remain.

4. A consideration of other threatened flora species which may occur in the area

Keystone Ecological confirm that other threatened species that might occur in the area were considered (refer Table 1.3 in Appendix 1, of Flora and Fauna Report, Dec 2014).

Keystone Ecological also comment that if OEH is specifically referring to the species listed in their letter of 27 February 2015 (*Darwinia fascicularis* ssp *oligantha*, *Persoonia hirsute* and *Ancistrachne maidenii*), they were considered (refer Table 1.3 in Appendix 1, of Flora and Fauna Report, Dec 2014). Additionally, we provided further comments in PGH Environmental Planning correspondence (20 October 2015).

5. The timing of surveys which limited the opportunity to identify potential species (e.g. orchids)

Keystone Ecological assume the orchid referred to by OEH is *Pterostylis saxicola*. If so it was considered in the Flora and Fauna Report (20 December 2014, Table 1.3) and referred to in PGH Environmental Planning correspondence (20 October 2015). Further, it is noted that surveys were conducted in August 2008, September 2008, September 2013 and May 2014. September is reported by the OEH Threatened Species Database as appropriate to detect this species in the Hawkesbury Nepean CMA. Refer to

<http://www.environment.nsw.gov.au/threatenedSpeciesApp/profileData.aspx?id=10705&maName=Hawkesbury-Nepean>

6. The provision of an updated Vegetation Management Plan

It is expected that that Vegetation Management Plan will be updated as required by a condition of consent. We consider that the content of that plan would not depart significantly from the adopted VMP.

CONCLUSION

It is considered that the matters raised by OEH have been appropriately responded to over the life of this application. It is understood that no further information is required and consequently I would request that the matter be finalised at your earliest convenience.

Please do not hesitate to contact me should you wish to discuss the matter and I look forward to a favourable response.

Yours faithfully
PGH Environmental Planning



Patrick Hurley
Director

cc Client

ATTACHMENT 8 – DEVELOPMENT CONSENT 1324/2009/HB



1 September 2010



PGH Environmental Planning
PO Box 714
SPRINGWOOD NSW 2777

Ref No.1324/2009/HB
Council: 24 August 2010

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by The Hills Shire Council of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by Baulkham Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.

This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Review

Section 82A of the Environmental Planning and Assessment Act, 1979 confers on the applicant the right of review of the determination of this application, subject to such request being made within twelve (12) months of the date hereof and accompanied by a fee in accordance with clause 257 of the Environmental Planning and Assessment Further Amendment Fee 2000.

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act, 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court exercisable within twelve (12) months after receipt of this Notice.

APPLICANT PGH Environmental Planning

OWNER: Basha Investment Group Pty Ltd and T & M Investment Group Pty Ltd

PROPERTY: Lot 145 DP 752039
878 Wisemans Ferry Road, South Maroota

DEVELOPMENT: Extractive Industry - Sandstone Quarry.

ENDORSED DATE OF CONSENT: 24 August 2010

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the following approved plans and details, as amended in red, stamped and returned with this consent except where amended by other conditions of consent.

The amendments in red include the demolition of the disused dwelling prior to work commencing on the site.

REFERENCED PLANS AND DOCUMENTS

REFERENCE	DESCRIPTION	SHEET	REVISION	DATE
PGH-080274-DA001	Site layout Plan	-	C	17/12/2008
PGH-080274-DET001	Washdown Area and Access Control	-	A	31/03/2010
0814-4	Plan of Flora Tag and fauna Locations	-	-	23 September 2008
0815-2	Plan of Volumes and Sections	1 of 3	-	03 July 2008
0815	Plan of Sections	2 of 3	-	03 July 2008
0815	Plan of Sections	3 of 3	-	03 July 2008
08000234	Access driveway plan and longitudinal section	C01	-	December 2008
08000234	Access Driveway cross Sections	C02	-	December 2008
08000234	Typical Sections and Compaction Notes	C03	-	December 2008
08000234	Road Access Establishment - Soil and Water Management Plan	SWMP01	-	03/12//2008
08000234	Quarry Establishment and	SWMP02	-	03/12/2008

	Operation Phase - Soil and Water Management Plan			
08000234	Standard Drawings	SWMP03	-	03/12/2008
EMP 08-0274 V1	Environmental Management Plan	-	-	02/12/2008
BHSC 08-165	Vegetation Management Plan	-	1	March 2010

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. European or Aboriginal Relics

Should any European or Aboriginal relic be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with Section 146(a) of the Heritage Act, 1977 the applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Written notification should be forwarded unless the applicant believes on reasonable grounds that the Heritage Council of NSW is aware of the location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

3. Compliance with Requirements of RTA

The following conditions are required by the Roads and Traffic Authority (RTA) or as otherwise agreed by the RTA and Council in writing:

- (a) The design and construction of the driveway off Wisemans Ferry Road shall be in accordance with AS2890.2 – 2002 and the RTA's requirements (ie: refer to the requirements for a MRV – Figure 3.2 of AS2890.2 – 2002). Further details could be obtained from the RTA's Projects Services Manager, Traffic Protection Section, Parramatta (ph:02 8849 2144).
- (b) The road shoulders will be required to be widened to 3.3m in each direction at the proposed access to the development site (of sufficient length to allow a design vehicle to pass another design vehicle turning into the site and compliant with the RTA's Road Design Guide requirements).
- (c) Road pavement and driveway pavement requirements to the RTA's satisfaction
- (d) Sight distance requirements from the driveway crossing must comply with the requirements of AS2890.2 – 2002. This will require the applicant to undertake shrub removal and tree trimming (as required) to comply with this requirement.
- (e) The developer is required to contribute to the Section 94 Contributions Plan No. 6 for Extractive Industries. It is understood that the funds collected go towards road maintenance, repair and reconstruction of key roads such as Old Northern Road and Wisemans Ferry Road.
- (f) The proposed access driveway and pavement widening along Wisemans Ferry Road shall be designed to meet the RTA's requirements, and be endorsed by a suitably qualified and chartered Engineer (ie: who is registered with the Institute of Engineers, Australia). The design requirements (where applicable) shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and commencement of Road works.

The RTA' fees for administration, plan checking civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. If required, please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

- (g) The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents.
- (h) All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

4. Department of Primary Industries Data

The operator/applicant is required to provide annual production data to the Department of Primary Industries - Mineral Resources, as requested, on the standard form supplied by the Department for that purpose.

5. Protection of Existing Vegetation

Vegetation not authorised for removal by this consent shall be protected during construction to ensure that natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

6. Separate application for signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

7. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

8. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

9. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

10. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of

actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

11. Supervision of Works

All work in the road reserve shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact phone number shall be submitted to Council prior to the commencement of construction in the road reserve.

In this regard a construction programme and anticipated duration of construction for all work in the road reserve shall be submitted in writing to Council prior to the commencement of any works in the road reserve.

12. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

13. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

14. Minor Engineering Works

The design and construction of all the minor engineering works outlined below must be provided for in accordance with:

- a) BHSC Design Guidelines Subdivisions/ Developments (June 1997)
- b) BHSC Works Specifications Subdivisions/ Developments (November 2001)

NOTE: Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council (including payment of all applicable fees) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

ix. All Weather Access

Formed all weather vehicular access extending to the car parking area. The driveway must be 6.0m wide (minimum) for the first 6.0m within the site.

15. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- c) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

16. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in

accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval must be approved by either Council or an Accredited Certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE FOR ADMINISTRATION BUILDINGS

17. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$10,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

18. Bank Guarantee(s)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 1324/2009/HB
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

19. Application to install a system of sewage management

Prior to the issue of a Construction Certificate, an application shall be made under section 68 of the Local Government Act 1993 to install a system of sewage management to treat and dispose of sewage wastewater associated with the activity.

20. Design of bunded area

Plans submitted for the purpose of the Construction Certificate shall demonstrate the location and design of a bunded area for the storage of hazardous substances.

PRIOR TO WORK COMMENCING ON THE SITE

21. Rehabilitation Bond

The proponent shall submit a Rehabilitation Bond in the form of an unconditional bank guarantee to be held by Council as a legal document over the life of the development. The rehabilitation bond shall be based upon \$3.00 per square metre of extracted area in accordance with the approved extraction and rehabilitation program for the subject development. This rehabilitation bond is to be lodged with Council prior to any works commencing which relate to this consent.

The Rehabilitation Bond will be released upon submission by the proponent of a certificate by a qualified ecological consultant indicating that final rehabilitation has been completed in accordance with the conditions of this consent concerning rehabilitation and the Council's satisfaction of that fact.

22. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

23. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

24. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

25. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

26. RTA Road Works Design Approval

The design and construction of all works on INSERT ROAD must be approved by the NSW Roads and Traffic Authority (RTA). The following is required to be submitted to Council prior to the issue of a Construction Certificate:

- a) Four (4) copies of the RTA stamped approved construction plans.
- b) A covering letter from the RTA advising that suitable arrangements have been made to enable the commencement of works.

27. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

28. Demolition of disused dwelling

Prior to work commencing on the site, the disused dwelling adjacent to the access road, as marked in red on the approved plans is to be demolished.

DURING CONSTRUCTION

29. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

30. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

31. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

32. Bunded area

A bunded area shall be constructed for the storage of hazardous liquids and substances. The bunded area shall be constructed in accordance with the Department of Environment & Climate Change NSW document (1997) "Storing and Handling Liquids: Environmental Protection - Participants Manual", available on the DECCW website.

33. Construction noise

Noise from the construction of the development shall comply with the NSW Industrial Noise Policy and shall not exceed an $L_{Aeq, 15 \text{ min}}$ 37 dB(A) at any property boundary.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

34. RTA Roadworks Construction Approval

Written evidence from the RTA confirming that all works in Wisemans Ferry Road have been completed to their satisfaction and that no objection is raised to the issue of an Occupation Certificate.

35. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issue of an Occupation and/ or Subdivision Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

36. Installation of system of sewage management

Prior to the issue of the Occupation Certificate, a system of sewage management shall be installed in accordance with an approval issued under section 68 of the Local Government Act 1993.

OPERATIONAL REQUIREMENTS

37. Life of Consent

Consent for the purpose of extraction of material is limited to a period of twenty (20) years from the endorsed date of this consent. In addition, a further two (2) year period after cessation of the extraction period is permitted for completion of the rehabilitation works.

38. Hours of Operation

The hours of operation of activities carried out on the subject site being restricted to the following:

7.00am to 5.00pm Mondays to Saturdays with no work being carried out on either Sundays and Public Holidays.

Any alteration to the above hours of operation will require the further approval of Council.

39. Setbacks

All setbacks to boundaries are to be surveyed prior to work commencing and pegs or other appropriate markers placed in the ground. This includes:

- Forty (40) metres from western boundary (Maroota Ridge State Conservation Area);
- Ten (10) metres from the northern boundary;
- Forty-six (46) metres from the watercourse; and
- Southern extent of the quarry.

High visibility fencing is to be installed to delineate the setback areas. No works are to be undertaken within setback areas.

40. Vehicle Numbers

The maximum number of laden vehicle movements shall not exceed eighteen (18) trips a day.

41. Covering Loads and Clean Roads

Roads adjoining the site are to be kept clean and free of excavated/transportable spoil material. Prior to leaving the site, all loaded trucks must have their payloads fully covered by a suitable material to prevent spillage from the trucks onto the roads.

42. Sediment & erosion control devices

Sediment and erosion control devices shall be installed in accordance with the *Soil and Water Management (incorporating stormwater management)* by SEEC Morse McVey (SEEC reference 08000234).

43. Acoustic barriers

A temporary acoustic barrier of 3.5 metres in height shall be built along the western and southern boundary of the extraction area, in accordance with the *Noise assessment report proposed sandstone quarry 878 Wisemans Ferry Road, South Maroota* (Report number: 4298) by RSA Acoustics. This barrier shall remain in place until a natural barrier of 6 metres is achieved through the extractive process.

An acoustic barrier of 2 metres height shall be constructed between the internal haulage road and 888 Wisemans Ferry Road, South Maroota. The barrier shall be constructed in accordance with *Noise assessment report proposed sandstone quarry 878 Wisemans Ferry Road, South Maroota* (Report number: 4298) by RSA Acoustics.

Details of acoustic fencing are to be submitted to Council's Manager Development Assessment prior to work commencing on site.

44. Operation Noise

Noise from the operation of the development shall comply with the NSW Industrial Noise Policy and shall not exceed an $L_{Aeq, 15 \text{ min}}$ 38 dB(A) at any property boundary.

45. Waste Storage and Collection

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

46. Storage of hazardous substances

Drums and containers for the storage of hazardous substances (such as hydrocarbons, pesticides, acids and alkalines), whether unopened, in use or empty shall be kept in a bunded area or bunded palette.

47. Maintenance of equipment

The maintenance of equipment containing hazardous materials, including refuelling, shall only be carried out within a bunded area.

48. Use of plant

All plant, excluding vehicles, is to be stored and used on a hard stand area.

49. Maintenance of site

The quarry site shall be maintained in a tidy manner. Disused equipment and parts shall be stored in a designated area and disposed of on a regular basis.

50. Acoustic barrier

A natural acoustic barrier of 8.5 metres must be maintained between the machine saw and the property boundary with 888 Wisemans Ferry Road, South Maroota.

51. Dust suppression

The mitigation measures detailed in the *Qualitative air quality assessment: Sandstone extraction operation at 878 Wisemans Ferry Road, South Maroota* (report dated 17 September 2009) by PAEHolmes shall be implemented.

52. No Blasting Permitted

The use of blasting is strictly prohibited at all times on the subject site.

REHABILITATION

53. Approval of Completed Rehabilitation Works

Upon completion of rehabilitation planting, the applicant is to submit certification from a suitably qualified landscape architect that all landscape works have been completed in accordance with the rehabilitation strategy.

54. Fill Material

Fill material imported to the site for rehabilitation is to be classified as Virgin Excavated Natural Material (VENM) only. No solid waste or putrescible materials are to be disposed on the subject site.

MONITORING AND MANAGEMENT

55. Environmental Management Plan

The proponent shall submit to Council every twelve (12) months after the endorsed date of this consent an updated *Environmental Management Plan* in which Council is to be satisfied of the following:

- (a) Acquisition of all necessary licences and permits;
- (b) On-site materials management including soil conservation;
- (c) Day to day operating procedures;
- (d) Environmental monitoring methods and status including:
 - ground and surface waters;
 - dust generation and mitigating measures;
 - flora and fauna management; and
 - erosion & sediment controls.
- (e) Emergency / contingency plans;
- (f) Site rehabilitation extraction details, including status of tailing ponds; and
- (g) Compliance with Council's DCP - Extractive Industries and all conditions of this consent.

56. Compliance inspections

Biannual inspections will be carried out by Council staff authorised under the Protection of the Environment Operations Act 1997. The inspections shall monitor compliance with the Development Consent and the Protection of the Environment Operations Act 1997.

Note: Additional inspections may be carried out in response to any complaint received or by way of following up on matters identified during the biannual inspections.

SECTION 94 CONTRIBUTIONS

57. Section 94 Contribution - Extractive Industry

The applicant shall pay or procure payment to the Council of a contribution under Section 94 of the Environmental Planning and Assessment Act (1979) (at the rate of 87 cents per tonne) of all extracted/processed material transported from the subject site, and in respect of the said contribution, the following provisions shall apply:-

The said contribution will be calculated and paid monthly from the date on which development consent became effective.

The said contribution will be indexed and adjusted annually as from the date the consent became effective, in accordance with the Consumer Price Index applicable to each year ending 30 June, commencing 1 July 2000 for the duration of the development consent and the said adjustment to the contribution shall take effect from and including July each year, commencing 30 June 2000 for the duration of the consent.

On or before the fourteenth day of each month of the duration of the consent, the applicant shall deliver or procure delivery to the Council of true certified copy weighbridge or other returns or records showing the true quantities of extracted/processed material transported from the property during the immediately preceding month and the Council will then, as soon as it can conveniently do so, issue an invoice to the applicant or its consenting assignee, who will pay to the Council within fourteen (14) days of the date thereof.

The Council has the right to inspect and have the original records relating to any of the extracted/processed material, including numbers and types of laden trucks, trailers and load quantities transported from the property audited by any person nominated by its internal accountant any time when he may, by written request so require.

The Council will pay all of the said contribution payments into a specially identified account for payments towards the rehabilitation, restoration, repair and/or maintenance of Old Northern and Wisemans Ferry Roads between the intersection of the access road and the Baulkham Hills Shire boundary at Cattai Creek and other projects identified in the Plan of Management for Extractive Industries adopted by Council.

This condition has been imposed in accordance with Contributions Plan No. 6 - Extractive Industries. A copy of this plan may be inspected at the Customer Service Centre, Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30am and 4.30pm weekdays.

Please note: Section 94 rates are updated quarterly.

ATTACHMENT: GENERAL CONDITIONS

General conditions as attached are to be complied with.

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Robert Buckham on 9843 0267

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

