

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC060
DA Number	DA 2136/2018/JP
LGA	THE HILLS SHIRE COUNCIL
Proposed Development	EXTRACTIVE INDUSTRY
Street Address	LOT 1 DP 590937, NO. 4567 OLD NORTHERN ROAD, MAROOTA
Applicant	Etra Pty Ltd as Trustee for PF Formation Trust
Consultants	Environmental Planning Pty Ltd Earth 2 Water Pty Ltd Dominic Steele Consulting Archaeology Building Code & Bushfire Hazard Solutions Pty Ltd WSP Pacific Environment Koikas Acoustics Pt Ltd Lyle Marshall & Partners Pty Ltd Freeburn Surveyors
Date of DA lodgement	31 May 2018
Number of Submissions	One
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Particular designated development – extractive industries
List of all relevant s4.15(1)(a) matters	SEPP State and Regional Development 2011 SEPP 55 – Remediation of Land SEPP Mining, Petroleum Production and Extractive Industries 2007 Draft SEPP Environment SREP 9 – Extractive Industry (No. 2 – 1995) SREP 20 – Hawkesbury Nepean River LEP 2012 DCP Part B Section 1 - Rural
List all documents submitted with this report for the Panel's consideration	Nil
Report prepared by	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER
Report date	12 December 2019

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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	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?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	NA
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The proposal is for the extraction and processing of approximately three million tonnes of sand from the site over a 20 year period. An additional two year period is required for the final rehabilitation of the site. During the extraction, rehabilitation will be undertaken in a progressive manner to return the land to agricultural use.

The development is defined as a "Designated Development" under Schedule 3 of the Environmental Planning & Assessment Regulation, 2000 as the proposed development will process in excess of 30,000 tonnes per annum, will disturb more than 2 hectares of land and there is an extractive industry located opposite which is approximately 200m away to the north.

The proposal complies with the Council's DCP Part B Section 1 Rural – Extractive Industries requirements with the exception of the setback to a residence not associated with extraction, hours of operation and setback to the Maroota Public School. The DCP requires a minimum setback of 100m to a residence not associated with the extraction site, with a minimum setback proposed to an adjoining dwelling of 71 metres. The DCP also limits hours of operation to 7am - 6pm Monday to Friday and 7am – 4pm on Saturday. The proposal is for 7am – 6pm Monday to Saturday with entry/exit for a maximum of 10 trucks between 6am – 7am. The DCP requires a setback of 250 metres from Maroota Public School. A setback of 162 metres is proposed. The proposed setbacks to residences not associated with the extractive industry site and the Maroota Public School are considered satisfactory and will not unreasonably impact these properties given that appropriate acoustic screening, dust control and landscape works will be undertaken to protect amenity. The existing screen planting, whilst not mature in one location, will provide an adequate landscape screen to protect visual impact. In respect to hours of operation these are considered reasonable given the low number of trucks to be loaded and the acoustic measures in place.

Through the imposition of conditions of consent and on-going monitoring including inspections by Council staff and the inclusion of the property within the bi-annual Community Consultative

Committee, it is considered that the development will be carried out in an appropriate manner and limited impacts on adjoining residents and the environment will result.

The proposal was exhibited and notified to adjoining and surrounding properties and one submission was received. The submission raises concern with tree and vegetation removal, increased traffic, hours of operation, truck noise and impacts on Maroota Public School. The proposed extractive industry is considered appropriate and will not unreasonably impact in the amenity of nearby properties owners.

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

BACKGROUND

The Development Application was lodged on 31 May 2018. The applicant was requested to provide additional information on 7 August 2018 regarding additional plans, amenities and site facilities, compliance with SEPP and DCP, ecology and rehabilitation, tree removal, plan of management and issues raised by the Office of Environment and Heritage.

The applicant provided additional information on 5 November 2018.

An email was sent to the applicant on 25 January 2019 requesting additional information, and the applicant provided additional information on 8 May 2019. The additional information was referred to the Environment Protection Authority for review and comment. The applicant also advised on 3 September 2019 that they had acquired a nearby property on Hart Place.

DETAILS AND SUBMISSIONS

Owner:	PF Graham Haulage (at time of lodgement) J & L Landholdings Pty Ltd (at time of determination) Owner's consent provided from both companies.
Zoning:	RU1 Primary Production and SP2 Infrastructure (Classified Road)
Area:	15.046 hectares
Existing Development:	Dwelling and ancillary structures
Section 7.11 Contribution	Yes, currently \$1.05/tonne of extractive or processed material.
Exhibition:	Yes, 30 days.
Notice Adj Owners:	Yes, 30 days.
Number Advised:	97. This includes landowners and occupiers.
Submissions Received:	One

PROPOSAL

The proposal is for the extraction and processing of approximately three million tonnes of sand from the site over a 20 year period. An additional two year period is required for the final rehabilitation of the site. During the extraction, rehabilitation will be undertaken in a progressive manner to return the land to agricultural use. The extraction and processing will not exceed 250,000 tonnes per annum.

Some processing of materials will occur on site (around one third), with the remainder of the extracted material (around two thirds) being processed on Lot 2 DP 748820, No. 311 Old Telegraph Road. This site is known as 'Pit 4' and is located within the Hornsby Shire Council Local Government area. Owner's consent for the Development Application was provided from Hornsby Shire Council. Pit 4 has development consent to accept VENM material for processing.

Initially the majority of the sand will be transported along Old Telegraph Road to Pit 4 by trucks, which is a distance of approximately 500 metres. After completion of works in the first cell (approximately two years) a silt, water and sand slurry pipeline will be installed under and within the Old Telegraph Road road reserve for a distance of approximately 70 metres. The pipe will run from the northern corner of the subject site to the southern corner of Lot 2 DP 748820.

In regard to the Pit 4 site in Hornsby Shire, the applicant has advised that the processing plant has development consent from Hornsby Shire Council to accept Virgin Excavated Natural Material (VENM) for processing at the site (under Development Consent DA/342/1998F from Hornsby Shire Council).

The maximum quantity of material to be extracted and processed will not exceed 250,000 tonnes per annum or 35 truckloads per work day averaged over one month. The applicant has advised that actual production rates would be variable and dependent on market demand, with the sand processed at Pit 4 being stockpiled then transported to markets by heavy vehicles for use in metropolitan Sydney's construction industry.

The average depth of extraction will be approximately 18 metres. Extraction will be limited to 2 metres above the wet weather high water table.

The proposed hours of operation are 6am – 6pm Monday to Saturday, with the period from 6am – 7am to allow the loading of trucks. Extractive operations will not commence until 7am. The site will employ three people.

A bund wall of height 2.1 metres will be constructed around the excavated area, with a solid fence of height between 2.1 – 3.1 metres erected atop the bund wall.

The extraction will occur in 'cells' and it will take approximately 2 years to extract each cell. Each cell will be approximately 1.1 hectares in area. A temporary sediment control dam will be constructed in each cell during extraction works. After extraction, rehabilitation of each cell will occur which will include back filling with tailings, VENM or ENM. A permanent dam will also be constructed in Cell C to provide clean water to the site. The dam will have a capacity of approximately 5 megalitres. No blasting will occur on site.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 provides the following referral requirements to a Planning Panel:-

7 Particular designated development

Development for the purposes of:

(a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000

The proposal is defined as an extractive industry which is designated development as detailed below.

In accordance with this requirement the application is referred to the SCCPP for determination.

2. Designated Development – Schedule 3 of NSW Environmental Planning and Assessment Regulations 2000

The provisions of Clause 19(1) of Schedule 3 of the NSW Environmental Planning and Assessment Regulations 2000 identify designated development as follows:

19 Extractive industries

- (1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating)-*
 - (a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
 - (b) that disturb or will disturb a total surface area of more than 2 hectares of land by-*
 - (i) clearing or excavating, or*
 - (ii) constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) storing or depositing overburden, extractive material or tailings, or*
 - (c) that are located-*
 - (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
 - (ii) within 200 metres of a coastline, or*
 - (iii) in an area of contaminated soil or acid sulphate soil, or*
 - (iv) on land that slopes at more than 18 degrees to the horizontal, or*
 - (v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

Under Schedule 3 the proposal is classified as a “Designated Development – Extractive Industry” as the proposed development will process in excess of 30,000 tonnes per annum (estimated extraction per year is 240,000 tonnes per annum), will disturb more than 2 hectares of land (approximately 10 hectares of the site will be disturbed) and there is an extractive industry located opposite which is approximately 200m away to the north (within Hornsby Shire Council).

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

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

3. SEPP Mining, Petroleum Production and Extractive Industries 2007

a. Permissibility under SEPP

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

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

The land is zoned RU1 Primary Production and SP2 Infrastructure (Classified Road) under Local Environmental Plan 2012. There are no works proposed in the SP2 Infrastructure (Classified Road) zoned land. The RU1 Primary Production zone is a zone which generally aims to encourage sustainable primary industry production and a range of compatible land uses. An extractive industry is a permissible use under LEP 2012.

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

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

The site is zoned RU1 Primary Production and agriculture is a permissible use in the zone. As such the proposed use may be carried out with development consent.

The proposal includes the processing of materials and facilities to allow the processing including a screening plant, and also areas for truck loading.

As such the proposed use and ancillary facilities are permissible works with consent under the SEPP.

a. Part 3 Development Applications – Matters for Consideration

Clause 12 ‘Compatibility of proposed mine, petroleum production or extractive industry with other land uses’ states follows:

Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:

(a) consider:

(i) the existing uses and approved uses of land in the vicinity of the development, and

(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and

(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and

(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and

- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

In regard to the above, the Maroota area is a rural area which is characterised by a number of existing extractive industry operations. Attachment 5 shows existing extractive operations within the area. The existing extractive industry operations are undertaken by the applicant and two other operators and have mainly been in place for a number of years.

The area immediately around the site also contains a number of market garden /agricultural uses and ancillary rural uses.

The Maroota area has been identified under SREP 9 - Extractive Industries as an area which contains a significant resource. Given the extent of resource remaining, the Maroota area is likely to continue to be characterised by this form of development for an extended period of time. It is also noted that the existing approvals permit the following typical examples of timeframes for extraction:

- DA 250-09-01 (as amended) for Dixon Sand, Old Northern Road, Maroota – carry out quarrying activities until 24 May 2042 and continue to receive and process extractive material until 14 February 2046.
- DA 165-7-2005 (as amended) for Dixon Sand, Hearses Road, Maroota – carry out quarrying operations until 14 February 2046.
- DA 267-11-99 (as amended) for Hodgson Quarries and Plant, Roberts Road, Maroota – the duration of extraction under the consent is until 31 May 2025.
- DA 2592/2005/HA for PF Formation, Old Northern Road, Maroota – consent for extraction and processing of material is limited to 1 December 2028.
- DA 06_0104 for PF Formation, Hitchcock Road, Maroota – extraction and processing operations may take place until 30 November 2028.

The proposal is considered to be compatible with the surrounding land uses given the number of existing extractive operations within the area. Given the number and extent of operations within the immediate area there are few complaints received from community regarding the operations within the area. It is noted that PF Formation are required to hold a Community Consultative Committee under previous Development Consents issued by both Council and the Department of Planning, Industry and Environment on a twice-yearly basis. The Community Consultative Committee is attended by community representatives, Council Officers and relevant public authorities are invited. The main issue to arise is potential safety impacts from heavy vehicles on roads. A condition has been recommended which requires that the subject site be included in discussion at the Community Consultative Committee meeting (See recommended Condition 54).

The extractive operation will also continue to benefit the local area through the employment of labour and given the proximity of the operation to the Sydney market the cost of supplying materials is minimised.

The proposal is considered satisfactory in regard to the requirements of the SEPP.

4. Draft SEPP Environment

Draft SEPP Environment was placed on public exhibition from 31 October 2017 until 31 January 2018. The Draft SEPP will consolidate seven existing SEPPs and SREPs which includes SREP 20 – Hawkesbury Nepean River. The Draft SEPP aims to protect and manage

the natural environment and seeks to reduce duplication of requirements and incorporate updated environmental evidence and requirements.

In regard to extractive industry and the relationship with SREP 20, the Explanation of Intended Effect states:

....many issues included in the Hawkesbury Nepean Regional Environmental Plan are now addressed through legislative requirements that are outside of, or complementary to, the Act.

Clause to be Repealed	Justification
Clause 11(5) Extractive Industries	The NSW Government's position on this type of development is set out in SEPP (Mining, Petroleum Production and Extractive Industries).

Notwithstanding the above comments, SREP 20 continues to apply to the proposal and is addressed below in Section 6.

5. SEPP 55 Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land states:

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

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The applicant has addressed SEPP 55 in the EIS and has stated as follows:

State Environmental Planning Policy 55 – Remediation of Land provides for a Statewide planning approach to the remediation of contaminated land. In particular, the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. This policy does not apply to the proposal as no areas within the site are known to be contaminated. The land is not listed on the EPA's list of contaminated sites as at 16 April 2018.

The 1998 Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land lists, inter alia, agricultural/horticultural activities, landfill sites and mining and extractive industries as activities that may cause contamination. Lot 1 DP 590937 has been used extensively for agricultural activities for decades without any evidence of contamination.

The site has been used partially for grazing of cattle and partly is bushland. There is no history of any uses on the site which raise any concerns regarding contamination.

Council's Environmental Health Officer has raised no objection to the proposal.

The proposal is considered satisfactory in regard to the requirements of SEPP 55.

6. Sydney Regional Environmental Plan No.9 Extractive Industry (No. 2 – 1995)

The aims of SREP 9 are:

This plan aims:

- (a) *to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and*
- (b) *to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 1 or 2, and*
- (c) *to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and*
- (d) *to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and*
- (e) *to prohibit development for the purpose of extractive industry on the land described in Schedule 3 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.*

The site has been identified in SREP 9 as an area which is regionally significant. The proposal is considered to be consistent with the aims and objectives of SREP No. 9 and appropriate conditions of consent have been recommended requiring the development to be carried out so as to have minimal impact on adjacent development, to allow the extractive industry to realise its full potential and to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner.

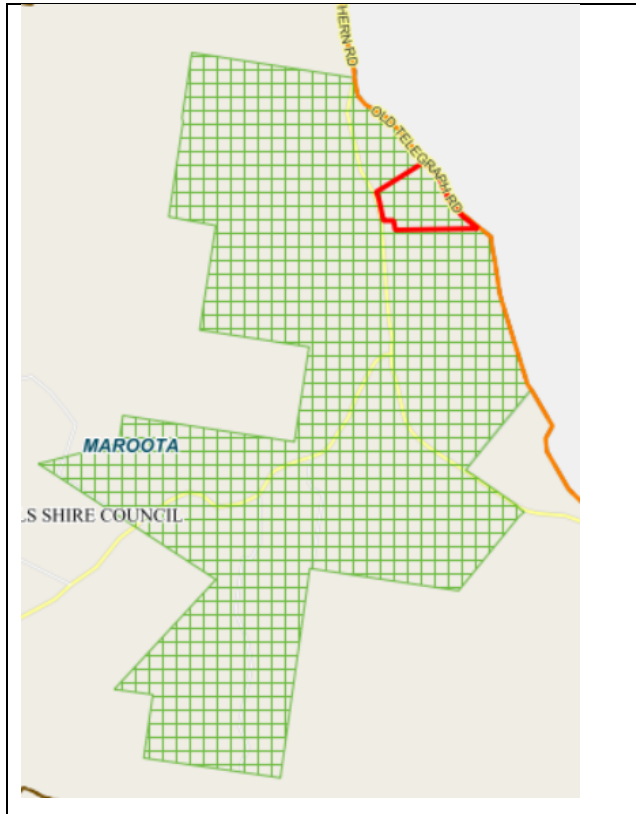
Clause 7 'Extractive industries permissible with consent' states as follows:

- (1) *This clause applies to land described in Schedule 1 or 2.*
- (2) *A person may, with the consent of the council, carry out development for the purpose of an extractive industry on land to which this clause applies.*
- (3) *The council must not grant such a consent unless:*
 - (a) *it has considered the effect of the development on flood behaviour, the water quality, quantity and hydrodynamics of any watercourse or underground waters and also the effect of flood behaviour on the development and operations associated with the development in the vicinity, and*
 - (b) *it has considered a rehabilitation plan prepared in accordance with the Guidelines for Rehabilitation Plans in the Extractive Industry Report, and*
 - (c) *it is satisfied that, while the development is being carried out, noise and vibration levels will generally be in accordance with the guidelines in the State Pollution Control Commission Environmental Noise Manual (1985 edition) available at the offices of the Environment Protection Authority and the councils of the areas specified in Schedule 4, and*
 - (d) *it is satisfied that rehabilitation measures will be carried out in accordance with the guidelines in the Urban Erosion and Sediment Control Handbook (1992) prepared by the Department of Conservation and Land Management and available at the offices of the Department of Land and Water Conservation.*

Under Clause 7, an extractive industry is a permissible land use as the land has been identified in Schedule 2 of the SREP as:

1. *The land identified on Sheet 8 of the map as Maroota sand and clay/shale.*

The SREP 9 area is identified as shown below in the green hatching:



A rehabilitation plan has been prepared in accordance with the guidelines. The site will be returned to agricultural and grazing land. Appropriate erosion and sediment control measures would be required to be utilised on site at all times. It is acknowledged that this is a key factor given the large area of extraction which will occur on site (See recommended Conditions 11, 12 and 23).

Clause 8 requires consultation with the Department of Mineral Resources (now NSW Department of Planning and Environment, Resources and Geoscience) and Council must have regard to the representation when determining the application. The application was referred to Resources and Geoscience - see comments below in Section 15.

Clause 11 of the SREP 'Special requirements for extractive industry at Maroota' states:

- (1) *This clause applies to land described in Schedule 2.*
- (2) *The council must not grant consent to the carrying out of development for the purpose of extractive industry on land to which this clause applies unless the council is satisfied that the proposed development:*
 - (a) *is unlikely to have a significant adverse impact on the Maroota groundwater resource or on other groundwater users in the region, and*

- (b) *will conserve the environmentally sensitive and significant areas and features of the Maroota locality, including the environment of threatened species, populations and ecological communities, and*
- (c) *will involve controlled and limited access points to main roads, and*
- (d) *will result in a final landform capable of supporting sustainable agricultural production or other post-extraction land uses compatible with the established character and the landscape and natural quality of the Maroota locality.*

A ground water and surface water assessment report has been submitted by the applicant which states in part that a 2 metre buffer between the base of the extraction area and water table will be provided, within ongoing monitoring of the water table. In addition ground water monitoring bores will be installed. The report also states that the environmental impact of the proposed development on the surface water or groundwater in the area is likely to be negligible.

The proposal will require the removal of approximately 6000m² of native vegetation and will disturb around 10 hectares of the site. However the applicant will be required to prepare a biodiversity offset strategy in order to balance the loss of vegetation. This is considered further in Section 11 of the report.

After extraction the sand will be transported via an internal haul road or slurry pipe, with public road access to Old Telegraph Road and Old Northern Road.

The extracted area will be rehabilitated for agricultural use.

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

The proposal is subject to the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (SREP No. 20). These provisions address matters such as water quality, general planning considerations, and recommended strategies and controls. The proposal is considered to be consistent with the aims and objectives of SREP No. 20. The operation of the site and measures utilised will ensure that water quality and quantity will be maintained within the Hawkesbury Nepean River. Appropriate conditions of consent have been imposed requiring regular monitoring, and an environmental management plan (see Conditions 52 and 53).

Clause 11(5) referred to in Section 5 above details Development Controls for certain uses and is read in conjunction with Schedule 2 'Places where extractive industry is prohibited'. The proposal is not sited within a prohibited area under Schedule 2.

8. LEP 2012

a. Permissibility

The site is zoned RU1 Primary Production and SP2 Infrastructure (Classified Road) under LEP 2012. There are no works proposed in the SP2 Infrastructure (Classified Road) zoned land.

The proposed works are defined as an extractive industry as follows:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the

storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

Extractive material is defined as:

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

(The Mining Act 1992 defines minerals as *any substance prescribed by the regulations as a mineral for the purposes of this definition, and includes coal and oil shale, but does not include uranium or petroleum*).

An extractive industry is a permissible use within the RU1 Primary Production zone with consent.

b. Zone Objectives

The objectives of the RU1 Primary Production 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 facilitate the economic extraction of materials from land and the subsequent rehabilitation of that land.*

The proposal is considered to be consistent with the zone objectives as the works will facilitate the extraction of materials from the site. As outlined above, SREP 9 Extractive Industry has identified the subject site and immediate area as a significant resource. The extraction of materials will be undertaken in an economically viable manner which is consistent with the method of extraction for other operators within the area.

Following the completion of extraction of each cell, rehabilitation will commence. The site will be returned to agricultural land.

The location of the proposed works also facilitates the use of plant and equipment located on other site under the control of the operator which reduces travel distances and improved viability of the operation.

The proposal is considered to be satisfactory in regard to the LEP objectives.

9. Compliance with DCP Part B Section 1 – Rural

The following table details compliance with DCP Part B Section 1 – Rural, Part 2: Extractive Industries:

Required	Provided	Complies
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Site Planning (Setbacks)		
Adjoining property boundary: Minimum setback of 10m	A 10 metre setback is provided to the north and south (side) boundaries.	Yes
Public road: Minimum setback of 30m	The works are set back approx. 110m from the Old Northern Road boundary and 30m from the Old Telegraph Road boundary.	Yes
National Park, State Forest or Crown Lands boundary: Minimum setback of 40m	The site does not directly adjoin a national park, state forest or Crown land.	NA
Any site or relic of heritage, archaeological, geological or cultural significance: Minimum setback of 40m	There no site or relics identified on the subject site or adjoining sites.	NA
Top bank of a watercourse: Minimum setback of 40m, or otherwise to the requirements of the Office of Water	The Office of Water advised that there is no watercourse on the subject site.	NA
Public or Community facility: Minimum setback of 100m	There are no general public or community facilities located in proximity to the site. Refer to comments below specifically regarding Maroota Public School. It is noted that there is land zoned RE1 Public Recreation located opposite however there are no facilities or improvements within the site and there is no plans to provide any facilities on this site.	No – see comments below.
Residence not associated with extraction: Minimum setback of 100m	Setback to No. 4557 Old Northern Road: 71 metres Setback to No. 4547 Old Northern Road: 88 metres	No – see comments below.
In accordance with the requirements of the controlling electricity authority / transmission corporation	There are no electricity easements affecting the site.	Yes

Transport		
Access to public roads: Access points to public roads are to be controlled and limited to maintain the safety and efficiency of the public road network.	One vehicle access point will be provided to Old Telegraph Road. the vehicle access point is considered safe and will not adversely impact on the public road network.	Yes
Internal access carriageways – width: Minimum of 12m wide in accordance with established road construction standards as Illustrated in Figure 6 (Typical Cross Section of Internal Haul Roads)	A condition has been recommended requiring that internal access roads be a minimum of 12m wide (See recommended Condition 9).	Yes
Internal access carriageways – setbacks: Minimum 10m setback from adjoining property boundary Minimum 50m setback from environmentally sensitive areas including habitats of threatened species. Minimum 100m setback from residences not associated with extraction	All internal carriageways are set back a minimum of 10m from the adjoining property boundary.	Yes
Water Resources		
Drainage Outlets: Employ operational practices capable of maintaining and monitoring drainage outlets at downstream boundaries together with pre-existing groundwater flow and quality conditions	All overland flow will be captured and reused on site. There will be no discharge of either clean or dirty water from the site.	Yes
Water flow patterns & water quality: Determine the likely impact upon groundwater and nominate an effective freeboard above wet weather high ground water level capable of conserving water flow patterns and water quality on each extraction site	A Groundwater Assessment has been submitted which recommends a 2m freeboard be maintained above the ground water table and a condition has been recommended (See recommended Conditions 45 and 46). This will protect the ground water table from being breached.	Yes
Extraction: Not to occur within 2 metres of the wet weather high groundwater level or otherwise to the requirements of the Office of Environment and Heritage	A Groundwater Assessment has been submitted which recommends a 2m freeboard be maintained above the ground water table and a condition has been recommended (See recommended Conditions 45 and 46). This will protect the ground water table from being breached.	Yes
Visual Amenity and Scenic Quality		
Rehabilitation of Extraction Sites: Extraction sites are to be rehabilitated to a final	The site will be rehabilitated for agricultural purposes and will be in keeping with the mixed agricultural	Yes

landform capable of integrating with the physical elements and land use patterns of the local landscape	grazing and market gardens uses in the area.	
Protection of Landforms: The proposal should demonstrate that areas of high visual sensitivity such as outstanding, distinctive or diverse landforms or land cover features will be preserved and protected	There are no areas of high visual sensitivity or outstanding landforms on the site.	Yes
Machinery and Equipment: To be stored in buildings and structures of non-reflective materials and of a height, bulk and scale proportional to the surrounding landscape	There are no machinery sheds or buildings proposed.	NA
Perimeter Screen Planting: Extraction sites must provide perimeter screen planting of a sufficient height to screen views of the site from surrounding public and private places	Landscape planting exists along the perimeter of the site. A condition has been recommended to require ongoing maintenance and replanting of screen landscaping when required.	Yes
Flora and Fauna Buffer Zones		
<p>Extractive Industry Buffer Zones:</p> <ul style="list-style-type: none"> - To be a minimum of 50m from important habitats of threatened species, populations, ecological communities and/or; - No less than the site specific requirements of the National Parks & Wildlife Services. <p>The buffer zone should not be disturbed except for ongoing management or rehabilitation purposes</p>	The proposal will require the removal of clearing and habitats however no endangered ecological vegetation communities require removal the applicant is required to prepare a Biodiversity Offset Strategy to offset the loss associated with the development. See Ecology comments below.	Yes
Heritage and Archaeological Resources		
<p>Buffer Areas: Site planning for extractive operations should provide buffer areas to conserve:</p> <ul style="list-style-type: none"> - Potential Habitation Sites or sites with potential Archaeological Deposits - Archaeological sites protected under the National Parks & Wildlife Act, 1974 and as listed in the Register of Aboriginal Sites - Distinct geological features 	There are no potential or identified archaeological sites or significant geological features on the site.	Yes
Heritage items: Conserve and	There is no European heritage	Yes

protect local, regional and state listed heritage items.	items located on or adjoining the site.	
Soil Conservation		
Clearing and extraction: Limit the extent of cleared areas at any one time by ensuring that soil surface conditions on extraction sites are protected & maintained by natural or manufactured material or mulch or by any other acceptable soil stabilisation technique.	The site will be extracted and rehabilitated in cells which will assist in minimising cleared areas during works. On-going erosion and control devices will be used on site to control erosion and run-off.	Yes
Drainage control: Developments must ensure that drainage control measures are provided for upstream catchments from runoff that may pass the extraction site. They should also ensure infiltration into and control runoff from the subject site. Ensure the long term stability of natural channels downstream of the site by maintaining pre-existing rates, volumes and quality of channel flow. Protection measures may include controlled entry and exit points from sub-catchments	There is no run-off from upstream properties given the location and topography of the site. A condition has been recommended requiring that erosion and sedimentation control devices be maintained at all times (See recommended Conditions 11, 16 and 55).	Yes
Sediment Control: Sediment control design should include details of the proposed dewatering method for the settling volume, spillway configuration, energy dissipation and the design life of the structure	The site will be extracted and rehabilitated in cells which will assist in minimising cleared areas during works. On-going erosion and control devices will be used on site to control erosion and run-off.	Yes
Wind Breaks: Ensure that wind breaks including trees, shrubs and bund walls are of a height, length, orientation, location & permeability capable of reducing wind velocity across extraction areas	The proposed bund walls and existing and proposed screen landscaping will assist in reducing wind impacts on the site.	Yes

<p>Drainage Control Measures: Ensure that drainage control measures such as diversion channels or holding structures including graded banks, drains or dams are designed for a peak discharge of a 1 in 20 Annual Exceedance Probability (AEP) storm event with a minimum one metre flood freeboard margin.</p> <p>Ensure that sediment control dams are located downstream of wet screening plants and between tailing dams and downstream boundaries. These structures should have a sediment trapping capacity at least half the volume of the largest tailing dam.</p> <p>Ensure that all batters of dams and detention basins have a preferred gradient of 4H (Horizontal):1V (Vertical), which should be stabilized by vegetation or other appropriate measure.</p> <p>Sediment loss should be controlled by the installation of upstream diversion channels, catch drains and sediment traps along the downstream toe of the embankment. These should be maintained until vegetation cover is achieved</p>	<p>All overland flow will be captured and reused on site. There will be no discharge of either clean or dirty water from the site.</p> <p>The sediment control dams will be located to ensure that drainage is downstream of working areas.</p> <p>All dam and detention basin batters will satisfy the required gradients and be stabilized.</p> <p>Internal surface flows are required to be controlled with tail-out drains to dissipate stormwater flows.</p> <p>Grassed swale drains or temporary piped drainage will be required to be installed to intercept, control and redirect surface stormwater runoff from the areas upstream of the excavation area.</p>	Yes
<p>Tailing (Sludge) Pond Design: Design should have regard to:</p> <ul style="list-style-type: none"> - Site investigations including soil profiles, water table level, & in-situ materials - Site suitability, including topography, geotechnical and meteorological conditions of the locality - Physical, mineral & chemical properties of tailings; - Stability of embankments including heights, slope, natural strength, materials & degree of compaction foundations - Potential seepage into groundwater including high 	<p>Tailings will be pumped back from Pit 4 via the pipeline under Old Telegraph Road and will be used for backfilling and as part of the rehabilitation works.</p>	Yes

pressure groundwater levels resulting from high water table levels within the embankment		
Acoustic Management		
Acoustic Buffer: Provide an effective acoustic buffer to residences and public places not associated with their operations.	An acoustic barrier will be erected around the perimeter of the extraction area which will have a height of 2.1m (earth bund) and 2.1-3.1m (solid noise barrier). Attachment 8 shows the typical sections with the acoustic barrier.	Yes
Noise Control: Implement effective noise control measures where noise emissions exceed maximum average background noise level.	The maximum noise from the operations will not exceed the noise criteria – see Comments in Section 14.	
Acoustic Shielding: Proponents are encouraged to implement the extraction “cell” technique as a means of facilitating acoustic shielding around worked extraction sites.	The extraction will occur in cells which will assist in reducing noise impacts.	Yes
Minimise Road Traffic Noise: Ensure that road traffic noise is minimised to reduce potential impacts upon the acoustic environment of residents and community facilities within the locality. Proponents should indicate the special transport needs of the activity, which are most likely to generate noise outside normal operating hours	The proposal is for 70 truck movements per day and Old Telegraph Road will be required to be sealed either as part of the application or part of the general upgrade works between the two Councils. The Acoustic Report indicates that the road traffic noise will be below the road traffic noise criteria.	Yes
Hours of Operation: Ensure that the hours of operation of extraction and the transportation of materials are limited to 7.00am to 6.00pm Monday to Friday inclusive, and 7.00am to 4.00pm Saturday. Variations to these hours may be justified having regard to the nature and location of a particular project	The proposal includes hours of operation of 6am – 6pm Monday to Saturday. From 6-7am, up to 10 trucks will enter and leave the site the site for the loading of material.	No – see comments below.

Acoustic Barriers: Signs and barriers should be installed and maintained at the point of access to ensure compliance. The barriers should be kept locked except during authorised hours of operation	A condition has been recommended requiring the erection of gates or a similar barrier to restrict access outside of the approved hours of operation (See recommended Condition 43).	Yes
Air Quality Management		
<p>Dust Air Pollution: Implement effective measures capable of controlling air pollution caused by dust, particularly during dry and windy weather conditions.</p> <p>Ensure that dust suppression equipment is fitted to all processing equipment.</p> <p>Employ wind activated water sprinkler systems to ensure extraction sites minimise dust generation particularly during high periods of wind and when sites are unattended.</p> <p>Ensure that stockpiles of material are effectively stabilised and maintained so as to prevent any dust nuisance</p>	<p>The applicant has submitted an Air Quality Assessment which states that the air quality will comply with the required assessment criteria.</p> <p>A condition has been recommended implement best practice management to minimise the dust emissions of the development (See recommended Condition 38).</p> <p>The EPA have also reviewed the proposal and have recommended conditions regarding dust management as part of their GTAs.</p>	Yes
Covering of Loads (Trucks): Prior to leaving extraction sites all laden trucks are to have their payloads fully covered by suitable material to prevent spillage from the trucks onto roads and adjoining properties	A condition has been recommended which requires that all laden trucks are to be covered (See recommended Condition 49).	Yes
Access Roads: Ensure that access roads are sealed at the entrance to extraction sites and remaining unsealed portions of access roads are watered on a regular basis as a means of dust suppression	A condition has been recommended requiring the entry point from Old Telegraph Road to be sealed (See recommended Condition 9).	Yes
Rehabilitation		
<p>Rehabilitation - Design and Materials: Extraction sites are to be rehabilitated to a usable and stable final landform.</p> <p>The rehabilitation of extraction sites is to integrate with the shape, form, contour, vegetation, soil composition, drainage and land use characteristics of the</p>	<p>The site will be rehabilitated for an agricultural use.</p> <p>Rehabilitation works will be undertaken progressively over a 1-2 year period in each cell following extraction of material. Rehabilitation will include the placement of overburden, fines and VENM to achieve levels, use of erosion and sediment control</p>	Yes

<p>surrounding terrain.</p> <p>The final use of land for agricultural purposes will only be considered where it can be demonstrated that the original land use was agricultural or where the adjoining land use is for agriculture. Otherwise, all sites are to be rehabilitated to bushland.</p> <p>Extraction areas should be progressively rehabilitated to integrate with the shape, form, contour, colour, land use, drainage characteristics, landscape quality and diversity of the pre-existing surrounding terrain, under the direction of a qualified person. Rehabilitation should commence prior to proceeding onto the next extraction area.</p> <p>Stockpiles of clean topsoil & overburden should be appropriately formed and shaped to ensure the viability of the soil and seed source of the site/area for later re-spreading or backfilling.</p> <p>Extracted areas should be backfilled only with earth and rock materials sourced as a result of extraction. No solid waste or putrescible materials are to be disposed of within the site without the prior approval of Council and other State Government agencies</p>	<p>devices, testing of soil to achieve optimal plant establishment, and planting of exotic grasses, and native shrubs and trees. On-going weed maintenance will be undertaken.</p>	
<p>Rehabilitation – Planting and Maintenance: Rehabilitation should incorporate, where appropriate, endemic native plants, grass covers and species.</p> <p>Disturbed areas should be appropriately maintained until rehabilitation is well established.</p> <p>Permanent ground cover should be established on</p>	<p>The proposed rehabilitation includes exotic grasses within the agricultural land and retention of native tree, shrubs and grasses in the buffer area.</p> <p>Maintenance of rehabilitated areas will be on-going on a regular basis and will include physical removal, slashing and use of herbicides.</p> <p>The proposed plant types and density of planting will be based on the physical characteristics of the</p>	<p>Yes</p>

<p>areas disturbed for more than 30 days and is to be maintained by regular watering and additional applications of seed and fertiliser.</p> <p>Proponents should regularly maintain rehabilitated areas having regard to the following criteria:</p> <ul style="list-style-type: none"> - Replanting exposed areas & replacing dead plants within six months - Repairing erosion problems - Pest and weed control - Fertiliser applications where appropriate - Regular watering - Application of lime or gypsum to control pH and improve soil structure, where appropriate 	<p>area.</p> <p>Sloped areas will be planted with a temporary cover crop or hydro-mulched to minimise sheet and rill erosion.</p> <p>Regular watering will be undertaken to assist with plant establishment and dust suppression.</p>	
Community Engagement		
<p>Community Engagement: Proposals should provide opportunities to involve the local community where possible, for example via employment and the engagement of local community groups</p>	<p>The proposal will support the continued employment of existing workforce and contributes to the local area through the purchases of local services and goods.</p>	<p>Yes</p>
Setbacks from Maroota Public School		
<p>Extractive Activities – Setbacks: Extractive Industries are to be set back at least 250m from Maroota Public School</p>	<p>The proposed works have a setback of approximately 162 metres from the site boundary and 195m to the closest extraction cell.</p>	<p>No – see comments below.</p>
Section 94 Contributions		
<p>Developer Contributions: As a result of road damage caused by heavy vehicles extractive industry operators shall contribute to the maintenance of the regional and local road network.</p> <p>Proponents may be required to make developer contributions under Section 94 of the Environmental Planning & Assessment Act 1979 and in accordance with Council's Contribution Plan No.6 – Extractive Industries and shall be imposed as a condition of consent.</p>	<p>The applicant has requested that the road upgrade works required to Old Telegraph Road should be offset against the required contribution.</p>	<p>The request is not supported – see comments in Section 13.</p>

<p>The current Section 94 levy is based upon a per tonne rate, payable for material transported from extraction sites.</p> <p>As a condition of consent proponents may be required to submit to Council monthly certified statements of material won from each extraction site all within fourteen days after the end of each proceeding month.</p> <p>Monies currently collected from developer contributions will be placed in a trust account and transferred to the Roads and Traffic Authority for the maintenance, restoration and rehabilitation of the Old Northern and Wiseman's Ferry Roads and other associated works in accordance with road improvement programs as agreed between Council and the Roads and Maritime Services</p>		
Environmental Management Systems		
<p>Environmental Management: All aspects of the operation are to employ and maintain good environmental management practices. This may involve the establishment a Management Committee including at least two permanent residents not associated with the extractive operation. This management committee may provide input into the proponent company's environmental management system and details of which may be recorded in the annual Environmental Management Plan</p>	<p>The operator is currently part of a Community Consultative Committee which meets twice yearly, with residents, Council staff and Public Authorities invited to attend. A condition has been recommended requiring the subject site to be incorporated into the Committee.</p>	<p>Yes</p>

a. Setback to a Residence not Associated with Extraction

The DCP requires that a minimum setback of 100 metres is required to a residence not associated with extraction. The following setbacks apply:

Setback to No. 4557 Old Northern Road: 71 metres

Setback to No. 4547 Old Northern Road: 88 metres

Attachment 2 shows the location of the existing dwellings.

The applicant has submitted the following justification:

A single storey dwelling located within Lot 1 DP 590937 is associated with the proposal and is located outside the extraction area.

Two other dwellings not associated with the proposal are located within 100m of the extraction area.

A single storey rented dwelling (Lot 2 DP 590937) located at 4557 Old Northern Road is adjacent to the south-west corner of Lot 1 DP 590937 and approximately 71 metres from the closest point of the extraction area. The northern and eastern boundaries of this dwelling on Lot 2 DP 590937 are heavily screened with two lines of vegetation at least 5m high along the site boundaries.

Another single storey dwelling (Lot 2 DP 229941) located at 4547 Old Northern Road is to the immediate south of the site and approximately 88 metres from the closest point of the extraction area. This dwelling is partially screened by a line of vegetation located inside the southern boundary of the site.

The occupants of the two dwellings within 100m of the extraction area not associated with the proposal would not be able to view extraction activities because of existing screening vegetation; the 4.2 metre high noise and visual barrier around the perimeter of the closest Cell 2B of the extraction area; and Cell 2B at a lower elevation than the dwellings. In addition, the air quality and noise impacts from the proposal on the occupants of the two dwellings within 100m of the extraction area would be within the EPA's acceptable criteria. Monitoring of air quality and noise impacts for the proposal would have taken place for a minimum of eight years before extraction commenced in Cell 2B and any air quality and noise issues for nearby residents with site operations would have been resolved by then.

For the above reasons it is considered the non-compliance for setbacks for nearby dwellings is acceptable and the proposal would comply with The Hills DCP 2012 Statement of Outcomes for Site Planning which are as follows:

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

The occupants of the two single storey brick dwellings located at 4547 and 4557 Old Northern Road, Maroota and Maroota Public School will not be able to see the quarry from within their dwellings or property boundaries. In addition, the noise and air quality assessment confirmed that the EPA criteria will be generally met at these properties. Within the proposal there would be no undue impacts on the amenity of adjoining and surrounding properties.

It also appears that the owners and/or residents of the two closest dwellings potentially affected by the proposal and located at 4547 and 4557 Old Northern Road, Maroota did not make submissions despite being notified by Council directly of the proposal.

It may also be noted that the applicant has provided a letter stating that no objection is raised to the proposal from one of the owners of No. 4547 Old Northern Road.

Comment:

The DCP contains the following Statement of Outcomes:

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

The proposal will continue to provide setbacks to the boundaries in accordance with the DCP requirements. The proposal has been reviewed in regard to acoustic impact and it is considered that the proposal will not unreasonably impact on adjoining residents. Landscape screen planting will also be required to be undertaken along the boundaries, or is currently in place, to ensure that an effective landscape screen is provided and maintained.

In addition, a number of conditions have been recommended regarding on site management practices and to ensure that activities on site are undertaken in accordance with relevant requirements. Specifically in regard to acoustics and dust impact, conditions have been recommended regarding acoustic criteria and ongoing dust management. This will ensure that extractive operations are carried out in an appropriate manner.

The review of the acoustic report has modelled potential noise impacts and indicates that compliance with the EPA's Noise Policy for Industry would be achievable once the site is in operation and controls (such as barriers) are put in place. In particular, modelling indicates that noise levels will be satisfactory at nearby residential receivers (such as 4557 and 4547 Old Northern Road) as well as the Maroota Public School.

The proposed setbacks are considered satisfactory.

b. Hours of Operation

The DCP states that the hours of operation of extraction and the transportation of materials are limited to 7.00am to 6.00pm Monday to Friday inclusive, and 7.00am to 4.00pm Saturday. The DCP also states that variations to these hours may be justified having regard to the nature and location of a particular project. The proposed hours of operation are 7am – 6pm Monday to Saturday with up to ten trucks entering/exiting the site between 6am – 7am.

The applicant has submitted the following justification:

The operating hours for the proposal would be between 7am and 6pm Monday to Saturday excluding public holidays. In addition, up to 10 trucks should be able to enter and leave the site for loading material between 6am and 7am Monday to Saturday excluding public holidays. Hence for the proposal there would be non-compliances of one hour to enable loading of material from 6am to 7am Monday to Saturday and two hours during operations from 4pm to 6 pm on Saturdays.

PF Formation operates a number of quarries in the Maroota area which have operating hours the same or longer as the proposal including the Hitchcock Road Sand Project and Pit 2 (approved operating hours are 6am to 7pm Monday to Saturday) and Pits 5 and 15 (approved operating hours 7am to 6pm Monday to Saturday). In addition, some sites have approval for a maximum of 10 vehicles to enter and leave the site between 6am and 7am Monday to Saturday.

It is preferable that consistent operating hours are maintained across all of PF Formation's quarries including the proposal to enable efficient allocation of the workforce and allow full access to various sand products across all quarries as the market demands. Noise controls would also be implemented and EPA noise levels met during The Hills DCP 2012 non-compliance periods.

For the above reasons it is considered the partial non-compliances of one hour to load trucks in the early morning and for two hours of operations on Saturdays compared with the acoustic management hours of operation development control is acceptable and a variation is justified provided the noise control measures are implemented and EPA noise levels are met. The proposed operating hours would also comply with The Hills DCP 2012 Statement of Outcomes for Acoustic Management which are as follows.

- The acoustic quality and environment of residents, public and community facilities and other receivers in the Shire is maintained and protected.*
- The potential for offensive noise emission is limited.*

Comment:

The Statement of Outcomes are as follows:

- The acoustic quality and environment of residents, Public & community facilities and other receivers in the Shire is maintained and protected.*
- The potential for offensive noise emission is limited.*

The review of the acoustic report has modelled potential noise impacts and indicates that compliance with the EPA's Noise Policy for Industry would be achievable once the site is in operation and controls (such as barriers) are put in place.

c. Setback to the Maroota Public School

The DCP requires that extractive industries are to be set back at least 250m from Maroota Public School. The proposed works have a setback of approximately 162 metres from the site boundary and 195m to the closest extraction cell.

Attachment 2 shows the location of the Maroota Public School.

The applicant has submitted the following justification:

The 250m setback from Maroota Public School development control differs from and is in conflict with the development control of a minimum setback of 100m from a public or community facility which would include Maroota Public School.

Maroota Public School is located at 4540 Old Northern Road (Lot 78 DP 752025) south-west of the site at an approximate elevation 210m AHD. The closest distance between the school boundary and the southern site boundary is approximately 162m and approximately 195m to the closest extraction area in Cell 2B. The majority of the extraction area would be at least 250m from the school. The closest and highest part of the site at the south-west corner is located at approximate elevation 226m AHD with the extraction areas within the site located below this high point. The extraction cells would also be screened by noise and visual mounds at least 4.2m high.

Views from Maroota Public School towards the site are screened by bushland vegetation and the proposed extraction area would not be visible plus it would be at a higher elevation. In

turn, the school is not visible from the highest part of the site at the south-west corner or the closest extraction area at Cell 2B as it would be screened by bushland. Basically, direct views between the school, site and extraction area are not possible due to distance, screening vegetation and changes in elevation. In addition, Old Northern Road with its sealed carriageway and associated vehicular traffic is the dominant visual feature between the school and the site. The school would not be adversely affected by reduced visual amenity from the proposal.

Maroota Public School will not be adversely affected by noise, vibration or dust from the proposal. All EPA noise and vibration controls and air quality criteria would be met for the proposal at Maroota Public School.

For the above reasons it is considered the non-compliance for the setback from Maroota Public School development control is acceptable and a variation is justified. It is considered the setback of the proposal would also comply with The Hills DCP 2012 Statement of Outcome for setbacks from Maroota Public School which is to protect and maintain the safety and amenity of the Maroota Public School and residences not associated with extraction.

Comment:

The Statement of Outcomes is as follows:

- To protect and maintain the safety and amenity of the Maroota Public School and residences not associated with extraction.

The site is located a minimum 162 metres from the boundary of the site. The proposed setback is considered reasonable in this instance given the separation between the site and the school. The site also slopes to the rear which further reduces the potential for acoustic impact and dust control will be undertaken on an on-going basis.

In respect to safety, heavy vehicles will principally be operating on Old Telegraph Road and as such there is no unreasonable impact to child safety.

The proposed setback to Maroota Public School is considered satisfactory.

10. Old Telegraph Road

a. Proposed Pipeline under Old Telegraph Road

The proposal includes the installation of silt, water and sand slurry pipelines for a length of approximately 70m within the Old Telegraph Road road reserve to enable processing at Pit 4.

The pipelines will be installed from the northern corner of the site to the southern corner of Lot 2 DP 748820 on which the processing plant is located. The pipelines would comprise two 0.3m diameter and one 0.4m diameter polyethylene case pipelines installed via underground directional drilling within the Old Telegraph Road road reserve. Three smaller polyethylene pipelines would then be inserted within the polyethylene case pipelines including a 0.314m diameter silt, 0.2m diameter water and 0.225m diameter sand slurry pipelines. A condition has been recommended requiring that the details of the pipeline be provided as part of the engineering works and design (See recommended Condition 9).

Owner's consent for the proposed works has been provided from both The Hills Shire Council and Hornsby Shire Council.

b. Upgrade Works

Currently Old Telegraph Road is unsealed. Old Telegraph Road will be required to be upgraded from the existing sealed road north of the site at the existing entrance to Lot 2 DP 748820 (Hornsby Shire) to the entrance to the subject site (See recommended Condition 9). In addition it may be noted that there is a joint agreement between The Hills Shire Council and Hornsby Shire Council to upgrade Old Telegraph Road. The upgrade works will be undertaken on the southern section of the road this financial year, with the northern upgrade works pending determination of the subject application. The general road upgrade will be to a 'rural standard'.

11. Biodiversity Impacts

The proposal has been assessed by Council's Environment Co-ordinator who has advised as follows:

The proposed Sand Extraction Development within Maroota would impact approximately 10 hectares of the 15.46 hectares within Lot 1 DP 590937.

Although the NSW Biodiversity Conservation Act 2016 came into effect on the 25 February 2018, this application was assessed under the former planning provisions as it was deemed to meet the requirements outlined under Part 7 Regulation 28(1) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 which states that 'former planning provisions continue to apply (and Part 7 of the BC Act does not apply) to the determination of a pending or interim planning application'.

Approval of the extractive industry would require the clearing of vegetation and habitats as summarised in the table below.

Vegetation type	Vegetation type
PCT1081/BVT HN564 Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion	4.17
PCT1083/BVT HN566 Red Bloodwood - scribbly Gum heathy woodland on sandstone plateaux of the Sydney Basin Bioregion	0.45
PCT1328/BVT HN613 Yellow Bloodwood - Narrow-leaved Apple heathy woodland on hinterland plateaux of the Central Coast, Sydney Basin Bioregion	1.90
Miscellaneous ecosystem: Highly disturbed areas with no or limited native vegetation	3.48
Miscellaneous ecosystem: Water bodies, rivers, lakes, streams (not wetlands)	0.10
Total area to be impacted	10.10

No endangered ecological vegetation communities are proposed to be impacted but it would result in the loss of habitat for a number of threatened species flora and fauna species. These are listed in Section 5012 of the Biodiversity Impact Assessment prepared by WSP dated May 2018.

Conditions of consent have been recommended to avoid and mitigate impacts to biodiversity. As some impacts to biodiversity are unavoidable conditions of consent require the preparation of a Biodiversity Offset Strategy in accordance with the Biodiversity Assessment Method (Office of Environment & Heritage, 2017c). The Biodiversity Offset Strategy would identify the type and quantum of biodiversity credits required to offset the loss associated with the development. This requirement will ensure that impacts will be offset so that there is no net loss to biodiversity.

In addition the conditions of consent require a Quarry Rehabilitation Plan/ Vegetation Management Plan. This plan is for the rehabilitation of the native bushland corridors to ensure that habitat connectivity across the site is restored once the quarry ceases to operate.

(Conditions recommended – see Conditions 21 and 22).

12. Rehabilitation Works

The proposal is for the extraction and processing of sand over a 20 year period. An additional two year period is required for the final rehabilitation of the site. During the extraction, rehabilitation will be undertaken in a progressive manner to return the land to agricultural use. The applicant provided a 'Quarry and Rehabilitation Management Plan' to support the proposed rehabilitation works. In broad terms the proposed rehabilitation works will comprise the retention of areas of native vegetation, open grassland for agriculture, a dam and drainage lines and small ponds. Attachment 7 shows the proposed rehabilitation plan.

Clause 17 'Rehabilitation' of SEPP Mining, Petroleum Production and Extractive Industries 2007 states:

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should:*
 - (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
 - (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
 - (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or*
 - (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Clause 7(3)(b) of SREP 9 states the Council must not grant a consent unless:

it has considered a rehabilitation plan prepared in accordance with the Guidelines for Rehabilitation Plans in the Extractive Industry Report, and

The proposed final rehabilitated landform and use of the land for agricultural purposes meets the intent of the SEPP and SREP as follows:

- The surrounding Maroota area includes large areas of open grazing land along with market gardens and land used for various rural activities. The use of the land for agricultural purposes is consistent with the surrounding area;
- The rehabilitation of the site will be undertaken progressively which will allow rehabilitation works to mature in an on-going manner;
- The completed works will provide a landform which is appropriate given the existing slope of the site;
- The completed rehabilitation works will provide an appropriate visual outcome.

In addition to the above, a condition is recommended requiring the payment of a rehabilitation bond in accordance with the DCP as follows:

Proponents will be required to pay a Rehabilitation Bond of a minimum \$3.00 per square metre.

The amount and phasing of the bond payment may vary depending upon the approved works program referred to in the Rehabilitation Strategy.

It is noted that the DCP refers to a bond amount of a minimum of \$3.00 per square metre. The rehabilitation bond amount was reviewed by Council's Ecologist, taking into consideration the works required by Quarry and Rehabilitation Management Plan which requires the widening of the proposed riparian corridors, re-establishment of a bushland corridor and widening of a bushland corridor. The overall works required indicate that the bond amount should be \$10 per square metre which is reflective of the amount of monies required to rehabilitate the site.

It is also noted that DA 860/2015/JP for an extractive industry at No. 878 Wisemans Ferry Road, South Maroota which was determined by the then Sydney West Central Planning Panel (now Sydney Central City Planning Panel) on 16 February 2017 approved a rehabilitation bond amount of \$10 per square metre.

A condition has been recommended requiring payment of the bond at the rate of \$10 per square metre (See recommended Condition 12).

13. Section 7.11 Contributions

The applicant has acknowledged that the site and the location for some processing to occur within two Council areas and has advised that only one contribution will be made for material as follows:

The Hills Shire Council Contributions Plan No.6 Extractive Industries provides for a current contribution rate of \$1.01 per tonne (until 1 April 2018) of extracted or processed material for extractive industry for road maintenance, repair and reconstruction of Old Northern Road and Wisemans Ferry Road.

Under the EP&A Act PF Formation will pay Section 7.11 development contributions once only for processed material leaving the Maroota area associated with any development consent for the proposal when extraction commences on-site. All of the extracted material from the site would be transported along the local road Old Telegraph Road for transport to market or processing within Lot 2 DP 748820 (Pit 4) located within Hornsby Shire Council. Old Telegraph Road near the site forms the boundary between Hornsby Shire Council and The Hills Shire Council.

However, only one set of Section 7.11 contributions should be paid by the proponent for the proposal for future main road (i.e. Old Northern Road and Wisemans Ferry Road) repairs, maintenance and reconstruction in the Maroota area. PF Formation takes the view that any double payment of Section 7.11 development contributions for the proposal would be inequitable, unjust, unfair and unreasonable.

Two options are possible to stop double payments of Section 7.11 development contributions. Firstly, double payment of Section 7.11 development contributions for the proposal would not be in accord with Section 7.14 Cross-boundary issues of the EP&A Act which states as follows.

(1) A condition may be imposed under section 7.11 or 7.12 for the benefit (or partly for the benefit) of an area that adjoins the local government area in which the development is to be carried out.

(2) Any monetary contribution that is required to be paid under any such condition is to be apportioned among the relevant councils:

(a) in accordance with any joint or other contributions plan approved by those councils, or

(b) if provision is not made for the apportionment in any such plan - in accordance with the terms of the development consent for the development.

(3) Any dispute between the councils concerned is to be referred to the Secretary and resolved in accordance with any direction given by the Secretary.

Secondly a Voluntary Planning Agreement could be agreed between The Hills Shire Council, Hornsby Shire Council and PF Formation to partly offset Section 7.11 development contributions by proposed reconstruction and two lane sealing by PF Formation of approximately 500 metres of Old Telegraph Road between the site and Pit 4. The upgraded Old Telegraph Road would also be maintained and repaired for the life of the project. The Voluntary Planning Agreement to upgrade 500 metres of Old Telegraph Road would benefit both Councils by transferring any upgrade and future maintenance and repair costs to PF Formation and would address the demands created by the proposal for new public infrastructure.

In response to the above, a letter was forwarded to the applicant on 12 September 2018 which included the following:

Contributions Plan No. 6 - Extractive Industries (CP6) enables Council to levy extractive industry operators for the cost of maintenance, repair and reconstruction of roads as a result of damage caused by trucks associated with the haulage of extracted and/or processed materials. All contributions collected by Council are to be transferred to Roads and Maritime Services ('RMS') to be applied towards maintenance, repair and reconstruction of Wisemans Ferry Road and Old Northern Road.

The nexus for The Hills Council to levy the proposed extractive industry is clear, given that heavy vehicles associated with the operation would ultimately travel on the roads which maintenance and repair of are funded under the Contributions Plan. To be clear, the extraction of material from the proposed operation will result in additional heavy vehicle movements on roads within The Hills Shire, regardless of whether the specific origin of those trucks would be from 4567 Old Northern Road or 311 Old Telegraph Road. On this basis, it is entirely reasonable for The Hills Council to levy contributions under CP6. It is unclear whether or not this same nexus exists with respect to roads within Hornsby Shire and Hornsby's applicable Contributions Plan - this would be a matter more appropriately discussed directly with Hornsby Council.

You ought note that contributions collected under CP6 are transferred direct to RMS to fund the repair and maintenance of Old Northern Road and Wiseman's Ferry Road in accordance with the parameters set by the Land & Environment Court in the decision of Collin C Donges &

Associates Pty Ltd v BHSC (1999) ("Donges"). CP6 does not fund repairs or improvements to local roads, such as Old Telegraph Road. Accordingly, it would be inappropriate and contrary to the Contributions Plan and the decision in Donges to enter into a Works-in-Kind or Voluntary Planning Agreement which would effectively divert funds 'earmarked' for RMS expenditure on Old Northern Road and Wiseman's Ferry Road towards local road works.

Accordingly a condition requiring the payment of Section 7.11 contributions has been recommended (See recommended Condition 56).

14. Acoustic Impacts

The proposal has been reviewed by Council's Environmental Health Co-ordinator who has advised as follows:

The proposal has been assessed with regards to a number of environmental and health impacts, particularly noise, air quality and impacts on the water table. The applicant has provided consultant reports on these matters and they have been reviewed by Council staff and the Environment Protection Authority.

The extraction of more than 30,000 tonnes per year is a scheduled activity under the Protection of the Environment Operations Act and as the proposal is to extract up to 250,000 tonnes per year, the site will be regulated by the Environment Protection Authority (EPA) by way of an Environmental Protection Licence (EPL). The EPA has provided General Terms of Approval (GTA) that have been negotiated between the applicant and the EPA. The GTA provides conditions setting hours of operation, acceptable noise and dust levels and monitoring and reporting requirements.

Council staff have also provided conditions that would ensure that appropriate conditions are in place in the event that an EPL is not required in the future. This is to ensure that should the EPA criteria change in the future, there are controls in place to regulate the activity.

The criteria outlined in the GTAs is consistent with the recommended conditions, with the exception that additional noise monitoring is required to be undertaken. In this regard the EPA have requested that annual noise monitoring be undertaken and that the monitoring be undertaken over one hour. Council staff have requested that monitoring be undertaken on a quarterly basis or when extraction commences in a new cell and be undertaken over a 15 minute period. The additional monitoring has been requested as it is more indicative of the day-to-day operation of the extractive industry.

The review of the acoustic report has modelled potential noise impacts and indicates that compliance with the EPA's Noise Policy for Industry would be achievable once the quarry is in operation and controls (such as barriers) are put in place. In particular, modelling indicates that noise levels will be satisfactory at nearby residential receivers (such as 4547 and 4557 Old Northern Road) as well as the Maroota Public School.

Consideration has been given to the potential acoustic impacts on 4547 and 4557 Old Northern Road. Acoustic modelling undertaken with a barrier and bund wall of combined height of 4.2 metres and distance attenuation has indicated that the noise emissions will be below the noise criteria of 48 dB(A) for 6am-7am and 47 dB(A) for 7am – 6pm. This noise criteria was established in the acoustic report and was accepted by both the EPA and Council staff. In particular when extractive works are being carried out in the nearest Cell 3C, modelling indicates that the noise level will be 43 dB(A) at 4557 Old Northern Road.

The activity is not expected to have any unreasonable impacts on the environment or surrounding community.

(Conditions recommended – see Conditions 2 and 39 and Appendix A).

15. Comments from Government Authorities and Referrals

The proposal was referred to and comments were received from Department of Primary Industries (Fisheries), Environment Protection Authority, Roads and Maritime Services, Resource and Geoscience, Department of Primary Industries, Rural Fire Service, Office of Environment and Heritage and Natural Resources Access Regulator. The comments received from the authorities are summarised below.

The proposal was also referred to Darug Aboriginal Corporation, Deerubbin Local Aboriginal Land Council, Castle Hill Police, NSW National Parks and Wildlife Service, and Department of Industry (Lands) however no comments were received from these groups.

a. Environment Protection Authority

The Environment Protection Authority raised no objection to the proposal subject to the imposition of General Terms of Approval which include the requirement for the applicant to obtain a Licence (See recommended Condition 2 and Appendix A).

b. Department of Primary Industries (Fisheries)

DPI Fisheries advised that they raise no objection to the proposal as it is not within or adjacent to key fish habitat.

c. Roads and Maritime Services

RMS raised no objection to the proposal subject to no works being undertake in road widening area along Old Northern Road, the access and upgrade to Old Telegraph Road being undertake to Council's satisfaction and all works to be undertaken at no cost to RMS (See recommended Condition 7).

d. Resource and Geoscience

Resource and Geoscience raised no objection to the proposal.

e. Department of Primary Industries

Department of Primary Industries raised no objection to the proposal.

f. Rural Fire Service

The RFS advised that an asset protection zone is required around the existing dwelling on the site, upgrade to ember protection, provision of a Storz connection and preparation of an evacuation and emergency management plan (See recommended Condition 6).

It is noted that the Bushfire Hazard Assessment Report submitted by the applicant required the establishment of a fire trail between the proposed bund wall and the boundary. This was initially reviewed by the NSW RFS and the requirement for a fire trail was included as part of the comment provided by the NSW RFS. Concerns were raised by Council staff that the establishment of fire trail along the side boundaries would result in reduced opportunity for landscape screen works to be undertaken along the side boundaries which may result in loss of visual amenity. In response the applicant provided updated advice from the fire consultant (BPAD Accredited Practitioner Level 3) which deleted the requirement for the fire trail. Given that public road access is available to both Old Northern Road and Old Telegraph Road and

given the reduction in vegetation on the site, no objection is raised to the deletion of the fire trails.

g. Office of Environment and Heritage

Office of Environment and Heritage raised no objection to the proposal subject to the imposition of a condition requiring the preparation and approval of a Biodiversity Offset Strategy prior to the clearing of vegetation or any impact on biodiversity values (See recommended Conditions 21 and 22).

f. Natural Resources Access Regulator

The Natural Resources Access Regulator advised that the site did not contain a natural watercourse and as such no further assessment was required.

16. Mineral Resource Audit

In August 2014 NSW Trade and Investment (Mineral Resources Branch) forwarded an updated Mineral Resource Audit for The Hills Shire. The updated information is part of an ongoing mapping program to assist Council's throughout the State in land use planning.

The purpose of the report is to provide advice on the location and significance of mineral and extractive resources within The Hills Shire to assist in land use planning. It was acknowledged in the Audit that sand resources in Maroota *make an important contribution to meeting the Sydney region's requirements. In particular these deposits are the region's major source of mortar sand. Sandstone is quarried at Cattai as a source of roadbase and fill products and flagging stone is produced from two sandstone quarries at Glenorie.*

The Mineral Resources Branch advised that:

The Mineral Resources Audit was conducted in accordance with Section 117(2) Direction 1.3 - Mining, Petroleum Production and Extractive Industries under the Environmental Planning & Assessment Act 1979 (EP&A Act 1979). This Direction requires that Councils consult with MRB when preparing or amending plans including Local Environmental Plans that may restrict or prohibit the potential development of mineral, coal, petroleum and extractive resources.

The Audit will be considered in future amendments to the LEP and any Planning Proposals in the rural area. The Audit will also be considered in the assessment of any Development Applications for extractive industries. In this regard comments have been received by Planning and Environment – Resources and Geoscience who have raised no resource issues or concerns with the application. See further comments in Section 15 above.

17. Central City District Plan

The Central City District Plan contains the following planning priorities

- Productivity - Planning Priority C12: Supporting growth of targets industry sectors; and
- Sustainability - Planning Priority C18: Better managing rural areas.

The plan identifies that the Maroota area contains extractive resources and recognises that the proximity of extractive operations to rural-residential development can result in land use conflict which need to be managed. The Plan states that *'There is a need to provide important rural industries with certainty and ensure their operations can continue without encroachment from incompatible land uses'*. The Plan also states that a continued supply of local resources such as sand supports the growth of the District and Greater Sydney.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 1: A city supported by infrastructure – as Greater Sydney grows and becomes more complex there is a need to design better ways of supporting growth and delivering appropriate infrastructure in the right places.

Direction 7: Jobs and skills for the city - Greater Sydney's population growth needs to be supported by economic growth that enhances its productivity, export sectors and global competitiveness. Jobs and skills for the city will be measured against the outcomes achieved by increased business growth and investment, improved transport connections, economic agglomerations and target sectors.

The proposed development meets the intent of the Plan as follows:

- The proposal will provide a required resource within close proximity to the Sydney market to assist in construction of development and infrastructure within the market area;
- Existing extractive industry operations within the Maroota area, including those operated by PF Formation, have demonstrated that extractive operations and rural development can co-exist in close proximity with a reasonable level of impact, particularly on amenity;
- Conditions of consent have been recommended to ensure that operation will be undertaken in an appropriate manner within minimal impacts to adjoining properties and those within the immediate area; and
- The proposal supports the local economy through the employment of local people and use of local services.

The proposal is considered satisfactory in regard to the Central City District Plan.

18. Submissions

The proposal was exhibited and notified to adjoining property owner's and occupiers between 19 June 2018 and 20 July 2018 in accordance with Clauses 78 - 80 of the Environmental Planning & Assessment Regulation, 2000. One submission was received which raised the following:

ISSUE/OBJECTION	COMMENT
Concerns with large number of vegetation clearing and tree removal from the property. The proposal is to clear most of the trees and vegetation on the property. The property has endangered flora and fauna on the property. The North-eastern boundary of the property at Old Telegraph Road has multiple hectares of thick established mature trees and vegetation that is proposed to be removed. This will leave a bare ugly barren area that is void of trees and vegetation. Views toward the property from Hart Place and Old Telegraph Road will be severely impacted by the tree and vegetation removal. This is not supported. Clearing endangered flora and fauna species is not supported. The fauna can relocate itself but the endangered and rare flora cannot relocate and will be destroyed. The largescale and widespread	The proposal has been reviewed by Council's Environment Co-ordinator and by the Office of Environment and Heritage. No objection is raised to the proposal on the basis that a Biodiversity Offset Strategy is prepared to offset the loss associated with the development (See recommended Conditions 21 and 22 and comments in Section 11).

clearing of the property for the proposal is not supported.	
Increased traffic on Old Telegraph Road. This road is a very narrow, small residential street that motorists do not expect to share with large commercial truck and dog trailers. Widening and sealing the road will help with traffic flow, but a large number of established mature trees and vegetation will need to be removed to widen the road to 7 metres. The proposal does not detail if the truck and dog trailers will access Old Telegraph Road from Roberts Road. This is an alternative route to access the rear of the property that is a popular route for residents. This will impact safety for residents, motorists and school children travelling home from the bus stop on Roberts Road corner Old Telegraph Road. This is not supported.	Council's Manager Infrastructure and Transport Planning has reviewed the proposal and has raised no objection. Old Telegraph Road will be required to be upgraded from the existing sealed road north of the site at the existing entrance to Lot 2 DP 748820 (Hornsby Shire) to the entrance to the subject site (See recommended Condition 9). In addition it may be noted that there is a joint agreement between The Hills Shire Council and Hornsby Shire Council to upgrade Old Telegraph Road. The upgrade works will be undertaken on the southern section of the road this financial year, with the northern upgrade works pending determination of the subject application. The general road upgrade will be to a 'rural standard'. The Biodiversity Offsetting Strategy is required to include the upgrade works to Old Telegraph Road (See recommended Condition 21).
Operating times will increase noise audible in the area by all residential properties, particularly Old Telegraph Road properties, and Hart Place residential properties. Quarry activities at the current Quarry at Old Telegraph Road can be heard from 7am every day of the quarry operation from our property at 4 Hart Place. We are concerned that blasting, excavation activities, truck movements and trucks idling at this new quarry will detrimentally affect the noise quality in this residential area. Properties at 205 Old Telegraph Road, 251 Old Telegraph Road and 1 Hart Place are directly to the north of the proposed quarry and will be directly affected by the noise, increased traffic and other negative effects of the quarry operations.	<p>Whilst acoustic modelling has shown that there will be an increase in noise as a result of the proposed activity, the increased noise levels will comply with the EPA's Noise Policy for Industry and not unreasonably affect the noise quality in the rural area.</p> <p>The proposal will not involve the use of explosive blasting.</p>
Trucks parking in Old Telegraph Road, to queue to enter the site, like they do for the quarry currently operating in Roberts Road. Trucks sit idle/park at very early hours of the morning prior to the quarry opening.	It is acknowledged that the operator does not have control of private contractors attending the site on public roads. However a condition of consent has been recommended requiring the operator to limit, where possible, the truck arrival time to control vehicles idling on public roads (See recommended Condition 39).
Concerns with the proposed Quarry being located within 250 metres of Maroota Public School. The School will be impacted by increased truck and dog trailers on Old Northern Road, loud noise	This matter is addressed in Section 9 above.

levels from blasting activities, noise from loading trucks another noise from machinery operations. The school will also be impacted by air-borne particles pollution from the quarry. The location of the quarry within 250 metres of the existing Maroota public school is a breach of quarry operation regulations.	
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CONCLUSION

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

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

The issues raised in the submission have been addressed in the report and do not warrant refusal of the application.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide a continued resource for construction purposes for the local and greater Sydney area.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

All work and activities are required to be undertaken in accordance with the reports, documents and all other information submitted with the DA at lodgement and during the assessment process.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
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35371	Plan showing Site and Quarry Layout over Lot 1 in DP 590937 known as No. 4567 Old Northern Road, Maroota	4/3/2019
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No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with Requirements of Environment Protection Authority

Compliance with the requirements of the Environment Protection Authority attached as Appendix A to this consent and dated 11 November 2019.

3. Setbacks and Landscape Works

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

- Ten (10) metres from the northern and southern boundary;
- Thirty (30) metres from the eastern boundary (with Old Telegraph Road);
- Fifty (50) metres from the common boundary with No. 4557 Old Northern Road.

High visibility fencing is to be installed to delineate the setback areas. No works are to be undertaken within setback areas with the exception of a two metre encroachment (if necessary) of the batter/toe of the bund walls ie: a minimum 8 metre setback is to remain for landscape works along both the northern and southern boundaries.

The 8 metre setback area along the northern and southern boundaries is to contain screen planting which reduces views of the bund walls and fencing.

4. Roads Act 1993 Approval Required – External Works

Before any works are carried out a Roads Act 1993 approval must be obtained and Council appointed as the Principal Certifying Authority for the external works. The plans and accompanying information submitted must comply with the conditions included with this consent.

Only Council can be appointed as the Principal Certifying Authority for the external works.

5. Tree & Vegetation Removal

Approval is granted for the removal of trees and vegetation within the following areas.

- Quarry and buffer areas as shown on Figure 4.2 (Recorded Threatened Species) prepared by WSP dated 26/10/2018 (Map no: 2270712A_GIS_FOO3_A3).
- The proposed easement for 11kV underground cable and pad mounted substation as Shown on the Plan Showing Site and Quarry Layout over Lot 1 in DP 590937 Known as NO 4567 Old Northern Road, Maroota prepared by Matthew Freeman dated 4/3/2019 (Ref 35371).
- Site entry/exit/haul road (driveway) works and upgrades to Old Telegraph Road as marked on the Tree Removal Plan required by this consent.

All other trees and vegetation are to remain and are to be protected during all works.

6. Rural Fire Service Requirements

- Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the commencement of works, and in perpetuity, the area around the existing dwelling / proposed site office shall be managed as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones* as follows:

-North: Inner Protection Area (IPA) for a distance of 91 metres; and,

-All other directions: IPA to the property boundaries.

b. Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack. To achieve this, the following conditions shall apply:

- The existing building to be retained on site is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

c. Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- The provision of water, electricity and gas shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided on the existing polycarbonate tank adjacent the subject building.

d. Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.
- A Bushfire Risk Management Plan be prepared for the site to address the bushfire risk and treatment of that risk to the operation of the quarry and to neighbouring properties.

7. Roads and Maritime Services Requirements

- a. The subject property is affected by a road widening proposal. Therefore, any new buildings or structures, together with any improvements integral to the future use of the site are to be erected clear of the land required for road (unlimited in height or depth), along the Old Northern Road.
- b. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (ROADS ACT 1993 APPROVAL) FOR THE EXTERNAL WORKS

8. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be

based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00 or as otherwise agreed with Council's Manager – Subdivision and Development Certification. The bond amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued for the external works.

The bond is refundable upon written application to Council and is subject to all external work being completed to Council's satisfaction.

9. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with The Hills Shire Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

The equivalent Hornsby Shire Council documents are also relevant to the works along the eastern edge of Old Telegraph Road.

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Full Width Road Construction

The full width construction of the roads listed below is required including all other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Old Telegraph Road	Road Type: Standard Drawing 42 6m/ 0.75m/ 6.5m/ 0.75m/ 6m (20m) Pavement Design: Rural (Standard Drawing 42)

The section of road that is required to be reconstructed as part of this development/ before material can be transported to Lot 2 DP 748820 for processing is described here:

- From the end of the existing sealed road north of the site at the existing entrance to Lot 2 DP 748820, extending south approximately 500m to the proposed access to the subject site/ quarry.

The following additional/ specific requirements apply:

- The minimum trafficable carriageway must be no less than 7m (which can include the formed verge so long as it is sealed) as per the Environmental Impact Statement submitted with the development application, unless expressly otherwise approved, in writing, by both The Hills Shire Council and Hornsby Shire Council.
- Either Council may have additional survey and design information to assist. Make contact with Council staff early in the detailed design process.
- Sufficient notice of intent to carry out these works must be provided in writing to both The Hills Shire Council and Hornsby Shire Council so that the works can be coordinated appropriately with other planned road infrastructure improvement projects nearby, where appropriate/ relevant.

- The silt, water and sand slurry pipeline/s under Old Telegraph Road connecting the subject site to Lot 2 DP 748820, along with all required ancillary works in the public road area and private property on either side, must be included on the engineering drawings.
- At trapped low points, for blind (dead end) roads or where a table drain is required in line with the notes included with Standard Drawing 42 a tail-out drain/s to dissipate runoff must be provided clear of sensitive areas.
- The table drain (where required/ provided) on either side of the roadway must be sealed/ stabilised.
- The existing rock outcrop in the road verge adjacent to the location of the planned site entry needs to be identified via survey and any works to provide for safe, sufficient and appropriate access relating to this existing rock outcrop provided for as part of the detailed design/ works.
- The site access must be designed and constructed in accordance with the above documents and The Hills Shire Council's Driveway Specifications, noting the actual driveway will likely consist of a combination of the rural and heavy duty (excepting the requirement for concrete) crossing detail included as part of the same.
- The detailed design needs to account for the widening of the existing piped crossing under Old Telegraph Road along this length of road.
- All works are to be contained to the existing road corridor.

b) Internal/ Haul Roads

The internal/ haul roads between cells and leading to the permanent dam and site entrance in the bottom corner near Cell 1C must be provided for generally as presented in Figure 2 from the Quarry and Rehabilitation Management Plan dated 27/10/2017 submitted with the development application.

These internal/ haul roads are to be designed and constructed in accordance with Figure 6 from Council's Development Control Plan (as included with the Quarry and Rehabilitation Management Plan also). Specifically, the carriageway must be 12m wide and the roads setback at least 10m from any site boundary.

The site entrance needs to be treated/ appropriately managed to prevent dust, mud etc; from being tracked out onto Old Telegraph Road.

Where located on the periphery of the excavation/ quarry area, these internal/ haul roads must be designed and constructed in a way that limits the impact of these works on the environment as much as possible. Where located on or near a boundary or environmentally sensitive area, the works cannot extend into those areas. This extends to tree removal and nuisance (surface) stormwater runoff/ sheet flow. The detailed design/ plans need to include measures and detail addressing these points.

c) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design for Old Telegraph Road (point a) above). This plan needs to address street name signs and posts, regulatory signs and posts, directional signs and posts, speed limit signs and posts and line marking where required. Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

d) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed together with the restoration of the adjoining verge area.

e) Stormwater Drainage – Internal Surface Flows

Tail-out drains are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all (surface) stormwater outlets.

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from the areas upstream of the excavation/ quarry area. Under no circumstances is this runoff to be directed onto the adjoining property to the north and south of the subject site.

The internal grading and (surface) stormwater layout, including the above measures, are to be provided generally in accordance with the detail shown on Figure 5 from the Quarry and Rehabilitation Management Plan dated 27/10/2017 submitted with the development application.

f) Completion of Road Works

All upgrade works to Old Telegraph Road are required to be completed prior to the commencement of any extraction activities on the site.

10. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

11. Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

A SWMP is required for this development.

The SWMP must also account for any other requirements of this consent include the concurrence/ conditions provided by the EPA.

PRIOR TO WORK COMMENCING ON THE SITE

12. Rehabilitation Bond

The proponent shall submit a Rehabilitation Bond in the form of an unconditional bank guarantee to be held by Council as a legal document over the life of the development.

The rehabilitation bond shall be based upon \$10.00 per square metre of extracted area in accordance with the approved extraction and rehabilitation program for the subject development. This rehabilitation bond is to be lodged with Council prior to any works commencing that relate to this consent.

Upon completion of establishment works, the applicant is to submit certification from a suitably qualified bush regenerator or restoration ecologist that all establishment revegetation works have been completed in accordance with the approved Quarry and Rehabilitation Management Plan. Upon receipt of the certification report The Hills Shire Council's Environment Team will inspect the site and upon approval this shall form the Council-certified completion of establishment works date.

The release of the bond will be staged as follows:

1. 50% 12 months after the Council-certified completion of establishment works.
2. 25% 24 months after the Council-certified completion of establishment works.
3. 25% 36 months after the Council-certified completion of establishment works.

The release of the bond is subject to the submission of annual maintenance reports prepared by the bush regeneration contractor and inspection by The Hills Shire Council to certify compliance with the Quarry and Rehabilitation Management Plan.

13. Traffic Control Plan – Old Telegraph Road

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

14. Erection of Signage – Supervision of Work – Old Telegraph Road

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifying Authority (Council);
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the work is being carried out and must be removed upon completion.

15. Contractors Details – Old Telegraph Road

The contractor carrying out the external works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the external works. A copy of this insurance must be submitted to Council prior to works commencing.

16. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

17. Pavement Design – Old Telegraph Road

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a suitably qualified and experienced civil or geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

18. Project Ecologist

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

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

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

19. Collection of Plant Propagules

Prior to clearance of the vegetation, all collectable floristic material shall be harvested for use in rehabilitation works on site. The project ecologist or bush regeneration contractor shall collect all available seed from native species present on site prior to clearing of the site. In the event that insufficient material is collected, the bush regenerator shall order all local provenance plants that are required to be planted as part of the Council approved Quarry and Rehabilitation Management Plan. Invoices detailing the procurement shall be submitted to The Hills Shire Council's Manager – Environment and Health.

20. Tree Removal Plan

A tree removal plan must be provided that clearly indicates trees to be removed and retained for the proposed site entry/exit/haul road (driveway) works and the upgrade to Old Telegraph Road. Australian standard 4970-2009 Protection of trees on development sites is to be applied in the creation of the tree removal plan.

The Tree Removal Plan must be submitted to Council's Manager – Environment and Health and approved prior to works commencing.

21. Biodiversity Offset Strategy

A Biodiversity Offset Strategy must be prepared in accordance with the Biodiversity Assessment Method (Office of Environment & Heritage) to offset impacts to biodiversity

associated with the project as outlined in Section 6 of the Biodiversity Impact Assessment prepared by WSP dated May 2018 (Project No 2270712A) and the revised impact calculations provided by WSP dated 29 October 2018 (ref Our ref: 2270712A-ECO-LTR-001 Rev A).

In addition, the Offset Strategy must take into account the following:

- a. Impacts of the proposed noise bund and wall around the full perimeter of the quarry.
- b. Bushfire asset protection zone requirements.
- c. The proposed easement for 11kV underground cable and pad mounted substation.
- d. Site entry/exit/haul road (driveway) works and upgrade to Old Telegraph Road.

The Biodiversity Offset Strategy is to include details for the nest box replacement and any other habitat supplementation measures identified by the Biodiversity Assessment Method.

The Biodiversity Offset Strategy must be approved by The Hills Shire Council's Manager – Environment and Health prior to work commencing.

22. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site, including the complete removal of vegetation from within the quarry and extraction area, the development must purchase and retire biodiversity credits and undertake any other biodiversity conservation actions required by the Council approved Biodiversity Offset Strategy.

The following details to demonstrate compliance must be provided to The Hills Shire Council's Manager – Environment and Health prior to works commencing

- a. A retirement certificate from the Biodiversity Conservation Trust to demonstrate compliance with biodiversity credit offset requirements.
- b. Certification from the project ecologist that nest box installation/habitat supplementation and any other conservation measures required by the Biodiversity Offset Strategy have been completed.

23. Quarry and Rehabilitation Management Plan

The Quarry and Rehabilitation Management Plan is to be amended to increase vegetation/habitat connectivity across the site. The rehabilitation plan is to incorporate the following.

- a. Increase the width of proposed riparian corridors to a minimum of 10 metres vegetated riparian corridor from top of bank each side of the water course.
- b. Re-establishment of a minimum 30 metre bushland corridor along the full length of the northern and southern boundaries.
- c. Increase the width of the bushland corridor along the northern property boundary.

A Vegetation Management Plan (VMP) is to be prepared for the rehabilitation of the native bushland corridors as an appendix to the Quarry and Rehabilitation Management Plan. The VMP must be prepared in accordance with Council's *Vegetation Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management.

The VMP plan is for the rehabilitation of the native bushland corridors and must include:

- i. Details of the rehabilitation strategies and plant maintenance.
- ii. Measurable performance targets and a contingency plan if performance targets are not achieved.

- iii. Details on the requirement to restrict domestic grazing stock from bushland rehabilitation areas and the provision of permanent bushland protection fencing.

The Quarry and Rehabilitation Management Plan must be submitted to Council's Manager – Environment and Health for approval prior to works extraction commencing.

24. Environmental Management Plan

Prior to works commencing on the site, an Environmental Plan of Management shall be prepared and submitted to the satisfaction of Council's Manager - Environment & Health. The Plan shall incorporate:

- the acoustic conditions contained within this consent and the NSW EPA's General Terms of Approval;
- air quality conditions contained within this consent and the NSW EPA's General Terms of Approval;
- identify air quality monitoring locations to the north, east, south and west of the development;
- groundwater monitoring locations and frequency of monitoring;
- a complaints management procedure; and
- A Biodiversity Environmental Management Plan that incorporates the recommendations provided under Section 5.2.2 of the Biodiversity Impact Assessment prepared by WSP dated May 2018.

25. Liaison with Electricity Provider

Prior to work commencing the applicant/operator is required to liaise with the relevant electricity provider regarding the need for any upgrade to the existing supply to the site.

DURING CONSTRUCTION

26. European or Aboriginal Relics

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

27. Standard of Works – Old Telegraph Road

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

28. Critical Stage Inspections – Old Telegraph Road

The works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hours' notice is required for inspections. No works are to commence until the first inspection has been carried out.

29. Working Hours – Old Telegraph Road

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the

hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

30. Tree Removal and Fauna Protection

During any tree and vegetation removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity.

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

Tree hollows are to be salvaged from trees removed and placed within the retained bushland areas of the site. This is to be done by a qualified and experienced arborist, under the direction of the Project Ecologist.

31. Batter Gradients

All batters of dams/detention basins are required to have a maximum gradient of 2H (Horizontal):1V (Vertical), and are to be stabilized by vegetation or other appropriate measure. For any batters steeper than 2H:1V, a geotechnical design and certification from a suitably qualified person is required for the batter.

32. Dam Dewatering – Biodiversity Requirements

The dewatering of the dam is to be undertaken in accordance with the following requirements:

- A fine mesh is to be placed around intake pumps used to drain the dam water to prevent the uptake and spread of carp eggs, juvenile pest species or eggs into the catchment.
- Water is to be pumped from the dam and irrigated onto adjacent grassed areas to minimise the risk of invasive and exotic pest species from entering natural waterways.
- The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.
- The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam.
- Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping. A minimum of 72 hours is to be provided.
- Any rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.

PRIOR TO ISSUE OF A CERTIFICATE OF PRACTICAL COMPLETION FOR THE EXTERNAL WORKS

33. Completion of Works/ Satisfactory Final Inspection – Old Telegraph Road

The export of material from the subject site as part of the approved use/ quarry cannot start until the works in Old Telegraph Road conditioned above (Engineering Works and Design) are completed. A satisfactory final inspection/ certificate of practical completion from Council's Construction Engineer is required.

34. Post Construction Submission Requirements – Old Telegraph Road

Once the works are complete the following documentation must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary

The works as executed plans must be prepared by a suitably qualified engineer or registered surveyor.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website and must be used.

35. Performance/ Maintenance Security Bond – Old Telegraph Road

A performance/ maintenance bond of 5% of the total cost of the works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

THE USE OF THE SITE/OPERATIONAL REQUIREMENTS

36. Management of Area Subject to Vegetation Management Plan (VMP)

Any area that is subject to a Vegetation Management Plan (VMP) shall be managed in accordance with the approved VMP in perpetuity by the property owner/s.

37. Truck Driver Behaviour

The operator must:

- advise its drivers and its clients not to arrive at the site prior to 6am on any operational day;
- ensure that all laden trucks have their loads covered when arriving at or leaving the site;
- ensure that all laden trucks are cleaned of material that may fall from vehicles, before leaving the site; and
- use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport product from the development so they can be easily identified by road users.

38. Dust Management

The operator must:

- implement best practice management to minimise the dust emissions of the development;
- assess meteorological and air quality monitoring data on an ongoing basis and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
- minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
- monitor and report on compliance with the relevant air quality conditions in this consent; and
- minimise the area of surface disturbance and undertake progressive rehabilitation of the site.

39. Acoustic Requirements

- a) Acoustic monitoring is to occur:
- i) when work commences in each cell;
 - ii) at least once each quarter; and
 - iii) whenever a noise complaint is received.

Monitoring is to be an L_{Aeq} (15 minutes) reading.

- b) Monitoring is to occur at the property's boundary and calculations undertaken to demonstrate compliance with the following criteria:

Location	Noise Limits dB(A)	
	L_{Aeq} (15 minutes)	
	6am - 7am	7am - 6pm
Maroota Public School	40	40
1	43	41
2		
3		
4	48	47
5		
6		
7		
8	37	39
9		
10		
11		
12		

Where the location number is the identified sensitive receiver as shown in Figure 1 of the *Impact Noise and Vibration Assessment Proposed Sand Extraction Quarry Operation Lot 1, DP 590937, 4567 Old Northern Road Maroota* by Koikas Acoustics Pty Ltd dated 16 January 2018 (File Reference 2806R20180116mfc4567OldNorthernRdMarootav6).

- c) The noise level at any new sensitive receiver shall not exceed 5dB above the background noise level or exceed the amenity noise criteria (whichever is the more stringent) at the receiver's property boundary or 30 metres from a dwelling if the dwelling is greater than 30 metres from the property boundary in accordance with the methodology and procedures contained within the NSW EPA's Noise Policy for Industry.
- e) The operator is required to limit, where possible, trucks arriving at the site outside of the approved hours of operation to limit potential for vehicle idling on public roads.
- f) The noise limits do not apply to any land shaping/softening and bund/barrier establishment activities provided they are completed within two months of the

commencement of any activities on the premises and carried out in accordance with an Environmental Protection Licence issued by the Environmental Protection Authority.

40. Air Quality

- a. The tapered element oscillating microbalances (TEOM) at Maroota Public School shall continue to be operated for the life of this consent.
- b. Dust deposition and particulate matter at the closest sensitive receptors shall not exceed:

Pollutant		Criteria	Timeframe
Total Solids	Suspended	90µg/m³	Annual
PM ₁₀		50 µg/m³	24 Hour
		25 µg/m³	Annual
PM _{2.5}		25 µg/m³	24 hour
		8 µg/m³	Annual
Deposited dust (insoluble solids)		4g/m²/month	Annual

Sensitive receptors are identified in Figure 3-1: Location of the Site and Sensitive Receptors of the *Air Quality Assessment – Lot 1 DP 590937 AT 4567 Old Northern Road, Maroota Proposed Sand Quarry* by Pacific Environment dated 28 September 2017 (Job ID. 20477).

- c. Air quality monitoring is required at locations to the north, east, south and west of the development as well as at the Maroota Public School.

41. Recording of pollution complaints

In addition to the requirements of the NSW EPA for recording of pollution complaints, any record must be produced to any authorised officer of Council who asks to see them.

42. Life of Consent

Consent for the purpose of extraction of material is limited to a period of twenty (20) years from the endorsed date or this consent of the commencement of extraction works. Written advice is required to be provided to Council of the commencement date of extraction on the site. In addition, a further two (2) year period after cessation of the extraction period is permitted for completion of the rehabilitation works.

43. Hours of Operation

Extraction of materials and all activities associated with the extraction of materials is limited to 7am – 6pm Monday to Saturday.

Between 6am – 7am, a maximum of ten trucks may enter and leave the site for the purposes of loading of materials.

Gates or a similar barrier are to be erected at the entry to the site to restrict access to the site outside of the approved hours.

No work or activity is permitted on Sundays or Public Holidays.

44. No Blasting Permitted

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

45. Depth of Extraction

The area of land disturbed for the purpose of extraction shall not exceed the site area as detailed in the Environmental Impact Statement accompanying the application, and is restricted to a maximum depth of 2m freeboard above the wet weather (high) groundwater level.

46. Protection of Groundwater

The operator is to ensure that groundwater is not breached or contaminated. In the event of groundwater being breached or contaminated, operations are to cease and Council together with the Department of Planning, Industry and Environment (Natural Resources Access Regulator) are to be immediately consulted to determine the basis upon which extraction may recommence.

47. Vehicle Numbers

The maximum number of laden vehicle movements shall not exceed 35 trips (70 truck movements) a day averaged over one calendar month for the extractive industry operations.

48. Quantity of Material Extracted

The quantity of material extracted from the site is to be in accordance with the details provided within the Environmental Impact Statement.

49. Covering Loads and Clean Roads

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

50. Dust Control

During the works being carried out, regular wetting down on the site is to be undertaken in order to control wind-blown dust from the site.

51. Fill Material

All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997. The import of VENM or ENM shall be within the limit of the 35 truckloads a day averaged over one month to allow the construction of noise bunds and internal bunds, back filling within extraction cells and rehabilitation works. Any use of off-site VENM or ENM will need to have an EPA classification certificate for the source material.

REHABILITATION

52. Approval of Completed Rehabilitation Works

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

53. Landscape Screen Planting

Landscape screen planting of native species which are endemic to the area is required around the perimeter of the site. Where planting requires removal due to works on site or where planting decline occurs, replacement planting is to be undertaken.

MONITORING AND MANAGEMENT

54. Community Consultation Committee Meeting

The works on the subject site are to be included within discussions held during the Bi-annual Community Consultation Committee Meeting.

55. Environmental Management Plan

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

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

SECTION 7.11 CONTRIBUTIONS

56. Section 7.11 Contribution - Extractive Industry

The applicant shall pay or procure payment to the Council of a developer contribution under Section 7.11 of the *Environmental Planning and Assessment Act, 1979* at the rate of \$1.05 per tonne of all extracted/processed material transported from the subject site, and in respect of the said contribution, the following provisions shall apply:-

- a) The developer contribution will be calculated and paid monthly from the date on which development consent became effective. The amount of contributions imposed in a development consent will be calculated based on the contribution rate applicable to Contributions Plan No.6 at the time of the issuing of development consent.
- b) The contribution rate imposed under this condition will be indexed and adjusted annually in accordance with the Consumer Price Index for Sydney applicable to each year ending 30 June, commencing 1 July 2008 for the duration of the development consent. The quantum of the adjustment will be consistent with the change in CPI over the preceding 12 months to 30 June of each year. At the time of payment of developer contributions, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rate that is applicable at the time of payment.
- c) On or before the fourteenth day of each month of the duration of the consent, the applicant shall deliver or procure delivery to the Council of true certified copy weighbridge or other returns or records showing the true quantities of extracted/processed material transported from the property during the immediately preceding month and the Council will then, as soon as it can conveniently do so, issue an invoice to the applicant or its consenting assignee, who will pay to the Council within fourteen (14) days of the date thereof.

- d) The Council has the right to inspect and have the original records relating to any of the extracted/processed material, including numbers and types of laden trucks, trailers and load quantities transported from the property audited by any person nominated by its internal accountant any time when he may, be written request so require.
- e) The Council will pay all of the said contribution payments into a specially identified account for payments towards the rehabilitation, restoration, repair and/or maintenance of Old Northern and Wisemans Ferry Roads between the intersection of the access road and the Baulkham Hills Shire boundary at Cattai Creek and other projects identified in the Plan of Management for Extractive Industries adopted by Council.

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

This condition has been imposed in accordance with Contributions Plan No. 6. Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

ATTACHMENTS

Appendix A - General Terms of Approval from EPA

- 1. Locality Plan
- 2. Zoning Plan
- 3. Aerial Photograph
- 4. Aerial Photograph showing the Location of Pit 4
- 5. Aerial Photograph showing Extractive Operations within the Area
- 6. Site Plan
- 7. Rehabilitation Plan
- 8. Acoustic Barriers

APPENDIX A – GENERAL TERMS OF APPROVAL FROM EPA

Environmental Planning and Assessment Act 1979

General Terms of Approval - Consolidated



The Hills Shire Council
PO Box 7064
Baulkham Hills BC 1755

Attention: Kristine McKenzie

File Number DOC19/962552-1

Date 11 November 2019

Re: Integrated Development - Extractive Industry - Lot 1 DP 590937 No. 4567 Old Northern Road,
Maroota NSW 2756

Consolidation of General Terms of Approval – Notices 1566071, 1577016 and 1580104

I refer to development application DA 2136/2018/JF, accompanying information to modify General Terms of Approval (GTAs) and the request to consolidate conditions in Notice 1566071, 1577016 and 1580104.

EPA previously reviewed the information provided and determined that it would be able to issue a licence for the proposal, subject to conditions provided in Notices 1566071, 1577016 and 1580104. The applicant will need to make a separate application to EPA to obtain this licence.

On 22 October 2019, the Hills Shire Council (Council) requested that the General Terms of Approval (GTAs) contained within Notice 1566071, as varied by Notice 1577016 and 1580104, be consolidated in one document. These consolidated GTAs are provided at Attachment A. If the Hills Shire Council grants development consent for this proposal, these conditions should be incorporated into the consent.

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

PREVIOUS NOTICES BELOW

General Terms of Approval Notice 1566071

On 25 June 2018, the EPA issued the General Terms of Approval (GTA) Notice 1566071 to Council.

General Terms of Approval - Consolidated



General Terms of Approval – Variation Notice 1577016

On 25 February 2019, the EPA received comments from Council seeking revision to the noise conditions in the GTA. The EPA reviewed the information provided by Council and agreed to vary the noise limit condition L3.4 to satisfy a concern regarding conducting noise measurement in a location not owned by the applicant. Condition L3.4 was revised to state the following:

"Noise from the premises is to be measured at the most affected point or within the residential boundary or at the most affected point within 30m of the dwelling (rural situation) where the dwelling is more than 30m from the boundary to determine compliance with the noise LAeq(15 minutes) limits in condition L3.1.

Where it can be demonstrated that direct measurement of noise within the residential boundary is impractical, the EPA may accept alternative means of determining compliance. See relevant chapter of NSW Noise Policy for Industry."

Condition L3.2 was also varied to define day period to be consistent with the definition of "day" stated in the Glossary of the NSW Noise Policy for Industry.

These changes to the General Terms of Approval (GTA) were outlined in Notice 1577016, issued by the EPA on 13 March 2019.

Part 4 Modification Application – EPA Comments Notice 1580104

On 13 March 2019, the EPA issued GTA Notice No. 1577016 to the Hills Shire Council. On 25 March 2019, the EPA and the Hills Shire Council received comments from a representative of PF Formation Pty Ltd (the proponent) seeking revisions to conditions L3.1, L3.3, M2.1 and R2.1 of the GTA. The EPA reviewed the request and amended conditions L4.1, M2.1c) and R2.1. These changes to the General Terms of Approval (GTA) were outlined in Notice 1580104, issued by the EPA on 3 June 2019.

The conditions contained with Notices 1566071, 1577016 and 1580104 have now been consolidated in Attachment A.

If you have any questions, or wish to discuss this matter further, please contact Lisa Crambrook on 02 8837 6079.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jacqueline Ingham'.

JACQUELINE INGHAM

Unit Head

Metropolitan - Sydney Industry

(by Delegation)

General Terms of Approval - Consolidated



ATTACHMENT A

Administrative conditions

A1. Information supplied to the EPA

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

- the development application;
- environmental impact statement for *Sand Extraction at Lot 1 DP 590937 4567 Old Northern Road Maroota* relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 1. *Impact Noise and Vibration Assessment Proposed Sand Extraction Quarry Operation Lot 1 DP 590937 4567 Old Northern Road Maroota*, 16 January 2018 by *Koikos Acoustics Pty Ltd*;
 2. *Air Quality Assessment - Lot 1 DP 590937 at 4567 Old Northern Road, Maroota Proposed Sand Quarry* 28 September 2017 by *Pacific Environment*;
 3. *Biodiversity Impact Assessment Lot 1 DP 590937 4567 Old Northern Road, Maroota* 14 May 2018 by *WSP*;
 4. *Bushfire Hazard Assessment Report - Development of a Quarry at 4567 Old Northern Road Maroota*, 22 September 2017 by *Building Code & Bushfire Hazard Solutions Pty Limited*;
 5. *Groundwater & Surface Water Assessment for Sand extraction Proposal, Lot 1 DP 590937, 4567 Old Northern, Maroota, NSW* 28 March 2018 by *earth2water Pty Ltd*, parts A, B and C;
 6. *Aboriginal & Historical Archaeological Heritage Assessment 4567 Old Northern Road (Lot 1 DP 590937), Maroota NSW Proposed Sand Extraction*, 31 October 2017 by *Dominic Steele Consulting Archaeology*;
 7. *Quarry and Rehabilitation Management Plan for Sand Extraction Proposal (Lot 1, DP 590937) 4567 Old Northern Road Maroota NSW* 27 October 2017 by *earth2water Pty Ltd*;
 8. *Plan Showing Boundary Marks Over Lot 1 in DP 590937 known as No. 4567 Old Northern Road Maroota* 19 May 2016 by *Matthew Freeburn Land engineering & Mining Surveyor*; and
 9. *Traffic Impact assessment for DA/EIS for Sand Extraction & Processing at Lot 1 DP 590937, 4567 Old Northern Road Maroota and Haulage of Sand for Processing at Lot 2 DP 748820 Old Telegraph Road, Maroota*, August 2016 by *Lyle Marshall & Partners Pty Ltd*.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

General Terms of Approval - Consolidated



L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

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

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

L3. Noise limits

L3.1 Noise from the premises must not exceed the noise limits in the Table below. The location numbers in this table were taken from Section 6 of the report *Impact Noise and Vibration Assessment Proposed Sand Extraction Quarry Operation Lot 1, DP 590937, 4567 Old Northern Road Maroota* by Koikas Acoustics Pty Ltd dated 16 January 2018.

Location	Noise Limits dB(A)	
	LAeq (15 minutes)	
	Shoulder (6am to 7am)	Day (7am to 6pm)
R1	43	41
R2		
R3		
R4	48	47
R5		
R6		
R7		
R8		
R9	37	39
R10		
R11		
R12		
Maroota Public School	40	40

General Terms of Approval - Consolidated



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

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

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

L3.3 The noise emission limits identified in L3.1 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

L3.4 Noise from the premises is to be measured at the most affected point or within the residential boundary or at the most affected point within 30m of the dwelling (rural situation) where the dwelling is more than 30m from the boundary to determine compliance with the noise LAeq(15 minutes) limits in condition L3.1.

Where it can be demonstrated that direct measurement of noise within the residential boundary is impractical, the EPA may accept alternative means of determining compliance. See relevant chapter of NSW Noise Policy for Industry.

L4. Hours of operation

L4.1 Construction activities, including land shaping and softening and bund and barrier establishment activities, at the premises may only be carried on between 9am to 5pm Monday to Friday excluding public holidays.

L4.2 Activities at the premises, other than construction work, may only be carried on between 7am to 6pm Monday to Saturday excluding public holidays plus loading of trucks between 8am to 7am.

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

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

L4.5 A community consultation plan must be developed prior to commencement of any bund and barrier establishment works. The plan must contain the mitigation measures proposed to be undertaken to minimise the noise impacts of any bund and barrier establishment works at all sensitive receivers and the consultation strategy with the community. The community must be notified of the activities and mitigation measures at least 2 weeks prior to commencement of the bund and barrier establishment works.

Operating conditions

O1. Odour

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

General Terms of Approval - Consolidated



O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Air Quality Management Plan

O3.1 The proponent shall prepare an air quality management plan addressing all air emission sources at the site. The air quality management plan shall be implemented prior to the commencement of earth moving activities at the site. The air quality management plan must contain of the following, as a minimum:

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

O4. Stormwater/sediment control - Construction Phase

O4.1 A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O5. Stormwater/sediment control - Operation Phase

O5.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

M2. Requirement to monitor noise

(This condition can be varied and must be negotiated with the proponent before being finalised in any project approval)

M2.1 To assess compliance with Condition L3.1, attended noise monitoring must be undertaken in accordance with Conditions L3.4 and:

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

M3. Requirement to monitor uncontrolled water releases or overflows

M3.1 Any water releases or overflows must be analytically tested during release for basic water quality such as major ions, suspended solids, pH, total dissolved solids, soil and grease.

M3.2 If an impact in surface water quality and/or groundwater occurs as a result of water releases and/or seepage, a review and/or investigation must be carried out and appropriate measures must be undertaken to prevent any re-occurrence.

Reporting conditions

R1 Annual Return

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

R2. Noise monitoring report

(This condition can be varied and must be negotiated with the proponent before being finalised in any project approval)

R2.1 A noise compliance assessment report must be submitted to the EPA within 60 days of the completion of the yearly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

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

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Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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Telephone complaints line

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

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. a Statement of Compliance; and
- b. a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

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

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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

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

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

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

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

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

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

ATTACHMENT 1 – LOCALITY PLAN



- | | | | |
|-------------------------------------|---------------------|---|--|
| <input type="checkbox"/> | SUBJECT SITE | ✓ | PROPERTIES NOTIFIED -
OWNERS AND OCCUPIERS NOTIFIED |
| <input checked="" type="checkbox"/> | SUBMISSION RECEIVED | | NOTE: MAROOTA PUBLIC SCHOOL
ALSO NOTIFIED |

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

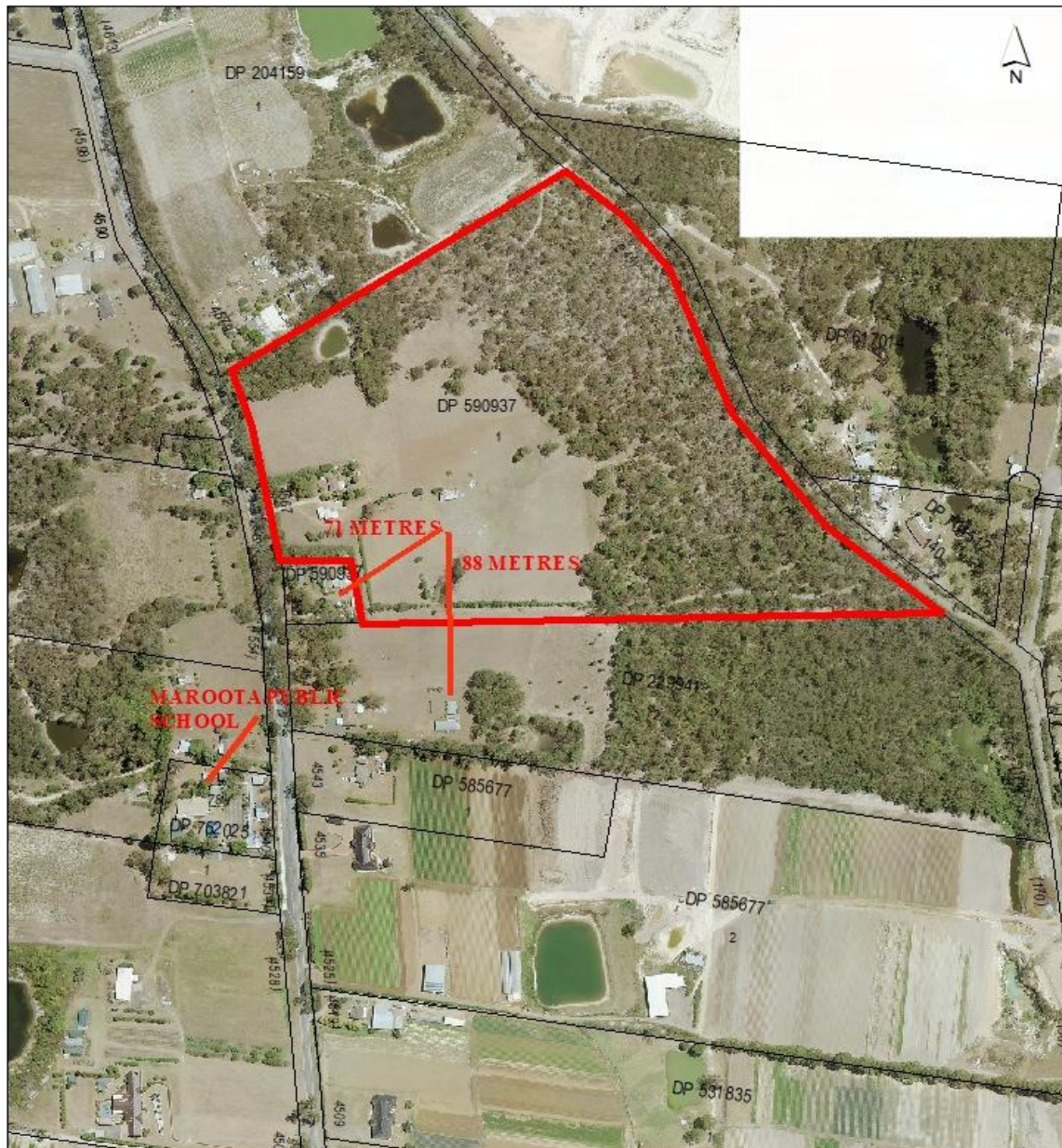
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

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

ATTACHMENT 2 – ZONING PLAN



ATTACHMENT 3 – AERIAL PHOTOGRAPH



SUBJECT SITE

THE HILLS
Sydney's Garden Shire

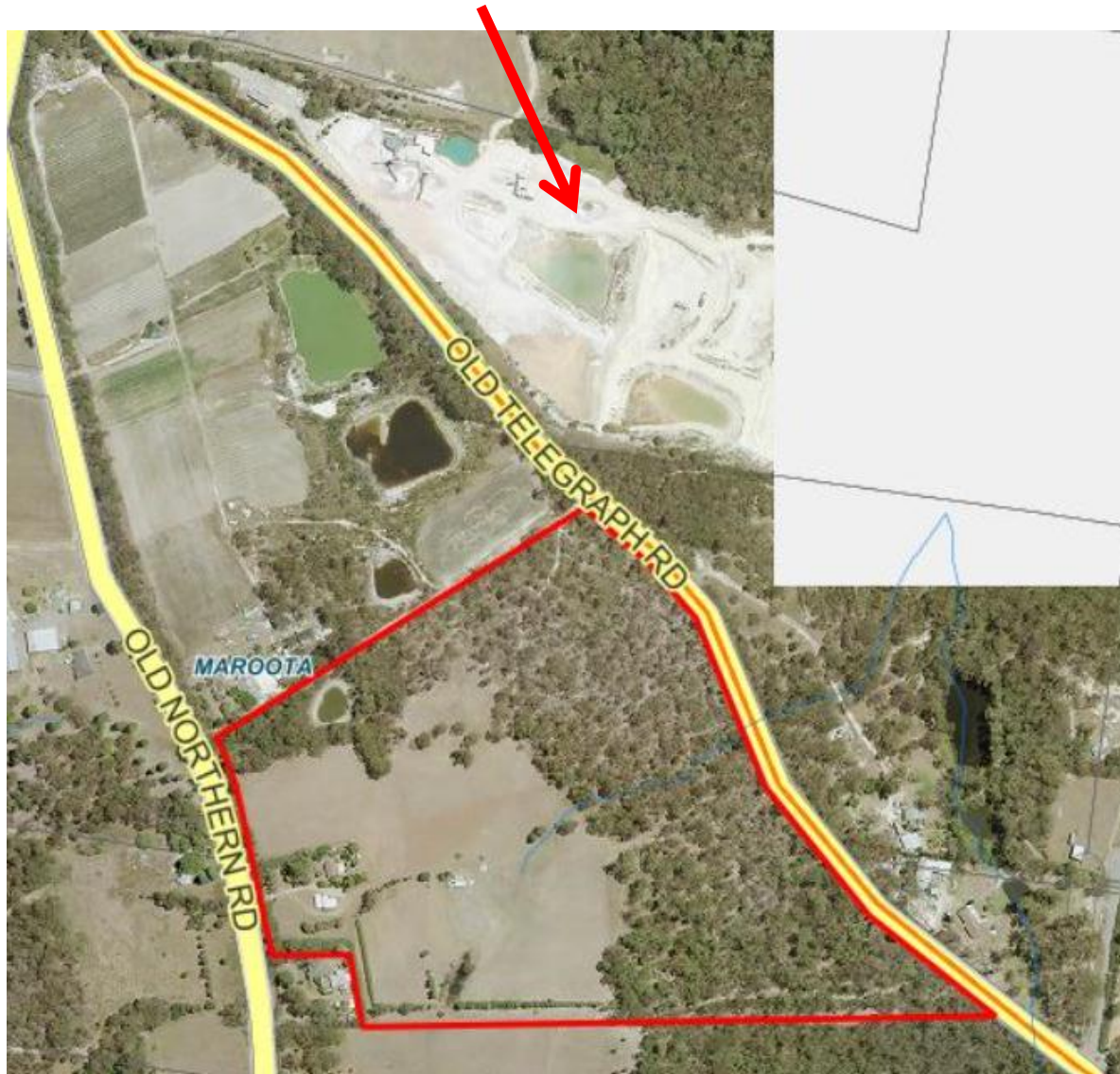
THE HILLS SHIRE COUNCIL

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

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

ATTACHMENT 4 - AERIAL PHOTOGRAPH SHOWING THE LOCATION OF PIT 4

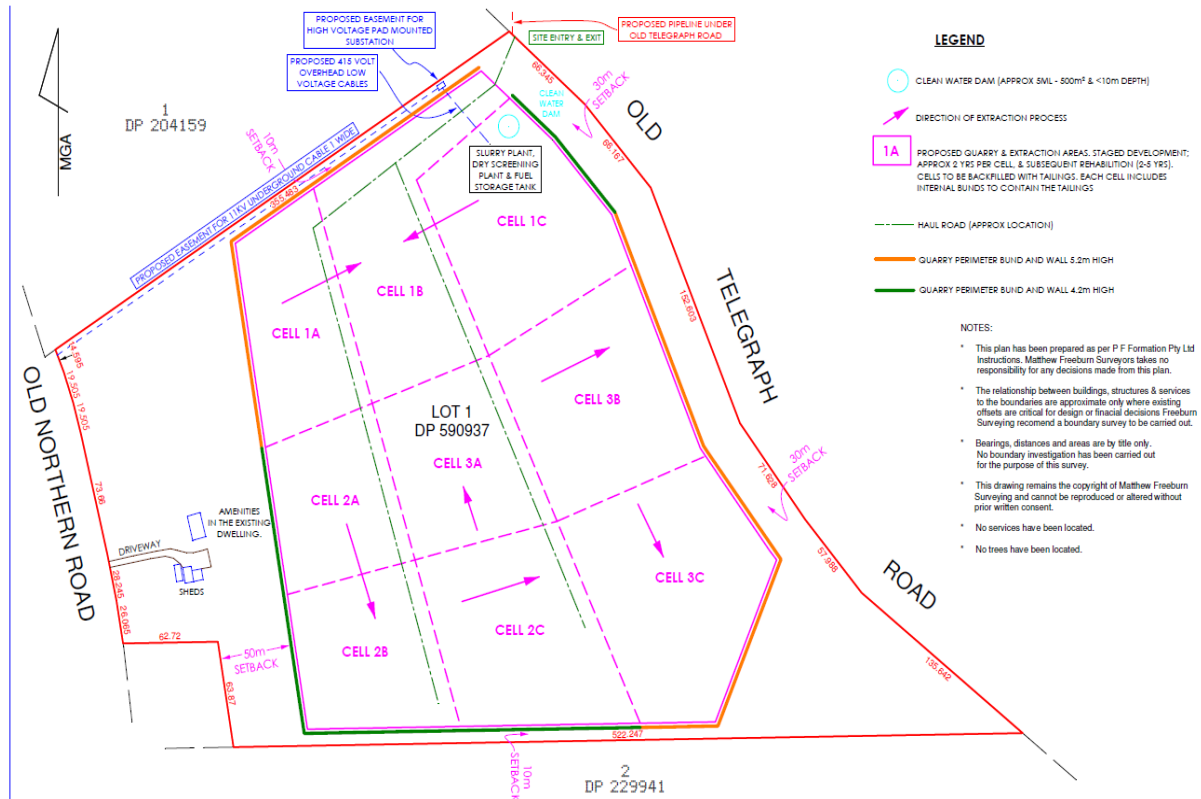
Pit 4 within Hornsby Shire



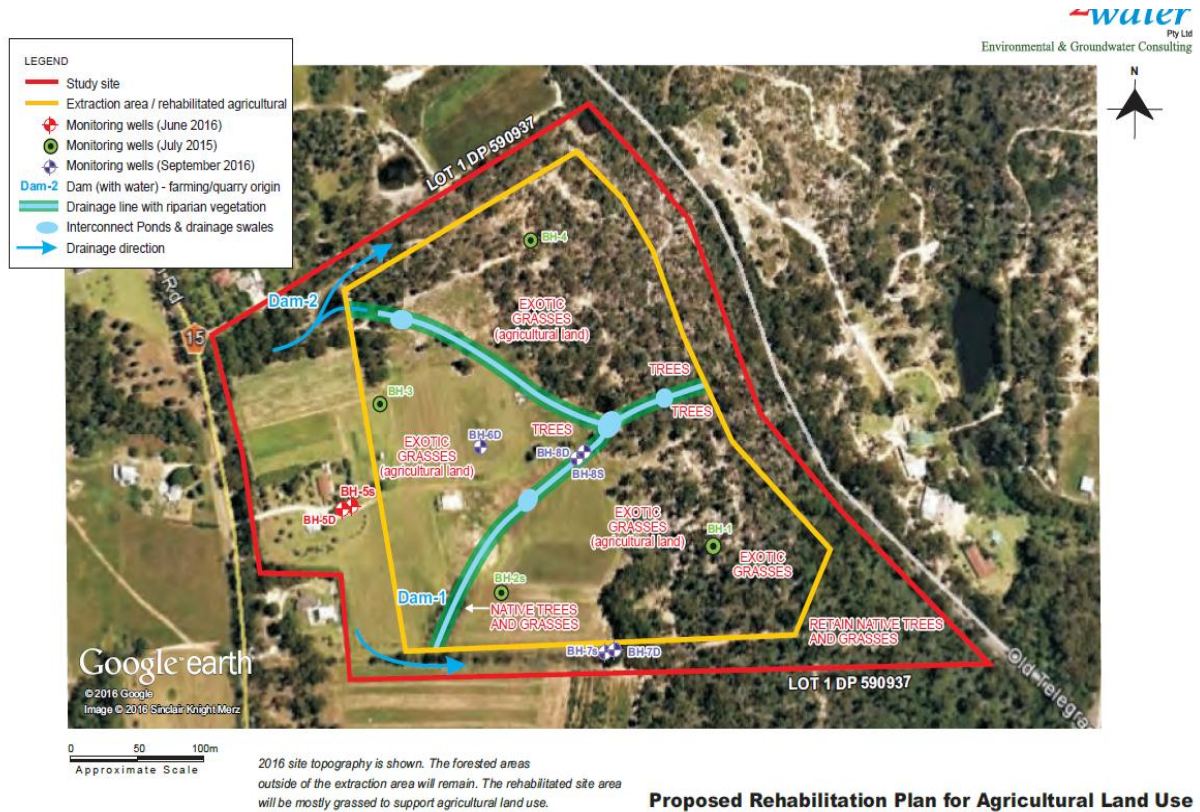
**ATTACHMENT 5 - AERIAL PHOTOGRAPH SHOWING EXTRACTIVE
OPERATIONS WITHIN THE AREA**



ATTACHMENT 6 – SITE PLAN



ATTACHMENT 7 – REHABILITATION PLAN



ATTACHMENT 8 – ACOUSTIC BARRIERS

