

SYDNEY NORTH PLANNING PANEL HORNSBY COUNCIL ASSESSMENT REPORT

Panel Reference	2017SNH048
DA Number	DA/1270/2016
LGA	Hornsby Shire Council
Proposed Development	Sandstone Extractive Industry
Street Address	Nos. 6 & 8 Laughtondale Gully Road, Maroota
Applicant	Dixon Sand (Penrith) Pty Ltd
Owner	Mr Michael John Camilleri and Ms Helen Elizabeth Dixon
Date of DA lodgement	14 October 2016
Number of Submissions	Three
Recommendation	Approval as a deferred commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The development falls within Schedule 4A of the EP&A Act, Clause 8(a) Particular Designated Development, being development for the purposes of extractive industries, which meet the requirements for designated development under Clause 19 of Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> .
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No. 33 – Hazardous and Offensive Development - State Environmental Planning Policy No. 44 - Koala Habitat Protection - State Environmental Planning Policy No. 55 - Remediation of Land - Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean (No. 2 - 1997) • 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: s4.15(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> - Hornsby Development Control Plan • List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia)

	<ul style="list-style-type: none"> - Nil • List any relevant regulations: s4.15(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288 - Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Figure 1.1 – Locality Map (amended March 2018) • Figure 1.2 – The Project (amended March 2018) • Figure 1.3 – Land Ownership • Figure 2.1 – Environmental Context and Sensitive Receiver Locations • Figure 2.2 – Land Use • Figure 6.3 – Vegetation Mapping and Threatened Flora • Figure 3.6 – Indicative Quarry Plan – Year 7 • Figure 3.7 – Indicative Quarry Plan – Year 14 • Figure 3.8 – Indicative Quarry Plan – Year 21 • Figure 3.9 – Indicative Quarry Plan – Year 28 • Figure 6.6 – Soil and Water Management Plan Final Landform • Architectural Plans of Maintenance Shed (4 sheets)
Report prepared by	Debra Clydsdale
Report date	29/05/2018

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 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?	Not Applicable

<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (s7.24)?</p> <p><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	<p>No</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p> <p><i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	<p>Yes</p>

EXECUTIVE SUMMARY

This report considers a development application for the establishment and operation of a sandstone quarry at 6 & 8 Laughtondale Gully Road Maroota.

The proposed quarry would extract sandstone blocks, logs and other products over a 30 year quarry life. The extraction area would be progressively rehabilitated in stages and include a dam for water storage.

The application was lodged in October 2016. Vehicular access to the site was originally proposed via Camilleri Road as an existing right hand turning lane was present allowing vehicles on Old Northern Road to turn into Camilleri Road. From Camilleri Road, an existing site access road which traverses property Nos. 4835, 4843, 4847 & 4777 Old Northern Road, Maroota was proposed to be utilised and upgraded to provide vehicular access to the quarry proposed within No. 6 & 8 Laughtondale Gully Road. All of these properties formed part of the subject site at the lodgement of the development application.

In February 2018, an issue arose with owners consent from No. 4777 Old Northern Road. This matter was unable to be resolved by the applicant. The applicant subsequently amended the proposal in March 2018 to propose vehicular access to the site via Laughtondale Gully Road. As the use and upgrade of the site access road over Nos. 4835, 4843, 4847 & 4777 Old Northern Road no longer formed part of the proposal, these properties were removed from the DA site description.

The subject land is zoned RU1 Primary Production under the *Hornsby Local Environmental Plan 2013 (HLEP)*. The proposed development is defined as 'Extractive industries' and is permissible in the RU1 Primary Production zone with development consent. The proposal satisfies the requirements of the *HLEP* and is generally consistent with the relevant controls within the Hornsby Development Control Plan 2013 (HDCP). A summary of the proposal's compliance with the relevant environmental planning instruments is provided below.

- *State Environmental Planning Policy (State and Regional Development) 2011* sets out the criteria for state and regionally significant development. The proposal does not constitute state significant development in accordance with Clause 7 of Schedule 1. As the proposal is for an extractive industry that is designated development, the proposal meets the Regional Development Criteria as set out in Clause 7 of Schedule 1 and therefore the Sydney North Planning Panel is the determining authority for this application.
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)* requires Council to consider the hazards and risks associated with a proposed development before approval is given for construction of the operation. The proposal is not a potentially hazardous industry as the project does not propose to store hazardous materials above the *SEPP 33* screening thresholds. Accordingly, a preliminary hazard analysis is not required.

The proposed development is potentially an 'offensive industry' as an Environmental Protection Licence from the Environmental Protection Authority is required. Subject to compliance with the EPA licencing requirements and General Terms of Approval

(GTAs), the proposed development is assessed as satisfactory with respect to *SEPP* 33.

- *State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44)* requires a consent authority to consider whether the land is a potential or core koala habitat. The land is a potential koala habitat as a preferred feed tree species of the koala is present within the site. An Ecological Assessment prepared by Umwelt Pty Ltd submitted as part of the application does not identify any koalas within the proposed extraction area. As a result, it is considered that the site is not a core koala habitat and a koala plan of management is not required.
- Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* requires that Council must not consent to carrying out of any development unless it has considered if that land is contaminated and if so, whether it is suitable or can be suitable (after remediation) for the proposed use. A search of Council's records and aerial images reveals that the site has been historically used for agricultural purposes and no contaminating activities are known to have occurred within the project area. It is considered unlikely that the site is contaminated and the use of the site as an extractive industry is acceptable.
- Clause 12-17 of *State Environmental Planning Policy (Mining Petroleum, Production and Extractive Industries) 2007 (SEPP Mining)* sets out the matters to be considered in the assessment of an extractive industry, including the compatibility with surrounding land uses, resource recovery; environmental management; transport and rehabilitation. Subject to recommended conditions, GTAs and supporting documentation, the proposed development satisfies the provisions of the SEPP.
- *Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River (SREP 20)* applies to the proposal as the site is within the catchment of the Hawkesbury-Nepean River. The proposed extractive industry is satisfactory having regard to the general planning considerations and recommended strategies within the instrument.

The application is Integrated Development for the purpose of the *Protection of the Environment Operations Act 1997* as a licence is required from the Environmental Protection Authority (EPA) for the carrying out of scheduled activities. The EPA raised no objections to the proposal and has provided General Terms of Approval (GTAs) for the development.

The application is Integrated Development for the purpose of the *National Parks and Wildlife Act 1974* as an Aboriginal Heritage Impact Permit (AHIP) is required from the NSW Office of Environment and Heritage (OEH) to relocate an aboriginal artefact identified within the proposed extraction area. The OEH raised no objections to the proposal and has provided GTAs for the development.

The proposal is also Integrated Development for the purpose of the *Water Management Act 2000* as a water supply work approval and a water access licence is required for the potential use of water from a domestic stock bore on the site. The NSW Department of Primary Industries - Water (DPI Water) have issued GTAs for the development.

The application was referred to the NSW Roads and Maritime Service (RMS) for concurrence in accordance with section 138 of the *Roads Act 1993*. The RMS raised no objections to the proposal subject to the requirement for upgrade to the intersection of Old Northern Road and Laughtondale Gully Road prior to commencing quarry operations. The RMS require civil design plans to be prepared and submitted for approval by RMS as a deferred commencement.

The application was notified to adjoining and nearby land owners in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* and the HDCP. The application was originally notified in November 2016, during which time Council received one submission. The application was amended in March 2018 to change the vehicular access to from Camilleri Road to Laughtondale Gully Road and was subsequently notified to nearby properties, during which time Council received two submissions. The submissions generally raise concern with respect to traffic impacts, air quality, impacts on agriculture, safety and the proliferation of quarries in the area. The matters raised in the submissions have been addressed in the EIS and the body of this report and do not warrant refusal of the application.

The EIS and supplementary documents provide a detailed analysis of the likely environmental impacts of the proposal. Assessment of the application against the relevant planning framework in conjunction with advice received from Public Authorities has not identified any fundamental issues of concern that cannot be addressed by way of conditions. The impacts of the proposal can be carefully managed by the suggested mitigation measures in the EIS and by additional conditions of approval. It is recommended that consent be granted to this application as a deferred commencement to satisfy RMS requirements.

RECOMMENDATION

THAT the Sydney North Planning Panel approve Development Application No. DA/1270/2016 for a sandstone extractive industry at Lot 1 DP 558045, Lot 2 DP 558045, No. 6 & 8 Laughtondale Gully Road Maroota as a deferred commencement subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 14 October 2016, DA/1270/2016 was lodged with Council for a sandstone extractive industry. The application was subsequently notified and referred to relevant agencies.

On 8 December 2016, Council received a response from the EPA requesting amendments and to be contained within the Air Quality Impact Assessment provided with the application.

On 22 December 2016, Council received a response from DPI Water, requesting details on ground water levels of the existing bores on the site.

On 10 February 2017, the applicant submitted details of the ground level water levels to address the matters raised by DPI Water.

On 15 March 2017, a revised Air Quality Impact assessment was provided to address the matters raised by the EPA.

On 20 April 2017, an on-site inspection of the site was conducted by Council officers, in conjunction with officers from the EPA and the applicant.

On 27 June 2017, Council requested clarification from the applicant regarding owners consent for a small parcel of adjoining Lot 61, DP 752029, which at the time the site access was proposed to traverse. This land was identified as Council owned land in the application, however during the assessment of the application Council was not able to find evidence that this parcel was owned by Council. Council contacted Crown Land to determine whether the parcel of land was owned by the Crown, who advised that the ownership could not be confirmed without a comprehensive status search being undertaken.

The applicant subsequently applied to the Crown for a comprehensive status search. The status search was completed in October 2017, confirming that the land was in Crown's ownership.

On 10 November 2017, the applicant provided evidence of correspondence with the NSW Crown Lands regarding permission to traverse the Crown land for the purpose of accessing the project site.

On 9 February 2018, the applicant advised that the current application as lodged will not proceed due to issues with owners consent for the use of a site access road over No. 4777 Old Northern Road. The applicant requested additional time to prepare amended plans to propose the access to the site via Laughtondale Gully Road.

On 22 March 2018, additional information was submitted to Council to amend the application to propose access to the site via Laughtondale Gully Road. The site description was also amended to comprise 6 & 8 Laughtondale Gully Road only, with the deletion of property Nos. 4835, 4843, 4847 & 4777 Old Northern Road, Maroota. The amended proposal was accompanied by an addendum to the traffic report and was referred to RMS for concurrence. No change was proposed to any other aspect of the original proposal. The amended proposal was subsequently notified to nearby properties and referred to relevant agencies.

On 6 April 2018, OEH confirmed no change to the original GTAs.

On 17 April 2018, EPA response was received confirming a minor change to the GTAs to include a reference the amended information.

On 16 May 2018, a response was received from RMS raising no objections subject to design plans being approved by RMS for required intersection upgrade works of Old Northern Road and Laughtondale Gully Road. RMS confirmed that this requirement can be applied as a deferred commencement.

SITE

The site comprises two properties known as Nos. 6 & 8 Laughtondale Gully Road Maroota, formally identified as Lots 1 and 2 DP 558045.

The project area is located on a gently sloping site with the lowest point being in the north-eastern corner of the site. The average slope gradient across the project area is 5-7%. The site contains a two storey dwelling house, shed and dam.

The project area is bounded by the Marramarra National Park to the north and east. The site adjoins Laughtondale Gully Road on the site's western boundary. Maroota Historic Site is located beyond the site's western boundary on the opposite side of Laughtondale Gully Road.

The southern adjoining property is identified as 4847 Old Northern Road Maroota and contains a dwelling and a number of sheds. Agricultural activities are presently being undertaken on this property. Land further to the south and south-west of the project area include land used for fruit orchards, quarries, grazing and rural residential purposes.

The project area is located in close proximity to a number of other sand and sandstone quarries in Maroota, including:

- Maroota Sandstone Quarry – 15 Laughtondale Gully Road Maroota – 400m to the west of the project area
- P.F Formation – Pits 3 and 5 – located approximately 1.2km south of the project area.
- Dixon Sand, Old Northern Road Quarry – located approximately 2.6km south of the project area
- P.F Formation – Old Telegraph Road Sand Extraction – located 3.9km to the south-east of the project area.

The project area is located within the headwaters of three tributaries of the Hawkesbury River, identified as Mill Creek; and unnamed tributary; and Dalgety's Creek. The proposed extraction area is located within the upper catchment of the unnamed tributary.

The majority of the project area has been historically cleared of native vegetation and used for grazing activities for over a decade. Areas of native vegetation remain, with the densest remnant vegetation located within the north-western corner of the project area.

The site is located on the northern outskirts of the rural community of Maroota which supports a rural population of 291 people.

THE PROPOSAL

The application proposes the construction and operation of a sandstone quarry. The proposed quarry would extract sandstone over a 30 year quarry life.

Excavators with water injected rock saws will be used to cut the sandstone products to the desired size. No blasting or crushing would be undertaken. The sandstone blocks would be transported to both local and international customers.

Up to 700,000m³ of sandstone products would be extracted from the project area over the quarry's lifetime, at a rate of up to 30 000m³ per year. The 30,000m³ equates to approximately 69,600 tonnes of sandstone per year, from a total resource base of approximately 70,000m³, or 1.6 million tonnes.

The proposed extraction area would have a footprint of 3.3 hectares. The proposed disturbance area consists largely of cleared grassland within limited areas of woody native vegetation occurring along the northern boundary of the disturbance area. A 40m buffer zone would be maintained from the quarry's disturbance boundary to Marramarra National Park.

Extraction depth of the proposed quarry would be limited so as to maintain a minimum buffer of 2 metres to the ground water table, up to a maximum depth of 25 metres below ground surface.

The proposal includes:

- A sandstone block extraction area;
- The erection of a maintenance shed / office;
- On-site parking area;
- A shipping container for the storage of mobile consumables;
- A sealed internal haul road;
- Filling the quarry and rehabilitation works.

The maintenance shed/office comprises a workshop area, storage space, first aid facilities, office, a lunch room and toilet facilities.

The construction phase for the project will occur over an approximate 12 month period. These works include the required intersection upgrade of Old Northern Road and Laughtondale Gully Road, road works to Laughtondale Gully Road, internal driveways, parking and product inspection areas and construction of the proposed shed / office. Site preparation works, including the construction of the water management system, vegetation clearing, top soil and overburden removal will commence during this period.

The quarry hours of operation would be Monday to Saturday 7am to 6pm. No operations would occur on Sundays or public holidays. The project will result in a maximum of 10 trucks accessing and leaving the site per day (i.e. 20 vehicle movements).

Trucks transporting product from the site would use Laughtondale Gully Road and Old Northern Road as the transport route for the project.

Extraction would occur in four equal stages over the 30 year life of the quarry, with each stage quarried over a period of approximately 7 years. Progressive rehabilitation of the extraction area will also be staged and will involve refilling of the completed extraction area to match the surrounding topography and pre-quarrying landform. A dam will be constructed with the north-eastern corner of the project area which forms part of the site water management system.

ASSESSMENT

The development application has been assessed having regard to *Greater Sydney Region Plan - A Metropolis of Three Cities*, the 'North District Plan' and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Regional Plan – A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056).

The Plan sets a strategy for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for the Northern District for the next 20 years.

The objective of Planning Priority N18 of the *North District Plan* is for environmental, social and economic values in rural areas to be protected and enhanced. Planning Priority N18 states the following with respect to extractive industries:

'The district has mineral and extractive resources around Maroota, Canoelands and Belrose. These operations extract construction sand for use in concrete in mortar used in in housing developments, infrastructure and building redevelopment throughout the Sydney Region. Sourcing construction materials locally minimises transport requirements, and reduces cost, environmental footprint and social impact of construction supporting growth in Greater Sydney.'

The proposed sandstone quarry would provide sandstone products to the local Sydney market. The environmental and social impacts of the development can be mitigated through appropriate conditions. In this regard, the proposal is considered to be consistent with the *Greater Sydney Region Plan - A Metropolis of Three Cities* and the *North District Plan*.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider *"any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations"*.

2.1 Environmental Planning and Assessment Regulation 2000 - Designated Development

In accordance with Schedule 3, Clause 19 of the *Environmental Planning and Assessment Regulation 2000*, any extractive industries that will disturb a total surface area of more than 2 hectares of land is a designated development. The proposed extraction area would disturb a surface area of 3.3 hectares and therefore the project is classified as designated development.

An Environmental Impact Statement (EIS) has been prepared and submitted with the application. In preparation of the EIS, the Secretary's Environmental Assessment Requirements (SEARs) were obtained from the Secretary of the Department of Planning and Environment (DP&E) and have been addressed in the EIS.

Council has given written notice of the development application to public authorities and adjoining property owners/occupiers. A notice was placed on the land which could be read

from a public place. A notice was published in accordance with the regulations in a newspaper circulating in the locality.

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

2.2 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *HLEP*. Relevant matters of the *HLEP* are addressed below.

2.2.1 Zoning of Land and Permissibility

The subject land is zoned RU1 Primary Production under the *HLEP*. The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The proposed development is defined as ‘*Extractive industries*’ and is permissible in the zone with Council’s consent.

The proposal is consistent with the definition of extractive industry and the objectives of the RU1 Primary Production zone. The proposal would not cause population growth or fragment the land. The proposal would not unreasonably increase demand for public infrastructure, services or facilities and would not comprise the effective operation of agricultural activities in the area.

2.2.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 10.5m. The proposal involves the erection of a maintenance building which would reach a maximum height of 8.8 metres. The proposal satisfies the height of buildings development standard under Clause 4.3 and is acceptable.

2.2.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire.

The site is not listed as containing an item of heritage or archaeological significance in Schedule 5 of the *HLEP*. However, the application has identified an aboriginal artefact within the project area which is proposed to be relocated to an area where it will not be disturbed. Clause 5.10(2)(a) prescribes that development consent is required for the demolition or removal Aboriginal objects or places.

An Aboriginal Cultural Heritage and Archaeological Assessment report was prepared by Umwelt in consultation with registered Aboriginal parties. The report identifies one isolated artefact (DIXQuarry IF 1) within the eastern side of the extraction area as having low archaeological significance. The report also notes that there is low potential for any other aboriginal objects or sites to be encountered during excavation works.

The relocation of the aboriginal object requires an application for an AHIP to be made to OEH pursuant to s.90 of the *National Parks and Wildlife Act 1974*. The application was referred to OEH who reviewed the proposal and the accompanying aboriginal report and raised no objections subject to GTAs and the requirement for an AHIP to be separately applied for.

Subject to compliance with the GTAs and any further requirements of OEH applied throughout the AHIP process, the proposed removal of the aboriginal relic is supported and is acceptable with respect to Clause 5.10 of the *HLEP*.

2.2.4 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

Subject to the recommended conditions in Schedule 1, the earthworks proposed as part of the extractive industry would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

2.3 State Environmental Planning Policy (State and Regional Development) 2011

The proposed development does not constitute State Significant Development as defined by the *State Environmental Planning Policy (State and Regional Development) 2011*. Schedule 1 Clause 7 of the SEPP defines state significant extractive industries as:

- (1) *Development for the purpose of extractive industry that:*
 - (a) *Extracts more than 500,000 tonnes of extractive materials per year, or*
 - (b) *Extracts from a total resource (the subject of the development application) of more than 5 million tonnes, or*
 - (c) *Extracts from an environmentally sensitive area of state significance.*

The extraction would not exceed the thresholds that trigger State Significant Development. The proposed sandstone quarry will extract up to 30,000m³ (or approximately 69,600 tonnes of sandstone per year) from a total resource of approximately 700,000m³ (or 1.6 million tonnes).

The sandstone quarry is not located within an environmentally sensitive area of State significance as defined by Part 1, Clause 4 of the *SEPP*. Accordingly, the development does not meet the criteria for State Significant Development.

The proposal constitutes regionally significant development in accordance with clause 7 of Schedule 7 of the *SEPP*, as the proposal is for an extractive industry that is designated development under clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. As a result, the determining authority of the application is the Sydney North Planning Panel.

2.4 State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 33 (Hazardous and Offensive Development) (SEPP 33) requires Council to specifically assess the hazards and risks associated with a proposed development before approval is given for the construction of the operation. Two of the relevant aims of the Policy are:

- (a) *to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (b) *to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*

Applying *SEPP 33* merit based assessment guidelines, risk screening methods and thresholds (e.g. types and quantities of hazardous materials and dangerous goods, location, distance to boundaries and vehicle movements) to the extractive industry development; the proposal is not potentially a hazardous industry.

The project will store quantities of grease and oil on self bunded spill pallets within the maintenance shed for the purpose of general maintenance. No fuel will be stored on site. The material stored on the site would be limited to small quantities. These materials are considered to be low risk and are not subject to screening under *SEPP 33*. No other hazardous materials or dangerous goods would be stored or used on-site. Accordingly, a preliminary hazard analysis is not required.

The proposed development is potentially an 'offensive industry' as an Environment Protection Licence from the EPA is required. Subject to compliance with the EPA licencing requirements and GTAs in Schedule 1, the proposal is acceptable with respect to *SEPP 33*.

2.5 State Environmental Planning Policy No. 44 - Koala Habitat

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas.

Hornsby Local Government Area is listed in Schedule 1 of *SEPP 44* and therefore the *SEPP* applies to the project. *SEPP 44* requires consideration as to whether the site is a potential koala habitat and a core koala habitat. If the site is core koala habitat, a koala management plan must be provided.

SEPP 44 defines a potential koala habitat as:

'areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.'

The project area is considered a potential koala habitat due to the presence of Koala feed tree species.

SEPP 44 defines a core koala habitat as:

'an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.'

An ecological assessment was provided with the application and provides detailed assessment of the biodiversity impacts of the development. The site surveys undertaken did not identify koalas on site, however koala scat was detected in the north-western portion of the site (location identified in Figure 6.14) approximately 200m north-west of the proposed maintenance shed and approximately 400m from the proposed extraction area. The north-west corner is to remain undisturbed and will be protected in accordance with the vegetation management plan provided with the application. This north-west quadrant of the project site is also required to be fenced to avoid disturbance and protect significant flora and fauna within this area for the life of the quarry.

The survey did not identify any other evidence of koalas within the proposed extraction area or within the 40m buffer to Marramarra National Park. The ecological assessment does not identify the site as a core koala habitat and therefore a Koala plan of management is not required in accordance with the SEPP 44. Council's ecological assessment concurs with the ecological assessment and does not consider the site to be a core koala habitat.

Subject to conditions for appropriate fencing, management of the site and compliance with the vegetation management and restoration plan, the proposal is unlikely to adversely impact on koala habitats and is acceptable with respect to SEPP 44.

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to promote remediation of contaminated land for the purpose of reducing risk or harm to human health or any other aspects of the environment.

Clause 7 of the SEPP requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A search of Council's records and aerial images reveals that the site has been historically used for agricultural purposes and no contaminating activities are known to have occurred within the project area. It is considered unlikely that the site is contaminated and the use of the site as an extractive industry is acceptable.

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

State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries (SEPP Mining) generally aims to provide for the proper management and development of mineral, petroleum and extractive material resources. The aims of the *SEPP* are, in part:

- (a) *to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) *to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
- (b1) *to promote the development of significant mineral resources, and*
- (c) *to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.*

Part 3 of *SEPP Mining* sets out the matters to be considered which area addressed as follows:

2.7.1 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

Clause 12 requires consideration of the existing uses and the approved uses of land in the vicinity of the development and whether the proposal would have a significant impact or be incompatible with the nearby land uses.

The boundary of the subject site adjoins Marramarra National Park to the north and east. A 40 metre buffer zone would be provided to the site boundary adjoining the National Park. Conditions have been recommended for bushland protection and water management to minimise potential impacts.

Agricultural land uses to the south of the site consist of an orchard and market garden operations. These operations are located upslope from the site and the proposal development will not impact on water availability or water quality for these operations. A 40m buffer is provided from the project area to the southern adjoining property. Air quality and acoustic assessment reports provided with application also do not identify any unreasonable impacts associated with the quarrying operations on the southern adjoining property or other properties within the vicinity of the site (refer to discussion in Section 2.11 of this report). Subject to compliance with conditions of consent, it is considered that the proposal is compatible with the surrounding existing land uses.

2.7.2 Compatibility of proposed development with mining, petroleum production or extractive industry

Clause 13 requires consideration as to whether the proposal will be compatible with the existing extractive industries within the vicinity of the site. The quarries in the vicinity of the subject site include:

- Maroota Sandstone Quarry – 15 Laughtondale Gully Road Maroota – 400m to the west of the project area
- P.F Formation – Pits 3 and 5 – located approximately 1.2km south of the project area.
- Dixon Sand, Old Northern Road Quarry – located approximately 2.6km south of the project area
- P.F Formation – Old Telegraph Road Sand Extraction – located 3.9km to the south-east of the project area.

The proposal is unlikely to have a significant impact on the current or future extraction in the vicinity of the site. Having regard to the nature and scale of the proposed extractive industry, it is not expected to negatively impact on the current or future extractive industries in the vicinity.

2.7.3 Natural resource management and environmental management

Clause 14 requires consideration of conditions to ensure the development is undertaken in a environmentally responsible manner to minimise impacts on water resources, threatened species and biodiversity and greenhouse gas emissions. The environmental impacts of the proposal can be managed by the suggested mitigation measures in the EIS and by additional conditions of approval, including GTAs imposed by EPA. Subject to compliance with conditions it is considered that the proposal would be undertaken in an environmentally responsible manner.

2.7.4 Resource recovery

With respect to Clause 15, Council is satisfied that the development would be carried out in such a way as to optimise the efficiency of recovery of extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of the extractive materials.

2.7.5 Transport

With respect to Clause 16, Council must consider whether or not transport of materials in connection with the development is not to be by public road, limiting or precluding truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools and implementation of a code of conduct relating to the transport of materials on public roads.

The project will result in a maximum of 10 additional trucks (20 movements) on local roads per day. The transport route will be via Laughtondale Gully Road and Old Northern Road. The main transport route is not via residential streets however the route does pass Maroota Public School. There are also a number of dwellings located along Old Northern Road. The applicant submits that drivers are committed to observing speed restrictions and the development will operate in accordance with the Maroota Local Traffic Management Policy. This traffic management policy is an agreement between extractive industry operators in the Maroota area which states that all loads would be covered leaving the quarry sites and engine/exhaust brakes would not be used in the vicinity of the quarry site. The proposal would not significantly increase transport movements along public roads in the Maroota area compared to existing operations.

Clause 16(2) requires referral of the application to the Roads and Maritime Service (RMS). As detailed in Section 5.2.1 of this report, the RMS raised no objection to the proposed development subject to the applicant completing upgrade works to the intersection of Old Northern Road and Laughtondale Gully Road. The applicant is aware of these requirements. RMS have advised that a requirement for civil plans of the intersection upgrade works to be approved by RMS can be applied as a deferred commencement condition.

2.7.6 Rehabilitation

Clause 17 requires consideration of appropriate conditions to ensure the land is rehabilitated. A quarry rehabilitation is outlined in section 6.16 if the EIS. The rehabilitation will be carried out progressively as part of the ongoing development of the quarry. The plan is referenced as an approved plan in Schedule 1 and a further operational condition requires compliance with the rehabilitation plan.

Subject to compliance with the recommendations of the plan and supporting documents, Council's conditions and the GTAs granted by various agencies, the application satisfactorily addresses the requirements of *SEPP Mining*.

2.8 Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2 - 1995)

The *Sydney Regional Environmental Plan No. 9 - Extractive Industry (SREP 9)* does not apply to the Project as the Project Area is not listed within Schedule 1 and is outside the area of land mapped as Maroota sand and clay/shale in Schedule 2.

2.9 Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River

SREP 20 applies to the proposal as the site is within the catchment of the Hawkesbury-Nepean River. The aim of *SREP 20* is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development and future land uses are considered in the regional context. The plan requires consideration of general planning considerations and specific planning policies and recommended strategies listed in Clauses 5 and 6 of the instrument.

The project area is located within the headwaters of three tributaries of the Hawkesbury River, identified as Mill Creek; and unnamed tributary; and Dalgety's creek. The proposed extraction area is located within the upper catchment of the unnamed tributary.

The specific planning policies and recommended strategies set out in Clause 6 are addressed as follows:

2.9.1 Total catchment management

The policy requires that total catchment management is to be integrated with environmental planning for the catchment.

It is considered that these aspects are adequately addressed in the EIS. Water quality has been addressed through the implementation of sediment and erosion control measures, a Water Management Plan, rehabilitation works and recommended conditions of approval. Subject to conditions the development is likely to have minimal impact on the quality of water

in the catchment and the cumulative impact of the development proposal is considered minimal.

2.9.2 Environmentally sensitive areas

The policy requires that the quality of environmentally sensitive areas must be protected and enhanced and that new development should be located in areas that are already cleared.

Environmentally sensitive areas applicable to the proposal include the adjacent Marramarra National Park, watercourses and flora and fauna habitats. The EIS for the proposal includes mitigation measures to reduce any adverse impacts on water quality, flora and fauna habitats and Marramarra National Park. Further conditions for fencing to protect bushland are recommended.

2.9.3 Water Quality

The policy requires that future development must not prejudice the achievement of the goals of use of the river for primary contact recreation and aquatic ecosystem protection in the river system.

The recommended conditions requiring the installation and maintenance of erosion and sediment control measures would minimise the impact of the proposed extractive industry on water quality.

2.9.4 Water Quantity

The policy requires that aquatic ecosystems must not be adversely affected by development which changes the flow characteristics or groundwater in the catchment.

The extraction depth of the proposed quarry will be limited so as to maintain a buffer of 2m to the Sydney basin ground water source, up to a maximum depth of 25 metres below ground surface. Subject to a restriction on excavation not being within 2m of the groundwater level, the extractive industry is unlikely to significantly reduce water quantity in the catchment.

2.9.5 Cultural Heritage

The *SREP* requires an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance. This matter has been addressed in Section 2.2.3 of this report.

2.9.6 Flora and Fauna

The policy requires that flora and fauna communities are managed so that the diversity of species and genetics within the catchment is conserved and enhanced.

The EIS and Ecological Assessment considered the proposal is unlikely to have a significant effect on threatened flora and fauna species and their habitats provided mitigation measures are implemented to minimise any adverse impacts. This matter has been addressed in Section 2.11.9 of this report.

2.9.7 Riverine scenic quality

The proposal would have no impact on the riverine scenic quality given the site is located 4km west of the Hawkesbury River and is not visible from the river.

2.9.8 Agriculture/aquaculture and fishing

The development would not have an adverse impact on any existing agricultural activities being undertaken within the catchment subject to appropriate mitigation measures being implemented in accordance with conditions and site rehabilitation works.

2.9.9 Rural residential development

The policy requires that rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna). The proposed development is not for rural residential use.

2.9.10 Urban development

The policy requires that all potential adverse environmental impacts of urban development must be assessed and controlled. The proposed development does not result in any urban development.

2.9.11 Recreation and tourism

This policy requires that the value of the riverine corridor as a significant recreational and tourist asset must be protected. As the site is located approximately 4km from the Hawkesbury River and is not visible from the banks of the river, the proposal would not impact on the significance of the Hawkesbury River as a recreational and tourist asset.

A discussion on the proposal's impacts on Marramarra National Park, in terms of views from walking tracks and campgrounds is made in Section 3.1.1 of this report.

2.9.12 Metropolitan strategy

The development is consistent with the vision, goal and key principles of the Metropolitan Strategy.

2.10 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP). Part 2.5 of the HDCP provides controls for extractive industries to areas which *SREP 9* applies and may be applied elsewhere in the rural areas where similar extractive industries are proposed. The site is not within the areas where *SREP 9* applies, however is within a rural area and therefore it is considered that the controls within Part 2.5 are applicable in the assessment. The proposal's compliance with relevant controls prescribed in the HDCP is addressed below.

2.10.1 Setbacks

The desired outcome of the setback controls is to provide setbacks to extractive industries that protect the natural environment and provide reasonable visual and acoustic amenity to the area. The following table sets out the proposal's compliance with the prescriptive requirements for setbacks:

Setback Control	Proposal	Requirement	Complies
• <i>Adjoining property boundaries</i>	40m	10m	Yes
• <i>Public Road</i>	520m	30m	Yes
• <i>National Parks</i>	40m	40m	Yes
• <i>Relics</i>	0m	40m	See discussion
• <i>Threatened species habitat</i>	0-40m	40m	See discussion
• <i>Watercourse</i>	120m	40m	Yes
• <i>Public or Community Facility</i>	200m	100m	Yes
• <i>Residence not associated</i>	300m	100m	Yes
• <i>Residence associated</i>	150m	N/A	Yes

As detailed in the above table, the proposed development complies with the prescriptive requirements within the HDCP with the exception of the setback from relics and threatened species.

With respect to threatened species, one threatened flora species *Darwinia fascicularis* ssp. *oligantha* was observed on the project site. This species was recorded near the outer edge of the 40m buffer zone. Conditions have been recommended to protect the threatened species and surrounding bushland (Refer to discussion in Section 2.10.9).

With respect to relics, the removal of the aboriginal artefact within the project area proposed and is supported (See discussion in Section 2.2.3 of this report). No other relics have been recorded on site.

The proposal establishes reasonable setbacks from adjoining land uses in accordance with the prescriptive controls and is acceptable.

2.10.2 Transport

Access to the site would be via Laughtondale Gully Road. A maximum of 10 truck loads (or 20 movements) are proposed per day.

A Traffic Impact Assessment (TIA) prepared by SECA solution was provided with the application. The TIA concluded that there would be no significant impacts to the local traffic or road transport network as a result of the proposed development. The site access can operate in a safe manner and allow for vehicles to enter and exit the site in a safe manner.

RMS was consulted in regards to the proposed development and raised no objection to the proposed development subject to the upgrade of the intersection of Old Northern Road and Laughtondale Gully Road. Council's engineering assessment of the traffic impacts of the development raised no objection to the proposal subject to the intersection upgrade works prescribed by RMS and further works to upgrade Laughtondale Gully Road.

2.10.3 Water Resources

Extraction would occur no less than 2 metres above the Sydney basin groundwater level. Groundwater levels will be monitored within two monitoring wells up-gradient and down-gradient of the extraction area in a monthly basis and reviewed annually to confirm the wet weather high groundwater table level, so that the quarry can establish a maximum extraction depth which is set 2 metres above the wet weather groundwater table level. The applicant advises that a registered surveyor will be used for this purpose once the depth of extraction reaches within 5 metres of the maximum extraction depth.

Groundwater levels and water quality would be regularly monitored and the results reported in accordance with the General Terms of Approval granted by DPI Water and the Environmental Management Plan conditions in Schedule 1.

Surface runoff would be directed to a dam in the north-eastern corner of the extraction area. The water from the storage dam would be re-used for watering during the extraction process for dust suppression. There would be no discharge of dirty water from the site to the adjoining National Park.

2.10.4 Soil and Water Management

Downstream water quality will be protected throughout the life of the quarry by implementation of a Water Management System (WMS). The WMS has been designed to ensure that there will be no discharge of dirty water from the site, including to the adjoining Marramarra National Park. The WMS will incorporate the following features:

- Diversion of clean upslope runoff around the quarry disturbance and infrastructure area.
- Collection of 'dirty water' from within the quarry disturbance and infrastructure area via diversion drains and direction of runoff into the extraction area.
- An in-pit sump for water management and associated pumps to supply water for dust suppression activities.

Dirty water captured in the WMS will be reused for operational demands including dust suppression. During the construction phase of the WMS, additional temporary erosion and sediment control measures will be installed and maintained.

2.10.5 Acoustic Environment

A Noise Impact Assessment has been prepared for the proposed development. The noise modelling assessment for the operation of the project and associated truck movements indicates that the project is not likely to exceed acceptable noise levels at any of the nearby privately owned residences, with the exception of the dwelling located at 4847 Old Northern Road adjoining the subject site which would exceed acceptable criteria after 7 years of operation. The Noise Impact Statement states that this property is not a sensitive receiver for the purpose of the assessment due to a negotiated private agreement in place with the

affected property owner. The applicant submits that should, for any reason, this agreement be terminated, there are a number of options that can be adopted to reduce noise impacts to this property, including construction of noise bunds, a review or substitution of plant equipment.

A private agreement is considered to be a civil matter between the owner and the developer which is not enforceable by the consent authority. Accordingly compliance with the *Protection of the Environment Operations Act 1997 (POEO Act)* is recommended as a condition of consent to ensure attenuation measures are implemented in accordance with the POEO Act should they be required.

It is noted also that traffic noise levels for Maroota Public School currently exceed applicable acoustic criteria, however the increases in traffic numbers along Old Northern Road as a result of the project is predicted to produce an imperceptible increase in noise levels.

Noise Mitigation and Management measures are detailed in the Noise Assessment as well as a monitoring program to be undertaken. The noise mitigation measures relate to managing and minimising machinery noise on the site. The EPA raised no objection to the proposal and issued GTAs which are included in the conditions in Schedule 1 and include requirements for noise monitoring to be undertaken during operations.

2.10.6 Air Quality

An Air Quality Assessment report prepared by Pacific Environment accompanied the application.

The predicted impacts due to the proposal have been assessed as minimal and unlikely to result in an exceedance of the dust deposition goals. The cumulative impact with existing air quality is also unlikely to result in exceedances of the air quality goals.

Wet cutting methods would be used for cutting sandstone blocks. The applicant proposes the sealing of the internal driveway and product inspections area. All trucks leaving the site would have their loads covered with tarpaulins to prevent dust escape.

The Air Quality Assessment addresses the risks associated with crystalline silica. The report states the risk of silicosis is very low due to the very low emissions generated by the project. The wet cutting methods utilised by the proposed quarry avoid the generation of silica dust, thereby mitigating the risk of silicosis. The applicant has advised that Dixon Sand will implement a range of work health and safety measures consistent with those utilised at its existing sand extraction operations, including regular independent monitoring of silica exposure for quarry staff and regular independent health checks for staff.

The occupant of the existing residence on the site is associated with the development and is therefore not considered to be a sensitive receiver for the impact assessment purposes. Notwithstanding, the air quality assessment report prepared by Pacific Environment addressed the air quality impacts on this receiver. The assessment modelled a worse case operational scenario based on maximum exposed areas and maximum extraction rate. The results of the modelling confirmed that predicted incremental and cumulative concentrations of PM₁₀, PM_{2.5}, TSP and Dust Deposition comply with the relevant impact assessment at all receivers, including the on-site residence.

The EPA has raised no objection to the proposal and issued GTAs which are included in the conditions in Schedule 1 and include requirements for dust deposition measurements to be carried out at various locations on the site during operations.

2.10.7 Mitigation and Monitoring

An Environmental Management Plan (EMP) has been provided with the application detailing mitigation measures to minimise impacts of the development. The mitigation measures outlined the EMP are acceptable and a condition is recommended for the development to operate in accordance with the EMP. Further, the condition requires a revised EMP to be submitted to Council at the commencement of Stages 2, 3 and 4 detailing any relevant changes or new mitigation measures required to effectively operate with minimal environmental impact. A further condition is recommended for an independent audit to be prepared on the effectiveness of the EMP every three years and provided to Council. In addition to these conditions, the General Terms of Approval issued by EPA outline specific monitoring and annual reporting required under the Environmental Protection Licence.

2.10.8 Extraction Sequence

The EIS addresses the orderly sequence of the extraction and staging of the proposal including rehabilitation, to ensure that the extraction occurs in an orderly and controlled manner with regard to environmental sensitivity of the locality.

Extraction will occur in four stages over the 30 year quarry life, with each stage quarried over a period of approximately 7 years. The quarry is proposed to commence in the north-east corner of the proposed extraction area and work towards the south. This is the lowest point of the site and will therefore act as a sump collecting stormwater runoff and forming a key component of the water management system.

The extraction process has been designed to minimise the generation of impacts, minimise the volume of waste and limit the potential impact upon sensitive site features.

2.10.9 Rehabilitation

The final landform would be capable of supporting agricultural production. These post extraction land uses would be compatible with the rural/ bushland character of the Maroota area.

2.10.10 Bushland and Biodiversity

The site is bound to the north and east by Marramarra National Park and private lands to the south. The application includes an Ecological Assessment and Vegetation Management and Restoration Plan.

Vegetation on the site has been mapped by Smith & Smith (2008) as containing Grey Gum-Scribbly Gum Woodland and Scribbly Gum Open-woodland/Heath. Vegetation on the site has been impacted over recent years by clearing, burning and grazing reducing the extent and condition of the vegetation. The application proposes:

- Removal of 1.8 ha of Scribbly Gum – Hairpin Banksia – Dwarf Apple Heathy Woodland (equivalent to Scribbly Gum Open-woodland/Heath);

- Removal of 4.8 ha of introduced vegetation

One threatened flora species *Darwinia fascicularis* ssp. *oligantha* was observed on the project site. This species is listed as an Endangered Population under the *Biodiversity Conservation Act 2016*. The report has noted that this species was observed in quadrats 1 & 5, Figure 2.1 of the Vegetation Management and Restoration Plan indicating the location of the plant and predicted habitat. A further inspection of the site by Council Officers on 3 May 2017 observed that a significant population of this species occurs throughout the majority of remnant vegetation on the northern and north-western part of the project site, adjacent to the boundary with Marramarra National Park. Plants were observed in flower in the vicinity of those marked in Figure 2.1. Plants were observed as far west as within the road reserve on Loughtondale Gully Road and to the east adjacent to the edge of the proposed 40m buffer. Plants were also observed on rock outcrops to the west of the dam.

The fauna surveys have identified 9 threatened species including the Eastern Pygmy Possum (*Cercartetus nanus*) (TSC Act), Large-eared Pied Bat (*Chalinolobus dwyeri*) (TSC & EPBC Acts), Little Bentwing-bat (*Miniopterus australis*) (TSC Act), Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*) (TSC Act), Eastern Freetail-bat (*Mormopterus norfolkensis*) (TSC Act), Southern Myotis (*Myotis macropus*) (TSC Act), Eastern False Pippistelle (*Falsistrellus tasmaniensis*) (TSC Act), Koala (*Phascolarctos cinereus*) (TSC & EPBC Acts) (identified by scat) and Cattle Egret (*Ardea ibis*) (EPBC Act). 26 hollow bearing trees were identified within the project area with 12 proposed for removal.

The Vegetation Management and Restoration Plan (VMRP) has been prepared for the ongoing management of biodiversity and vegetation across the site. It notes that a 40m buffer has been provided around the extraction area adjacent to Marramarra National Park. The report also notes that an Asset Protection Zone will be maintained around the maintenance shed and office in accordance with the objectives of *Planning for Bushfire Protection 2006*. A Tree-felling procedure has been included in the VMRP to protect any local fauna utilising the hollows during clearing works. The plan also indicates the reuse of habitat hollows throughout the site and supplementary planting. The loss of 12 hollow bearing trees will be offset through the placement of artificial nesting hollows throughout the site, outside of the disturbance area.

In accordance with Council's Green Offsets Code the minimum offset ratio for vegetation on this site is 2:1. The proposal seeks to remove 1.8 hectares of native vegetation which is predominantly exotic understorey with remnant trees. The VMRP seeks to address the loss of trees through supplementary planting at a minimum 2:1 ratio with plantings occurring within the fenced off areas.

The VMRP also addresses the ongoing demarcation of vegetation to be retained on site. The plan notes the fencing of the 40m buffer along the boundary with Marramarra National Park. The presence of a significant population of the threatened plant *Darwinia fascicularis* ssp. *oligantha* throughout the site should also be addressed as part of the fencing. The *Darwinia fascicularis* ssp. *oligantha* Population Conservation Project operating under OEH's Saving Our Species program notes key management actions:

- Restrict and control access to sites especially from vehicles and goats;
- Increase protection status of sites; and

- Ensure sites are considered and protected in future development assessment and planning matters.

To protect the population from adverse impacts due to the proposed works and increased pressure from grazing, additional fencing should be provided to limit access by vehicles and goats. The extents of the population should be determined to assist in identifying appropriate fencing locations. Fencing should be provided along the entirety of the boundary with Marramarra National Park at a minimum distance of 40m from the northern boundary and to wholly contain the existing population on the western side of the property. A condition is recommended for an amended vegetation plan to be provided to include these details and approved by Council prior to the issue of a Construction Certificate. A further condition is recommended for ongoing monitoring of the Darwinia population and reporting in the annual monitoring and reporting to Council.

Subject to conditions and appropriate management of the site, Council's bushland assessment concludes that the proposal would not have an unreasonable impact on threatened species. The proposal is unlikely to have a significant effect on threatened flora and fauna species and their habitats provided mitigation measures are implemented to minimise any adverse impacts. Subject to the recommended conditions, the development would have minimal impact on flora and fauna.

2.11 Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024

The applicant would be required to make a payment of a contribution towards the cost of the rehabilitation, restoration, repair and/or maintenance of Old Northern Road and Section 94 administration in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979* and *Hornsby Shire Council's Development Contributions Plan 2014-2024*. A condition has been imposed to ensure that s94 contributions are paid for the development.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

3.1 Natural Environment

The impacts of the proposed development on the natural environment have addressed in in Section 2 of this report.

The extraction area would be progressively rehabilitated in stages. The environmental impacts of the proposal can be sufficiently managed throughout the life of the quarry. Subject to conditions the proposal would not have an unseasonal impact on the natural environment.

3.1.1 Impacts on National Park as a recreational asset

The site is visible only to a very small area of elevated land within the adjoining Marramarra National Park. Visibility is limited to the area between the eastern site boundary and a ridgeline located between approximately 700 to 900 metres to the east of the site.

No public access walking tracks or camping areas are located within the area of Marramarra National Park visible from the site. A fire trail is present that provides access to electricity generating infrastructure. The closest walking track within the Marramarra National Park is located approximately 10km to the south east and the closest camping ground is located 14km to the south east. The site is not visible from either of these locations.

The Maroota Historic Site is located to the west of the site and is not visible from the project site. The proposed development would not have a direct or significantly adverse impact on any recreation or tourism activities being undertaken within the National Park.

3.2 Built Environment

The proposal would not have an unacceptable impact on the built environment. The traffic impacts associated with the development have been assessed as acceptable by RMS and Council's traffic assessment subject to conditions.

3.3 Social and Economic Impacts

The extractive industry would have a positive social and economic impact by supplying sandstone to the Sydney market. Employment opportunities would be created in the locality including income to local suppliers servicing employees of the industry.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider *"the suitability of the site for the development"*.

The proposed land use is considered to be an appropriate use in the locality, subject to impact mitigation measures and conditions of consent. The site is considered suitable for the proposed development for the following reasons:

- The proposed extractive industry is permissible in the zone;
- the proposal includes suitable buffers from the adjoining national park and areas of bushland within the north western corner of the site;
- The site consists of predominantly cleared grazing land and the ecological impacts are limited;
- The proposed extraction area has significant separation from rural residences not associated with the quarry.

The site is identified as bushfire prone land and this matter is addressed as follows:

4.1 Bushfire Risk

The site is identified as bushfire prone land. The proposal includes a bushfire assessment report, which identifies the requirement for a 35m Asset Protection Zone (APZ) around the site infrastructure. Disturbed land within the APZ would be maintained with appropriate vegetated cover, such as grass, to minimise dust emissions and meet the requirements of *Planning for Bushfire Protection 2006*. A condition is recommended for the establishment and maintenance of the APZ to a distance of 35m around the maintenance shed in perpetuity.

The proposed land use is considered to be an appropriate use in the locality, subject to mitigation measures and conditions of consent.

5. PUBLIC PARTICIPATION


Section 79C(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

5.1 Community Consultation

The proposed development as originally lodged was placed on public exhibition and was notified to adjoining and nearby landowners between 24 October 2016 and 26 November 2016 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received one submission objecting to the use of Camilleri Road for access to the site. The map below illustrates the original subject site, the properties notified and the location of the nearby landowner who made a submission.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	✗ SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	
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The submission objected to the use of Camilleri Road as the transport route for the development due to potential noise and amenity impacts. The submission suggested that the application should be amended to propose access to the quarry via Laughtondale Gully Road. The submitter's concerns have been addressed by way of the amendment to propose access to the site via Laughtondale Gully Road.

Following the submission of amended plans in March 2018, the amended proposal was re-notified between 3 April 2018 and 26 April 2018 in accordance with the HDCP.



The amended proposal involved a change to vehicular access arrangements only, with no changes proposed to the extent of proposed excavated area and the environmental impacts of the proposal. As a result of the amendments, the internal site access road over Nos. 4835, 4843, 4847 & 4777 Old Northern Road no longer forms part of the site description. These properties were therefore notified of the amended proposal, along with additional properties north of Laughtondale Gully Road.

During the notification period, two submissions were received. One of the submissions was made anonymously and raised a number of matters in objection to the development. The second submission was made from a nearby land owner within the Hills Shire Council area raising concern with respect to the use of Laughtondale Gully Road and the impacts associated with the additional truck movements on Old Northern Road.

The map below illustrates the subject site, the properties notified of the amended proposal and the location of the known submitter.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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The matters raised in the community submissions are summarised below:

- The impacts associated with the increase in truck traffic on Old Northern Road;
- Trucks turning onto and coming out of Laughtondale Gully Road would cause additional noise and amenity impacts to nearby properties;
- Additional trucks on the road would adversely impact on the safety of roads for children riding bikes;
- There is already enough quarries in the Maroota and Glenorie area;
- The quarry would impact on local air quality;
- The quarry would be a hindrance to people who come birdwatching in the area;

- Orchards and vegetables are growing on site and a quarry should not be approved;
- The application is due to greed.

5.1.1 Traffic Impacts

Community submissions raise concern regarding the additional truck movements on Old Northern Road and the noise and amenity impacts to nearby properties. The proposal would result in an additional 20 truck movements per day on Laughtondale Gully Road and Old Northern Road.

The Noise Impact Assessment submitted with the application states that the noise impacts associated with truck movements are unlikely to exceed acceptable noise criteria at private residences. As discussed in Section 2.7.4 of this report, the proposal will operate in accordance with the Maroota Local Traffic Management Policy. This traffic management policy is an agreement between extractive industry operators in the Maroota area which states that all loads would be covered leaving the quarry sites and engine/ exhaust brakes would not be used in the vicinity of the quarry site. The proposal would not significantly increase transport movements along public roads in the Maroota area compared to existing operations.

Conditions are recommended to restrict the hours of operation of the Quarry to 7am to 6pm Monday to Saturday, with no work on Sunday and Public Holidays. Conditions restrict truck movements to 10 truck loads (or 20 movements) per day.

RMS was consulted in regards to the proposed development and raised no objection to the proposed development subject to the upgrade of the intersection of Old Northern Road and Laughtondale Gully Road. Council's engineering assessment of the traffic impacts of the development raised no objection to the proposal subject to the intersection upgrade works prescribed by RMS and further works to upgrade Laughtondale Gully Road.

5.1.2 Safety of Roads

A community submission raises concerns that additional trucks would adversely impact on the safety of roads, particularly for children riding bicycles. The proposal would result in an additional 20 truck movements per day.

The RMS requirement to upgrade the intersection of Old Northern Road and Laughtondale Gully Road would improve the safety of this intersection. As discussed in Section 2.7.4 of this report, the development will operate in accordance with the Maroota Local Traffic Management Policy, which is an agreement in place for quarry operators observe reduced speed limits and minimise vehicular noise near Maroota public school.

5.1.3 Too many existing quarries in the area

A community submission was received raising objections to the approval of a quarry on the site on the basis that there are too many existing quarries in the area. An extractive industry is a permissible land use in the zone. The impacts of the proposal have been addressed in the EIS and conditions are recommended to mitigate impacts to surrounding properties. The number of quarries existing in the area does not warrant refusal of the application.

5.1.4 Air Quality

A community submission was received raising objections to the potential impacts on air quality. This matter has been addressed in 2.11.5 of this report.

5.1.5 Birdwatching

Concerns were raised in a community submission that the quarrying operations will impact on opportunities for birdwatching in the area. Conditions are recommended to minimise impacts on flora and fauna habitats.

5.1.6 Existing Agriculture on-site

A community submission Orchards and vegetables are growing on site and a quarry should not be approved. Extractive industries are permissible land use in the zone with development consent. The presence of agricultural activities does not preclude an extractive industry from operating on the site.

5.1.7 Other matters

A submission states that the application is made due to greed. This is not a matter for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5.2 Public Agencies

The development application was referred to the following Public Agencies for comment.

5.2.1 NSW Roads and Maritime Services

The proposed development was referred to Roads and Maritime Services (RMS) for concurrence in accordance with Section 138 of the *Roads Act 1993* and pursuant to Clause 16 of *SEPP Mining*.

The RMS advised that the proposed access to the site via Laughtondale Gully Road would require upgrade of the intersection of Old Northern Road and Laughtondale Gully Road to include a channelized right hand turning lane from Old Northern Road into Laughtondale Gully Road..

In letter to Council dated 16 May 2018, it was advised that RMS provides 'in principle' support the development and would provide concurrence to the development proposal under Section 138 of the *Roads Act 1993*, subject to receipt of satisfactory channelized right turn lane civil design plans for the intersection. RMS advised that this requirement can be applied as a deferred commencement. Accordingly, a deferred commencement condition for approval of intersection plans by RMS is applied in Schedule 1.

5.2.2 NSW Department of Primary Industries - Water

The application was referred to the NSW Department of Primary Industries – Water (DPI Water) as integrated development under the *Water Management Act 2000*, as a water supply work approval and a Water Access Licence (WAL) is required for the potential use of water from a domestic stock bore on the site.

In correspondence to Council dated 21 December 2016, DPI Water requested further details on the ground water levels of the site's existing water bores. This information was subsequently submitted by the applicant and referred to DPI Water for Review.

In correspondence to Council dated 13 April 2017, DPI Water raised no objections to the proposal and provided General Terms of Approval for the development. DPI Water advised that WAL is to be separately applied for to DPI Water to licence the existing bore on site for use associated with the quarry. A monitoring and mitigation strategy is also required to be developed to provide monitoring of the quarry to ensure compliance with the minimum 2m buffer above the wet weather groundwater table. This would involve a monthly review of ground water levels and quarry floor levels.

Upon submission of amended plans, the amended proposal was referred to DPI Water for review on 6 April 2018. At the time of preparing this report (18 May 2018) a response has not been received. Where advice or a request for information is not received in 21 days after the agency has received the application, the consent authority can determine the application.

The amended proposal relates to changes to vehicular access only and would alter the development's impact on ground water or water course or water bodies. Since no response from DPI Water was received and the amended proposal would not alter environmental impacts of the proposal, the original GTAs provided by DPI Water are considered appropriate for the amended proposal and have been applied in Schedule 1.

5.2.3 NSW Environmental Protection Authority

The *Protection of the Environment Operations Act 1997* includes provisions for the issue of an environment protection licence to authorise the carrying out of scheduled activities. The proposed development is a scheduled activity under the Act and requires the approval of the EPA. In this regard the application is 'integrated development' and was referred to the Department for assessment.

Following a review of the proposal, the EPA requested that an updated Air Quality Assessment be prepared which contains more specific detail and data to demonstrate how conclusions were reached. The applicant subsequently prepared and submitted the revised Air Quality Assessment for EPAs assessment.

Following the EPAs review of the application, additional Air Quality Assessment and a joint inspection of the proposed quarry in conjunction with Hornsby Shire Council officers, the EPA advised that it is able to issue an EPL subject to a number of conditions. The General Terms of Approval provided from the EPA are listed in Schedule 1. The applicant will need to make separate application to the EPA to obtain the EPL prior to operation.

The amended proposal comprising changes to the site access was referred to EPA for comment. In correspondence to Council dated 17 April 2018, EPA advised the amended proposal would not result in any additional environmental impacts from what was originally identified. However, EPA advised that minor changes to the GTA administrative condition A1.1 is required to include the addendum documentation. The GTAs as prescribed by the EPA are outlined in Schedule 1.

5.2.4 NSW Office of Environment and Heritage

The application was referred to the NSW Office of Environment and Heritage (OEH) as an Aboriginal Heritage Impact Permit (AHIP) is required pursuant to s.90 of the *National Parks and Wildlife Act 1974* for the relocation of an aboriginal site identified within the proposed disturbance area. This matter has been discussed in Section 2.2.3 of this report.

General Terms of Approval issued by OEH are applied in Schedule 1. The GTAs require an AHIP be separately applied for, which is to address the relevant guidelines for preparing an AHIP and involve consultation with the Aboriginal community.

The amended proposal comprising changes to the site access was referred to OEH for comment. OEH confirmed no change to the original GTAs provided.

5.2.5 NSW Department of Primary Industries – Resources and Energy

In accordance with Clause 77 of the *Environmental Planning and Assessment Regulation 2000*, the application was referred to the NSW Department of Primary Industries – Resources and Energy (DRE) for comment as a public authority who may have an interest in the determination of the application.

A response was received from the Department requesting that a condition be applied for the proponent to supply annual production data to the DRE. This would assist DRE in the collection of construction material production data. This condition has been included in Schedule 1.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes a sandstone extractive industry over 30 years. The application is classified as designed development in accordance with clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* as the proposal would disturb more than 2 hectares of land. Accordingly, the application is submitted to the Sydney North Planning Panel for determination.

The extraction areas would be progressively rehabilitated in stages and include a dam for water storage and rehabilitated bushland.

It is considered that the environmental impacts of the extractive industry can be minimised through the imposition of conditions.

The development is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The application is recommended for approval as a deferred commencement.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 147 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

Schedule 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Deferred Commencement

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until evidence of the following is submitted to Council:

- a) A detailed design plan is to be submitted and approved by the NSW Roads and Maritime Services for the required upgrade to the intersection of Old Northern Road and Laughtondale Gully Road. The plans are to be prepared in accordance with *Austroads Guide to Road Design Part 4: Unsignalised and Signalised Intersections*, *RTA Supplement to Austroads Guide to Road Design* and to Australian Standards.

Evidence of the RMS approval of the required plans must be submitted within 24 months of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan No./Title	Drawn by	Dated
Figure 1.2 - The Project	Umwelt	September 2017
Figure 2.1 – Environmental Context and sensitive receiver locations	Umwelt	September 2016
Figure 3.1 – Site Plan	Umwelt	September 2016
Figure 3.2 – Maintenance Shed Floor Plan	Umwelt	September 2016
Figure 3.2 – Maintenance Shed Elevations	Umwelt	September 2016

Plan No./Title	Drawn by	Dated
Figure 3.4 – Typical Section	Umwelt	September 2016
Figure 3.6 – Indicative Quarry Plan – Year 7	Umwelt	September 2016
Figure 3.7 – Indicative Quarry Plan – Year 14	Umwelt	September 2016
Figure 3.8 – Indicative Quarry Plan – Year 21	Umwelt	September 2016
Figure 3.9 – Indicative Quarry Plan – Year 28	Umwelt	September 2016
Figure 6.6 – Soil and Water Management Plan – Final Landform	Umwelt	September 2016
Figure 6.13 – Vegetation Mapping and Threatened Flora	Umwelt	September 2016
Figure 6.19 – Proposed Final Land Use and Landform	Umwelt	September 2016
Figure 2.3 – Management Zones	Umwelt	September 2016

Document Title	Prepared by	Dated
Environmental Impact Statement	Umwelt Pty Ltd	September 2016
Addendum to Environmental Impact Statement	Umwelt Pty Ltd	22 March 2018
Traffic Impact Assessment	SECA solution	13 July 2016
Traffic Impact Assessment Addendum	SECA solution	20 March 2018
Ecological Assessment	Umwelt Pty Ltd	July 2016
Aboriginal Cultural Heritage Assessment	Umwelt Pty Ltd	July 2016
Traffic Impact Assessment	SECA solution	13 July 2016
Vegetation Management and Restoration Plan	Umwelt Pty Ltd	July 2016
Environmental Management Plan	Umwelt Pty Ltd	July 2016
Maroota Local Traffic Management Policy	Dixon Sand, PF Formation, Maroota Quarry and Hodgson Contracting	January 2005
Air Quality Assessment - AQU-NW-002-21812	Pacific Environment	13 March 2017

Document Title	Prepared by	Dated
Noise Impact Assessment within EIS	Umwelt Pty Ltd	September 2016
NSW EPA General Terms of Approval Notice No. 1547248	NSW EPA	4 May 2017
EPA response to amended proposal	NSW EPA	17 April
DPI Water General Terms of Approval – Ref No. 10ERM2016/1025	NSW DPI Water	13/4/2017
OEH General Terms of Approval	NSW OEH	8/12/2016
RMS Letter	NSW RMS	9/12/2016
RMS Concurrence Letter	NSW RMS	16/5/2018

3. **Amendment to Vegetation Management and Restoration Plan**

The Vegetation Management and Restoration Plan is to be amended as follows:

- a) An updated figure indicating the fencing of the extent of the *Darwinia fascicularis* ssp. *oligantha* population.
 - i) This will require a targeted survey of the site to locate the extent of this population.
 - ii) The fencing is to provide a minimum 40m buffer along the entire common boundary with Marramarra National Park and to restrict access by vehicles and goats (and other livestock) into the Darwinia population extent.
- b) Supplementary planting be detailed in the plan at a ratio of 2:1 in accordance with Council's Green Offsets Code.

The amended Vegetation Management and Restoration Plan must be approved by Hornsby Council's Natural Resources Unit prior to the issue of a Construction Certificate.

4. **Consent Limited to a Period of 30 years**

Pursuant to Section 4.17(1)(d), this consent is limited to a period of 30 years from the endorsed date of this consent.

All work including rehabilitation is to be completed within this period. Rehabilitation must be carried out progressively during the course of excavation and be completed within this period. All equipment to be used in the work must be removed from the site within that time.

5. **Construction Certificate**

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of the site works approved

under this consent, including construction of the shed, internal driveways and site preparation works.

- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the Roads Act. This relates to the required intersection upgrade and road works to Laughtondale Gully Road, as prescribed by Condition 13 and 14 of this consent.

The construction of the shed, internal driveways and site preparation works is permitted to commence prior to a Construction Certificate being obtained for the intersection upgrade and road works

- c) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

6. Annual Volume of Materials Extracted

The annual volume of material to be extracted shall be 30,000m³ in accordance with the Environmental Impact Statement prepared by Umwelt dated September 2016.

7. Depth of Excavation

The maximum depth of allowable excavation is 2 metres above the Sydney Basin Ground Water Source.

8. Determination of Weighted Material

A standard method of determining weighted material extracted from the site must be negotiated, being a method that is auditable by Council at six monthly intervals.

9. Removal of Existing Trees

This development consent permits the removal of trees within the disturbance area as indicated on the approved Project plan (Figure 1.2). The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

10. Environmental Management Plan

The proposal is to comply with the Environmental Management Plan contained within the Environmental Impact Statement prepared by Umwelt dated September 2016. Prior to the commencement of Stage 2, 3 and 4, the Environmental Management Plan is to be updated to detail any relevant details and a copy provided to Council.

11. Reporting on Environmental Management Plan

An Audit must be prepared by a suitably qualified consultant/ company certifying that the site is managed in accordance with the EMP. The audit must be undertaken every 3 years after the endorsed date of this consent. The proponent must submit the Audit to Council within 30 days of the date of the report.

The report is to detail the performance of environmental management plan and the particular risks identified in the EMP including, but not be limited to:

- a) Water Quality
- b) Air Quality
- c) Noise
- d) Vegetation Management
- e) Ground Water
- f) Waste Management

12. **Section 7.11 Development Contributions – Road Haulage**

The monthly payment to Council of a contribution of \$0.93 per tonne for all extracted material transported from the site in accordance with *Hornsby Shire Council Section 94 Development Contributions Plan 2014 – 2024* and the following:

- a) On or before the 14th day of each month that extracted materials are transported from the site, the applicant must submit to Council a certified copy of returns or records showing the true quantities of extracted material transported from the site during the immediately preceding month. Thereafter, Council will issue to the Applicant an invoice for the contribution payable for such material transported from the site. Payment of the amount of the invoice must be made by the applicant within 14 days of the invoice date. If the party carrying out the extraction work fails to deliver such returns to the Council in accordance with this clause by the 14th day of a particular month, the Council is at its absolute discretion, to be entitled but not obliged to estimate the quantity of material transported from the site during the immediately preceding month and is entitled to issue such an invoice on the basis of such estimate.
- b) Council is entitled to inspect and audit the original records relating to any of the extracted material, including locality of destinations, numbers and types of laden trucks and trailers and load quantities, transported from the site.
- c) If the applicant ceases to carry out the approved extraction work or if a party other than the applicant commences to carry out such work without the applicant having started to do so, then the applicant shall forthwith furnish to Council notice of that fact together with the name and address of the party (if any) who has commenced or will thereafter commence to carry on the said work.
- d) Such notice shall be accompanied by an acknowledgment in writing by that party that it is aware of the obligations imposed on it pursuant to this condition.
- e) Until such time as the notice and acknowledgment are furnished to the Council by the applicant, the applicant will remain jointly and severally liable with the party for the time being carrying out the extraction work for payment of the aforesaid contribution and for compliance with the terms of this condition. The terms of this paragraph apply mutatis mutandis to any future

operator of the extraction work in the event of his ceasing to carry out the work.

Note: The value of contribution is current as at 31 January 2018. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.

It is recommended that you contact Council each quarter to ascertain the indexed value of the contribution prior to payment.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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13. Road Works – Intersection Upgrade Work

Prior to the issue of a Construction Certificate, a separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all works within the road reserve. All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The design and construction of a channelized right turn lane on Old Northern Road at the intersection with Laughtondale Gully Road in accordance with the requirements of Roads and Maritime.
- b) The design and construction at the intersection shall be approved by NSW Roads and Maritime Service.

14. Road Works – Laughtondale Gully Road Upgrade

Prior to the issue of a Construction Certificate, a separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all works within the road reserve. All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) A detailed design for the sealing of Laughtondale Gully Road from Old Northern Road to the site entry shall be provided to Council for approval. The design is to be prepared by a Chartered Professional Civil Engineer of the Institution of Engineers, Australia. The design is to include assessment of existing condition of the pavement. The road is to be sealed to 6 metres width with 1 metre shoulder.
- b) An assessment of the existing condition of the sealed section of Laughtondale Gully Road (pavement and seal) from the intersection with Old Northern Road and its capability to withstand the vehicular loads that would be generated from the development shall be undertaken by a Chartered Civil / Pavement Engineer with Engineers Australia. Prior to the issue of a construction certificate, an assessment report of the existing pavement detailing the methodology used in the assessment shall be submitted to Council for approval.

- c) All damaged/deficient sections shall be upgraded to 6m wide sealed carriageway with 1m shoulder in accordance with the recommendation contained in the Engineer's assessment report.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- e) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

Note: A separate Construction Certificate is required to be submitted and approval obtained by Hornsby Shire Council prior to the commencement of these works.

15. Licences

The proponent is to obtain all necessary operating licenses, approvals and/or permits from all relevant public authorities including, but not limited to the Environment Protection Authority, Office of Environment and Heritage, and the Department of Primary Industry - Water, details of which are to be submitted to Council prior to the issue of a Construction Certificate.

16. Internal Driveway

The internal driveway, car parking and product inspection areas must be constructed and maintained in accordance with Australian Standard AS2890.1 and AS 2890.2.

17. Building Code of Australia

The maintenance shed and any other approved building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

18. Water Management Plan

A Water Management Plan and detailed design drawings shall be prepared in accordance with Council's Civil Works Design Specification and the requirements of the EPA and submitted to the principal certifying authority.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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19. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.

- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

20. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

21. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

22. Rehabilitation Bond

Prior to the commencement of extraction, the proponent must lodge with Council a contract for a Rehabilitation Bond based on an amount per tonne of extracted material. The total of this amount must be sufficient to cover the cost of rehabilitating the approved extraction area and other likely disturbed areas.

23. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must:

- a) Install suitable fencing around the extent of the *Darwinia fascicularis* ssp. *oligantha* population and 40m buffer area in accordance with the amended Vegetation Management and Restoration Plan.
- b) Clean machinery of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

Note: The site contains Darwinia fascicularis ssp. oligantha which is listed as an 'endangered population' under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without

the approval of the 'NSW Office of Environment and Heritage where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'. Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation and grazing by goats and other livestock would likely impact upon this endangered population. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

24. Wastewater System Approval

- a) An on-site sewage management system, separately approved under the *Local Government Act, 1993*, must be installed, commissioned and certified by a licensed plumber in accordance with *Australian Standard 1547 – Onsite Domestic Wastewater Management (2000)* and *Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)*.
- b) The certificate must be submitted to the PCA prior to the issue of an occupation certificate.

REQUIREMENTS DURING CONSTRUCTION OF SHED AND ROAD WORKS
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25. Construction Work Hours

Construction works for the maintenance shed, site access road and any other required works including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

26. Asbestos and Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the principal certifying authority and Council.

27. Environmental Management

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures. To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

28. Disturbance of Existing Site

During construction works, existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

29. **Importation of Fill**

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) All excavation and filling works associated with extraction shall be carried out in accordance with the recommendations of a Chartered Geotechnical Engineer of the Institution of Engineers, Australia (also known as Engineers Australia) ensuring stability of the surrounding areas and certified.

30. **Excavated Material**

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility.

31. **Works Near Trees**

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) All works, including driveways and retaining walls within 4 metres of any trees to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an '*AQF Level 5 Arborist*'.
- c) A certificate must be submitted to the principal certifying authority detailing the method(s) used to preserve these tree(s) during the course of construction.

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants occurs within 4 metres of any tree to be retained.

32. **Council Property**

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works and the life of the extraction, no building materials, waste, machinery or related matter is to be stored in the road reserve verge.

33. **Asset Protection Zone**

At the commencement of building works and in perpetuity the property around the maintenance shed to a distance of 35 metres shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of '*Planning for*

Bushfire Protection 2006 and the NSW Rural Fire Services Document *Standards for Asset Protection Zones*.

PRIOR TO OCCUPATION CERTIFICATE

34. Road Works - Intersection and Laughtondale Gully Road Upgrade Works

Product transport from the site is not permitted to commence until the following works are completed:

- a) The intersection upgrade to Old Northern Road and Laughtondale Gully Road is completed to the satisfaction of the RMS.
- b) Laughtondale Gully Road is upgraded from Old Northern Road to the site entry point to the satisfaction of Council.

35. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

36. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – "Preservation of Survey Infrastructure".

OPERATIONAL CONDITIONS

37. Operating Times

The operation of the quarry must only occur between 7am and 6pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

38. Access to the site

Access to quarry project site must be via Laughtondale Gully Road.

39. Heavy Vehicles

- a) A maximum of 10 truck loads of material are permitted to be removed from the site each day.
- b) A total maximum of 20 truck vehicular movements are permitted to and from the quarry each day.

40. **Keeping of weighbridge dockets and Log Book**

Certified weighbridge dockets and a log book to verify the frequency and timing of vehicle movements are to be maintained and presented to Council when requested.

41. **Parking**

On-site parking spaces are to be provided for all employees and visitors to the site.

42. **Car Parking and Deliveries**

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 – 2002 – Off Street Commercial* and the following requirement

- a) All parking areas and driveways must be sealed to an all weather standard;
- b) Car parking, loading and manoeuvring areas must be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads; and
- d) All vehicular entry on to the site and egress from the site must be made in a forward direction.

43. **Noise Management**

All noise generated by the proposed development must be managed in accordance with the recommendations of the Noise Impact Assessment, including the Noise Mitigation and Management measures and the Noise Monitoring Program, within Section 6.6 of the EIS.

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent residential premises which possess tonal, beating and similar characteristics which cause offensive noise as defined by the *Protection of the Environment Operations Act 1997*.

44. **Maintenance of Wastewater Device**

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

45. **Ongoing Protection of Bushland**

The natural bushland within the north-western corner of the site identified in Figure 1.2 of the Vegetation Management and Restoration plan, is to be protected in perpetuity in accordance with the following requirements:

- a) The bushland area is to be fenced off with post and wire (or similar) fencing to prevent vehicular access;

- b) The bushland area is to be kept free of noxious weeds using recognised bush regeneration methods in accordance with *'Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland – Department of Conservation 2005'*; and
- c) Machinery and fertilizer must not be used in the bushland area for maintenance purposes.
- d) The development is to operate in accordance with, and satisfy the commitments of the Vegetation Management Plan approved by Council.

46. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard 1940 - The Storage and Handling of Flammable and Combustible Liquids*. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

47. Importation of Fill

Landfill must be constructed in accordance with Council's *'Construction Specification, 2005'* and the following requirements:

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) All excavation and filling works associated with extraction shall be carried out in accordance with the recommendations of a Chartered Geotechnical Engineer of the Institution of Engineers, Australia (also known as Engineers Australia) ensuring stability of the surrounding areas and certified.

48. Damage to Council Assets

Any damage caused to Council's assets including the removal, damage, destruction, displacement or defacing of the existing survey marks as a result of the construction and operation of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

49. Certification from Ecologist

At the completion of rehabilitation works within each cell, a concise works summary report shall be prepared by a qualified and experienced ecologist to ensure the rehabilitation works are satisfactorily completed in accordance with the approved rehabilitation plan. The works summary reports shall be provided to Council's Natural Resources Unit.

50. **Dam**

- a) The dam which forms part of the final landform shall be designed and constructed in accordance with the recommendations of a Chartered Professional Engineer of the Institution of Engineers, Australia (IEA).
- b) Any required discharge of water from the dam is to be undertaken in accordance with the publication '*Soils and Construction 2004 (Bluebook)*', the *Protection of the Environment Operations Act 1997* and the following requirements:
 - i) Appropriate measures are to be implemented to prevent sediment run-off and/or discharge of turbid water.
 - ii) Discharge from the dam is to be undertaken over a suitable period of time so that the receiving creek is not inundated with an abnormal high water flow, and
 - iii) Flow rates are to be restricted so that no bank scouring or erosion occurs due to the discharge.

GENERAL TERMS OF APPROVAL – ENVIRONMENT PROTECTION AUTHORITY

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

51. **Information Supplied to the EPA (A1)**

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

- a) Development application DA/1270/2016 submitted to Hornsby Shire Council 10 October 2016;
- b) An environmental impact statement titled *Laughtondale Gully Road Sandstone Quarry (Final) September 2016* prepared by Umwelt (Australia) Pty Ltd including an Environmental Management Plan;
- c) Additional documents supplied to the EPA in relation to the development, including:
 - i) Revised air quality impact statement titled *Dixon Sand Laughtondale Gully Road Sandstone Quarry - Air Quality Assessment* prepared by Pacific Environment 13 March 2017.
 - ii) Letter submitted to Hornsby Shire Council regarding DA/1270/2016 – 6 & 8 Laughtondale Gully Road Maroota – Addendum to Environmental Impact Statement (Umwelt 2016) for Laughtondale Gully Road Sandstone Quarry for Proposed Change to Site Access prepared by Umwelt (Australia) Pty Ltd dated 22 March 2018.

52. **Fit and Proper Person (A2)**

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

53. **Waste (L5)**

- a) The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal of waste at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- b) This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if requires an environmental protection licence under the Protection of the Environment Operations Act 1997.

54. **Dust (02)**

- a) Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- b) Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- c) The proponent must prepare and implement an air quality management action plan during construction and operational phases of the project to minimise impacts to offsite receivers.

55. **Stormwater/sediment control – Construction and Operational Phases (03)**

- a) A Soil and Water Management Plan (SWMP) must be prepared and implemented for construction and operational phases. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction and operational activities. The SWMP must be prepared in accordance with relevant guidelines including *Managing Urban Stormwater* (DEC 2006), and *Soils and Construction: Volume 2E: Mines and Quarries* (DECC 2008).
- b) The proponent must maintain and implement a Water Management System (WMS) for the life of the project to maintain surface water quality downstream of the site.
- c) The WMS must ensure that construction and operational stormwater runoff is separated from upslope undisturbed areas and is retained on site. No off-site discharges of construction or operational stormwater runoff are permitted.
- d) As part of the WMS, the proponent must prepare and implement a surface water action plan to prevent impacts to downstream surface waters.

56. **Noise (07)**

- a) The proponent must implement an attended noise monitoring program within three months of commencing quarry operations to assess compliance with predicted noise levels and the effectiveness of proposed noise management measures.
- b) The proponent must provide a report within one month of completion of the attended noise monitoring program to demonstrate compliance with the predicted noise levels in the proponent's environmental impact statement. If noise levels are exceeded, the proponent must consult with the relevant authorities to determine suitable noise mitigation measures.
- c) The proponent must prepare and implement a Noise Action Plan during construction and operational phases to minimise the impacts of noise at off site receivers.

57. **Reporting Conditions (R1.1)**

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

GENERAL TERMS OF APPROVAL – OFFICE OF ENVIRONMENT AND HERITAGE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

58. **OEH – GTA 1**

The isolated artefact (site DixBQuarry IF 1) must be registered on the Aboriginal Heritage Information Management System (AHIMS).

59. **OEH – GTA 2**

As Aboriginal objects will be harmed as a result of this development, a s.90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted prior to the commencement of works. Appropriate management and mitigation for harm must form part of the AHIP application.

60. **OEH – GTA 3**

The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.

61. **OEH – GTA 4**

Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010*.

62. **OEH – GTA 5**

Long term management of Aboriginal objects must be considered as part of the AHIP application.

GENERAL TERMS OF APPROVAL – DEPARTMENT OF PRIMARY INDUSTRIES – WATER

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency.

63. **DPIW - GTA 1**

The General Terms of Approval (GTAs) relate to the above development within the proposed development site.

64. **DPIW - GTA 2**

The GTAs do not constitute an approval under the Water Management Act 2000 (WMA).

65. **DPIW - GTA 3**

If the consent authority determines to grant consent, the GTAs are to form part of the development consent.

66. **DPIW - GTA 4**

Any amendments to the development application may void these GTAs.

67. **DPIW - GTA 5**

The consent holder must submit to DPI Water, a completed application form for a water supply works approval prior to the commencement of any development / works to utilise the current domestic and stock bore to provide for industrial purposes.

68. **DPIW - GTA 6**

The application for a water supply works approval is subject to the assessment provisions of the Water Management Act 2000, which may take up to 6 months to assess, including public advertisement of the proposal if required. The consent holder must not use any water supply works until approval is obtained by DPI Water.

69. **DPIW - GTA 7**

The consent holder must obtain a water access licence to extract water from a ground water source if the groundwater to be extracted is to be used in the industrial process on site.

70. **DPIW - GTA 8**

Works Approval applications are required to be in accordance with the GTAs.

71. **DPIW - GTA 9**

The consent holder must provide for the following with the works approval application:

- a) A copy of the development consent
- b) Appropriate fee (to be determined once DA is granted)

72. **DPIW - GTA 10**

A monitoring and mitigation strategy shall be developed including the proposed monitoring from up gradient and down gradient of the quarry as outlined in Section 7.0 of the EIS, to ensure compliance with the proposed minimum 2m buffer above the wet weather groundwater table. This should include a monthly review of groundwater levels and quarry floor levels and proposed mitigation strategies in the event that the 2m buffer has been breached. It should be noted that breaches may occur as a result of a water level rise in a wet weather period even in the absence of quarrying operations.

73. **DPIW - GTA 11**

A logbook must be kept and maintained at the authorised work site or on the property for each water supply work authorised by this approval, unless the work is metered and fitted with a data logger.

74. **DPIW - GTA 12**

Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.

75. **DPIW - GTA 13**

When a water supply work authorised by this approval is to be abandoned or replaced, the approval holder must contact DPI Water in writing to verify whether the work must be decommissioned. The work is to be decommissioned, unless the approval holder receives notice from the Minister not to do so. Within sixty (60) days of decommissioning, the approval holder must notify DPI Water in writing that the work has been decommissioned.

76. **DPIW - GTA 14**

The completed logbook must be retained for five (5) years from the last date recorded on the logbook.

77. **DPIW - GTA 15**

Once the approval holder becomes aware of a breach of any conditions on this approval, the approval holder must notify the Minister as soon as practicable. The Minister must be notified by: A. email: water.enquiries@dpi.nsw.gov.au, or B. telephone 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

78. DPIW - GTA 16

Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded on the logbook before taking water. This reading must be recorded every time water is to be taken.

79. DPIW - GTA 17

The approval holder must make all reasonable efforts not to allow any used water to discharge, by any means including surface or subsurface drains or pipes, into or onto:

- Any adjoining public or crown road;
- Any other person's land;
- Any Crown land;
- Any river, creek, watercourse or aquifer.

80. DPIW - GTA 18

Any water supply work authorised by this approval used for the purpose of conveying, diverting or storing water must be constructed or installed to allow free passage of floodwaters flowing into or from a river or lake.

81. DPIW - GTA 19

The water supply work authorised by this approval must be constructed and maintained in a way that will:

- a) Ensure the work's safe construction and operation; and
- b) Prevent the possibility of damage being caused by the work, or resulting from the work, to any public or private interest.

82. DPIW - GTA 20

- a) The construction, installation or use of the water supply work authorised by this approval must not cause or increase erosion to the channel or bank of the watercourse.
- b) If erosion is observed, the area must be stabilised with grass cover, stone pitching or any other material that will prevent any further occurrence of erosion.

Note: For the purpose of the GTAs, the term 'consent holder' refers to the applicant for the integrated development application.

A works approval will not give the holder the right to use and occupy any land without the consent of the registered owner/s of the property.

A works approval will not relieve the approval holder of any obligations or requirements of any other acts, regulations, planning instruments or Australian standard.

CONDITIONS OF CONCURRENCE - NSW DEPARTMENT OF INDUSTRY – RESOURCES AND ENERGY

83. Production Data

To assist in the collection of construction material production data, annual production data for the subject site is to be submitted to the Resources and Energy Division of NSW Department of Industry.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.workcover.nsw.gov.au

Alternatively, telephone the *Safe Work NSW* Asbestos and Demolition Team on 8260 5885.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Rural Lands Incentive Program

The subject property may be eligible to participate in the *Hornsby Shire Council Rural Lands Incentive Program*, which provides assistance to landowners in the management conservation and restoration of remnant vegetation communities through the provision of technical advice and incentives. For further information, contact Council's Bushland and Biodiversity Team on 9847 6832.