

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-395 – DA 544/2023/JP
PROPOSAL	Continuation of extractive industry for a sandstone quarry for two (2) years, rehabilitation for four (4) to six (6) years, relocation of the materials storage area, increase in truck movements and the construction of acoustic barriers
ADDRESS	125 Smallwood Road, Glenorie (The Hills LGA) – Lot 1 DP 1223929
APPLICANT	PGH Environmental Planning
OWNER	EA Quarrys Pty Ltd
DA LODGEMENT DATE	15 September 2022
APPLICATION TYPE	Development Application - Designated & Integrated Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 7 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares it regionally significant development as it proposes specified designated development (extractive industries)
CIV	\$0 (existing infrastructure)
CLAUSE 4.6 REQUESTS	No variations to development standards requested
KEY SEPP/LEP	<ul style="list-style-type: none"> • SEPP (Planning Systems) 2021 • SEPP (Resources & Energy) 2021 • SEPP (Biodiversity & Conservation) 2021 • SEPP (Resilience & Hazards) 2021 • SEPP (Transport & Infrastructure) 2021 • The Hills Local Environmental Plan 2019 • The Hills Development Control Plan 2012
TOTAL SUBMISSIONS KEY ISSUES IN SUBMISSIONS	30 submissions (total), raising the following issues: <ul style="list-style-type: none"> • Acoustic impacts and inadequacies of acoustic report, • Truck movements and concerns with traffic report (existing and proposed increased truck movements including driving dangerously, road damage and sediment)

	<ul style="list-style-type: none"> • No valid consent for current operation, existing non-compliances (including hours) and further extensions • Rehabilitation Plan and inappropriate bond • Lack of owner's consent for rectification to encroachments • EIS inconsistent with SEARs (planning controls and community consultation), • dust impacts • Adverse amenity impacts to No 129 Smallwood Rd • Environmental/ecological and waterway impacts • Inadequate DA information • Lack of assessment of alternatives • concerns with material being brought to site (processing stone from other sites and fill) • Increased residential density in the future around the site • Landscape screening along frontage • Social impacts
DOCUMENTS SUBMITTED CONSIDERATION	FOR <ul style="list-style-type: none"> • Environmental Impact Statement • Design Plans & Survey • Quarry Environmental Management Plan • Revised Noise Impact Statement • Soil and Water Assessment • Revised Rehabilitation Management Plan • Air Quality Impact Assessment • Revised Traffic Impact Assessment Report • Revised Flora and Fauna Assessment • Arboricultural Impact Assessment • Bushfire Emergency Evacuation Plan • Groundwater Impact Assessment • Preliminary Site Investigation • Remaining Volume Estimate (to RL70) March 2023 • Wastewater management certification
RECOMMENDATION	Approval subject to recommended conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	7 December 2023
PLAN VERSION	Various dates
PREPARED BY	Kim Johnston (Planning Consultant)
DATE OF REPORT	21 November 2023

EXECUTIVE SUMMARY

The development application (DA 544/2023/JP) seeks consent for the continuation of the extraction of sandstone materials from the existing quarry on the site for a period of a further two (2) years followed by a period of up to six (6) years for rehabilitation. All quarrying activities are proposed to continue within the existing footprint and there is no lateral

expansion of the quarry (pit) area proposed. The approved maximum extraction depth of the quarry is to remain at RL 70, with the proposal seeking to quarry to this level from the current level of between RL 72.55 to RL 79. A maximum extraction of 30,000m³/pa (60,000 t/pa) over a two (2) year period (equivalent to a total of 60,000m³ (120,000 tonnes)) is proposed as well as an increase in vehicle movements from seven (7) laden trucks to 16 laden trucks per day.

The proposal also involves the construction of a materials storage area to the west of the quarry pit (relocated from the northwest portion of the site) and the installation of acoustic measures. Rehabilitation of the site following cessation of quarrying will comprise the importation of 200,000m³ (400,000 tonnes) of Virgin Excavated Natural Material ('VENM') or Excavated Natural Material ('ENM') to the site to return it to the natural landform with vegetation cover.

The site is located on the northern side of Smallwood Road, approximately 1 kilometre from its intersection with Halcrows Road to the south, and is known as No. 125 Smallwood Road, Glenorie. The surrounding land uses comprise large rural/residential allotments with some rural industries including nurseries and extractive industries (quarrying) as well as extensive areas of natural bushland.

The site comprises a relatively level, elevated platform in the area adjoining the street, however, falls steeply to the south and east towards a north trending tributary of Kellys Creek located outside of the site. The northeastern part of the site comprises the existing quarry pit with the western portion of the site containing the associated processing and storage activities. The southern and south-eastern portions of the site largely contain remnant bushland which is not subject to any current or proposed works. The site comprises bushfire prone land and there are several easements affecting the site, which do not impact the proposal.

There have been a number of consents issued for quarrying on the site including DA1887/2002/HE approved by Council on 24 September 2002 for the continuation of existing extractive industry – sandstone quarry. A further consent for an extension of time for use of the existing quarry was issued by Council on 15 October 2020 (96/2021/HA), which lapsed on 22 October 2021. Since this time, the Council has issued notices and orders under the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), with the current application lodged on 15 September 2022. The notices and orders are held in abeyance until this application is determined.

The application is referred to the Sydney Central City Planning Panel as the development is '*regionally significant development*', pursuant to Clause 7(1)(a) of Schedule 6 of the Planning Systems SEPP as the proposal is for extractive industry that meets the requirements for designated development under the *Environmental Planning and Assessment Regulation 2021* ('2021 Regulation').

The application is for designated development pursuant to Section 4.10(1) of the EP&A Act as it is declared to be by Section 7(1) and Clause 26(2) (Extractive Industries) of Schedule 3 of the 2021 Regulation as it disturbs a surface area greater than 2 hectares (incorporating the quarry and material processing area). An Environmental Impact Statement ('EIS') has been provided and it is considered that the EIS satisfies the requirements of the EP&A Act and the Secretary's Environmental Assessment Requirements ('SEARs').

The application is also integrated development pursuant to Section 4.46 of the EP&A Act as the proposal requires an Environment Protection Licence (EPL) as a scheduled activity (premises-based) under sections 43(b), 48 and 55 of the *Protection of the Environment Operations Act 1997* ('POEO Act'). General Terms of Approval ('GTAs') have been issued by the NSW Environment Protection Authority ('EPA').

The site is located in the RU2 Rural Landscape zone pursuant to Clause 2.2 of *The Hills Local Environmental Plan 2019* and the proposal is permissible with consent. Other relevant environmental planning instruments include *State Environmental Planning Policy (Resources and Energy) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and *State Environmental Planning Policy (Resilience and Hazards) 2021*. The Hills Development Control Plan 2012 is also relevant. The proposal is generally consistent with the relevant planning controls under these instruments and policies subject to the mitigation measures proposed in the EIS and accompanying management plans and reports. This is further outlined in Section 4 of this report.

The application was also referred to a number of other agencies including the NSW RFS, DPE (Planning and Water), Transport for NSW, Department of Regional NSW – Mining, Exploration & Geoscience, Department of Primary Industries (Fisheries and Agriculture), NPWS and Castle Hill Police. The application was also referred to relevant Council officers for specialist comments.

The application was placed on public exhibition on two (2) occasions in accordance with the Council's Community Participation Plan, Clause 8 and 8A of Schedule 1 of the EP&A Act and Sections 56, 58 and 60 of the 2021 Regulation. The first notification period occurred from 7 October 2022 to 7 November 2022, with 20 unique submissions received (all objections), while the second notification period occurred from 1 August 2023 to 23 August 2023 for the amended and additional information lodged in July 2023, with 10 submissions received (all objections). Therefore, a total of 30 submissions were received in response to the notifications of the development application. A conciliation conference was also held to discuss the concerns of the community on 15 December 2022.

The issues raised in submissions included concerns with acoustic impacts and inadequacies of the acoustic report, existing and proposed increased truck movements and concerns with the traffic report, lack of valid consent for current operation and existing non-compliances by quarry operator, inadequacies of the Rehabilitation Plan and inappropriate bond, lack of owner's consent for rectification to encroachments and the EIS inconsistent with the SEARs. Dust impacts, adverse amenity impacts to No 129 Smallwood Rd, environmental/ecological and waterway impacts, inadequate DA information, lack of assessment of alternatives, concerns with material being brought to the site (processing stone from sites and fill), increased residential density in the future, landscape screening along frontage and social impacts were also raised. These matters have been considered in this report and are addressed in conditions where relevant. The referrals and submissions are considered in Section 5 of this report.

A Panel briefing was held in November 2022 where several key issues were discussed, including that traffic generation, noise, operational management plans and rehabilitation have been the key community concerns. The Panel stated that these matters would need to be effectively addressed in conditions (including rehabilitation conditions and bond). The 4–6-year timeline for rehabilitation was questioned by the Panel, with the applicant noting that the final landform requirements and the work required to backfill to that level was the basis for the estimate. The applicant confirmed the application is not seeking expansion of quarry as previously approved (width or depth) and the Council noted the traffic impacts were an ongoing issue (especially truck movements).

A number of key issues were identified in this assessment which included (generally based on the SEARs):

- Environmental management
- Acoustic Impacts

- Air quality
- Soil and Water management
- Traffic and Transport
- Biodiversity
- Bushfire
- Waste
- Visual Impacts
- Rehabilitation
- Other Matters (encroachments, heritage, land resources, hazards, social & economic)

These key issues are considered in detail in Section 6 of this report and are considered satisfactorily resolved subject to the recommended consent conditions. The mitigation measures outlined in the accompanying reports and management plans are considered to be appropriate and will ensure impacts to the area are minimised.

Assessment under Section 4.15(1) of the EP&A Act concluded that the proposal is generally consistent with the relevant planning controls. The site is also considered suitable for the development and there are unlikely to be any significant adverse impacts arising from the proposal subject to the recommended conditions. The proposal is considered to be in the public interest given the disturbed nature of the site arising from the history of quarrying, and with a known resource remaining on the site, and with impacts mitigated, the proposal is an efficient use of the remaining resource on the site.

Following a thorough consideration of the application, it is considered that the proposal has adequately addressed potential impacts and relevant recommended draft consent conditions are provided for the Panel's consideration. The proposal is consistent with the planning controls and the jurisdictional preconditions to the grant of consent have been satisfied. The EIS is considered to be consistent with the requirements of the SEARs, the EP&A Act and the 2021 Regulation.

Accordingly, the development application is recommended for approval subject to the draft consent conditions as contained at **Attachment A** of this report.

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1. THE SITE AND LOCALITY

1.1 The Site

The site is legally described as Lot 1 DP 1223929 and is known as No. 125 Smallwood Road, Glenorie ('the site'). The site is an irregularly shaped lot with an overall area of 6.532 Hectares and is located within a semi-rural area of The Hills Local Government Area, in the northwest of Sydney. The surrounding land uses comprise large rural/residential allotments with some rural industries including nurseries and extractive industries (quarrying) as well as extensive areas of natural bushland.

The site is located on the northern side of Smallwood Road, approximately 1 kilometre from its intersection with Halcrows Road to the south (refer **Figure 1**). The nearest watercourse is approximately 115 metres to the east and comprises a tributary of Kellys Creek to the north.

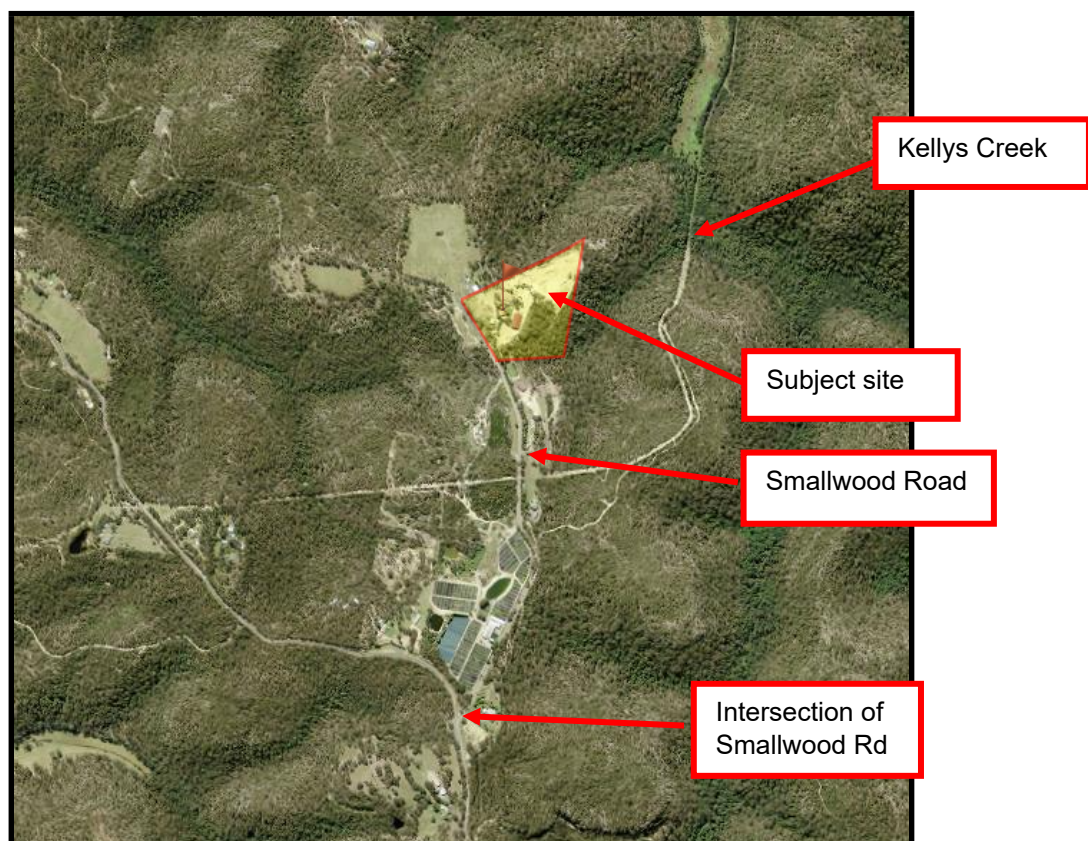


Figure 1: The Site (Source: SIX maps)

The site comprises a relatively level, elevated platform in the area adjoining the street, however, falls steeply to the south and east towards a north trending tributary of Kellys Creek located outside of the site. The northeastern part of the site comprises the existing quarry pit with the western portion of the site containing the associated processing and storage activities as outlined below. The southern and south-eastern portions of the site largely contain remnant bushland which is not subject to any current or proposed works. The existing features on the site are outlined below.

Existing Quarry

The total area of land presently disturbed/occupied by the quarry and associated operations

is approximately 3.32 hectares. The extraction area of the existing quarry covers an area of approximately 1.6 hectares with the floor of the existing quarry ranging from RL 72.55m AHD in the northeastern corner to RL 79.46m AHD in the northwestern corner (**Figures 2 and 3**). The height of the surrounding walls to the quarry are at approximately RL 90m AHD. The quarry has varied setbacks from the northern (nil – 6metres) and eastern (nil - >20metres) side boundaries based upon the existing extraction footprint.

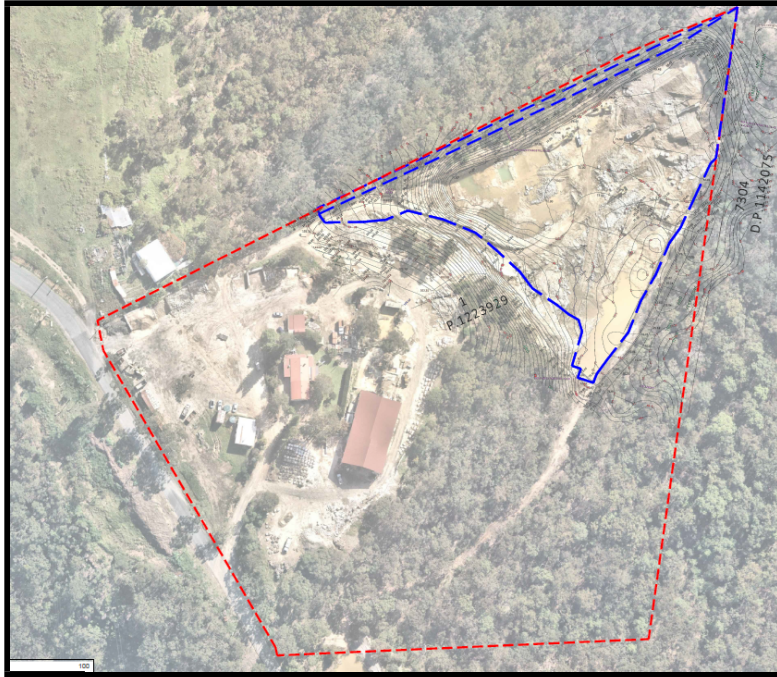


Figure 2: Existing Quarry on the site (Source: Figure 2 of the Quarry Environmental Management Plan, EI August 2023)



Figure 3: Existing Quarry Pit

Sediment Basin

A sediment basin which acts as a sediment control structure is located within the south-eastern corner of the quarry pit, with an approximate overall capacity of 1,800m³ (1.8

megalitres) at RL 74.5m (approximately). The approximate dimensions of the basin is a depth of 2 metres and a surface area of 900m² (**Figure 4**).

Processing Area

A processing area is located to the west of the quarry pit area at RL100m AHD containing a large processing shed (**Figure 5**), workshop building and yard with material storage area for processed sandstone awaiting delivery/collection (**Figure 6**). A drainage and sediment basin system which drains the water-cooled saws is also located in this area.

Materials Storage Area

A material storage area (for the crushed product) has previously been located adjoining the boundary of No 129 in the front northwestern corner of the site, however, is proposed to be relocated between the quarry and processing area (**Figure 7**). This proposed relocation is to reduce the acoustic and dust impacts to the adjoining property to the northwest.

Internal Haul Roads

The site contains an internal haul road which provides vehicle access from the quarry pit through the materials storage and processing areas and onto Smallwood Road (**Figure 8**).

Manager's Residence

Adjoining the processing area at approximately RL 109m AHD is a Manager's residence with associated yard, the site office as well as a car parking and storage area located in the south-western corner of the site adjoining the road (**Figure 9**). The existing use of this area for the storage of materials is to cease and relocated to the existing processing and storage area as outlined above. Vehicle access is provided through a single driveway from Smallwood Road which provides vehicle access to the car parking areas as well as to the quarry.

Office and Car Park

A site office and associated car parking is provided at the front of the site (**Figure 10**), accessed directly from Smallwood Road. This area of the site is in close proximity to the dwelling/shed at No 129 Smallwood Road to the northwest and will contain only car parking under the proposal, with the relocation of the material storage area from this location.



Figure 4: Main Sediment Basin



Figure 5: Existing Processing Shed



Figure 6: Finished Product Storage



Figure 7: Materials Storage Area



Figure 8: Haul Road into quarry pit



Figure 9: Manager's Residence



Figure 10: Office and Car Parking at the front of the site

1.2 The Locality

The surrounding land uses comprise rural residential properties as well as some rural industries including a plant nursery, with the locality generally characterised by the large areas of natural bushland. Rural roads providing access to properties in the vicinity of the site are also features of the area.

Adjoining the site to the west is Smallwood Road, while to the north and east generally comprises natural vegetation sloping down to Kellys Creek and the minor creek tributaries. Development adjoining to the south-east comprises No 102 Smallwood Road which comprises a dwelling (**Figure 11**). Adjoining development to the north-west comprises a dwelling/shed and is known as No 129 Smallwood Road (**Figure 12**). An approved rural subdivision and housing has been approved at No 131-133 Smallwood Road, located on the other side of No 129.



Figure 11: Adjoining development to the south-east - No 109 Smallwood Road



Figure 12: Adjoining development to the north-west - No 129 Smallwood Road

1.3 Easements and Restrictions

There are a number of easements and restrictions registered on the land title for the site, imposed by the deposited plan (**Figure 13**). These easements and restrictions are considered in **Table 1**. The proposal is satisfactory having regard to the easements and restrictions on the property, which do not restrict the operation of the proposed development.

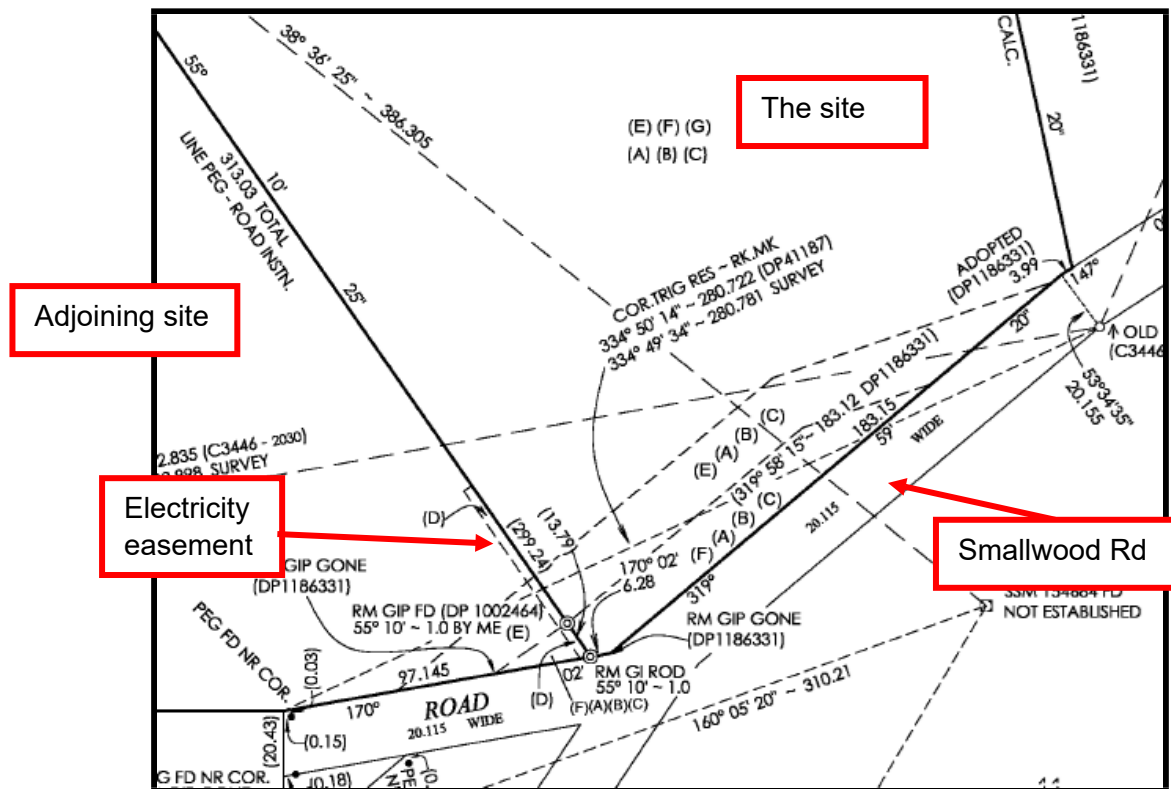


Figure 13: Deposited Plan for the site with restrictions/easements (Source: Legalstream)

Table 1: Easements and Restrictions imposed by DP 1223929

MATTER	REQUIREMENTS (emphasis added)	COMPLY
(A) Restriction on the use of land (DP 1186331)	No development shall be permitted on the lot thereby burdened unless it is considerate of the bushfire prone nature of the site , with the requirements of the Hills Shire Council and the NSW Rural Fire Service relevant and applicable at the time.	Yes Refer to key issues
(B) Positive Covenant No 3 (DP 1186331)	The land surrounding the existing dwelling as constructed at the date of registration of this plan to a distance of 50m to the east, south and west, and 20m to the north, shall be maintained at the sole expense of the registered proprietors as an inner protection area (IPA) 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'.	Yes Refer to key issues
(C) Positive Covenant No 4	in the event of a complaint to council from the owner/occupier of Lot 100, alleging the emission of offensive noise from the operation of the quarry at	Yes Refer to key

(DP 1186331)	Lot 101, the operator of the quarry shall be required to submit to council within 28 days (or such other agreed time) an acoustic assessment of the activities at the quarry and determine whether the operations are complying with the NSW Industrial Noise Policy. Council staff will write to the operator of the quarry to advise that a complaint has been received.	issues and recommended conditions
(D) Easement for Transmission line 3 wide	The easement is located on the adjoining property with the subject site benefitted by the easement ((E) Benefitted by Easement for Transmission line 3 wide (DP 1002464)).	Yes
(F) Right of Carriageway (P798682)	6 metres wide benefitting the subject site.	Yes
(G) Right of Carriageway 6 wide (P808845)	6 metres wide benefitting the subject site.	Yes

2. BACKGROUND

2.1 History of Consents for Quarry

The site has been used for the purposes of quarrying since before September 2002, with a number of consents issued for the site for extractive industry purposes. The site is known to still contain a substantial sandstone resource with the most recent survey in 2023 estimating that there was 47,363m³ (94,726 tonnes) above the RL70m AHD maximum extraction depth under the 2002 Approval.

These previous consents are outlined in **Table 2** and further discussed below.

Table 2: History of the Site

DATE	EVENT
24 September 2002	DA1887/2002/HE issued for the continuation of an existing extractive industry (sandstone quarry) including the extraction and processing of sandstone material on the site until 22 October 2020 (designated development). The depth of excavation was limited to RL 70m AHD and the annual volume of material to be extracted was limited to 17,000 tonnes per annum. The other relevant conditions are outlined below.
8 December 2005	DA1887/2002/HE modified to change the payment arrangements for the rehabilitation bond.
5 October 2020	DA96/2021/HA issued for the 12-month extension of quarry operations until 22 October 2021 (local development). This consent required compliance with all conditions of consent under Development Consent 1887/2002/HE (Condition 3).
24 September 2021	Lodgement of DA 492/2022/JP to continue site extraction activities for a further period of six (6) years with the extraction and processing volume of sandstone increased to between 40,000 to

	60,000t/pa (16,000m ³ – 25,000m ³).
October 2021	Expiration of the 12-month extension granted on DA96/2021/HA.
25 February 2022	DA492/2022 withdrawn due to requested additional information not being available prior to determination date by SCCPP in March 2022.
10 March 2022	Notice of intention to give Development Control Order No.1
15 March 2022	DPIE (Resource Assessments) advised that as the project details were changing it was necessary to submit a new application for Secretary's Environmental Assessment Requirements (SEAR's).
1 April 2022	Written response was provided to Council which outlined the sequence of events that had transpired following the expiration of the 12-month extension of time on 15 October 2021.
21 June 2022	Development Control Order to cease the use issued, with a period of compliance being 22 August 2022.
1 July 2022	SEARs issued for the application (DA lodged within 2 years of this date consistent with Section 178 of the 2021 Regulation).
15 September 2022	544/2023/JP (current application) lodged for extension of quarry operations on the site.

DA1887/2002/HE

This consent was issued by Council on 24 September 2002 for the continuation of existing extractive industry – sandstone quarry. The relevant operational conditions included the following:

- Life of the consent – The extraction of material is limited to a period of 18 years with the consent to lapse on 22 October 2022 (28 days after consent issued) with a further two (2) years after cessation of the extraction period for completion of the rehabilitation works (Condition 35);
- Depth of excavation – extraction is limited to the maximum depth of RL 70 metres AHD (Condition 37);
- Blasting – the use of blasting is strictly prohibited at all times on the subject site (Condition 38);
- Vehicle Numbers – the maximum number of laden vehicle movements shall not exceed seven (7) laden movements per day in accordance with details submitted with the application (Condition 40);
- 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 (Condition 41);
- Material extracted -The annual volume of material to be extracted shall be limited to **17,000 tonnes per annum** in accordance with the details provided in the EIS and the accompanying documents (Condition 43);
- Hours of operation for the Quarry - The quarry operation (including extraction, processing and transportation of sandstone materials and/or the running of machinery for maintenance purposes shall be restricted to between 6.30am and 4.30 pm Monday to Saturday with no to be carried out on Sundays and Public Holidays

(Condition 46);

- Amenity of Residents – The proposal is to be conducted in such a manner so that the amenity of the adjoining and nearby residents is not adversely affected (Condition 49);
- Rehabilitation Strategy – required within three (3) months of the endorsed date of consent (Condition 56);
- Rehabilitation Bond – bond based on \$2.00 per square metre of extracted area and lodged with Council within 3 months from the endorsed date of the consent (Condition 57);

Modification to DA1887/2002/HE

A modification application was approved on 8 December 2005, which modified condition 57 in relation to the rehabilitation bond to require the proponent to submit a Rehabilitation Bond as a regular monthly payment of \$310 per month for a period of five (5) years from the date of the issue of the Section 96 modification, or until such time as the bond payment of \$23,600 is paid in full.

96/2021/HA

This consent for the extension of time for use of an existing extractive industry was issued on 15 October 2020 (**Figure 14**). The relevant operational conditions included the following:

- **Life of the Consent** - Consent for the purpose of extraction of material is limited to an additional period of 1 year i.e.: consent lapses 22 October 2021. In addition, a further two (2) year period after cessation of the extraction period is allowed for completion of the rehabilitation works in accordance with the requirements of Development Consent 1887/2002/HE (Condition 2);
- **Compliance with Development Consent 1887/2002/HE** - The activities/works undertaken on site are to undertaken in accordance with all conditions of consent under Development Consent 1887/2002/HE (Condition 3);
- **Rectification Works** - In accordance with the approved 'Part Site Plan (Quarry Area)' plan, the areas marked as 'Zone 1' are required to be rectified within 6 weeks from the endorsed date of this consent i.e.: prior to 27 November 2020. In regard to the existing encroachment on the property to the north (No. 129 Smallwood Road), the applicant/owner is to obtain consent from the owner of that property in order to undertake the rectification works (Condition 4).
- **Existing Setbacks** - The existing setbacks detailed on the approved survey plan (plan ref: 11044) are to be retained i.e.: works are not permitted to extend closer to the side boundaries. Any subsequent/future Development Applications in relation to the extractive industry operations are to be accompanied by a survey plan which demonstrates that the existing setbacks have not been reduced (Condition 5);
- **Completion of Acoustic Works** - The acoustic works required by this consent are to be undertaken within 6 weeks of the endorsed date of this consent i.e.: prior to 27 November 2020 (Condition 6);

- **Acoustic treatments** – Various acoustic measures required to the area used for the sandstone saws (Condition 8);

The conditions of previous consents have been considered in the preparation of the recommended draft consent conditions.

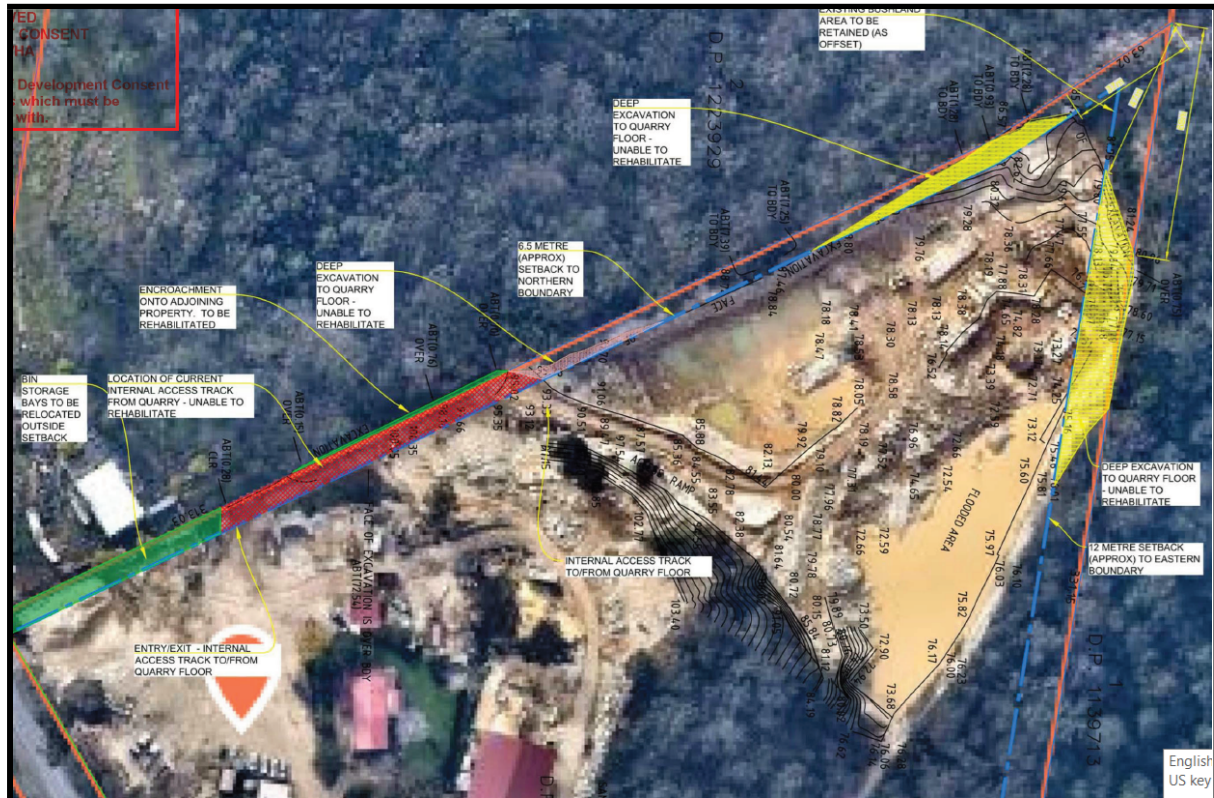


Figure 14: Approved Plan - DA 96/2021/HA (Source: Council files)

2.2 Background to the Quarrying and Activities on the site

In the quarrying phase of the activities on the site, the sandstone is either cut into blocks (or logs) or broken into pieces. For the block sandstone, works include the use of an excavator fitted with either a bucket or a rock saw with a wedge device that will be used in conjunction with an excavator to split off blocks of sandstone. For the sawing of rock, a hydraulic powered saw is attached to the excavator. The saw is used to cut deep vertical grooves in the rock. A wedge device is then fitted to the excavator and used to split off the sandstone. If the sandstone material is not suitable for blocks, it is broken up on site into a crushed material.

The sandstone material is then transported via the internal haul roads from the quarry floor to the material storage area (for the crushed product) or the processing area for the material to be cut into blocks (for the sandstone blocks). The sandstone is processed in the processing shed where it is cut and dressed using a rock saw, in response to orders placed by customers, occasionally pre-cut to specified thicknesses commonly ranging from between 50mm to 300mm.

The market for the processed sandstone products includes landscapers and builders, with the products primarily used in retaining walls, capping, facing and other stone features. The material is processed on site prior to collection by the client or delivery. The bulk of the business is to landscaping suppliers as well as some direct to customers from the site.

There is also associated products for the operation of the quarry machinery and equipment, including greases, lubricating oils and general mechanical repair equipment. Refuelling of mobile plant in the car park near the street frontage is also undertaken. There is no blasting undertaken or permitted on the site, which is included in the recommended draft consent conditions in **Attachment A**.

3. THE PROPOSAL

3.1 The Proposal

The proposal seeks consent for the continuation of the extraction of sandstone materials from the quarry on the site for a period of a further two (2) years followed by a period of up to six (6) years for rehabilitation. The cumulative maximum period of activity on the site will be eight (8) years. It is proposed to excavate a further 2.5 metres to 3 metres below the existing ground surface under the current application to the previously approved maximum depth of RL 70. All quarrying activities will continue within the existing footprint and there is no lateral expansion of the quarry (pit) area. Only the depth of the quarry will increase.

Specifically, the proposal involves the following:

- Extraction of sandstone for two (2) years and subsequent rehabilitation for up to six years (total eight years) with a maximum extraction of 30,000m³/pa (60,000 t/pa) over a two (2) year period (equivalent to 60,000m³ (120,000 tonnes) in total).
- An increase in vehicle movements from seven (7) laden trucks to 16 laden trucks/day;
- Construction of a materials storage area to the west of the quarry pit (relocated from the northwest portion of the site) including land reshaping (**Figures 15 & 16**);
- Installation of acoustic measures as outlined in the Revised Noise Impact Statement prepared by Acoustic Dynamics dated 25 July 2023; and
- Rehabilitation of the site following cessation of quarrying including the importation of 200,000m³ (400,000 tonnes) of Virgin Excavated Natural Material ('VENM') or Excavated Natural Material ('ENM').

The proposal involves the retention of the existing four (4) key areas on the site comprising the following (from the street to the rear of the site) (**Figure 17**):

- Office and parking area – comprising an area of 0.6 hectares and including a site office and car parking for cars and trucks at approximately RL 109;
- Manager's residence – comprising a single detached dwelling and a private open space area currently used by the Manager of the site at approximately RL 109, comprising an area of 0.20 hectare (approx.);
- Processing and storage areas - comprising the existing processing shed, equipment use and storage (to rear of the existing processing shed), a relocated proposed materials storage area and a storage area for the processed material (awaiting collection/delivery). This area comprises approximately 1 hectare and is located at RL 102 to RL 107; and

- Quarry area - comprising the active quarry pit and associated batters, vehicle access tracks to and from the quarry pit, a ramp into the pit area and a sediment basin in the northeast corner of this area. This area is approximately 1.52 hectare in area with the level of this area varying from the pit of the quarry at around RL 72 to the tops of the batters of between RL 82 to RL 85.

The layout of the site is illustrated in **Figures 18** and **19**.

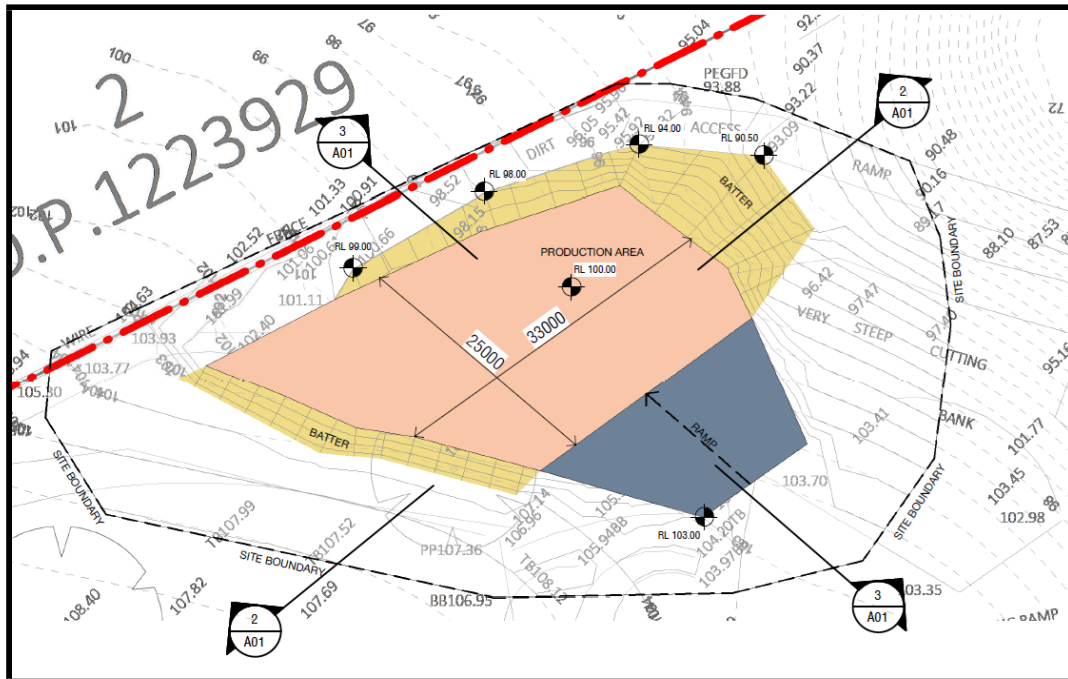


Figure 15: Proposed reshaping for the Material Storage area (Source: PGH Plan Set (PGH 29 June 2023), Fig 6 of EIS)

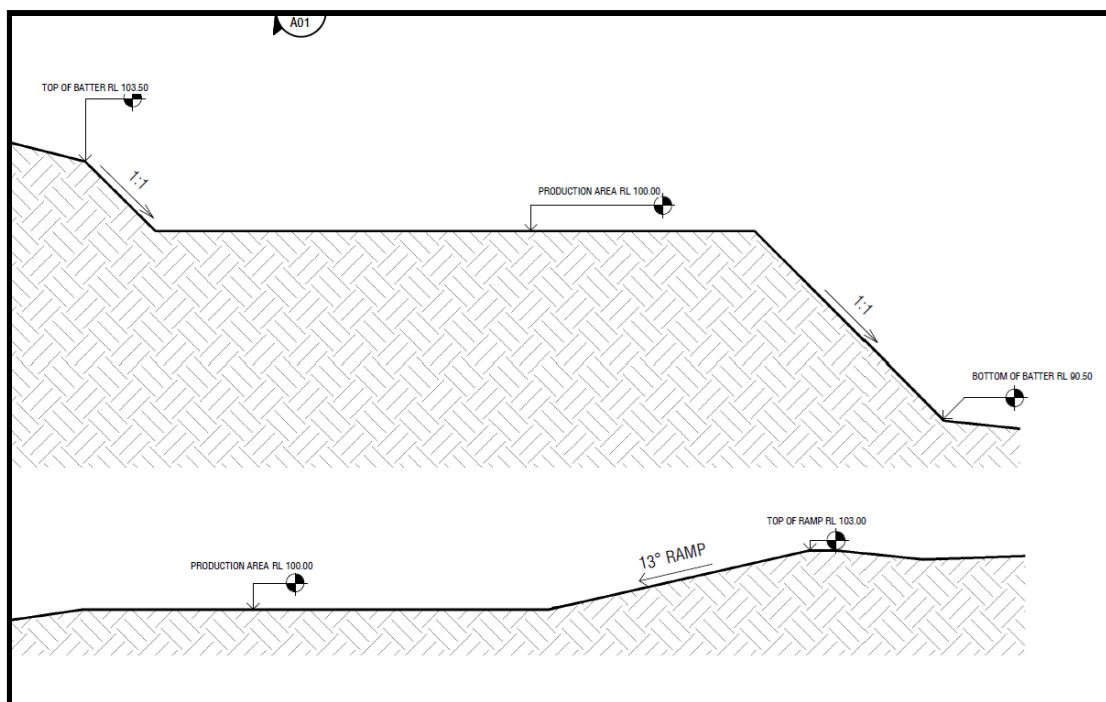


Figure 16: Proposed Material Storage area (Source: Plan Set (PGH 29 June 2023), Fig 6 of EIS)



Figure 17: Site Layout Plan (Source: PGH, 29 June 2023)



Figure 18: The Site as proposed to be retained (Source: Figure 7 of EIS)



Figure 19: The Site as proposed to be retained (Source: Figure 7 of EIS)

The key development data is outlined in **Table 3**.

Table 3: Development Data

CONTROL	PROPOSAL
Site area	6.532 Ha
Quarry Pit Area	1.52 Ha
Total disturbed area	3.32 Ha (approx.).
Annual Extraction with associated processing	30,000m ³ /pa (60,000 t/pa) over a 2-year period.
Staff	9-10 employees (current/proposed).
On-site parking	>20 spaces approximately plus truck parking
Hours of operation	5½ days per week: <ul style="list-style-type: none"> Monday to Friday: <ul style="list-style-type: none"> Quarry: 7.30am – 4.30pm. Office: 7.00am – 4.30pm. Saturday: 8.00am to 1.00pm (Quarry and Office) Sundays/Public Holidays: closed

The components of the existing operation which are to be retained by the proposal include the following:

The Quarrying and Processing

The processes undertaken on the site are to remain as currently approved and carried out

on the site (outlined in Section 2.2 of this report).

Extent of Material

The approved maximum extraction depth of the quarry is to remain at RL 70, with a survey estimation undertaken in March 2023 stating that there is 47,363m³ (94,726 tonnes) remaining above this level. The maximum volume sought in a twelve (12) month period is 30,000m³/pa (60,000 t/pa). As the remaining volume of sandstone is 47,363m³ (94,726tonnes) should the nominated maximum 30,000m³/pa (60,000 t/pa) be reached in the first year, there will be a reduced volume (of 34,726 tonnes) for the final year.

Rehabilitation

The proposal includes site rehabilitation over a period of between four (4) years to six (6) years following cessation of extraction activity. The total volume of imported material required to achieve the nominated rehabilitation landform (RL85m AHD) has been estimated at 200,000m³ (400,000 tonnes). This timeframe has been proposed due to the uncertainty in the timing of when the material required to rehabilitate the site will be available.

Staff and Operating Hours

The proposal is to maintain the current operations at the site, including consisting of 9 – 10 employees and to operate 5 ½ days a week as outlined in **Table 3**. These are reduced hours of operation to previous consents which imposed operating hours from 6.30am to 4.30pm Monday to Saturday.

Vehicle Access and Car Parking

The existing vehicle access from Smallwood Road is to be retained as well as the car parking area in the northwestern corner of the site, which is provided for on-site parking for staff, and customers.

Vehicles and Equipment

The on-site machinery proposed to be utilised on the site is outlined in **Table 4**.

Table 4: Equipment to be used on site (Source: EIS, page 40-41)

DESCRIPTION	PURPOSE
Vehicles	
1x Truck & Dog (32tonne)	Deliveries (80% of quarried product)
1 x Medium Rigid Truck (12 tonne)	Deliveries (7.5% of quarried product)
1 x Small Rigid Truck (4 tonne)	Deliveries (7.5% of quarried product)
1 x Private vehicle/Truck (2 tonne)	Deliveries (5% of quarried product)
Forklift	Move product and load trucks.
Water Truck	To supress dust within site
Sweeper (Attached to Bobcat)	To clean & remove material deposits on road
Generator	Power supply/maintenance
Air compressor	Machinery maintenance
On-site Plant and Equipment	
Production Area	
2 x hydro splitters	Rock extraction
2 x large saws (2.2m diameter)	Stone cutting
1 x medium saw (1m diameter)	Stone cutting
2 x small saws (800mm diameter)	Stone cutting

Quarry Area	
1 x rock sorter	Rock extraction
3 x excavators (with the following attachments)	
Saws (1.8m diameter)	Rock extraction
Hammers	Rock extraction
Shakers	Rock extraction
Buckets	Rock extraction

The application notes that there is no fuel stored on site and all plant is serviced by mobile fuel trucks. There are no hazardous or dangerous goods/materials stored on the site as the machinery is to be fuelled using mobile services.

Traffic Generation

The existing site generates 25 vehicles inbound and 25 outbound vehicle movements over the course of an operational day, which includes a total of 12 truck movements inbound with the outbound truck count being 8 truck movements. The proposed vehicle trips have been calculated at 16 per day or 32 movements (16 inbound and 16 outbound) per day during the extraction period, and between 7 – 11 per day (14 – 22 movements) during rehabilitation depending upon whether it is completed within 6 years and 4 years respectively (i.e.. 4years – 11 trips or 6 years – 7 trips).

In respect of the 2 year extraction period, when compared with the existing average of 12 inbound and 8 outbound truck movements (greater in size than a light vehicle), the proposal will likely generate an additional 4 inbound and 8 outbound truck trips per weekday with the Saturday traffic approximately 25% of weekday demand.

Waste Management

The application outlines that the main waste streams from the proposal are administrative/business operations (paper and general waste) which are to be serviced by Council collection services.

Stormwater

The proposal involves directing stormwater to the sediment basin to ensure that there is no discharge of surface runoff from the site.

The proposal is illustrated in **Figures 21 and 22** and in the accompanying plans.

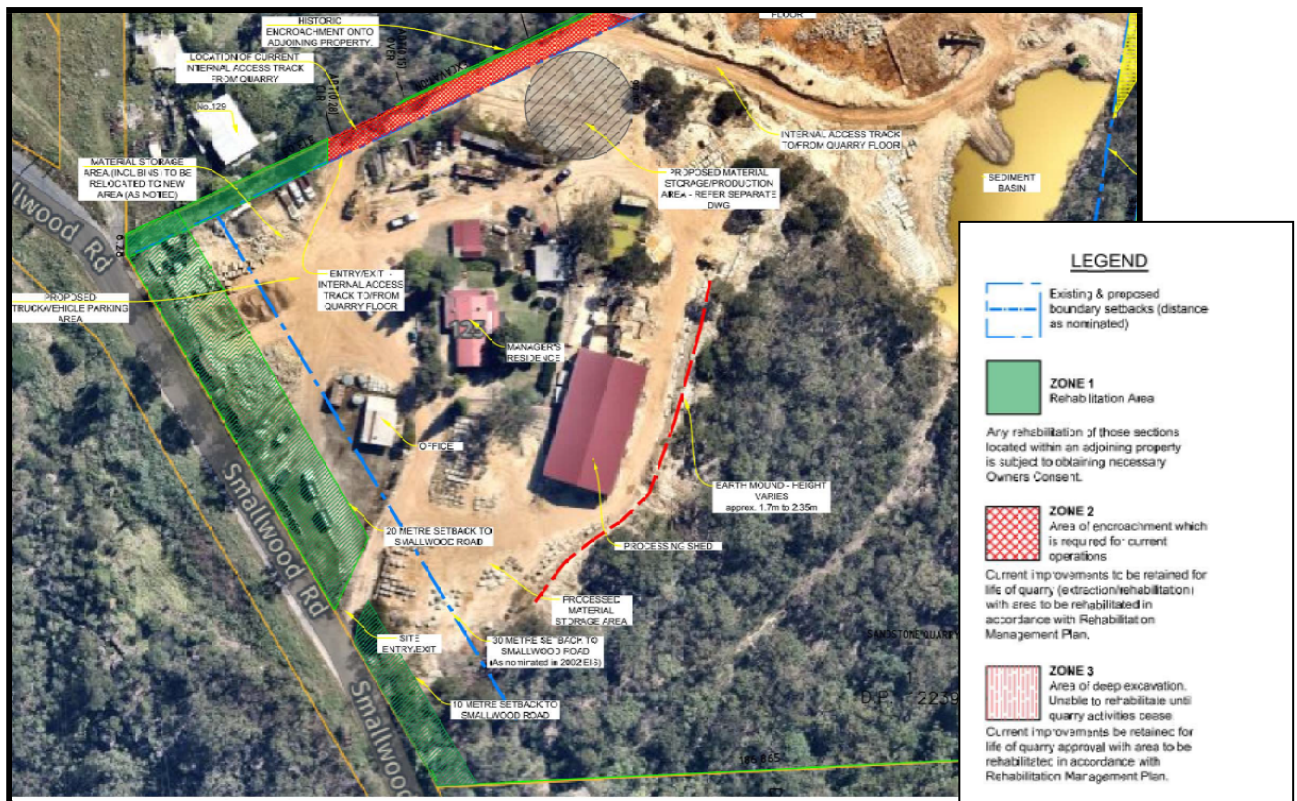


Figure 20: The Proposed Development - Southern end (Source: PGH 29

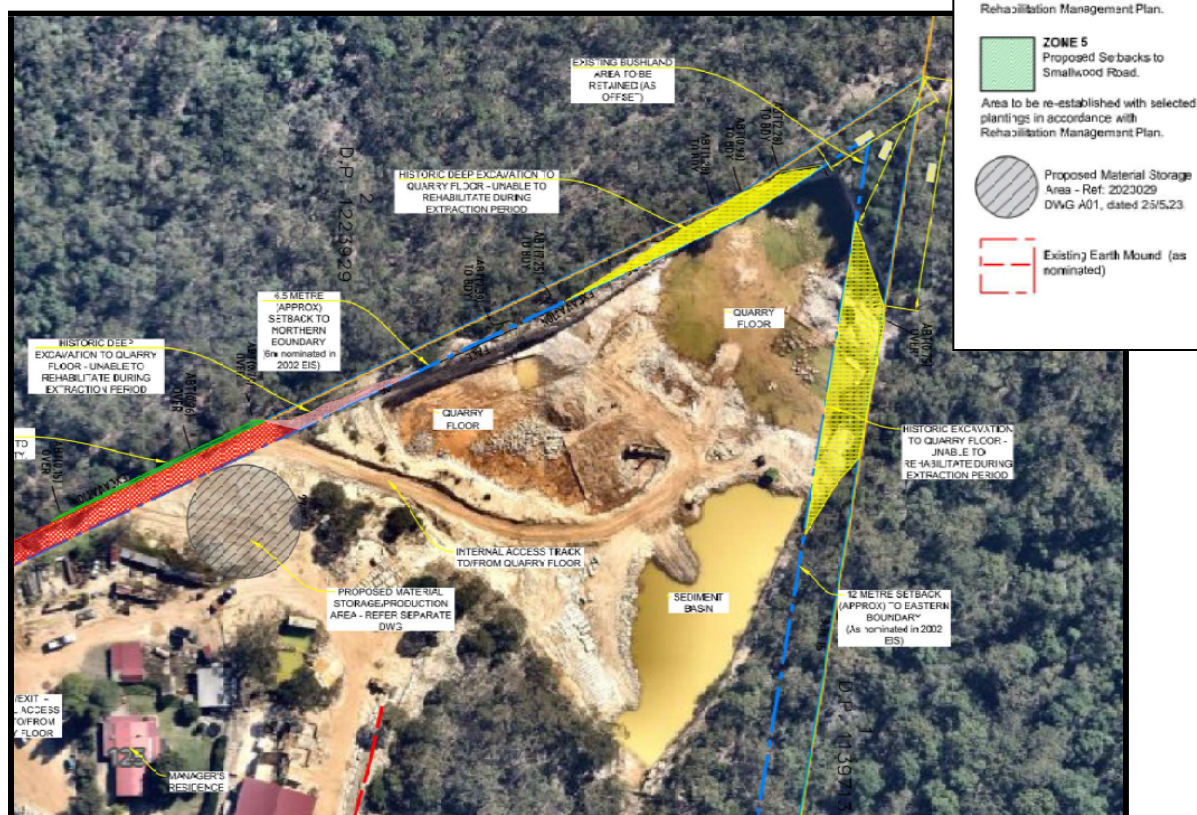


Figure 21: The Proposed Development - Northern end (Source: PGH 29 June 2023)

3.2 Chronology and Assessment of the Development Application

The development application was lodged on 15 September 2022. A chronology of the development application since lodgement is outlined in **Table 5**, including the Panel's involvement with the application.

Table 5: Chronology of the DA

DATE	EVENT
15 September 2022	DA lodged
28 September 2022	DA referred to external agencies including: <ul style="list-style-type: none"> • Department of Primary Industries – Agriculture • Department of Primary Industries (Fisheries) • Transport for NSW • NSW RFS • Department of Planning Industry and Environment (DPIE) • Department of Regional NSW - Mining Exploration & Geoscience • Natural Resources Access Regulator • NPWS • Environment Protection Authority • Castle Hill Police
7 October 2022	Exhibition of the application (until 7 November 2022)
10 November 2022	Panel kick off briefing where the following key issues were discussed: <ul style="list-style-type: none"> • Introduction of proposal by the applicant including that extraction is currently ongoing without an active consent. Council advised no compliance action given the DA was in preparation or lodged. • Panel noted traffic generation, operational noise, operational management plans and rehabilitation planning have been key community concerns to date and would need to be effectively addressed with up-to-date conditions applied (including rehabilitation conditions to ensure rehabilitation will take place and a bond provided). • The 4–6-year timeline for rehabilitation was questioned by the Panel, with the applicant noting that requirements of the final landform and the work required to backfill to that level was the basis for this estimate. • Applicant confirmed application is not seeking expansion of quarry as previously approved (width or depth). • Council noted the traffic impacts as an ongoing issue (especially truck movements) which may not be in line with the expired 2022 consent. The applicant noted that there were conflicting views on this, but provided a broad breakdown of vehicle movements which suggested consistency with the consent. • The notification period was acknowledged (and Council to hold a conciliation conference as 17 submissions provided) as well as the need for EPA comments and that a public meeting is required (given >10 submissions). • Numerous referrals were outstanding.
16 November 2022	Site inspection by Council

7 December 2022	Council RFI to the applicant (refer to Table 6)
13 December 2022	Environment Protection Authority (EPA) correspondence requesting additional information.
15 December 2022	Conciliation conference – Council, applicant, residents (applicant requested to address some matters from this meeting including traffic and traffic count information, use of upper area of site and acoustic monitoring and assessment).
8 March 2023	Meeting between Council and the applicant
26 July 2023	Lodgement of amended plans including: <ul style="list-style-type: none"> • Revised EIS dated July 2023; • Survey Plan dated 20/03/2023; • Site Layout Boundary Setbacks (PGH-20-0860_Issue B-4 sheets), dated 16/06/2023. • Arborist's Report • Flora and Fauna Assessment Report • Acoustic Report • Rehabilitation Management Plan • Traffic Impact Assessment Report • Volumetric Survey • Volume Estimate Remaining Material
13 November 2023	Lodgement of additional information in response to Council's email request dated 6 October 2023 comprising an amended site plan (to Rev C dated 6 November 2023 with minor changes to rehabilitation zone 5 adjoining No 129) and a revised Rehabilitation Management Plan with additional cross sections of the final landform.

Council requested the applicant address a number of issues with the application in correspondence dated 7 December 2022 ('RFI'). The matters were subsequently addressed in the amended and additional information lodged in July 2023. The matters are outlined in **Table 6** and are considered to have been satisfactorily subject to recommended draft consent conditions. These matters are further discussed in the key issues section of this report.

Table 6: Request for Information Matters from Council

	MATTER (FROM RFI)	APPLICANT RESPONSE (26/7/23)	ASSESSMENT COMMENT
1.	Lapsing of consents - no active consent	There has been a continual and active attempt by the quarry operators to formalise extraction activities and improve conditions around the rehabilitation phase of the quarry.	The current application addresses this absence of consent as well as Council's Notice and Orders.
2.	Internal haul road - Clarify whether the western face of quarry (internal haul road) will be removed.	This area is required for the haul road, however, is part of the quarry area and therefore could be quarried towards the end of the operational phase of the site.	The haul road is contained within the quarry and therefore is eligible for potential quarrying within the consent period.
3.	Restrictions & covenants	The restrictions do not prevent the development.	The restrictions and covenants do not restrict the development – refer to Section 1.3 of this report
4.	Plan of Management - Schedule 3 of 2021 Regulation.	A plan of management is not required for the proposal.	A plan of management is not required for the proposal

5.	Consultation with community under the SEARs not undertaken.	Consultation was undertaken for the 2021 application and residents were involved in a conciliation conference where they reiterated their concerns and issues regarding the current application.	The consultation undertaken for the 2021 DA is considered to satisfy the necessary requirements of the SEAR's.
6.	SEPP requirements – Permissibility under the SEPP Mining, Petroleum Production & Extractive Industry.	This has been provided in the Revised EIS.	The Resources & Energy SEPP is considered in Section 4.3 of this report. The proposal is permissible under the THLEP 2019 and Resources & Energy SEPP.
7.	Sections of the SEPP - Cl 2.20, 2.21, 2.23 and Ch 3 Extractive industries in Sydney.	This has been provided in the Revised EIS.	The Resources & Energy SEPP is considered in Section 4.3 of this report. The proposal is consistent with the SEPP.
8.	DCP Setbacks (Part B1) - Provide further justification for variations to setbacks and internal road widths and setbacks.	This has been provided in the Revised EIS.	The proposal has been considered against the DCP controls and is satisfactory (refer to Section 4.3(a)(iii) of this report.
9.	Owner's consent from No 129 for rehabilitation works	There are no works proposed to the adjoining land to the north-west (No 129 Smallwood Rd) and fencing can be installed to prevent further encroachments.	These encroachments are considered in Section 6 of this report. No works can be carried out without owner's consent.
10.	Owner's consent from No 3676-3776 for rehabilitation works	There are no works proposed to the adjoining land to the east (No 3676-3776 Old Northern Road) and fencing can be installed to prevent further encroachments.	These encroachments are considered in Section 6 of this report. No works can be carried out without owner's consent.
11.	Existing Consent conditions	A consent runs with the land and therefore allegations that previous operations have been inconsistent with conditions of consent are not relevant.	The current proposal is a new application and relevant conditions will be imposed.
12.	Updated survey to be provided.	An updated survey has been provided.	This has been provided.
13.	Rehabilitation plan to be revised	A revised Rehabilitation Plan has been provided.	This has been provided. This is considered further in the key issues section of this report and is considered satisfactory subject to recommended consent conditions.
14.	Future use of the site given the retention of the sheds, office and ancillary structures.	The Manager's residence and processing shed are to remain on the site and any future land use activities other than residential, will be subject to further approval.	This is satisfactory. Any use of the processing shed following cessation of the quarry will require development consent.
15.	Section 7.11 – details regarding payment of Section 7.11 (from 1 August 2021)	The Quarry operator has been making the necessary payments to Council and can provide evidence should such be requested by Council.	Council may follow up this issue if necessary.
16.	Volumetric survey to confirm resource and	A volumetric Survey has been provided and was considered in the	This is considered further in the key issues section of this

	address implications for total truck movements and hours of operation.	revised Traffic Impact Assessment Report, which considered the truck movements based upon the maximum 60,000tonnes/pa. In the event that a lesser volume was extracted there would be a slight reduction in truck movements.	report and is considered satisfactory subject to recommended consent conditions.
17.	Revised Traffic Report required	These matters have been addressed in the revised Traffic Impact Report.	This is considered further in the key issues section of this report and is considered satisfactory subject to recommended consent conditions.
18.	Address Submissions received	This has been provided in the Revised EIS.	This is considered in Section 5.3 of this report.
19.	Ecology matters	These matters have been addressed in the revised Flora and Fauna Report.	This is considered further in the key issues section of this report and is considered satisfactory subject to recommended consent conditions.
20.	Wastewater report required	The existing wastewater system has been inspected and correspondence is submitted as part of the revised EIS.	This is considered further in the key issues section of this report and is considered satisfactory subject to recommended consent conditions.
21.	Acoustic Report	A Revised Acoustic report has been provided.	This is considered further in the key issues section of this report and is considered satisfactory subject to recommended consent conditions.
22.	No comments from traffic	No comments provided.	Addressed in Section 5.2 of this report.
23.	External referrals – not been received from EPA, DPE-Water or Castle Hill Police.	No comments provided.	Addressed in Section 5.1 of this report.

4. STATUTORY CONSIDERATIONS

The development application is for designated development and integrated development and therefore there are number of specific matters which need to be considered in this assessment. The matters for consideration pursuant to Section 4.15(1) of the EP&A Act also require consideration. These matters are considered below.

4.1 Designated Development

The application is for designated development pursuant to Section 4.10(1) of the EP&A Act as it is declared to be by Section 7(1) and Clause 26(2) (Extractive Industries) of Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* ('2021 Regulation') as it disturbs a surface area greater than 2 hectares (incorporating the quarry and material processing area).

The matters required to be satisfied in relation to designated development are considered include the following:-

EP&A Act

- *Section 4.12(8): Application* - A development application for designated development is to be accompanied by an environmental impact statement ('EIS') prepared by or on behalf of the applicant in the form prescribed by the regulations. This is further considered below.
- *Section 4.16(9): Determination - Restrictions on determination of development applications for designated development* - A consent authority must not determine a development application for designated development until after the submission period (within the meaning of Schedule 1) has expired, or if a submission is made with respect to the application within the submission period, until after 21 days following the date on which a copy of the submission is forwarded to the Planning Secretary have expired. The submissions were forwarded to DPE on 9 November 2022.

2021 Regulation

- *Section 56(2): Notice of development applications* - This section requires that the consent authority must publish notice of the application on the consent authority's website, and give notice of the application to the public authorities that, in the consent authority's opinion, may have an interest in the determination of the application. This has been undertaken as outlined in Section 5 of this Report.
- *Section 57: Notice not required in certain circumstances* – This section applies to a development application for nominated integrated development, (among other applications) that has been lodged but not determined by the consent authority. The consent authority may decide not to comply with section 56 in relation to an amended development application if the consent authority complied with section 56 in relation to the development application (the **original development application**) before it was amended, and considers that the amended development application differs from the original development application in minor ways only.

Subsection (3) state that compliance with section 56 in relation to the original development application is taken to be compliance in relation to the amended development application. In this case, the amended development application (containing the amended information lodged with Council in July 2023) was renotified despite this section.

- *Section 58: Exhibition of notice of designated development application* – The requirements of this Section have been complied with via the site notice displayed on the land by Council.
- *Section 60: Submissions about designated development to be given to Planning Secretary* - The consent authority must, immediately after the public exhibition period for a development application for designated development, give a copy of any submissions to the Planning Secretary, unless the Minister is the consent authority. This has been provided to the Department of Planning and Environment.

- *Section 173: Application to Planning Secretary for environmental assessment requirements* - Before preparing an environmental impact statement, the responsible person must apply to the Planning Secretary for the environmental assessment requirements ('SEARs') for the environmental impact statement. These requirements have been provided and are considered below. The proposal is consistent with these requirements.
- *Section 178: Duration of environmental assessment requirements for designated development and other activities* – This section applies to designated development and states that if the application is not made within 2 years after notice of the environmental assessment requirements is last given to the responsible person under section 176, the responsible person must further consult the Planning Secretary in relation to the preparation of the environmental impact statement. The SEARs are dated 1 July 2022 and the current development application was lodged on 15 September 2022, consistent with this section.
- *Section 190: Form of environmental impact statement* - An environmental impact statement must contain the information outlined in this section (refer to **Table 7**). The submitted EIS is consistent with this section.
- *Section 191: Compliance with environmental assessment requirements* - The EIS must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4). This is considered below in **Table 8**. The submitted EIS has adequately addressed the SEARs and is therefore consistent with this section.
- *Section 192: Content of environmental impact statement* – The EIS must contain the information outlined in this section (refer to **Table 7**). The submitted EIS is consistent with this section.
- *Section 193* - The principles of ecologically sustainable development are to be considered in the EIS. These matters are considered in Section 6.1.1 of the EIS.

The EIS and the application has adequately addressed the required matters.

Table 7: EIS Requirements

REQUIREMENT	COMMENT
Form of EIS (Section 190 of 2021 Regs)	
(1) An environmental impact statement must contain the following information— (a) the name, address and professional qualifications of the person who prepared the statement, (b) the name and address of the responsible person, (c) the address of the land— (i) to which the development application relates, or (ii) on which the activity or infrastructure to which the statement relates will be carried out, (d) a description of the development, activity or infrastructure, (e) an assessment by the person who prepared the	Provided - This is provided in the Declaration dated 25 July 2023 on the first page of the EIS.

statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.	
(2) The person preparing the statement must have regard to— (a) for State significant development—the <i>State Significant Development Guidelines</i> , or (b) for State significant infrastructure—the <i>State Significant Infrastructure Guidelines</i> .	N/A - This is not proposed.
(3) An environmental impact statement must also contain a declaration by a relevant person that— (a) the statement has been prepared in accordance with this Regulation, and (b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and (c) the information contained in the statement is not false or misleading, and (d) for State significant development or State significant infrastructure—the statement contains the information required under the <i>Registered Environmental Assessment Practitioner Guidelines</i> .	<p>Provided - This is provided in the Declaration dated 25 July 2023 on the first page of the EIS.</p> <p>The proposal is not for state significant development or state significant infrastructure and therefore a Registered Environmental Assessment Practitioner is not required to prepare the EIS.</p>
Content of EIS (Section 192 of 2021 Regs)	
(1) An environmental impact statement must contain the following— (a) a summary of the environmental impact statement, (b) a statement of the objectives of the development, activity or infrastructure, (c) an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure, (d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and (ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and (iii) the likely impact on the environment of the development, activity or infrastructure, and (iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and (v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out, (e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv), (f) the reasons justifying the carrying out of the	<p>Provided - Section 1. Provided - Section 2.2.</p> <p>Provided - Section 2.5.</p> <p>Provided - Section 3.</p> <p>Provided - Sections 4 and 6.</p> <p>Provided – Sections 4 and 6.</p> <p>Provided – Sections 6 and 7.</p> <p>Provided – Section 4.2.</p> <p>Provided – Section 7.</p>

development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.	Provided – Sections 4 and 6 (particularly Sections 4.3.6.3 & 6.1.1).
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Table 8: Consideration of the SEARs

REQUIREMENT	COMMENT
General Requirements	
<ul style="list-style-type: none"> Executive summary 	Provided in Section 1.
<ul style="list-style-type: none"> Comprehensive description of the development, including: <ul style="list-style-type: none"> a detailed site description and history of any previous quarrying on the site, including a current survey plan; identification of the resource, including the amount, type, composition; the layout of the proposed works and components (including any existing infrastructure that would be used for the development); an assessment of the potential impacts of the development, as well as any cumulative impacts, including the measures that would be used to minimise, manage or offset these impacts; a detailed rehabilitation plan for the site; any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development; a list of any other approvals that must be obtained before the development may commence; the permissibility of the development, including identification of the land use zoning of the site; identification of sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways; 	Provided in Sections 1 & 3. Provided in Section 3.1 Provided in Section 3 Provided in Sections 6 & 7 Provided in Section 3.14 & Rehabilitation Plan Provided in Section 4.2.9 Provided in Section 4.2 Provided in Sections 4.2 Provided in Section 3.2
<ul style="list-style-type: none"> Conclusion justifying why the development should be approved, taking into consideration: <ul style="list-style-type: none"> alternatives; the suitability of the site; the biophysical, economic and social impacts of the project, having regard to the principles of ecologically sustainable development; and whether the project is consistent with the objects of the Environmental Planning and Assessment Act 1979 	Provided in Sections 2.5, 2.6 and 4.3.7 with the potential impacts considered in Section 6.
<ul style="list-style-type: none"> Signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading. 	Provided in the Declaration dated 25 July 2023 on the first

	page of the EIS.
Consultation	
<p>In preparing the EIS for the development, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>	<p>Consultation was undertaken with surrounding landowners for DA 492/2022/JP lodged in September 2021 which was subsequently withdrawn and replaced with the current application. These applications were prepared within a reasonable time of each other, are essentially the same and raise similar issues, therefore it is considered that adequate consultation has been undertaken. The applicant also attended the December 2022 Conciliation Conference at which time the concerns of the community were discussed.</p> <p>Consultation was also undertaken with relevant government agencies for the previous (now withdrawn) DA.</p>
Key Issues	
The EIS must address the following specific issues:	Refer below
<p>Noise including a quantitative assessment of potential:</p> <ul style="list-style-type: none"> • construction and operational noise and off-site transport noise impacts of the development in accordance with the Interim Construction Noise Guideline, NSW Noise Policy for Industry and NSW Road Noise Policy respectively; • reasonable and feasible mitigation measures to minimise noise emissions; and • monitoring and management measures; 	<p>Considered in Sections 4 & 6.1.5 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Air including an assessment of the likely air quality impacts of the development in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW. The assessment is to give particular attention to potential dust impacts on any nearby</p>	<p>Considered in Sections 4 & 6.1.4 of the EIS.</p> <p>Discussed in the key</p>

private receivers due to construction activities, the operation of the quarry and/or road haulage;	issues section of this report.
Water including: <ul style="list-style-type: none"> a detailed site water balance and an assessment of any water licensing requirements or other approvals required under the Water Act 1912 and/or Water Management Act 2000, including a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo; an assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; and a detailed description of the proposed water management system, water monitoring program and other measures to mitigate surface and groundwater impacts; 	<p>Considered in Sections 4 & 6.1.3 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
Traffic & Transport including: <ul style="list-style-type: none"> accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products; an assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road networks, detailing the nature of the traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads; a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network (particularly the proposed transport routes) over the life of the development; evidence of any consultation with relevant roads authorities, regarding the establishment of agreed contributions towards road upgrades or maintenance; and a description of access roads, specifically in relation to nearby Crown roads and fire trails; 	<p>Considered in Sections 4 & 6.1.6 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
Biodiversity if vegetation clearing is occurring, please include: <ul style="list-style-type: none"> accurate predictions of any vegetation clearing on site; a detailed assessment of the potential biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems undertaken in accordance with Sections 7.2 and 7.7 of the Biodiversity Conservation Act 2016; and a detailed description of the proposed measures to maintain or improve the biodiversity values of the site in the medium to long term, as relevant. 	<p>Considered in Sections 4 & 6.1.7 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
Heritage if there are new areas of disturbance, please include: <ul style="list-style-type: none"> an assessment of the potential impacts on Aboriginal heritage (cultural and archaeological), including evidence of appropriate consultation with relevant Aboriginal communities/parties and documentation of the views of these stakeholders regarding the likely impact of the development on their cultural heritage; and 	<p>Considered in Section 6.1.15 of the EIS.</p> <p>Discussed in the key issues section of this</p>

<ul style="list-style-type: none"> • identification of Historic heritage in the vicinity of the development and an assessment of the likelihood and significance of impacts on heritage items, having regard to the relevant policies and guidelines listed in Attachment 1; 	report.
<p>Land Resources including an assessment of:</p> <ul style="list-style-type: none"> • potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate); and • an assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts; • consideration of the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Section 2.17 of State Environmental Planning Policy (Resources and Energy) 2021, including surrounding pastoral lands; 	<p>Considered in Sections 6.1.11 and 6.4 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Waste including estimates of the quantity and nature of the waste streams that would be generated or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams;</p>	<p>Considered in Section 3.8.8 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Hazards including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, storage, handling and use of any hazardous or dangerous goods;</p>	<p>Considered in Section 6.1.13 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Visual including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, including with respect to any new landforms;</p>	<p>Considered in Sections 4 & 6.1.14 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Social & Economic an assessment of the likely social and economic impacts of the development, including consideration of both the significance of the resource and the costs and benefits of the project; and</p>	<p>Considered in Sections 4.3.6.3 and 6.2 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>
<p>Rehabilitation including:</p> <ul style="list-style-type: none"> • a detailed description including appropriate figures of the proposed final landform; • a detailed rehabilitation strategy including the measures that would be undertaken throughout the development and during quarry closure, • justification for the proposed final landform, taking into consideration the objectives of any relevant strategic land use plans or policies; 	<p>Considered in Sections 3.14 and 7 of the EIS.</p> <p>Discussed in the key issues section of this report.</p>

<p>and</p> <ul style="list-style-type: none"> potential impacts on landforms (topography), paying particular attention to the long-term geotechnical stability of any new landforms (such as overburden dumps, bunds etc). 	
Environmental Planning Instruments	
<p>The EIS must take into account all relevant State Government environmental planning instruments, guidelines, policies, and plans. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies and plans that may be relevant to the environmental assessment of this development.</p> <p>During the preparation of the EIS you must also consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available at http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/extractive-industriesquarries-eis-guideline-1996-10.ashx.</p> <p>In addition, the EIS must assess the development against <i>The Hills Local Environmental Plan 2019</i> and any relevant development control plans/strategies.</p>	<p>The relevant environmental planning instruments are outlined in Section 4 of the EIS and considered in Section 4.3 of this report.</p>

4.2 Integrated Development

The application is classified as integrated development pursuant to Section 4.46 of the EP&A Act as the proposal requires an Environment Protection Licence (EPL) as a scheduled activity (premises-based) under sections 43(b), 48 and 55 of the *Protection of the Environment Operations Act 1997* ('POEO Act'). This EPL is required pursuant to Clause 19(3)(b) of Schedule 1 of the POEO Act as *extractive industries* as it involves *the extraction or processing of more than 30,000 tonnes of extractive materials per year*. Pursuant to Section 42 of the 2021 Regulations, the consent authority must seek general terms of approval ('GTAs') from the approval body. Therefore, the application was referred to the NSW Environmental Protection Authority ('EPA') for assessment. The EPA issued GTAs for the proposal in correspondence dated 8 September 2023.

Section 4.47(3) requires that any consent granted by the consent authority must be consistent with the GTAs proposed to be granted by the approval body in relation to the development and of which the consent authority is informed. The recommended consent conditions include the GTAs issued by the EPA and further conditions recommended by Council officers which are consistent with the GTAs (included at **Attachment A**).

The GTAs contain administrative, limit, operating, monitoring and recording as well as reporting conditions on a number of matters including water pollution, waste, noise, odour, dust and traffic noise. Accordingly, such conditions are not required to be separately imposed on any consent granted as the proposal requires the EPL to lawfully operate.

Other Approvals

The other approvals required for integrated development are briefly considered below in the context of the proposal:

- Water Management Act 2000** - There are no works proposed within 40 metres of any of waterfront land as the quarry is at least 100 metres from Kelly's Creek.

- *National Parks and Wildlife Act 1974* – An Aboriginal heritage impact permit is not required as there are no Aboriginal items on the site.
- *Roads Act 1993* – no works are required in the vicinity of Smallwood Road as the existing vehicle access is to be retained and it is a local road.
- *Rural Fires Act 1997* – The proposal is not for residential subdivision or for a *special fire protection purpose* and therefore a bushfire safety authority is not required. A referral was sent to the NSW RFS outlined in Section 5 of this report.

4.3 Matters for Consideration - Section 4.15(1) of the EP&A Act

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),**that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

(a) Section 4.15(1)(a)(i) to (iv) - Planning Instruments, DCPs, Agreements & Regs

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(i) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments and Development Control Plans are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*

- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *The Hills Local Environmental Plan 2019*
- *The Hills Development Control Plan 2012*
- *The Hills Section 7.12 Contributions Plan*

A summary of the key matters for consideration arising from these Environmental Planning Instruments and Development Control Plans are outlined in **Table 9** and considered in more detail below. The jurisdictional preconditions to the grant of consent are in **bold**, which have been satisfied.

Table 9: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development - Clause 7 of Schedule 6. 	Yes
State Environmental Planning Policy (Resources and Energy) 2021	<u>Chapter 2: Mining, petroleum production and extractive industries</u> <ul style="list-style-type: none"> • Sections 2.9, 2.10, 2.17, 2.19, 2.20, 2.21, 2.22, 2.23 	Yes
	<u>Chapter 3: Extractive industries in Sydney area</u> <ul style="list-style-type: none"> • Sections 3.2 and 3.14 	Yes
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 6: Water Catchments</u> <ul style="list-style-type: none"> • Sections 6.1(d), 6.6, 6.7, 6.8, 6.9, 6.10, 6.13, 6.17, 6.20, 6.21 for land in the Hawkesbury-Nepean catchment 	Yes
SEPP (Resilience & Hazards)	<u>Chapter 3: Hazardous and offensive development</u> <ul style="list-style-type: none"> • Sections 3.7, 3.10, 3.11, 3.12, 3.13 	Yes
	<u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> • Section 4.6(1) - Contamination of land 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> <ul style="list-style-type: none"> • Section 2.48(2) Development likely to affect an electricity transmission or distribution network 	Yes
The Hills Local Environment Plan 2019	Permissible with consent and generally consistent with the development standards and controls. <ul style="list-style-type: none"> • Clause 4.3(2) – Height of Buildings • Clause 5.10 – Heritage • Clause 7.1 – Acid Sulphate Soils • Clause 7.2 – Earthworks • Clause 7.4 – Terrestrial Biodiversity 	Yes Yes Yes Yes Yes
The Hills Development Control Plan 2012	Relevant Parts include: <ul style="list-style-type: none"> • Part A (Section 5: Ecologically sustainable 	Yes

	development) <ul style="list-style-type: none"> • Part B1: Rural • Part C1: Parking • Part C3: Landscaping 	Yes Yes Yes
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a. State Environmental Planning Policy (Planning Systems) 2021

The proposal is *regionally significant development* pursuant to Section 2.19(1) of *State Environmental Planning Policy (Planning Systems) 2021* ('Planning Systems SEPP') as it satisfies the criteria in Clause 7(1)(a) of Schedule 6 as the proposal is for *particular designated development* (extractive industry facilities that meet the requirements for designated development under Section 26, Schedule 3 of the 2021 Regulation). Accordingly, the Sydney Central City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

b. State Environmental Planning Policy (Resources and Energy) 2021

State Environmental Planning Policy (Resources and Energy) 2021 ('Resources & Energy SEPP') provides controls for mining, petroleum production and extractive industries, with Chapter 2 and 3 relevant to the application. The relevant provisions are considered below.

Chapter 2: Mining, petroleum production and extractive industries

The following provisions are relevant to the application:

- (a) *Section 2.9 - Development permissible with consent* - Section 2.9(3)(a) provides that extractive industry is permissible with development consent on land on which development for the purposes of *agriculture* or *industry* may be carried out (with or without development consent). The site is within the RU2 zone where extensive agriculture is permissible (part of the definition of agriculture). Extractive industries are also permissible with consent in the zone under THLEP 2019. Therefore, the proposal is permissible with consent pursuant to Cause 2.3 of THLEP 2019.

Section 2.9(4) also provides for the co-location of industry in that if extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—

- (a) *the processing of extractive material,*
- (b) *the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) *facilities for the processing or transport of extractive material,*
- (d) *concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

Similar to above, these activities, which are also proposed on the site, are permissible under the definition of *extractive industries* under THLEP 2019, which is discussed in the LEP assessment below.

- (b) *Section 2.10 - Determination of permissibility under local environmental plans* – this provides further permissibility clarification under LEPs, stating:

- (1) *If a local environmental plan provides that development for the purposes of*

mining, petroleum production or extractive industry may be carried out on land with development consent if provisions of the plan are satisfied—

- (a) development for that purpose may be carried out on that land with development consent without those provisions having to be satisfied, and*
 - (b) those provisions have no effect in determining whether or not development for that purpose may be carried out on that land or on the determination of a development application for consent to carry out development for that purpose on that land.*
- (2) Without limiting subsection (1), if a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if the consent authority is satisfied as to certain matters specified in the plan, development for that purpose may be carried out on that land with development consent without the consent authority having to be satisfied as to those specified matters.*

The matters in THLEP 2019 which contain provisions which are to be satisfied includes Clause 7.4(4) which states:

- (4) Development consent must not be granted to development on land to which this clause applies **unless the consent authority is satisfied that—***
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

These matters are considered in the LEP assessment below and found to be satisfactory for the proposal, notwithstanding that this section does not require the matters to be satisfied.

- (c) Section 2.17 - Compatibility of proposed mine, petroleum production or extractive industry with other land uses – This provision requires that before determining an application for 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*

The proposal is located adjoining large areas of natural bushland as well as scattered dwellings through the adjoining rural area and a plant nursery. While there are potentially impacts arising from the proposal, including noise, air and water pollution concerns as well as traffic concerns, these have been addressed through the

proposed mitigation measures and through the EPL conditions of the EPA. The proposal is not considered likely to have a significant impact on the other uses in the area as consent conditions have been recommended to ensure potential impacts are adequately mitigated.

Furthermore, the licencing conditions of the EPA will further ensure that there are no significant impacts to other uses in the area. The ways in which the proposal may be incompatible with other uses in the area are considered to have been adequately addressed in conditions and the EPA licence requirements. The proposal is considered to be consistent with this section.

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

As outlined above, the existing and approved uses in the area, as well as likely future uses in the area, are rural residential uses with some rural land uses such as plant nurseries.

The public benefits of the development are that an additional two (2) years' worth of the sandstone resource can be extracted from an already disturbed site for use in construction and other related uses. While there are impacts arising from the proposed quarrying (without mitigation measures), these have been addressed in the EPL conditions and other mitigation measures as outlined in the application.

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

The proposed mitigation measures will reduce the potential impacts arising from the proposal, which are considered in detail in the key issues section of this report.

- (d) *Section 2.19 - Compatibility of proposed development with mining, petroleum production or extractive industry* – This Section applies to an application for consent for development on land that is, immediately before the application is determined, in the vicinity of an existing mine, petroleum production facility or extractive industry. In this case, there are no existing mines, petroleum production facility or other extractive industry (with the exception of the one on the subject site) in the vicinity of the site. Section 2.19(2) requires certain matters must be considered before determining an application to which this section applies, however, this is not required in this instance.

- (e) *Section 2.20 – Natural resource management and environmental management* – This section requires consideration of matters regarding natural resource and environmental management. 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 that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following—

(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,

The proposal involves all water runoff being diverted to sediment ponds and generally being reused on the site. there is minimal, if any, runoff from the site. This is considered further in the key issues section of the report. The proposal is

consistent with this requirement.

- (b) *that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*

The proposal does not involve the removal of any further vegetation (with the exception of 2 trees from within the existing disturbed area). This is considered further in the key issues section of the report. The proposal is consistent with this requirement.

- (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*

The proposal has minimised greenhouse gas emissions by only utilising the trucks, vehicles and equipment which are necessary for the quarrying and processing functions to be carried out on the site.

Section 2.20(2) requires consideration in determining a development application for development for extractive industry (other among uses) of an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

The proposal has minimised greenhouse gas emissions by minimising the time for the additional quarrying to two years and by limiting the equipment required for the operation and processing on the site. The proposal is consistent with this requirement.

- (f) *Section 2.21 - Resource recovery* – This section requires the following matters are considered:

- (a) *Section 2.21(1): Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*

The proposal achieves a satisfactory level of resource recovery in that almost all of the sandstone which is extracted will be used as either cut stone, offcuts which are also sold periodically or a crushed product used for roadworks and landscaping purposes. The use of existing infrastructure as well as continuing to quarry on an already disturbed site used for quarrying reduces waste and ensures that the existing resource is quarried to its full extent.

- (b) *Section 2.21(2): Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*

Consent conditions are recommended in **Attachment A** that the sandstone is used/sold as efficiently as possible.

- (c) *Section 2.21(3): The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in*

association with the extraction, recovery or processing of minerals, petroleum or extractive materials.

As outlined above, it is considered that the proposal adequately provides for the efficient recovery of extractive materials and minimises waste in both the extraction and processing of the material by utilising almost all of the sandstone. The consent authority can be satisfied that the proposal will result in an efficient recovery of the sandstone material.

- (g) *Section 2.22 – Transport* – This section requires consideration of the following matters:
- (1) *Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—*
 - (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
 - (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
 - (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

The issue of truck driver conduct on nearby roads is an issue raised in the majority of public submissions. There is no other option then to transport the quarried product via public roads. It is considered appropriate that a driver code of conduct relating to the transport of materials on public roads is required for the proposal as well as limiting the truck movements to and from the site. Relevant draft consent conditions are recommended in **Attachment A**, including the requirement for an *Operational Traffic Management Plan* to be prepared which includes a driver code of conduct and consideration of the speed limit along Smallwood Road and other nearby roads, which is to be adhered to by vehicles servicing the site.

- (2) *If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to—*
 - (a) *each roads authority for the road, and*
 - (b) *the Roads and Traffic Authority (if it is not a roads authority for the road).*

The application was referred to TfNSW, which is outlined in Section 5 of this report. While Smallwood Road is a local road, other regional and classified roads are to be used by the proposal.

- (3) *The consent authority—*
 - (a) *must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
 - (b) *must provide them with a copy of the determination.*

The application was referred to TfNSW, with comments provided which have been included in the recommended consent conditions. This submission is outlined in Section 5 of this report.

- (4) *In circumstances where the consent authority is a roads authority for a public road to which subsection (2) applies, the references in subsections (2) and (3) to a roads authority for that road do not include the consent authority.*

The application was referred to TfNSW, which is outlined in Section 5 of this report, notwithstanding Smallwood Road is a local road.

The proposal is consistent with this Clause.

- (h) **Section 2.23 – Rehabilitation** – This Section requires consideration of the following matters:

- (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.*

Consent conditions are recommended in **Attachment A** in relation to rehabilitation of the land. This matters is also further discussed in the key issues section of this report.

- (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.*

The Revised Rehabilitation Plan prepared by Umwelt dated May 2023 has been prepared which addresses the matters outlined in this Section. The proposed rehabilitation of the site has been considered in detail in the key issues section of this report and is satisfactory subject to the preparation of a revised plan as outlined in the recommended consent conditions.

Therefore, the proposal is consistent with Chapter 2 of the Resources & Energy SEPP.

Chapter 3: Extractive industries in Sydney Area

Pursuant to Section 3.2, this Chapter applies to the local government areas specified in Schedule 6, which includes The Hills. The majority of the controls relate to land referred to in the schedules to the policy, which does not include the subject site.

Section 3.14 (extractive industry and waste) applies to the proposal, which states:

- (1) *Nothing in this Chapter allows the use of land for the disposal of waste brought on to the land from other land, whether or not such a use is ancillary to the use of land for the purpose of extractive industry.*

There is no waste proposed to be brought onto the site, including in the rehabilitation stage which will use Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM), which is defined under the *Protection of the Environment Operations Act 1997* (POEO Act). This fill material is not defined as waste. Consent conditions have been recommended in the **Attachment A** requiring that only this fill material is imported to the site during the rehabilitation phase of the development.

- (2) *A council **must not consent** to the carrying out of development for the purpose of extractive industry on land to which this Chapter applies unless it is satisfied that the extraction will be carried out in such a way as maximises the quality of the material extracted and minimises the creation of waste.*

As outlined above, the proposal involves an efficient process for excavating the material and for processing it into usable pieces such that there is minimal waste generated. The proposal is considered to satisfy this requirement.

Section 3.15 states that extractive industry is prohibited on land described in Schedule 5, which does not include the subject site. The proposal is consistent with Chapter 3 of the Resources & Energy SEPP.

Following this assessment, it is considered that the proposal is consistent with the Resources & Energy SEPP, subject to the consent conditions recommended in **Attachment A**.

c. State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP') provides controls for various environmental issues, with Chapter 6 the only relevant chapter for the current application. It is noted that Chapter 2 (Vegetation in non-rural areas) does not apply as the site is zoned RU2 (Section 2.3(1)(b)). Chapters 3 and 4 also do not apply as The Hills Shire is not included in the relevant local government areas.

Chapter 6: Water Catchments

This Chapter applies to land in various catchments, including the Hawkesbury-Nepean Catchment (s6.1(d)), with the site located within this catchment. Part 6.2 (development in regulated catchments) is relevant to the proposal, which is considered below. The remaining Parts of the Chapter do not apply to the site. The relevant sections of the SEPP to the proposal include the following:

- (a) *Section 6.6: Water quality and quantity* – In deciding whether to grant development consent to development, the consent authority must consider the following—
- a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - b) *whether the development will have an adverse impact on water flow in a natural waterbody,*

- c) *whether the development will increase the amount of stormwater run-off from a site,*
- d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- e) *the impact of the development on the level and quality of the water table,*
- f) *the cumulative environmental impact of the development on the regulated catchment,*
- g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*

It is considered that the proposed works will have a neutral impact on the water quality entering the Hawkesbury-Nepean given the stormwater management arrangements for the site which comprise a nil discharge arrangement which captures all of the runoff from the site in the main sediment basin (in the quarry area) as well as the sediment ponds in the processing area. Therefore, there will be no increase in stormwater runoff from the site arising from the proposed works given the proposed stormwater management on the site and the proposal will allow for some stormwater infiltration on the site.

The proposal also involves various sediment control devices which are existing as well as required in the recommended consent conditions including the shaker pads at the vehicle entry/exit points. It is also considered that the proposal will not adversely impact on groundwater as outlined in the Groundwater Report.

Section 6.6(2) requires that development consent **must not be granted** unless the consent authority is satisfied the development ensures the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial and the impact on water flow in a natural waterbody will be minimised. The proposal will result in a neutral impact on the water quality entering the Hawkesbury-Nepean given the nil discharge design of the site and there will be no impact on the water flow into a natural waterbody. Accordingly, this precondition has been satisfied.

- (b) *Section 6.7: Aquatic ecology* - In deciding whether to grant development consent to development, the consent authority must consider the following—
- a) *whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,*
 - b) *whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—*
 - (i) *a controlled activity approval under the Water Management Act 2000, or*
 - (ii) *a permit under the Fisheries Management Act 1994,*
 - c) *whether the development will minimise or avoid—*
 - (i) *the erosion of land abutting a natural waterbody, or*
 - (ii) *the sedimentation of a natural waterbody,*
 - d) *whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,*
 - (i) *whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,*
 - (ii) *if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.*

It is considered that there will be no impacts arising from the proposal on any terrestrial, aquatic or migratory animals or riparian vegetation given the works are located within the existing quarry area and there is a nil discharge arrangement for the site. There is also no clearing of riparian vegetation proposed and no permits under other legislation is required. The proposal will not result in the erosion of land adjoining the Hawkesbury-Nepean or result in any additional sedimentation given the stormwater will be appropriately managed on the site.

There will be no impacts to wetlands given the nil discharge arrangement for the site and there will be no impacts to aquatic ecology arising from the proposal. The site does not adjoin a natural waterbody and therefore no additional measures are required. NSW Fisheries did not provide any comments on the proposal as there was no proposed dredging, reclamation, obstruction of fish passage or harm to marine vegetation within key fish habitat. The proposal satisfies this requirement.

Section 6.7(2) requires that consent **must not be granted** to development unless the consent authority is satisfied of the following—

- a) *the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,*
- b) *the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,*
- c) *if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,*
- d) *the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,*
- e) *the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.*

In this case, there will be no adverse impacts arising from the proposal on terrestrial, aquatic or migratory animals or vegetation, there will be no impacts to aquatic reserves and no approvals are required. The site does not adjoin a natural waterbody and therefore there will be no impacts arising from the proposal and there will be no impacts to wetlands. Accordingly, this precondition has been satisfied.

- (c) *Section 6.8: Flooding* – In deciding whether to grant development consent to development, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. The site is not affected by flooding and there is a nil discharge arrangements for the site resulting in no impacts to wetlands or other riverine ecosystems in close proximity to the site.

Pursuant to Section 6.8(2), development consent **must not be granted** to development on flood liable land unless the consent authority is satisfied the development will not—

- a) *if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or*
- b) *have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.*

There will be no adverse impacts to natural waterbodies or wetlands arising from the site being inundated by floodwater, as the site is not flood affected. Accordingly, this precondition has been satisfied.

- (d) *Section 6.9: Recreation and public access* – In deciding whether to grant development consent to development, the consent authority must consider the likely impact of the development on recreational land uses in the regulated catchment, and whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.

In this case, there will be no adverse impacts to recreational land uses arising from the proposal and there will no impact on existing public access to and around the foreshore resulting from the proposal.

Pursuant to Section 6.9(2), development consent **must not be granted** to development unless the consent authority is satisfied of the following—

- a) *the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,*
- b) *new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,*
- c) *if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.*

There will be no adverse impacts to public access to and around the foreshore resulting from the proposal. Accordingly, this precondition has been satisfied.

- (e) *Section 6.10: Total catchment management* - In deciding whether to grant development consent to development, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact. In this case, it is considered that there will not be any adverse environmental impacts given there is nil discharge from the site and therefore consultation is unnecessary.
- (f) *Section 6.11- land within 100m of natural waterbody* – The site is not located within 100m of a natural waterbody.
- (g) *Section 6.12 – Riverine Scenic Areas* – The site is not located within the Hawkesbury-Nepean Catchment Riverine Scenic Area.
- (h) *Section 6.13 - Hawkesbury-Nepean conservation area sub-catchments* – Development in a Hawkesbury-Nepean conservation area sub-catchment, which includes the site, may be carried out only with development consent. This consent is sought in this application.

In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

- (a) *whether the development will minimise human interference with the condition of the sub-catchment,*

- (b) *whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,*
- (c) *whether the development will maintain or enhance the scenic quality of the locality,*
- (d) *whether development has previously been carried out on the development site.*

The proposal will minimise human interference in the sub-catchment by providing a nil discharge development and by rehabilitating the site following the cessation of quarrying on the site. The proposal will maintain and enhance the structure and floristics of native vegetation in the sub-catchment as there is no vegetation clearing proposed (except two trees within the disturbed area on the site) and the rehabilitation plan proposes to revegetate the site following cessation of quarrying on the site.

The development will enhance the scenic quality of the locality following the cessation of quarrying when the site is rehabilitated to include a forested footprint and a return to the natural landscape. The site is and has been used as a quarry and is therefore a disturbed site with development having been previously carried out on the site. The proposal is considered to be satisfactory having regard to these matters which have been adequately considered in this assessment.

(i) *Section 6.17 - Heavy and hazardous industries*

This section requires consideration of certain matters and applies to *potentially hazardous industry* or *potentially offensive industry*. As outlined in the consideration of the Resilience and Hazards SEPP (outlined below), the proposal is not considered to be *potentially hazardous industry* or *potentially offensive industry*. Notwithstanding this, the proposal is consistent with this clause in that there is no requirement for bushfire hazard reduction work (S 6.17(2) and (3)(b)) and the consent authority can be satisfied that the development includes adequate measures to contain water that is at risk of contamination as a result of the development given the nil discharge from the site. The site is also not on flood liable land, within 40m of a natural waterbody or watercourse, or on a floodway (S 6.17(4)). The proposal is consistent with this section.

(j) *Section 6.20 – On-site domestic sewerage systems* - This section applies to development for the purposes of on-site domestic sewerage systems on land in a regulated catchment.

Section 6.20(2) requires that in deciding whether to grant development consent, the consent authority must consider the following—

- (a) *whether the development will be capable of connecting to a sewerage reticulation system,*
- (b) *the suitability of the site for on-site disposal of effluent,*
- (c) *the capacity of the development to operate without significant adverse long-term impacts on adjoining land.*

The site is not connected to a reticulated sewerage system and relies on an on-site system. This has been considered by Council's Environmental Health Officer and is satisfactory subject to consent conditions included in **Attachment A**. This issue is further considered in the key issues section of this report.

Pursuant to Section 6.20(3), development **consent must not be granted** unless the consent authority is satisfied that the development includes adequate measures—

- (a) *to prevent the spread of disease, and*
- (b) *to reuse treated resources, and*
- (c) *to facilitate the recycling and reuse of treated effluent, and*
- (d) *to minimise adverse impacts on the amenity of the development site and other nearby land, and*
- (e) *to maintain storage and treatment capacity in wet weather, and*
- (f) *to monitor the relevant sewerage system on an ongoing basis.*

As outlined above, it is considered that the existing on-site wastewater system is satisfactory and is consistent with these requirements. Consent can be granted pursuant to this section.

- (k) **Section 6.21 – Stormwater Management** - This section applies to development for the purposes of works, including water recycling facilities, water reticulation systems and water storage facilities, that are designed to collect, channel, store, treat or disperse stormwater runoff.

Pursuant to Section 6.21(2)(b), development to which this section applies may be carried out on land in a regulated catchment with development consent. Section 6.21(3) states that despite subsection (2), development to which this section applies is **prohibited** on land in a regulated catchment if the works will cause untreated stormwater to be disposed of into a natural waterbody. *Untreated stormwater* means stormwater that has not been subjected to measures designed to reduce litter, suspended soils, nutrients or other substances that contribute to a decline in water quality.

In this case, the runoff from within the quarry and internal haul roads is captured in the existing main sediment basin within the floor of the quarry. Runoff from the processing area is captured in the two-chamber sediment basin, located approximately 10 metres down slope from the cutting machine, which serves as water recycling points.

The slurry produced from the processing area is collected in the first basin where suspended sediments settle and the cleaner water drains to the second chamber. The water is then recycled from this chamber to the rock saw for lubrication and for washing down the processing area. Captured sediment is routinely removed from this area. All runoff from the site is collected in the sediment basins and recycled on the site, with no runoff leaving the site. Therefore, there is no untreated stormwater to be disposed of into a natural waterbody and the proposal is consistent with this section.

The proposal involves inclusion of appropriate erosion and sediment control measures and a water management plan, to minimise potential for pollutants on the Hawkesbury River. Therefore, the proposal is considered to be consistent with Chapter 6 of the Policy.

The proposal is consistent with the Biodiversity and Conservation SEPP.

d. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience and Hazards SEPP') commenced on 1 March 2022 and provides controls relating to resilience and hazards matters, with Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (remediation of land) relevant to the proposal, which are considered below.

Chapter 3: Hazardous and Offensive Development

This Chapter provides definitions for *hazardous and offensive industries* as well as *potentially hazardous and potentially offensive industries*. The main difference between the two sets of definitions is that the *potentially hazardous and potentially offensive industries* take into consideration measures which are proposed to minimise impacts of the development.

Section 3.7 requires consideration of the current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, which comprises the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33* dated January 2011 ('the Guidelines'). The Guidelines and this Chapter presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development. The permissibility of a proposal to which the policy applies is linked to its safety and pollution control performance and aims to ensure that the merits of proposals are assessed (in relation to off-site risk and offence) before being determined. The merit-based approach ensures that locational and design considerations are an integral part of the assessment process.

Section 3.10 of Chapter 3 states that Part 3 of the Policy applies to development for the purposes of a potentially hazardous industry, and potentially offensive industry. Section 3.11 requires that a preliminary hazard analysis ('PHA') in accordance with the Guidelines. The purpose of the PHA is to:

- identify all potential hazards associated with the proposal;
- analyse all hazards in terms of their consequences (effects) to people and the biophysical environment and their likelihood of occurrence;
- quantify the analysis and estimate the resultant risks to surrounding land uses and the environment; and
- assess the risks in terms of the location, land use planning implications and existing criteria and ensure that the proposed safeguards are adequate and thus demonstrate that the operation will not impose an unacceptable level of risk.

The *Quarry Environmental Management Plan* prepared by EI dated 7 August 2023 provides procedures for the appropriate environmental management of the site during the continued quarry operations on the site. This Plan aims to ensure that all activities undertaken on the site result in minimal impacts on human health and the environment. The Plan outlines the mitigation measures to be utilised on the site, procedures for review, monitoring and reporting as well as identification of emergency response procedures.

The Plan also outlines the potential risks associated with the proposed quarry operations (**Figure 22**) and provides for mitigation measures. The Plan also considers adjoining and nearby land uses, which are generally heavily vegetated areas with scattered dwellings.

Effect	Environmental Risk					
	Bedrock excavation and saw cutting	Material handling and stockpiling	Material haulage from quarry floor to processing area	Processing of quarried sandstone	Onsite mechanical workshop & lubricant storage	Onsite refuelling of plant within Top Car Park
Erosion and Sediment generation	Medium	Low	Low	Medium	Low	Low
Dust	Medium	Medium	Medium	Medium	Low	Low
Noise	High	Low	Low	High	Low	Low
Vibration	High	Low	Low	Low	Low	Low
Oil and chemical hazard spills	Medium	Low	Medium	Medium	High	High

Figure 22: Potential Environmental Risks from the Proposal (Source: Quarry Environmental Management Plan prepared by EI, 7 August 2023)

A risk assessment has been undertaken in the Plan which, following the proposed mitigation measures, reduces the risk to between 1 and 3, which results in minor or moderate risk. For all potential risks, the proposed mitigation measures have reduced the risks significantly.

The Guidelines set out that for most developments identified as ‘potentially offensive industry’, the minimum test for such developments is meeting the requirements for licensing by the EPA or other relevant authority. If a development cannot obtain the necessary pollution control licences or other permits, then it may be classified as ‘offensive industry’ and may not be permissible in most zonings. The Guideline encourages a risk screening procedure to assist in determining whether a development proposal falls within the definition of potentially hazardous industry.

In this case, the EPA have issued General Terms of Approval (GTAs) for the issuing of an EPL for the proposed quarry operations. The GTAs have been incorporated into the recommended draft consent conditions in **Attachment A**

Section 3.12 of the SEPP provides matters for consideration by consent authorities in determining an application to carry out development to which this Part applies. The consent authority must consider the following:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

The Guidelines have been considered as outlined above. The proposal has outlined the potential risks arising from the proposal and have provided mitigation measures to address the potential risks, which result in a minimal risk to the environment. The proposal is consistent with this requirement.

- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

The NSW EPA has been consulted and have issued GTAs for an EPL for the proposed quarry operations and is therefore consistent with this requirement.

- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

The *Quarry Environmental Management Plan* has adequately considered the matters required to be addressed in a PHA. The proposal is consistent with this requirement.

- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

The EIS considered the potential alternatives to carrying out the proposal at the subject site and concluded that given the site is already disturbed and has been used for quarrying, that the site is suitable for the development. This assessment is supported and the proposal is therefore consistent with this requirement.

- (e) *any likely future use of the land surrounding the development*

The land surrounding the site comprises natural bushland and rural housing and is zoned rural. The proposed extension of the existing quarrying activities on the site for a further two (2) years is unlikely to adversely impact on the usability or amenity of the adjoining land subject to the mitigation measures and recommended consent conditions. The proposal is consistent with this requirement.

Following a thorough consideration of the *Quarry Environmental Management Plan* as well as the supporting documentation and the GTAs from the EPA, it is considered that the proposal is not *hazardous industry, offensive industry, potentially hazardous industry or potentially offensive industry* subject to the mitigation measures proposed.

It is also noted that the proposal has been advertised in accordance with the requirements for designated development and therefore Section 3.13 of Chapter 3 have been satisfied.

These mitigation measures have been incorporated into the recommended draft consent conditions in **Attachment A**. The proposal is also considered to be consistent with Section 3.10 of the Policy and is therefore consistent with Chapter 3 of this Policy.

Chapter 4: Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Section 4.6 requires contamination and remediation to be considered in determining a development application.

- (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.*

This is considered further below.

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

A change in land use for the land is not proposed as the proposal seeks the extension of a consent for extractive industry which is the current land use on the site. The site is considered to be 'land specified' in subclause (4) as there is a known history of extractive uses on the site which are listed in Table 1 to the contaminated land planning guidelines. A Preliminary Investigation has been prepared for the site, which is considered further below.

- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

A Preliminary Investigation has been prepared for the site (considered further below).

- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site is not within an investigation area (a) or proposed for any of the uses contained in subclause (c), however, the site is currently being used for a land use listed in Table 1 – mining and extractive industries. Therefore, a Preliminary Investigation has been undertaken which is considered further below.

A Stage 1 *Preliminary Site Investigation* prepared by EI Australia (EI) dated 24 August 2022 ('PSI') has been undertaken on the site, which included a review of the site history and a site walkover. The PSI has been undertaken to determine if land contamination has occurred from historical and current land use activities occurring on site or immediately nearby and to determine if the site poses a significant risk of harm to end users (and nearby sensitive receptors).

The key findings of the PSI included that the site was used for rural residential purposes at least between the 1950s until the early 2000s at which time the site was developed into a sandstone quarry. The aerial photography noted that an orchard was located on the site between the house and Smallwood Road in 1955, however, was progressively reduced in size until the mid-1970s when it was removed. The surrounding areas were also rural

residential in nature and have remained unchanged with native bushland characterising most of the vegetation.

There was no evidence of underground or above ground storage tanks and there were no suspicious odours or visible signs of contamination detected on the site. A search of databases did not reveal any current regulatory notices, licensing agreements or EPA notifications for the site or surrounding properties.

The report concluded the potential for site contamination was low to moderate however targeted site investigations for metals and pesticides predominately around the building footprint areas where termite control may have been historically applied and within the vehicle parking area which was historically an orchard would enable data gap closure and site suitability for the continuation of quarrying.

The specific recommendations included:

- A targeted soil investigation involving soil sampling and laboratory analysis for metals, organochloride and organophosphate pesticides is recommended within the building footprint areas, where termite control may have been applied and within the vehicle parking area, where the former orchard was located.
- A review of chemical storage procedures and plant maintenance areas is recommended to ensure any potential for subsurface impact is mitigated.
- Should there be a requirement to dispose of any soils from the site as waste during the operations of the quarry (including any potential VENM and any stockpiled materials), these must be sampled and laboratory analysed for waste classification purposes in accordance with the EPA (2014) Waste Classification Guidelines. Any such waste materials should then be disposed only to appropriately licensed waste facilities.

It is not proposed to change the use or introduce any sensitive land-use activity, consequently it is considered that the proposal can incorporate management and mitigation measures to minimise any potential contamination issues as outlined in the Preliminary Site Investigations Report.

Council's Environmental Health Officer has reviewed the PSI and considers it is satisfactory subject to recommended consent conditions in for the completion of a targeted soil investigation within the building footprint areas and vehicle parking areas, which is to occur prior to the rehabilitation of the site. Any new information that may come to light which has the potential to alter previous conclusions about site contamination, shall be immediately notified to the Principal Certifier is a further recommended consent condition. Recommended draft consent conditions are included in **Attachment A**.

The consent authority can be satisfied as to the matters outlined in this control.

e. State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport & Infrastructure SEPP') outlines the controls for the provision of infrastructure and schools, among other matters. Chapter 2 (Infrastructure) is relevant to the development application.

Chapter 2: Infrastructure

The following provisions of Chapter 2 are relevant to the development application:

- *Section 2.48 – Determination of development applications – other development* - This section applies to a development application involving development carried out in following instances:
 - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower* – The proposed quarrying is not within proximity of any of these features.
 - (b) *development carried out—*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*

An electricity easement is located adjoining the site to the south-west within No 129 Smallwood Road, however, there is no development proposed *within* or *immediately adjacent* to this electricity easement (further outlined in Section 1.3 of this report). The site does not contain an electricity substation. There are overhead electricity poles located to the southwest of the proposed material storage area, which are private electricity poles, however, a referral to the local energy provider (Endeavour Energy) has been undertaken for abundant caution.

- (c) *installation of a swimming pool* – not proposed; and
- (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

The proposed quarrying does not involve any of these and is not within proximity of any of these features.

Pursuant to Section 2.48(2), the Council has consulted with the electricity supply authority and no objections were raised subject to a condition regarding safety distances from electricity wires.

- *Section 2.119 - Development with frontage to classified road & Section 2.120 – Impact of road noise or vibration on non-road development* – Smallwood Road is not a classified road and is also not included in the “mandatory” or “recommended” category for a road noise or vibration assessment. Accordingly, these controls are not relevant to this proposal. Notwithstanding, these matters are considered for the proposal below given the concerns raised in submissions associated with the use of the road by the quarry trucks.

The existing vehicle entry point is from a non-classified road and is to be retained by the proposal, while the safety, efficiency and on-going operation of classified roads in the vicinity of the site will not be adversely by the proposal in relation to the design of vehicle access to the site, the emission of smoke or dust given the distance to the road network from the quarry and the minor increase in traffic to the site can be absorbed by the local road network (an additional 9 truck movements per day). The proposal is consistent with this clause, despite it not strictly applying to the

application.

- *Section 2.122 – Traffic-generating development* - This section requires consideration of certain matters relating to development which is deemed to be traffic-generating. In this case, the proposal does not meet the criteria in Column 2 for a site with access to a road (generally) as the proposal does not involve any of the uses outlined in Column 1 given extractive industries is excluded from the definition of industry under the THLEP 2019. Similarly, in relation to Column 3, the proposal does not achieve the criteria listed in Column 2 and a referral to TfNSW is not required under this Section.

Notwithstanding a referral was not technically required, Transport for NSW ('TfNSW') was referred the application and does not object to the proposal subject to the *Operational Traffic Management Plan* being revised to inform drivers (especially of heavy vehicles) of the speed limit of Smallwood Road to/from the site.

Accordingly, the proposal is considered to be consistent with the Transport & Infrastructure SEPP and satisfies the matters requiring consideration prior to determining a development application.

f. The Hills Local Environmental Plan 2019

The relevant local environmental plan applying to the site is *The Hills Local Environmental Plan 2019* ('THLEP 2019'). The particular aims of the THLEP 2019 pursuant to Clause 1.2(2) state:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) *to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) *to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- (d) *to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) *to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) *to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.*

The proposal is consistent with these aims, including the provision of an orderly and sustainable development of a site for the continuation of extractive industry which contributes to the development of a prosperous local economy by promoting employment opportunities and rural productivity. The proposed mitigation measures minimise the potential impacts to the natural and built environments of the area and the quarrying process reduces waste by utilising almost all of the extracted resource.

The relevant parts of THLEP 2019 include the following:

- Part 2 Permitted or prohibited development
- Part 4 Principal development standards

- Part 5 Miscellaneous provisions
- Part 7 Additional local provisions

These relevant Parts are considered in further detail below. The remaining parts of the LEP are not relevant to the current application.

Zoning and Permissibility (Part 2)

The site is located within the RU2 Rural Landscape zone pursuant to Clause 2.2 of the THLEP 2019 (**Figure 23**). The proposal is for *Extractive industries*, which is defined as:

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.

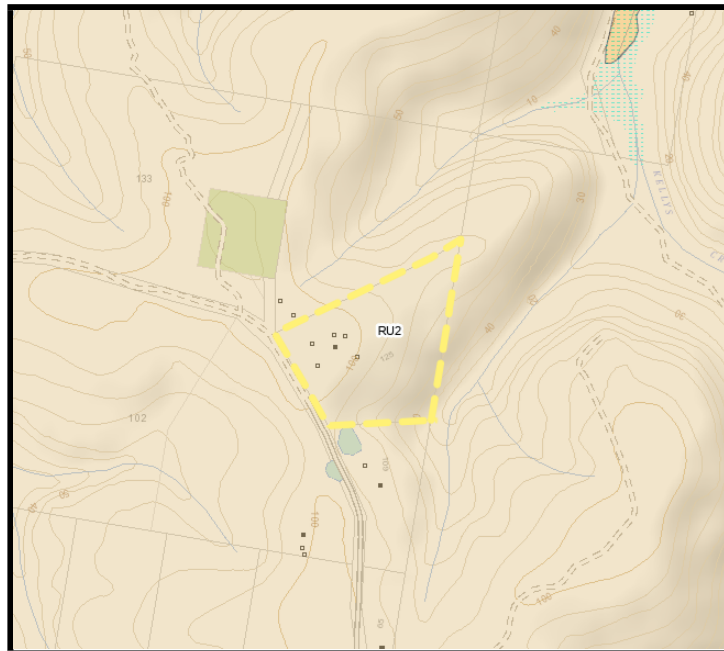


Figure 23: Zoning Map (Source: NSW Planning Portal Spatial Viewer)

Extractive industry is a permissible use with consent in the zone pursuant to the Land Use Table in Clause 2.3. Pursuant to Clause 2.3(2), the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The RU2 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.

The proposal is considered to be consistent with these zone objectives as it provides for a sustainable primary industry by quarrying material from an existing quarry with minimal waste of the resource. The proposal generally maintains the rural landscape character of the land given the quarry area is setback from the road and there is no expansion of the existing quarry area proposed (only the depth). The proposal is considered to be a compatible land use with the mitigation measures employed as outlined in the application and considered in this report.

The proposal is a permissible use in the zone and forms part of a range of compatible rural land uses. Therefore, the proposal is considered to be consistent with Clause 2.3(2) of the THLEP 2019. The site is not included in Schedule 1 for additional permitted uses (Clause 2.5,) and subdivision (CI 2.6), demolition (CI 2.7) and temporary use of land (CI 2.8) are not proposed.

Development Standards (Part 4), Miscellaneous provisions (Part 5) and Additional local provisions (Part 7)

The THLEP 2019 contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 10** below. It is noted that the following provisions do not apply to the proposal:

- CI 4.1 to 4.2 (inclusive): Minimum subdivision lot sizes – no subdivision proposed;
- CI 5.1: Relevant acquisition authority - the site is not indicated for land acquisition;
- CI 5.4: Miscellaneous permissible uses – none proposed;
- Part 6: Urban release areas – the site is not located in these areas.

Table 10: Consideration of THLEP 2019

CONTROL	REQUIREMENT	PROPOSAL	COMPLY
Part 4: Principal development standards			
Height of buildings (CI 4.3(2))	10 metres AHD	The proposed acoustic barriers are 2.5 metres high	Yes
FSR (CI 4.4(2))	The site is not affected by a maximum FSR	N/A	N/A
Part 5: Miscellaneous provisions			
Heritage (CI 5.10)	Consideration of potential impacts to heritage	There are no heritage items located on the site, on adjoining sites or in the vicinity of the site. Therefore consent is not required under this clause. There are no items or places of Aboriginal cultural heritage on the site according to the AHIMS search. Accordingly, there will be no adverse impacts on heritage arising from the proposal.	Yes
Flood planning (CI 5.21)	Consideration of matters prior to granting consent for land within	The land is not known to be located within the flood planning area.	N/A

	the flood planning area.		
Part 7: Additional local provisions			
Acid sulphate soils (CI 7.1(1))	Consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map and matters to be satisfied.	<p>The northern portion of the site is affected by Class 5 acid sulphate soils and is located within 280 metres of Class 3 land (i.e. within 500m of adjacent Class 1,2 3 or 4 land) with the site significantly above RL 5.</p> <p>The Groundwater Assessment stated that the site does not contain significant groundwater sources and that the proposal does not present a risk of breaching or contaminating groundwater sources. Therefore it is considered that the watertable is unlikely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land as a result of the proposal.</p> <p>Accordingly, consent is not required under this clause and an ASSMP is not required.</p>	Yes – consent not required
Earthworks (CI 7.2)	Matters to be considered prior to granting consent.	<p>The proposal involves earthworks and excavation for the continuation of quarrying on the site and consent is required under this Clause.</p> <p>It is considered that there will be no adverse impacts on adjoining properties and the proposed earthworks will be carried out in accordance with best practice industry standards.</p>	Yes Refer below
Terrestrial biodiversity (CI 7.4)	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied as to certain matters (CI 7.4(4)).	The site is affected by this clause in the eastern and southern portions of the site.	Yes Refer below

Earthworks (Clause 7.2)

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Consent is required for earthworks unless the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

In this regard, the proposed earthworks comprising the continuation of quarrying on the site require consent pursuant to Clause 7.2(2).

Pursuant to Clause 7.2(3), in deciding whether to grant development consent, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The EIS is accompanied by a number of documents which aim to reduce the impact of the proposed quarrying on the site and adjoining properties.

The proposal is unlikely to result in the disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality given there is nil runoff from the site (discussed in the key issues section of this report), while the site is not affected by flooding. The proposal is also unlikely to adversely impact on the likely future use or redevelopment of the land given the rehabilitation of the site which is proposed and will be required to be undertaken in accordance with the strict consent conditions. The quality of the fill to be utilised in the rehabilitation of the site is proposed to be VENM or ENM and will also be subject to strict consent conditions (included in **Attachment A**).

The proposal has the potential to adversely impact on the existing and likely amenity of adjoining properties, particularly in relation to the traffic, noise and dust, however, mitigation measures have been proposed in this regard and strict consent conditions have been recommended. These measures are considered to be adequate in reducing potential impacts on amenity for adjoining and nearby properties.

The source of the future fill material is to be VENM as outlined above, while the destination of the excavated material is to customers for landscaping supplies and other construction uses (for the crushed sandstone products). The likelihood of disturbing relics is considered to be low given the absence of any known Aboriginal cultural heritage on the site.

The proposal is unlikely to result in any adversely impacts on watercourses or drinking water catchments as there is nil runoff from the site arising from the existing water management

structures on the site which contains runoff and reuses water throughout the site. There are also unlikely to be any significant adverse impacts to the surrounding natural bushland given there is no increase in the footprint on the existing quarry and there is no runoff from the site. potential ecological impacts are further considered in the key issues section of this report.

In relation to appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, the EIS outlines appropriate measures which will reduce impacts of the development. The proposal is considered to be consistent with this Clause.

Terrestrial Biodiversity (Clause 7.4)

The objective of this Clause is to maintain terrestrial biodiversity, including by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats. This Clause applies to the site as the eastern and southern portions of the site are included on the biodiversity map (**Figure 24**).

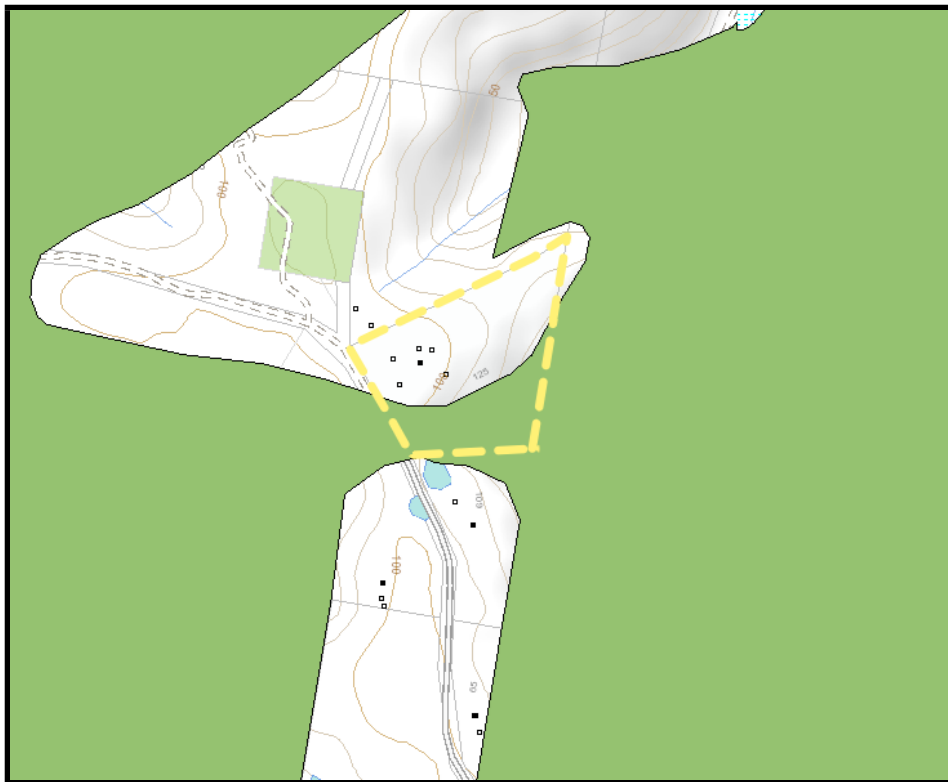


Figure 24: Terrestrial Biodiversity Map (Source: NSW Planning Portal Spatial Viewer)

In deciding whether to grant development consent for development on land to which this clause applies, Clause 7.4(3) requires that the consent authority must consider the following matters:

- (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposal is generally contained within the existing development (disturbed area) footprint on the site, including the quarry area, with the exception of the construction of an expanded and relocated production/storage area with an associated ramp and batter for the crushed sandstone product from the quarry. This will involve removal of temporary container structures and re-grading the site levels in this area by excavation, cut/fill processes and trenching and will also require the removal of two (2) trees, known as Trees 2 and 3 in the Arborist's Report.

With the exception of these works, there is no other vegetation clearing on the site or other works proposed beyond the current quarry operations on the site in that the proposed continuation of quarrying will utilise existing infrastructure on the site. Council's ecologist supports the proposed removal of the two (2) trees as this tree removal will not have a significant impact on biodiversity values.

In relation to general ecological impacts, the Flora and Fauna Report concluded that the proposal would not affect any existing native vegetation, habitat for threatened species or threatened ecological communities. Council's ecologist raised some concerns with the proposed final rehabilitated landform which may pose significant risks on surrounding biodiversity values within the site and on surrounding properties, should rehabilitation works not be implemented in accordance with an approved Remediation Management Plan and approved Vegetation Management Plan.

These risks include sediment laden runoff and the introduction of environmental weeds and pathogens as well as soil erosion associated with the proposed final landform which potentially poses direct and indirect impacts on terrestrial biodiversity and waterways within the catchment areas surrounding the development footprint. Therefore, relevant draft consent conditions have been recommended in **Attachment A** for an Amended Rehabilitation Management Plan (requiring a Vegetation Management Plan, a Stormwater and Erosion Plan, an Earthworks Plan, and a Dam Decommissioning Plan). The proposal is satisfactory in this regard.

Pursuant to Cause 7.4(4), development consent **must not be granted** to development on land to which this clause applies unless the consent authority is satisfied as to the following matters:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposal is primarily contained within the existing development footprint and does not propose any additional land to be disturbed. The proposed mitigation measures are also considered to further reduce potential adverse environmental impacts having regard to biodiversity as there is no additional bushland to be disturbed and there will be minimal runoff from the site. Relevant consent conditions are recommended to ensure management of the site avoids adverse environmental impacts. The proposal is considered to be consistent with this clause and therefore consent can be granted.

The proposal is considered to be generally consistent with the THLEP 2019.

(ii) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

Proposed instruments which have been the subject of public consultation under the EP&A Act, which are relevant to the proposal includes the *Draft Remediation of Land SEPP*, which was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

The potential land contamination on the site is considered under in the assessment under the Resilience & Hazards SEPP. The proposal is generally consistent with this proposed instrument.

(iii) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Hills Development Control Plan 2012 ('DCP 2012') is relevant to this application, which aims to guide development outcomes within The Hills Shire. The relevant parts of the DCP for the proposal include:

- Part A5 (Section 5: Ecologically sustainable development)
- Part B1: Rural
- Part C1: Parking
- Part C3: Landscaping

These Parts are considered below.

a. Part A (Section 5: Ecologically sustainable development)

Section 5.1 of the DCP requires that Council's ESD objectives are considered in relation to the proposal. The proposal is considered to be consistent with these objectives as outlined in **Table 11**. The proposal is consistent with this Part of the DCP.

Table 11: Consideration of the ESD Principles of the DCP

ESD PRINCIPLE	PROPOSAL
<i>ESD 1 – To apply the precautionary principle where development is likely to cause short or long-term irreversible or serious threats to the environment.</i>	It is considered that the proposal will not result in any long-term irreversible or serious threats to the environment as the proposed rehabilitation of the site will return the site to a natural landform with vegetative cover. There will be short term impacts, however, such impacts are not irreversible and are mitigated through the measures outlined in the management plans and reports, through the recommended consent conditions and the licensing requirements of the EPA. Therefore, the proposal is considered to

	achieve this principle.
<i>ESD 2 – To allow for broad community involvement in respect to issues of concern throughout the development process.</i>	The proposal has been notified on two occasions and a community conciliation meeting was held by Council where residents were able to raise their concerns with the applicant. The proposal is considered to achieve this principle.
<i>ESD 3 – To ensure during the design, construction and operation of the development, that water is utilised efficiently and that water leaving the site is of a quality and quantity comparable to that which is received.</i>	The proposal involves a nil runoff from the site by diverting water to the main sediment basin on the site. There are considered to be sufficient safeguards proposed in relation to soil and water management on the site which are outlined in the management plans and reports, through the recommended consent conditions and the licensing requirements of the EPA. Therefore, the proposal is considered to achieve this principle.
<i>ESD 4 – To ensure that biodiversity and the integrity of ecological processes are not compromised by the development.</i>	The proposal does not involve any increase to the disturbed area of the site and while two trees are proposed to be removed within this disturbed area, there are no significant ecological impacts likely to result from the proposal. The rehabilitation of the site will achieve a final landform which is compatible with surrounding properties and will comprise a vegetative cover consistent with the vegetation in the area. Therefore, the proposal is considered to achieve this principle.
<i>ESD 5 – To promote the following during the design, construction and operation of development:</i> → the use of energy efficient materials and designs → utilisation of renewable energy & materials; and → energy efficient technology.	The proposal involves the use of existing infrastructure, machinery and equipment and in this way can be considered to be efficiently using materials. Therefore, the proposal is considered to achieve this principle.
<i>ESD 6 – To follow the principles of the 'Waste Hierarchy' (reduce, reuse, recycle) in the use of materials and the design of waste recovery and disposal systems throughout the development process.</i>	The proposal involves extracting the sandstone in an efficient way where there is limited wastage of the resource as outlined in this report. Standard waste management, recycling and collection of the office/staff waste will be undertaken. Therefore, the proposal is considered to achieve this principle.
<i>ESD 7 – To protect neighbourhood amenity and safety in the design and construction and operation of the development.</i>	There are potential amenity impacts arising from the proposal including (but not limited to) noise, traffic generation, air pollution and visual amenity concerns. There are considered to be sufficient safeguards proposed in relation to these potential amenity impacts through the management plans and reports, the recommended consent conditions and the licensing requirements of the EPA. The issue of safety has been addressed in that a consent condition is recommended that the proposal is undertaken in

	accordance with the requirements of SafeWork NSW, the NSW Resource Regulator and the <i>Quarry Environmental Management Plan</i> at all times. Therefore, the proposal is considered to achieve this principle.
<i>ESD 8 – To encourage the long-term economic viability and health of the community in the development process.</i>	The proposal supports the economic viability of the area through employment opportunities and business investment, while the health of the community is protected through the management plans and reports, the recommended consent conditions and the licensing requirements of the EPA. Therefore, the proposal is considered to achieve this principle.
<i>ESD 9 – To encourage the use of public transport, bicycles and pedestrian trips in the development and design process.</i>	The proposal is located in a rural area for the purposes of quarrying which requires large trucks to transport the material. While staff may use public transport to arrive at the premises, riding or walking to work could be dangerous given the lack of footpaths in the area and the distance to larger residential areas.

b. Part B1: Rural

This section includes controls for rural development, with Part 2: Extractive Industries being relevant to the proposal. This Part includes controls relating to:

1. Site Planning
2. Transport
3. Water Resources
4. Visual Amenity And Scenic Quality
5. Flora And Fauna Buffer Zones
6. Heritage And Archaeological Resources
7. Soil Conservation
8. Acoustic Management
9. Air Quality Management
10. Rehabilitation
11. Community Engagement
12. Setbacks From Maroota Public School
13. Section 94 Contributions
14. Environmental Management Systems
15. Information Required for an Extractive Industries Development Application

The proposal is generally consistent with these provisions, which are further considered in the key issues section of this report. A detailed compliance table is provided in **Attachment B**.

However, the proposal is inconsistent with the following controls:

- Minimum setbacks to adjoining properties, to a public road and to a residence not associated with the extraction (Part 2: Clause 1);
- Internal access carriageways (width and setbacks) (Part 2, Clause 2); and
- Perimeter Screen Planting (Part 2, Clause 4).

The variations to the DCP are further considered in the key issues section of this report, which are considered satisfactory and are recommended to supported.

c. Part C1: Parking

The objectives of this section pursuant to Clause 1.2 are to:

- (i) To provide guidelines aimed at improving overall traffic management and safety.*
- (ii) To ensure satisfactory access, parking provisions, circulation and goods loading and delivery facilities are provided within developments.*
- (iii) To ensure the efficient flow of traffic through car parks to minimise the potential for pedestrian and vehicle conflict.*
- (iv) To set out Council's planning and engineering standards for parking in the Shire.*
- (v) To encourage the use of more ecologically sustainable forms of transport such as bicycles.*
- (vi) To ensure that all parking provided by development relates to the site's environmental conditions.*

Part C1 provides general parking requirements (Clause 2.1), controls for car park design and layout (Clause 2.7), loading and delivery requirements (Clause 2.9) and controls for Access Driveways (Clause 2.10). The proposal involves the retention of the southwestern corner of the site adjoining Smallwood Road frontage as a car parking area for staff and customers which is considered to be sufficient for the site in terms of size, design and proximity to the vehicle entry to the site.

The trucks and heavy vehicles proposed to utilise the site can be accommodated in the areas of the site required and it is proposed to retain the existing vehicle access point to the site.

The proposal is generally consistent with this section of the DCP and the objectives in that satisfactory access, parking provision, circulation and loading and delivery areas are provided within the site. There are no minimum car parking rates for quarries provided in the DCP.

There were also no objections raised by Council's Traffic Engineer to the traffic and parking components of the proposed development. The traffic matters are considered further in the key issues section of this report.

d. Part C3: Landscaping

The objectives of this section pursuant to Clause 1.2 are to:

- (i) To ensure that landscaping preserves and contributes to the Shire's environmental and visual character and the existing and past cultural landscape.*
- (ii) To promote the principles of ecologically sustainable development.*
- (iii) To encourage the landscape treatment of sites which takes into account their context - the subdivision design, the streetscape design, the design of neighbouring buildings.*
- (iv) To encourage landscaping that can be effectively maintained.*
- (v) To encourage innovative landscape design.*
- (vi) To define and outline the provisions necessary for lodgement of landscape proposals.*

(vii) To recognise the right of a property owner to be able to manage vegetation on their land, including the removal of trees that they consider a danger to their dwelling.

The proposal has an adverse visual impact when viewed from Smallwood Road arising from the lack of adequate planting along this frontage and the location of trucks and other equipment associated with the use of the site being highly visible along this frontage. The proposal is considered to be inconsistent with the objectives of this section of the DCP. This is further considered in the key issues section of this report. The proposal is otherwise generally consistent with this part of the DCP, with the ecological issues considered further in the key issues section of this Report.

The proposal is generally consistent with the provisions of The Hills DCP 2012.

Contributions Plans

The relevant Contributions Plans relevant to the application include:

- The Hills Section 7.12 Contributions Plan
- Contributions Plan No.6 Extractive Industries (Amendment 5)

The relevant contributions required by the proposal are included as recommended draft consent conditions in **Attachment A**.

(iv) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(v) Section 4.15(1)(a)(iv) - Provisions of Regulations

The following matters require consideration in relation to Part 4, Division 1 of the 2021 Regulations:

- Section 61(1) - In determining a development application for the demolition of a building, the consent authority must consider the *Australian Standard AS 2601—2001: The Demolition of Structures* - Demolition is not proposed.
- Section 62 (consideration of fire safety) – this is not relevant as there are no new building proposed;
- Section 64 (consent authority may require upgrade of buildings) – this is not relevant as there are no new building proposed.

Accordingly, the provisions of the 2021 EP&A Regulation have been adequately considered.

(b) Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site in that the site currently comprises a quarry with associated infrastructure. The recommended consent conditions and management plans are considered to assist the proposal in integrating into the rural landscape including with the provision of a landscape screen along the road frontage of the site. The acoustic and dust control measures proposed aim to reduce potential impacts to adjoining properties as discussed in this report.
- Access and traffic – The access and traffic issues are considered satisfactory in that the maximum number of traffic movements to the site and the conduct of vehicles associated with the quarry on the surrounding roads in the area will be subject to the recommended draft consent conditions.
- Public Domain – The presentation of the proposal to the public domain requires additional planting along the road frontage which is recommended in the draft consent conditions.
- Utilities – The required utilities are available to the site.
- Heritage – There are no heritage items or Aboriginal cultural heritage located on the site or on any adjoining or nearby sites.
- Other land resources – The site is located within the Hawkesbury Nepean catchment, which has been considered in this report.
- Water – The proposal involves adequate measures for the protection of water quality in the area as outlined in the key issues section of this report.
- Soils impacts – The potential for contaminated land is considered in the assessment under the Hazards & Resilience SEPP and is found to be satisfactory.
- Air and microclimate – The proposal involves adequate measures for the protection of air quality in the area as outlined in the key issues section of this report.
- Flora and fauna impacts – The proposal involves utilising an existing quarry on the site and there is no vegetation clearing proposed, with the exception of two trees within the disturbed area footprint. The proposal involves rehabilitating the site following the cessation of quarrying which will result in the site being covered with natural vegetation. The potential ecological impacts are considered in the key issues section of this report and are considered to be satisfactorily addressed subject to recommended consent conditions.
- Natural environment – The potential impacts to the natural environment have been minimised as outlined in the management plans and reports and the EPA licencing conditions. The potential impacts on the natural environment are considered in the key issues section of this report and are considered to be satisfactorily addressed subject to recommended draft consent conditions.
- Noise and vibration – A Revised Noise Report has been provided which has been considered by Council's Environmental Health Officer and the EPA who are satisfied

with the report. Potential acoustic impacts are outlined in the key issues section of this report and are considered to be satisfactorily addressed subject to recommended consent conditions.

- Natural hazards – The site is affected by bushfire, which has been considered by the NSW RFS to be satisfactory. Relevant conditions are included in the recommended draft consent conditions.
- Safety, security and crime prevention – There are not considered to be any concealment opportunities provided on the site and recommended draft consent conditions have been included regarding workplace safety.
- Social impact – It is considered that the proposal will not have any significant adverse social impacts arising from reduced employment opportunities on the site as there is significant time provided to seek alternative employment. The proposal is unlikely to result in any adverse social impacts in the area.
- Economic impact – The proposal will assist with employment generation and business investment in the area. The proposal is considered to result in a positive economic impact.
- Site design and internal design – The proposal generally utilises existing infrastructure on the site and therefore it is considered that the design of the site is satisfactory. The materials storage area is proposed to be relocated to reduce potential impacts to the adjoining property at No 129 Smallwood Road which is supported.
- Construction – Relevant draft conditions are recommended to reduce potential construction impacts.
- Cumulative impacts – The proposal will not result in any adverse cumulative impacts due to the mitigation measures proposed.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above (subject to the proposed mitigation measures).

(c) Section 4.15(1)(c) - Suitability of the site

The site is considered to be suitable for the development given the proposal involves the use of existing infrastructure and an existing quarry within a rural zone. The proposed development is considered to be compatible with the locality given the proposed mitigation measures to be implemented on the site.

There are adequate services and the site is relatively unconstrained with the exception of bushfire which has been considered by the NSW RFS to be satisfactory subject to recommended consent conditions.

The site attributes are conducive to the development in that the proposal will provide additional sandstone resources to the construction industry within an existing disturbed area in a rural setting. There are not any adjoining uses which are prohibitive of the proposal having regard to the proposed mitigation measures to be implemented on the site.

(d) Section 4.15(1)(d) - Public Submissions

The community submissions are considered in Section 5.3 of this report.

(e) Section 4.15(1)(e) - Public interest

The proposal is generally consistent with the planning controls relevant to the site as outlined in this report. The proposed quarry operations are to utilise an existing disturbed site containing a quarry area and involves utilising the resource efficiently with limited waste. A number of mitigation measures outlined in various management plans and reports have been developed which will reduce potential impacts to adjoining properties and the natural environment. Subject to the recommended draft consent conditions and the EPA licence requirements, it is considered that the proposal will not result in significant impacts to the area. On balance, it is considered that the proposal is in the public interest.

The proposal is considered to be consistent with Section 4.15(1) of the EP&A Act.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

Section 56 of the 2021 Regulation requires that notice of the application be given to the public authorities that, in the consent authority's opinion, may have an interest in the determination of the application. The application is for integrated development and therefore the development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 12**.

These issues are considered in the key issues section of this report.

Table 12: Concurrence and Referrals to agencies

AGENCY	CONCURRENCE/ REFERRAL TRIGGER	COMMENTS (ISSUE, RESOLUTION, CONDITIONS)	RESOLVED
Integrated Development (S 4.46 of the EP&A Act)			
Environment Protection Authority ('EPA')	Scheduled under Sections 43(b), 48 and 55 of the POEO Act (premises based)	The EPA raised concerns with the original Noise Impact Statement and considered that the applicant had not provided adequate information to enable the issuing of GTAs under the POEO Act. The EPA did not support the proposal in its original form. Subsequent to the provision of the revised Noise Report, GTAs were issued by the EPA for the scheduled activity (premises -based) dated 8 September 2023 (included in Attachment A).	Yes (Conditions)
Referral (S 4.14 of the EP&A Act)			
NSW RFS	Section 4.14 of the EP&A Act –	No objections subject to conditions (included in Attachment A).	Yes (Conditions)

	development on bushfire prone land		
Referral under the Regulations			
DPE (Secretary)	Section 60 of the 2021 Regulation	No objections, acknowledgement of submissions.	Yes
Referral/Consultation Agencies			
Transport for NSW ('TfNSW')	Referral for comment	No objections, stating it has received complaints from Council on behalf of local residents regarding drivers speeding along Halcrows Road. TfNSW notes that Halcrows Road and Smallwood Road may lack speed limit signs and hence drivers may interpret the rural default speed limit (100kph) to be applicable. It is recommended that the proponent be required to prepare or update their existing <i>Operational Traffic Management</i> Plan to inform drivers (especially of heavy vehicles) to/from the site of the existing road environment.	Yes (Conditions)
Electricity supply authority	Section 2.48 – Transport & Infrastructure SEPP - Development near electrical infrastructure	No objections raised by Endeavour Energy.	Yes (Conditions)
Department of Regional NSW – Mining, Exploration & Geoscience – Geological Survey of NSW (GSNSW).	Referral for comment given the proposed quarry use on the site.	Supports maximising resource recovery from the existing quarry and has no concerns regarding the continued extraction and subsequent site rehabilitation for the Quarry. In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to MEG as a condition of any new or amended development consent.	Yes (Conditions)
DPI (Agriculture)	DPI Agriculture aims to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment. A referral was sent as the site is zoned rural.	No objections raised stating that the continuation of extraction operations and rehabilitation of the site is not expected to have significant adverse impacts on agricultural land uses in the vicinity of the site. DPI Agriculture recommends that rehabilitation also results in a landform that supports agricultural production, ensuring productive use of rural zoned land which is less likely to generate potential land use conflict with other existing or potential agricultural land uses in the area.	Yes
Department of Primary	Referral for comment	Fisheries stated that there is no proposed dredging, reclamation, obstruction of fish passage or harm to marine vegetation within	Yes

Industries (Fisheries)		key fish habitat and therefore no comments are provided.	
Department of Planning and Environment- Water	Referral comment for	No comments received. The nearest waterbody are tributaries forming part of Kelly's Creek. However, there are no works proposed within 40 metres of any of these tributaries as the quarry is at least 100 metres from Kelly's Creek. Accordingly, a <i>Water Management Act</i> approval is not required for the proposal. A water use and water management work approvals are also not required for the proposal.	Yes
DPE - National Parks and Wildlife Service (NPWS)	Referral comment for	No comments required as the Maroota Nature Reserve (adjacent to the site) is not NPWS estate. This area was formerly Maroota State Forest and was then granted to Deerubbin LALC.	Yes
Castle Hill Police	Referral comment for	No comments were received.	N/A

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 13**.

Table 13: Consideration of Council Referrals

OFFICER	COMMENTS	RESOLVED
Environmental Health	<ul style="list-style-type: none"> Nov 2022 (original application) – reviewed in relation to wastewater, water management (groundwater and runoff), air quality and acoustics: <ul style="list-style-type: none"> Water management – a groundwater assessment has been provided and is satisfactory. Water is contained within the quarry site and reused. Conditions will be provided. Air quality report provided which makes recommendations included as conditions. Acoustics –report provided, however there were several concerns with this report: August 2023 (amended plans) – satisfactory subject to recommended consent conditions. October 2023 – requirement for the earth bund along the southern boundary was removed following concerns raised by Council's ecologist and replaced with a condition requiring an acoustic wall. November 2023 - land contamination conditions provided 	Yes (conditions)
Ecology	<ul style="list-style-type: none"> October 2022 (original application) – There were a number of concerns raised including a lack of buffer zones to protect biodiversity values on adjoining lots, 	Yes (conditions)

	<p>concerns with existing encroachments onto adjoining land and the lack of an Arborist's Report. The Flora and Fauna Report did not adequately address indirect impacts on biodiversity values or consider impacts on vegetation from all stages of development including post-operation phase of the quarry and rehabilitation phases and concerns with the Rehabilitation Management Plan.</p> <ul style="list-style-type: none"> October 2023 (amended plans/information) – a number of issues were raised including requiring an amended Rehabilitation Management Plan, costs associated with the required rehabilitation works, increasing the Rehabilitation Bond and the acoustic wall and southern stockpile. These matters are addressed in recommended conditions. 	
Traffic	<ul style="list-style-type: none"> Dec 2022 (original application) – concluded that based on the traffic count provided, the traffic generated from the proposal is within an acceptable range and under normal environmental conditions is unlikely to have a significant impact on Council's local road network. August 2023 - The amended Traffic Impact Assessment Report was reviewed and no objections was raised with the proposal from traffic engineering perspective based on the information provided. No conditions provided. 	Yes

The issues raised by Council officers are considered in the Key Issues section of this report.

5.3 Community Consultation and Submissions

The proposal was advertised and notified on two (2) separate occasions in accordance with the Council's Community Participation Plan, Clause 8 and 8A of Schedule 1 of the EP&A Act and Sections 56, 58 and 60 of the 2021 Regulation which requires certain requirements for notification of designated development applications.

The first exhibition and notification period occurred from 7 October 2022 to 7 November 2022, which included the following:

- A sign placed on the site (Section 58 of the 2021 Regulation);
- Notification letters sent to adjoining and adjacent properties; and
- Notification on the Council's website (Section 56(2)(a) of the 2021 Regulation).

A total of 20 unique submissions were received in response to this first exhibition and notification of the application. A second notification period occurred from 1 August 2023 to 23 August 2023 for the amended and additional information lodged in July 2023, which included the same notification procedure as the first notification. A total 10 unique submissions noting concerns with the proposal were received in this second notification period. Therefore, a total of 30 submissions were received in response to the notifications of the development application.

A conciliation conference was also held to discuss the concerns of the community on 15 December 2022 at the Council chambers. The following outcomes were achieved:

- A further review of the traffic numbers associated with the rehabilitation works will be undertaken by the applicant.
- The applicant will review how the upper area is used to address matters relating to impacts, in particular to No. 129 Smallwood Road.
- Further traffic count information to be provided from the applicant regarding the percentage of trucks from the site against the trucks on Halcrows Road.
- The applicant advised they will undertake acoustic monitoring at No. 102 and No. 129 Smallwood Road, with the owners' consent.
- Further acoustic assessment is to be undertaken by the applicant of the activities on the upper area, especially in regard to dumping.

The next steps included that the applicant had the opportunity to address the issues raised by residents through amendments or further information and that the application will be re-notified if significant changes were made. The Chair advised that the matter will be reported to Council's Sydney Central City Planning Panel and that all people who have made a submission would be advised when a meeting date has been determined and have the opportunity to review the planning report before and speak at the meeting.

The revised EIS contained a number of proposed conditions to address noise and truck movement concerns raised at the meeting which included the following:

- **Installation of CCTV system** – *CCTV cameras that monitor various locations within the site and the main entrance are installed. The system is backed up to the cloud (for 30 days) and can be made available to Council officers for viewing in the event of a complaint and/or to verify compliance with hours of operation and vehicle (truck) movements* – these are not required.
- **Noise Monitoring (Compliance)** – *It is proposed to provide unattended noise monitoring (for 7 days) within a twelve (12) month period at the three (3) immediate neighbouring properties (No.102, No.109, and No.129) (three noise loggers)* - This is included in the GTAs from the EPA and is therefore not required.
- **Material Deposits on Smallwood Road** - *A second shakedown grid can be installed to provide a more effective method of minimising the potential for residual material deposits being tracked on Smallwood Road* – This forms a recommended consent condition.
- **Notification of end of Extraction** - *extraction shall cease upon expiration of the approved time frame as per the notice of development consent and/or when the benchmark RL 70 is reached within the quarry floor (whichever occurs sooner). In either case the operator shall formally notify Council of the ceasing of extraction and timeframe for the commencement of rehabilitation works in accordance with the approved Rehabilitation Plan* – A recommended consent condition is included that notification that extraction has ceased.
- **Rehabilitation** - *The operator shall retain receipts of all material received and provide documentation on a six monthly basis confirming the volume of material that has been received* - This forms a recommended consent condition.

While there were two separate notification periods, the issues raised in these submissions are considered together in **Table 14** on the basis of the amended plans and information received in July 2023. The issues are outlined in descending order having regard to the number of times they were raised in submissions. The issues are considered further in the key issues section, where relevant, and have been adequately considered in this assessment.

Pursuant to Section 60 of the 2021 Regulation, the submissions from the first and second notification periods were provided to the Planning Secretary.

Table 14: Consideration of Community Submissions

ISSUE	COMMENTS
Acoustic impacts and inadequacy of the acoustic report	<p>The concerns raised in the submissions are outlined below (<i>in italics</i>) and comments on whether the issue is addressed in the Revised Noise Report included:-</p> <ul style="list-style-type: none"> • <i>The proposal cannot comply with the Noise Policy for Industry and exceeds the 40dB(A) standard at half the proposed throughput</i> – The proposal is consistent with the relevant criteria under the NPfI as outlined in the Revised Noise Report on the basis of the proposed operation of the quarry at 15-minute intervals at worst case scenario with all machines running simultaneously and complies with the relevant criteria. • <i>Does not assess impacts on all surrounding properties</i> – The Revised Noise Report assesses the potential acoustic impact of the proposal on all nearby sensitive receivers as outlined in the report; • <i>Is contrary to the acoustic report for 131-133 Smallwood Rd and that the site does not have approval for quarrying at this time. The report for No 131-133 also indicated that the 40dB(A) is exceeded at No 131-133. Considers that there will be more impacts to No 129 than 131-133</i> – The Revised Noise Report has adequately considered the Koikas acoustic report for 131-133 Smallwood Road, which recommended a noise wall be erected at No 131-133 which has been considered in the Revised Noise Report; • <i>The report for No 131-133 was undertaken at half the capacity of the proposed extension to the quarry</i> – The Revised Acoustic Report was prepared on the basis of the proposed operation of the quarry at 15-minute intervals at worst case scenario with all machines running simultaneously and complies with the relevant criteria. • <i>Acknowledges that there is no approval for existing extraction</i> - The lack of an existing approval is a separate issue not required to be addressed in the acoustic report and is for Council to action if deemed necessary (see other issue considered in this table); • <i>No acoustic barrier to No 129 but there is one for No 109 which is further away</i> - There are acoustic barriers required to protect both No 129 and 109 which will shield noise to these adjoining properties. The barrier is to be erected to the southwest of the relocated materials storage area;

	<ul style="list-style-type: none"> • <i>Is inconsistent with the EIS and traffic report in relation to operations</i> – There is general consistency with the EIS and traffic report in relation to operations. • <i>Noise levels of noisy machinery only 40dB(A)</i> - Noise levels for machinery are estimated at between 88 dB(A) to 101dB(A) in the Revised Noise Report and not 40dB(A) as quoted in objection. Impacts are reduced with required mitigation measures. • <i>Conclusions are 'nonsensical' as there are already acoustic impacts arising to No 129 without the additional capacity of the quarry which is proposed</i> – Conclusions are satisfactory and are supported by Council's Health Officer and the EPA; • <i>No noise logger at No 129 as it is closer than No 109</i> - The location of noise loggers is a consideration for acoustic experts and the report is supported by the EPA and Council's Health Officer. • <i>Visual impact of proposed acoustic barrier along the southern part of the site on the only boundary of the site which had a noise logger</i> - The acoustic barriers are required to mitigate noise and therefore some visual impact may arise which is considered satisfactory. • <i>Is inadequate and does not provide sufficient information or explanation to support the conclusions</i> - The conclusions of the Revised Noise Report are supported subject to the mitigation measures (acoustic barriers) which are recommended consent conditions. • <i>The extraction process at 3.5 of the EIS includes rock hammering of blocks that have been cut. We are instructed that this process produces significant amounts of noise which impacts adjoining properties. The impacts from this activity do not appear to have been assessed within the Acoustic Report</i> - The use of a hammer attachment to the excavators in the quarry area are included in the assessment of noise in the Revised Acoustic Report. • <i>Only one noise assessment was ever completed in the first week of May 2020 on only one adjoining property R2. Ongoing permanent noise monitoring is needed to give a full understanding of the impacts of the Hammering, crusher, screener and shaker buckets. These all operate at the same time. There needs to be constant monitoring system, not just one week</i> - The EPA licence conditions include annual noise
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	<p>monitoring reports.</p> <ul style="list-style-type: none"> • <i>The noise from rock hammers should be restricted</i> - Consent conditions restricting the use of certain equipment to certain hours are not required as the recommended mitigation measures from the Revised Noise Report are sufficient to ensure noise levels are contained within the relevant noise criteria. • <i>Concerns with noise levels from rock saw and that the doors to the rock saws are to be closed when in operation</i> - Consent conditions recommended to ensure rock saw only operated when doors are closed. • <i>Concerns with noise levels from crushers</i> - No crushers to be used on site (consent condition). <p><u>Concerns with Revised Noise Report</u> (raised in second notification):</p> <ul style="list-style-type: none"> • <i>The applicant will be moving the production area to a new location further to the rear of the site, however, this is not proposed as part of the proposal. Further, it is unclear if the modelling has been based on the production area being located in the "proposed new production area". Also, it stated that it is noted that a screen has been proposed along No. 109 but not No. 129, which is the closer of the two residential properties to the Site. There is a "recommended shipping container barrier" of no particular height generally shown in front of the "proposed new production area". As far as we can tell, this is not proposed as forming part of the proponent's DA – The Revised Noise Report has been prepared on the basis of the relocated materials storage area as outlined in Appendix A.2 of the report and an acoustic barrier is required along the southern portion of the proposed new materials storage area as well as along the southern boundary of the processing area, which is required by the recommended consent conditions.</i> • <i>The report did not survey 32 tonne truck and dog vehicles – The Revised Noise report considered the noise generated by the 12 tonne trucks and considered that the additional trailers do not add significant noise to the assessment. This assessment has been accepted by Council's Health officer and the EPA.</i> • <i>The encroachments into the DCP setback areas cannot be categorised as minimal – The existing encroachments are considered in the key issues section of this report and are satisfactory;</i> • <i>There were concerns raised that some of the management measures required by the Noise report will not be implemented in relation to speed limits being exceeded by unsafe driving practices by truck drivers for implementing a new limit of</i>
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40km/hour, as recommended within Acoustic Dynamic's Report, as it is outside of the control of the site operator and is a police matter. These responses demonstrate that the Applicant's prior claim that the recommended management measures are not proposed to be implemented and therefore the Quarry will not achieve compliance and will adversely affect the acoustic amenity of the surrounding sensitive receivers - The speed limit on public roads is a matter for Transport for NSW. A consent condition has been recommended which requires an *Operational Traffic Management Plan* to be prepared which must consider (among other matters) adherence to posted and safe speed limits on public roads (in consultation with a Traffic Engineer).

Other acoustic issues raised:

- *Concerns were raised regarding the noise from truck movements on Halcrows Road and Cattai Ridge Road, particularly the use of the compression brakes travelling down Halcrows from Cattai Ridge and towards Cattai Creek. Noise from unladen trucks also contributes to the noise. The submission also stated that the impacts of truck noise on the Hillside School have not been provided - The Revised Noise Report concludes that the proposal, including the truck movements, complies with the EPA's NSW Road Noise Policy. The recommended consent conditions also include a condition to require the implementation of an Operational Traffic Management Plan which is to include measures to improve truck driver behaviour and operating practices in the vicinity of the site. One of the EPA's conditions in the GTAs for the EPL is that a Traffic Noise Management Strategy is required which is to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied.*
- *There was also a request that the site implement a CB radio communication system with truck drivers so they don't need to sound their truck horn - A consent condition recommends the requirements for an Operational Traffic Management Plan which includes the requirement for the implementation of a CB radio communication system with truck drivers so they don't need to sound their truck horn.*
- *The Environmental Management Plan does not acknowledge or place limits on hammer usage. Rollers, bulldozers and hammers are far more offensive than an excavator bucket emptying contents, or a trucks motor running for more than 5 minutes. Submissions stated that hammers were still onsite, only the crusher seems to be removed. There were also requests that no quarry equipment to operate on Saturday including rock hammers, shaker buckets and excavator rock sawing, or any rehabilitation machinery. Confirmation of rock hammers removal from quarry - The Revised Noise Report included assessment of the hammer attachment to the excavator in the quarry area. Consent conditions restricting the use of certain equipment to certain hours*

	<p>are not required as the recommended mitigation measures from the Revised Noise Report are sufficient to ensure noise levels are contained within the relevant noise criteria.</p> <ul style="list-style-type: none"> • <i>Acoustic Barriers should be provided for community feedback and an acoustic markup would need a barrier before rehabilitation started on southern end of boundary with arrow of 125 pointing to it</i> - Acoustic barriers to be constructed in accordance with the Revised Noise Report. • <i>Larger trucks are using compression braking all along Old Northern Road as well as causing damage within the homes from the constant vibrations</i> - The Revised Noise report concluded that the predicted vibration emission levels, resulting from the operation of the quarry and truck pass-by events are well below structural and cosmetic damage criteria.
Existing truck movements driving dangerously	<p>The trucks servicing the existing quarry drive dangerously on surrounding roads including driving across dividing lines, swerving onto the wrong side of road to overtake stopped buses and speeding and ignoring speed limits. The trucks are also arriving/departing early in the morning which disturbs the amenity of the area and are resulting in kangaroos being hit. There have been accidents caused by these trucks as well as accidents involving these trucks.</p> <p><u>Comment:</u> The behaviour of the trucks on public roads is the responsibility of NSW Police. Relevant consent conditions have been recommended to be imposed including the requirement for an <i>Operational Traffic Management Plan</i> which shall be prepared to contain measures to address these matters prior to the issue of a Construction Certificate.</p>
Existing truck movements causing road damage and sediment on road	<p>The trucks servicing the existing quarry are resulting in damage to the road surfaces in the area and the road often contains mud and sediment from the subject site. It is unclear if the applicant is required to make a contribution towards the damage to the road under the Section 7.11 Plan.</p> <p><u>Comment:</u> There has been some roadworks undertaken to these carriageways in recent times to improve the safety of these roads and the road condition.</p> <p>In relation to sediment being tracked onto the road, relevant consent conditions are recommended in relation to the requirement for appropriate sediment and erosion controls to be installed on the site (including an additional shaker pad at the entry/exit point to the site) and the removal of tracked sediments on the road.</p> <p>Relevant Section 7.11 contributions form a recommended consent condition which includes a portion for road works, however, this contribution is directed to TfNSW and can only be used for works on Old Northern Road and Wisemans Ferry Road and it cannot be used for Smallwood Road or Halcrows Road. The foundation of the Contributions Plan was a Court decision that limited the contribution</p>

	to be applied only to those roads.
Increased truck movements	<p>Concerns with increased truck movements from the existing truck activity arising from the site, which is likely to result in accidents. The existing truck movements are already exceeding the previous approval. Concerns was also raised that Smallwood Road is not wide enough for trucks of this size and activity.</p> <p><u>Comment:</u> Council's Traffic Engineer has reviewed the proposal and has not raised objections to the proposal. Relevant consent conditions are recommended in relation to limiting the truck movements to and from the site and hours of operation of the site (including trucks accessing the site).</p>
Concerns with the traffic report	<p>The concerns raised in the submissions are outlined below (<i>in italics</i>) and comments on whether the issue is addressed in the Revised Traffic Report included:-</p> <ul style="list-style-type: none"> • <i>The revised Traffic report is based on the same traffic modelling as the previous report, which was representative of the 2020 consent, which does not represent current operations</i> - The revised traffic report (Table 8) includes predicted traffic movements based on the maximum 60,000 tonnes to be extracted per year and then calculated on a yearly, monthly and weekly number of trips based on the size of the truck (i.e. 32 tonnes, 12 tonnes etc). The Traffic report compares this predicted traffic generation for the site under the proposal with the existing operation to demonstrate the increase in truck movements likely to occur as a result of the proposal. • <i>The provided traffic report and acoustic report disregards community concerns and does not adequately address the safety measures required when cars share the road with trucks from the quarry. We strongly urge the council to implement safety measures including, at the very least, reducing the proposed number of trucks and decreasing the truck speed limit to 40km/hour, as recommended in the Acoustics report</i> - The speed limit on public roads is a matter for Transport for NSW. A consent condition has been recommended which requires an <i>Operational Traffic Management Plan</i> to be prepared which must consider (among other matters) adherence to posted and safe speed limits on public roads (in consultation with a Traffic Engineer). • <i>Smallwood and Halcrows Roads cannot handle these bigger truck and dog combinations, with resulting damage to the road surface. The intersection of Smallwood and Halcrows does not allow huge trucks to turn into or out of Smallwood Road without going into ongoing traffic with daily near misses</i> - The revised traffic report concluded that there were no capacity improvements necessary and the intersections in the immediate vicinity will operate at a similar level of service in the future. Council's traffic engineer also did not recommend any road safety works or improvements in the vicinity of the site. • <i>The concerns also stated that there are increased trucks running</i>

	<p><i>from 4am and tipping loads until midnight, which is inconsistent with the consent conditions of the previous consent. Trucks have also been noted as traveling on Smallwood Road between 4am-6am and 9pm-10pm in submissions, which is outside of working hours - Consent conditions are recommended to impose strict hours of operation for the quarry use of the site (including associated truck movements).</i></p>
Halcrows Road and Cattai Ridge Road load limit	<p>The existing trucks servicing the quarry exceed the weight limit for Halcrows Road and Cattai Ridge Road and the DA does not address this point, and has not provided any information on any exemption that the proponent may have received.</p> <p><u>Comment:</u> Trucks are permitted to exceed weight limits on roads if it is the only road available to and from their destination. This is the case for Halcrows Road and Smallwood Road in the vicinity of the subject site.</p>
Lack of consent for current operation and existing non-compliances by Quarry operator	<p>There have been concerns raised in relation to the lack of a valid consent for the current quarry operations given the 2002 consent and the 1-year extension granted in 2020 having now lapsed. There have also been concerns raised that the existing quarry is operating contrary to the conditions of the previous approvals for the site, notwithstanding there is no active or valid consent for its operations. The submissions questioned how Council will ensure compliance with any future approval. This includes for the maximum number of truck movements per day and the material for the rehabilitation.</p> <p>The submissions also stated that the failure to address the community's concerns surrounding the applicant and quarry operator's alleged breaches demonstrates inadequate consideration for the public interest, safety and amenity. This demonstrates the applicant's inability to comply with any conditions issued under a Development Consent.</p> <p>The lack of a current approval means that this is a new DA and not a continuation of quarrying at the site.</p> <p><u>Comment:</u> It is noted that the current quarry operation has no consent to operate, however, this is a matter for Council to enforce and is a separate process to the assessment of development applications.</p> <p>Council has been undertaking enforcement action at the site including the issuing of a new Notice of Intention to issue an Order and subsequently a Development Control Order to cease the use. The Order was issued on 21 June 2022 to cease the use (extraction only) with a period of compliance being 22 August 2022. The operators continued extraction in breach of both the original DA and the Development Control Order and it would be open to Council to take action to enforce the cessation. However, if Council were to commence legal proceedings in the Land and Environment Court seeking an order to cease the use, the Court would generally want the development application to be determined before any Order was granted. Given this, Council has put further compliance action on</p>

	<p>hold until the DA is determined. The Order is in place and can be acted upon as soon as the application is determined (if the recommendation for approval is not adopted by the Panel).</p> <p>While the application has been lodged as a continuation of quarrying, the assessment has taken the view that any further measures required to ensure compliance with the relevant noise, dust and traffic criteria and other matters will be required and in this way is essentially assessing the application as if there is currently no quarrying on the site.</p> <p>Any future quarrying on the site would operate under an Environmental Protection Licence under the control of the NSW EPA. Therefore, monitoring and compliance will need to be undertaken by the EPA. An Environmental Protection Licence was not required for the previous quarrying on the site as there was less than 30,000 tonnes to be excavated per year.</p> <p>This development application must be assessed pursuant to Section 4.15(1) of the EP&A Act, which states that in determining a development application, a consent authority is to take into consideration such matters as are <i>of relevance to the development the subject of the development application</i>. While it is acknowledged that the premises have been operating without consent, the EP&A Act requires the assessment to consider matters relevant to this application and not matters relating to past applications. It cannot be assumed that the applicant will not comply with the consent conditions arising from current or past non-compliances.</p>
Concerns with Rehabilitation and the Rehabilitation Plan	<p>The concerns raised in the submissions are outlined below (<i>in italics</i>) and comments on whether the issue is addressed in the Revised Rehabilitation Plan:</p> <ul style="list-style-type: none"> • <i>Access road from Smallwood Rd is quite close to the common boundary with 129 Smallwood Road, which will create an ongoing problem for the next 8 years if approved as access road in the rehabilitation of the site due to heavy vehicles accessing the site during rehabilitation</i> - Conditions have been recommended to be imposed to ensure vehicle access during the rehabilitation phase is from the existing vehicle access point; • <i>New Fencing needs to be installed along the boundary between 129 Smallwood Road and the site to replace the fencing that has been pushed over/damaged onto the adjoining land</i> - Conditions have been recommended to be imposed to ensure that new fencing along the boundary with No 129 where the existing fencing has been damaged by quarry activities in the vicinity of the internal haul road adjoining the new location of the materials storage area is undertaken as soon as practicable following the cessation of quarrying on the site. The erection of fencing along the common boundary with No 129 in the vicinity of the extraction

	<p>area can only be installed once the ground levels are reinstated in this area. A consent condition is recommended which requires this fencing to be installed as soon as practicable following the cessation of quarrying.</p> <ul style="list-style-type: none"> • <i>The quarry extraction area is highly visible from north of 129 Smallwood Road, and the visual amenity is fully exposed to the extraction area – The Revised Rehabilitation Plan will ensure that the quarry extraction area is returned to a landform consistent with adjoining properties with a cover of natural vegetation.</i> • <i>The rehabilitation schedule is vague and lacking in detail, with no key milestones outlined - The Revised Rehabilitation Plan provides a detailed management tasks and strategy section which is satisfactory.</i> • <i>It is unclear how the relevant performance criteria would be linked up with the rehabilitation schedule and is so broad and undefined that it would be very difficult to enforce if Council were required to do so – Rehabilitation of the land is required by the consent, with the Revised Rehabilitation Plan also forming part of the licencing requirements of the EPA. This includes a monitoring condition.</i> • <i>No other rehabilitation options have been considered, with a submission stating that there will be a large financial gain of an 'approved tip' based on 400,000 tonnes of VENM. Council should require that an adequate amount of crushed sandstone and solid material be left on site to rehabilitate the property without the need to bring in foreign materials being a far more effective and achievable process. Rehabilitation could then be achieved in the original 2-year period allocated in previous consents - The Revised Rehabilitation Plan is considered a satisfactory approach to rehabilitating the site in that there is a significant pit area formed by the quarrying on the site which needs to be rehabilitated back to a natural landform capable of sustaining natural vegetation consistent with the surrounding area. To leave sandstone material on the site to reduce material required for rehabilitation is contrary to the objectives of the quarrying activity which is to remove the sandstone to use in building and road products. Recommended consent conditions are included to ensure the rehabilitation is undertaken in accordance with the Revised Rehabilitation Plan.</i> • <i>The Revised Rehabilitation Plan appears to propose remediation well in excess of that which is required and that this appears to be more of a money-making exercise than remediation, as we understand that the operator could charge between \$100 to \$200 per tonne of fill into the Site. The concern is that this is an excessive amount of fill which will result in unacceptable impacts from all of the vehicles attending the subject site, all of which have</i>
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	<p><i>not been assessed. Any fill imported onto the site should not be more than that which is required under the current remediation plan</i> - The site has had consent for the extraction of 17,000 tonnes per year for 20 years from the 2003 consent and proposed another 2 years at 60,000 tonnes per year (120,000 tonnes), which equates to 460,000 tonnes. It is considered, in the absence of other geotechnical advice, that this amount is a reasonable quantity of fill material to be required on the site.</p> <ul style="list-style-type: none"> • <i>Council will have no control of monitoring products being imported onsite by every single truck or monitoring whether all trucks are leaving empty. With tipping fees varying greatly with different product it needs to be monitored to ensure only VENM or ENM are tipped</i> – The Revised Rehabilitation Plan provides a procedure for importing the VENM and ENM to the site including requiring any testing results and details of the source of the material. The requirement for only VENM or ENM to be deposited on the site is also a requirement for the EPA licence conditions and therefore the operation will be in breach of these conditions as well as the consent conditions if other material is imported to the site. recommended consent conditions have been included to require trucks not to leave with any materials during the rehabilitation phase of the development. • <i>Council to ensure there is no product leaving the site during rehabilitation (i.e. continuation of quarrying)</i> – Recommended consent conditions have been included which ensures no product or material leaves the site during rehabilitation phase. • <i>The surface infrastructure that is no longer required and that will be removed should be itemised, particularly whether the quarry saws will be decommissioned and removed at end of quarrying period, as they would not be needed in rehabilitation stage</i> – The Revised Rehabilitation Plan outlines the infrastructure to be removed from the site, which will be all infrastructure with the exception of the dwelling and processing shed. The site office will be retained throughout the rehabilitation phase and will be removed once the rehabilitation has been completed. A consent condition has been recommended to ensure the saws are removed from the site at the cessation of quarrying. • <i>Concerns regarding the type of equipment to be used for rehabilitation including the type/size of bulldozers, whether vibration rollers and hammers will be used given potential impacts from such equipment and whether there are limitations proposed for their usage which are mostly used on building sites for short periods of time. The size of the material being brought to site for rehabilitation would impact on the use of this equipment as some may need to be hammered down prior to deposition into the quarry site, which would reduce noise from hammering, crushing or screening in the quarry</i> - The equipment to be used in the
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	<p>rehabilitation of the site is listed in the Revised Noise report and has been factored into noise and vibration assessment which complies with the relevant criteria. Recommended consent conditions have been included.</p> <ul style="list-style-type: none"> • <i>There were concerns that the proposed rehabilitation period was excessive and questioned what measures Council would impose to ensure quarrying was not also undertaken in this period - Recommended consent conditions have been included which ensures that no material leaves the site during rehabilitation. The length of time for the rehabilitation is due to the unknown time frame to source the fill material required for the rehabilitation.</i> • <i>The operator is required to remediate the site now and the fact that the operator continues to operate the site is a breach of EP&A Act which demonstrates that the existing impacts make the Proposed Development unacceptable and not in the public interest – The current application is seeking an extension to the quarrying period on the site which is the subject of this assessment. Council may take compliance action if required to resolve this matter. Furthermore, there is still available sandstone on the site which can be quarried which involves an existing quarry and disturbed area. It is considered an efficient use of the resource and infrastructure in place on the site to continue quarrying on the site for a limited additional period to utilise this resource followed by an extensive rehabilitation phase for the site.</i>
Cost of rehabilitation and rehabilitation bond	<p>Concerns with the lack of a true cost for the proposed rehabilitation works and the lack of a reliable rehabilitation bond were raised, particularly for a quarry which has not been operated in accordance with previous conditions.</p> <p>Concerns were that it was inappropriate for the operator to establish and hold the rehabilitation funds to be set aside for rehabilitation and that Council should require the rehabilitation funds to be paid to Council, as a security bond, with council holding the full amount until rehabilitation commences. Additionally, permissible future uses for the site should be contingent upon the successful implementation of rehabilitation works to the full extent of the Rehabilitation Plan.</p> <p><u>Comment:</u> Conditions for an increased Rehabilitation Bond to at least \$30 per square metre of extracted area and associated processing areas (based on 2.5 hectares) so the costs of the required rehabilitation works are more accurately reflected have been recommended. This rehabilitation bond is to be lodged with Council prior to any works commencing that relate to this consent. This is considered to address these concerns. ($\\$30 \times 25,000\text{m}^2 = \\$750,000$ with the approximate cost of rehabilitation calculated by Council's ecologist being around \$850,000)</p>
Lack of owner's consent required for rectification to encroachments (jurisdictional issue)	<p>The relevant owners consent to rectify works undertaken on adjoining properties in the rehabilitation phase of the proposal has not been provided.</p> <p><u>Comment:</u> There are no works proposed to be undertaken on adjoining land in the Revised Rehabilitation Management Plan and</p>

	therefore owners' consent is not required. A consent condition has been recommended to be imposed which does not permit any works on land outside of the site without owner's consent.
EIS does not address the SEARs pursuant to s191 of the Regs (jurisdictional issue)	<p>The submission stated that the EIS did not address the SEARs which is contrary to section 191 of the 2021 Regulation and section 5.16(4) of the EP&A Act.</p> <p><u>Comment:</u> Consideration of the whether the application adequately considers the requirements of the EP&A Act and 2021 Regulation in relation to the EIS and SEARs is considered in section 4.1 of this report. The proposal is considered to satisfy these requirements.</p>
EIS does not address the SEARs pursuant to s191 of the Regs – EIS Guideline (jurisdictional issue)	<p>The EIS does not address the EIS Guideline Extractive Industries – Quarries dated September 1996, which is a particular requirement of the SEARs.</p> <p><u>Comment:</u> This Guideline contains the matters required to be addressed in the EIS, which is now also contained in the SEARs. The matters required to be considered in the EIS as outlined in the Guidelines, have been adequately considered in the EIS and associated specialists reports. The SEARs did not state that the Guideline had to be directly referenced or separately addressed in the EIS, only that the Guidelines <i>must be taken into account</i>. Therefore, it is considered that the EIS is adequate in this regard.</p> <p>Consideration of the whether the application adequately considers the requirements of the EP&A Act and 2021 Regulation in relation to the EIS and SEARs is considered in Section 4.1 of this report.</p>
DA does not address the Resources & Energy SEPP (jurisdictional issue)	<p>Concerns raised that the DA does not adequately address the requirements of CI 2.17 of the Resources and Energy SEPP as the proposal is not compatible with existing and approved land uses in the vicinity of that development. The submission also stated that the EIS glosses over the impacts to immediate adjoining residential premises and suggests that a limited continuation of activities will not result in any long-term adverse amenity impacts. Extractive industries are permitted within the zone, but they are not the preferred land use, and must still achieve the objectives of the zone. The assessment of s 2.17(b) also fails to compare and evaluate the respective public benefits of the development and the land uses in paragraph (a)(i) and (ii).</p> <p><u>Comment:</u> The EIS considers this requirement and it is also considered in Section 4 of this report. The requirement is to consider whether the proposal will have a significant impact on other uses in the area and on any ways in which the development may be incompatible. These matters are considered to be adequately addressed through the mitigation measures proposed as consent conditions as well as the licencing conditions of the NSW EPA. The proposal is consistent with Section 2.17 of the Resources and</p>

	<p>Energy SEPP.</p> <p>The public benefits of the development have also been considered in the EIS and in Section 4 of this report and concluded that an additional two (2) years' worth of the sandstone resource extraction from an already disturbed site for use in construction and other related uses is attained by the proposal which is in the public interest. While there are potentially impacts arising from the proposed quarrying, these have been addressed in the mitigation measures and licensing conditions.</p>
DA does not adequately address THLEP 2019 (jurisdictional issue)	<p>Concerns stated that the DA does not adequately address the requirements of:</p> <ul style="list-style-type: none"> • Cl 7.2 (cl 3(d) and (h)) (earthworks); and • Cl 7.4(4) (Terrestrial biodiversity) in that Council cannot be satisfied that the proposal will manage or mitigate impacts on the environment. <p><u>Comment:</u> These clauses of the LEP are considered in the EIS and are considered in detail in Section 4.3(a)(i)(f) of this report. The proposal is consistent with these requirements and the proposal is capable of being supported pursuant to these controls.</p>
Community consultation inadequate under the SEARs	<p>Concerns raised that there was no community consultation for this development application despite this being required under the SEARs.</p> <p><u>Comment:</u> Community consultation was undertaken for the previous development application lodged in September 2021 which was subsequently withdrawn (492/2022/JP – 'the 2021 DA') and replaced with the current application. These applications were prepared within twelve (12) months, have significant similarities and raise similar issues, therefore it is considered that adequate consultation has been undertaken. The applicant also attended the December 2022 Conciliation Conference at which time the concerns of the community were discussed. Furthermore, the current development application is of lesser impact than the 2021 DA which had proposed extending the quarrying on the site by 6 years. Consultation was also undertaken with relevant government agencies for the previous (now withdrawn) DA.</p>
Dust impacts and Air Quality Report	<p>Concerns stated that the dust, in particular from the activities occurring in the north western part of the site directly adjacent to the residential dwelling on 129 Smallwood Road, due to large stockpiles of uncovered material near the boundary of the Site and 129 Smallwood Road are unsatisfactory. Concerns also that the predicted results only on R1 R2 R3 and that R1 would be very sensitive to all testing.</p> <p><u>Comment:</u> The potential dust impacts have been adequately considered in the Air Quality Report which concluded that the</p>

	proposal complies with the relevant criteria. This is considered satisfactory subject to recommended conditions. Furthermore, the materials storage area has been relocated away from the boundary with No 129.
Adverse impacts on the amenity of No 129 Smallwood Rd	<p>The submissions stated that amenity impacts arise from the proximity of proposed activities along the boundary to 129 Smallwood Road due to the dumping of material in the north western area of the site, noisy machinery operating in this area, and loose sandstone gravel stockpiled with no cover, which can move in wind. No works at all should be permitted in the western part of the site adjacent to Smallwood Road due to the proximity to the residential dwelling at 129 Smallwood Road to the north and 109 Smallwood Road to the south. The amenity impacts of the proposal have not been adequately considered as the applicant has failed to propose sufficient management measures to mitigate the adverse amenity impacts, against recommendations provided in expert reports supplied in the additional documentation.</p> <p><u>Comment:</u> The existing materials storage area is proposed to be relocated away from the boundary with No 129 Smallwood Road. A consent condition is also recommended to be imposed which requires that no storage of materials or other works are undertaken in the northwestern corner of the site in proximity to the Smallwood Road boundary with the exception of car parking.</p>
Environmental/ ecological impacts	<p>Concerns that the application does not adequately consider potential impacts on biodiversity, particularly given the southern portion of the site is noted as containing biodiversity under the LEP for the sandstone gully forest and potential impacts arising from the intensified noise, dust and vibration from the proposal. Submissions also stated that the quarry is an interruption to the passage of wildlife in the corridor between Little Cattai Creek (Broadwater) and Cattai Creek to the south.</p> <p>The concerns also stated that there had been inadequate consideration of long-term environmental impacts of the quarry, given the location on a ridge, with ecologically sensitive areas nearby as outlined in the first notification period. The Rehabilitation Plan and the Flora & Fauna Assessment fail to properly acknowledge and address the ecological importance of these adjacent areas. An unrehabilitated or improperly rehabilitated quarry will have a catastrophic ecological impact via the unchecked proliferation of weeds that will flow downstream and contaminate the creek system.</p> <p><u>Comment:</u> The site is located between these creek systems and would form part of the natural bushland corridor which exists between the creeks. The proposal does not involve any vegetation clearing (with the exception of two trees within the disturbed area which would not contribute to corridor values) and generally contains runoff from the disturbed areas on the site. The proposed Rehabilitation Plan involves replanting the disturbed areas on the site following the completion of quarrying on the site which will</p>

		<p>enhance the ecological values on the site and assist with restoring the corridor between these creek systems.</p> <p>The potential impacts on the ecological values of the site and adjoining sites has also been considered by Council's ecologist and is satisfactory subject to recommended consent conditions. The potential impacts on ecology and soil and water through the site are considered further in the key issues section of this report.</p>
Inadequate information	DA	<p>The concerns raised stated that there was inadequate information with the application including:</p> <ul style="list-style-type: none"> • Survey plans out of date and does not accurately depict the amount of material that has been extracted to the date of the DA being submitted. • Acoustic report inadequate (refer above) • Traffic report inadequate due to: <ul style="list-style-type: none"> - does not address load limits on nearby roads - based on traffic data during 2020 consent and does not represent current operations - operating hours incorrect as there is no consent - the identified 8 outbound truck movements are inconsistent with the previous approval - no assessment of 7 additional years of truck movements for extension to operations and the rehabilitation phase; - no assessment of noise from the proposed truck movements - Insufficient assessment of pavement suitability of Smallwood Road undertaken given the large number of truck movements proposed per day in trucks ranging in size up to 32 tonnes - The EIS (pg. 36) states that a 40-tonne truck is used for deliveries, however this is not discussed in the traffic report. - Unclear why only 5 trips allocated to staff/private vehicles when there are 9-10 employees - Onsite parking directly adjacent to dwelling located on 129 Smallwood Road. - No swept paths for trucks on the site - No assessment of tracking of dust onto the road • Quantity of material extracted contrary to the 2020 consent is unknown which is needed as the EIS provides a cost/benefit analysis that it should be allowed to continue operations to extract the remaining material. <p><u>Comment:</u> The following information has now been provided:</p> <ul style="list-style-type: none"> • Revised survey dated 20 March 2023 and updated volumetric surveys of remaining material; • The revised Noise Report considers the Koikas Acoustic report provided for No 131-133 Smallwood Road and is consistent with its recommendations. The acoustic issues are considered in detail in the key issues section of this report. • The load limits on nearby roads are considered in this assessment. • The updated volumetric surveys provided are satisfactory evidence that there is still material remaining on the site above the approved limit for quarrying at RL 70m AHD.
Concern	with	There were concerns raised in submissions regarding potential

potential impacts to nearby waterways	<p>impacts to nearby waterways and ecologically sensitive land. The site sits on a ridge with the Broadwater wetlands located below as well as Kellys Creek and Little Cattai Creek. A Voluntary Conservation Agreement (VCA-0428) is in place on nearby land, as well as other VCAs and a Wildlife Refuge all administered by the NSW Biodiversity Conservation Trust in the vicinity of the site. There were concerns that the Flora and Fauna report and the Rehabilitation Plan did not adequately consider the sensitivity of this biodiversity, particularly through potential impacts associated with the runoff from the site.</p> <p>There were concerns that the proposal has resulted in significant amounts of sediment laden water to enter the dam at No 109 Smallwood Road.</p> <p><u>Comment:</u> The potential soil and water impacts arising from the proposal have been considered in the key issues section of this report. The proposal is likely to result in no to minimal runoff and therefore these potential impacts were found to be satisfactory subject to the recommended consent conditions.</p>
Lack of assessment of alternatives	<p>There were concerns that there has been no assessment of the benefits of not carrying out the development and carrying out the remediation of the site, particularly given the ongoing environmental impacts from the unlawful operation of the site and the environmental impacts resulting from those continued operation.</p> <p><u>Comment:</u> The EIS provides a justification for the proposal and an assessment of feasible alternative sites which is considered adequate and satisfies the SEARs.</p>
Only processing stone quarried on the site	<p>There was a request that conditions should be imposed on any consent granted for the proposal that prohibits the bringing of stone not quarried from the site onto the site for processing. This is required as such processing would add considerable noise and traffic pressure on the site, which is not related to the extraction operations.</p> <p><u>Comment:</u> A consent condition is recommended to be imposed prohibiting the transporting of material from off the site to be processed on the site.</p>
Extension of time and commencement of 2-year period and further extensions	<p>Submissions stated that 19 years was sufficient time to extract the material in accordance with the previous approval and the cost of the owner's failure to enact on the approval should not be borne by the local residents and the local environment in the form of continued and intensified traffic, noise and environmental impacts. Further submissions stated that the expected life of the facility [3.7 of the EIS] does not take into account the fact that the site has been operating contrary to development consent for approximately one year.</p> <p>There were also concerns that the DA has been delayed, that quarrying has continued and questioned when the new DA would start. It was also asked whether Council will allow any further</p>

	<p>extensions to the DA for any reason in the future. Concerns was also stated that in 2031, the proposal would have a far greater impact on the local community as many more new houses are likely to be located in the surrounding area.</p> <p>With the end goal seeming to be running a tip, sites should be investigated closer to the M7 motorway and more isolated from residential properties.</p> <p><u>Comment:</u> Extractive industries are permissible on the site and a new development application can be lodged for this land use on the site, regardless of the history of quarrying on the site. The consent will operate from the date at which the Panel determines the application (if the Panel decides to approve the application).</p> <p>Following the cessation of quarrying, there will be less trucks accessing the premises.</p> <p>The proposal is not a tip and the availability of a sandstone resource adjoining the M7 is beyond the scope of this assessment.</p>
Operating hours	<p>Concerns were raised that the existing quarry operation is not adhering to the required hours of operation, notwithstanding there is currently no approval in place for the operation, it is more than fully operational.</p> <p><u>Comment:</u> Relevant consent conditions have been recommended to restrict the hours of operation of the premises to within the range outlined in the DCP.</p>
Inadequate notification of development application	<p>There were concerns raised that there was limited notification undertaken for the development application, including that there was no notification to properties on Cattai Ridge Road or any side streets along Halcrows Road who will be affected by the increase in truck movements. There were also enquiries as to whether the submissions from DA492/2022/JP were also being considered in this application as there was no or very little amount of attention to them prior to new DA.</p> <p><u>Comment:</u> The notification was undertaken in accordance with Council's policy for notification of development applications. The issues raised in the submissions to the previous DA are not required to be considered in this assessment, however, it is considered that there are significant similarities likely between the submissions.</p>
Lack of suitable road access	<p>Concerns that the proposal does not have suitable road access for the proposal.</p> <p><u>Comment:</u> The site has access to a public road and the weight limits of surrounding roads is addressed above.</p>
Restore area in southern portion	<p>Submissions requested that replanting of an area in the southern portion of the site be undertaken to reduce visual impacts to the adjoining development.</p> <p><u>Comment:</u> A consent condition has been recommended, with the planting of vegetation required in this area.</p>

Increased residential density	<p>The concerns stated that there will be more development over the next 10 years which would not suit the environment of a tip. Smallwood Road now has 9 more house blocks closer than the original noise assessment approved in 2002, and the potential of 8 more blocks. Another submission stated that there are now 26 properties facing Halcrows Road when there used to be 14 rural properties and therefore this cannot be referred to as sparse development.</p> <p><u>Comment:</u> The Revised Noise Report is based on the current residential development (which is all it can do) and the site is not a tip. It is noted that there is more than 'sparse' development in the area.</p>
Landscape screening along frontage.	<p>Landscape screening along frontage is required.</p> <p><u>Comment:</u> Consent conditions are recommended to require this landscape screening to be carried out.</p>
Social impacts	<p>Submissions made comments that the current staff can find other employment when the quarry closes.</p> <p><u>Comment:</u> It is considered that the proposal will not have any significant adverse social impacts arising from reduced employment opportunities on the site as there is significant time provided to seek alternative employment.</p>
Potential health impacts from trucks	<p>The submission stated that the effect of trucks on the health of residents along the Cattai Ridge Rd has not been assessed.</p> <p><u>Comment:</u> A consent condition is recommended to be imposed which sets the maximum truck movements for the site at 16 vehicles (inbound/outbound) per working day during the extraction period and 7 vehicles, which does not warrant this study.</p>
Fill being brought to the site	<p>Concerns stated that fill material was being brought to the site which is not needed and that this is just a guise for a highly paid tipping business. Another submission asked how a tip could be allowed directly next door to residential properties.</p> <p><u>Comment:</u> A consent condition has been recommended to be imposed which requires that no fill material is brought to the site except the VENM or ENM during the rehabilitation phase of the development at the cessation of quarrying at the site. The site is not a tip.</p>
Intersection of Halcrows Road and Cattai Ridge Road	<p>Concerns were raised that this intersection is dangerous and Council should clear some of the vegetation to improve sight distances at this intersection.</p> <p><u>Comment:</u> This should be reported to Council for action.</p>

6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls, issues raised in the submissions and by Council officers, the SEARs and the proposal in detail.

1. Environmental management

2. Acoustic Impacts
3. Air quality
4. Soil and Water management
5. Traffic and Transport
6. Biodiversity
7. Bushfire
8. Waste
9. Visual Impacts
10. Rehabilitation
11. Other Matters (Encroachments, Heritage, Land Resources, hazards, social & Economic)

These issues are considered further below.

6.1 Environmental Management

The environmental management of the site is an important consideration given the potential impacts arising from the quarry on the site, including noise, dust and traffic generation as well as potential impacts on the water cycle, ecology, trees and from natural hazards.

The *Quarry Environmental Management Plan* prepared by EI Australia dated 7 August 2023 ('the QEMP') aims to provide the framework to facilitate the implementation of the required environmental protection measures that will be employed during the operational phase of the quarry. The main objective of the QEMP is to provide procedures for the appropriate environmental management of the site during the quarry operations in order to ensure that all activities undertaken on the site result in minimal impacts to human health and the environment.

The sub-objectives of the QEMP include:

- *To provide procedures for ongoing monitoring aimed at identifying potential adverse environmental impacts resulting from the continuing quarry operations;*
- *To provide guidance to site workers and associated contract personnel, fostering general awareness of individual's environmental responsibilities and a proactive approach towards environmental protection;*
- *To describe how to achieve compliance with relevant regulations, with due regard for the specified conditions of development consent; and*
- *To outline measure which are required to be implemented for the prevention (or minimisation, where prevention cannot be avoided) of adverse impacts, should the potential for adverse environmental impacts be identified.*

The QEMP outlined the proposed operations on the site and considered the potential risks of adverse environmental effects which may arise. These risks were qualitatively evaluated and given a risk rating, with the high risk effects largely comprising noise and vibration impacts associated with the quarrying and processing of the sandstone as well as potential for oil and chemical spills in relation to vehicles used on the site and refuelling of those vehicles and machinery. The medium risks were associated with potential erosion and sediment generation of the quarrying and processing activities as well as the generation of dust for the quarrying extraction, processing and handling stages.

The QEMP considered these risks and provides various mitigation measures which may be required to improve the environmental systems that are currently in place, including the following:

- General site conditions such as location of site offices, health and safety facilities, traffic management systems, car parking provision and erection of signs, where necessary;
- Continuation of sediment and erosion control measures and structures;
- Maintaining dedicated stockpiling and sorting areas on the quarry floor;
- Establishing weekly inspections along the cut faces of the quarry walls to manage operational rock falls;
- Upgrading the existing access roads:
 - The road running along the eastern wall of the quarry requires resurfacing;
 - The road running along the western side of the haul road is to be barricaded; and
 - An exclusion zone underneath the cut face is to be implemented for both access roads;
- Procedures to prevent onsite contamination from the storage and handling of hydrocarbon based lubricants, coolants and fuels;
- The management of waste involving offsite removal for recycling and/or disposal.

The QEMP is generally based on the various consultant reports, which are considered further in the key issues in this section of this report.

The QEMP also requires that all personnel including contractors and visitors to the site will receive a site induction prior to commencing work on the site, which will be undertaken by the Quarry Manager (Site Supervisor). This will assist in minimising adverse impacts to the environment as it will ensure works are carried out in accordance with the consultants reports on noise, soil and water, flora and fauna, bushfire, groundwater and contamination. The QEMP also provides for project communication (internal and external) to ensure any concerns or complaints can be addressed as soon as possible. Monitoring and review of the plan is also included as well as an emergency response procedure.

The QEMP has developed mitigation measures to control the identified environmental impacts which are largely provided from the technical reports prepared for each of the potential environmental impacts. The matters which are addressed with mitigation measures include:

- Sedimentation and erosion management
- Water quality
- Noise and vibration management
- Traffic management
- Air quality
- Waste management
- Flora and fauna
- Hazard and risk

The proposed mitigation measures in the QEMP are supported and are considered to adequately mitigate potential environmental impacts which may arise from the proposed operation of the quarry at the site. Draft consent conditions requiring compliance with the QEMP are included in **Attachment A**.

A further consideration is that of workplace safety, which is included in the QEMP. The proposed quarry operations should be undertaken in accordance with the requirements of SafeWork NSW, the NSW Resource Regulator and the QEMP at all times. A Consent condition to this effect is also recommended in **Attachment A**.

The QEMP and associated mitigation measures (supported in the technical reports discussed further below) are considered to be adequate to ensure risks to the environment

are minimised on the site subject to the recommended consent conditions.

6.2 Acoustic Impacts

The proposal involves a number of potential noise sources which requires a thorough assessment of potential acoustic impacts to surrounding land uses. The sources of noise on the site include the following (as outlined in Section 4.1.3 of the Revised Noise Report):

- Quarry area (north-east) - during the extraction stage including excavators operating within the quarry area/pit with buckets, screeners, hammers and saw attachments;
- Material storage area – trucks depositing material in this area from the quarry as well as trucks removing the material from the site;
- Processing area - the use of rock saws and trucks loading and unloading sandstone into the rock saws and stockpiling finished product ready for delivery/collection;
- Trucks arriving/departing site to collect finished products (during quarry operations);
- Vehicle movements for staff and visitors;
- Internal haul roads - quarry trucks hauling material from the quarry to the material storage area (north-west area) and to the processing area; and
- rehabilitation works including trucks arriving to deposit material into the former quarry area, excavators moving material into place and vibratory rollers compacting material.

The relevant acoustic policy for the proposal is the *Noise Policy for Industry* prepared by the NSW EPA ('NPfI'), with the acoustic criteria (the Project Noise Trigger Level) for which the development is to comply with being 40dB(A). This level has been identified in accordance with the NPfI as the most stringent criteria for this development and area.

The nearest residential receivers that are potentially impacted by the noise associated with the operation of the quarry are 109 Smallwood Road (adjoining to the southeast), 129 Smallwood Road (adjoining to the northwest), 131-133 Smallwood Road (approved subdivision beyond No 129) and 172 Smallwood Road (located on the opposite side of Smallwood Rd) (**Figure 25**).

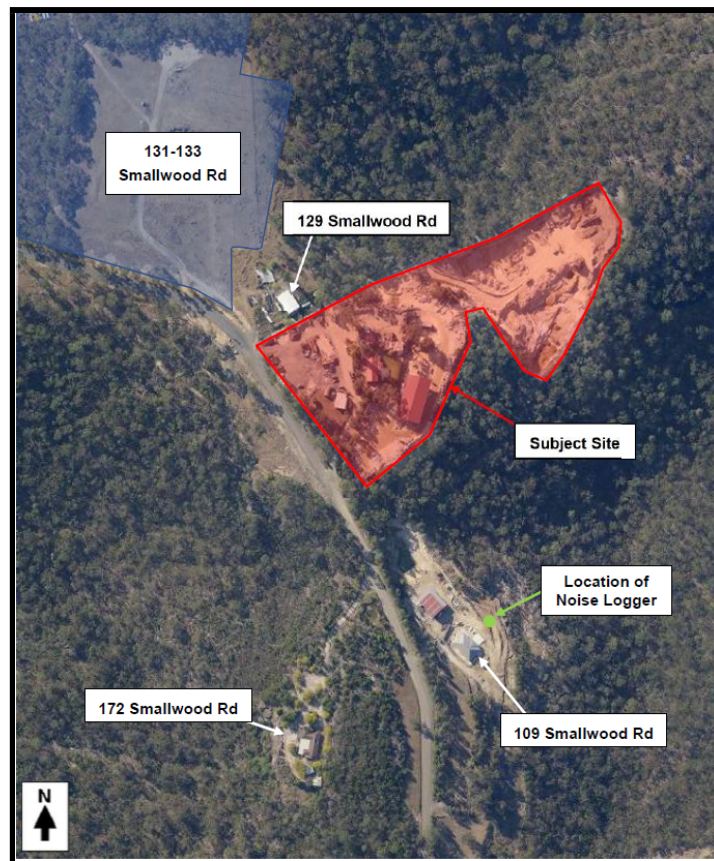


Figure 25: The nearest residential receivers (Source: Appendix A3-Noise Impact Report, July 2023)

The application was accompanied by a *Noise Impact Statement* prepared by Acoustic Dynamics dated 31 August 2022 ('original Noise Report'). Council's Environmental Health Officer raised several concerns with this original Noise Report and amendments were required to address several issues. The issues raised included a review of the acoustic contour mapping, assessment of noise impacts on 129 Smallwood Road (given the relocation of the storage bins along the boundary), engineering details of the southern acoustic earth wall, and addressing the use of a rock breaker onsite (which had been the source of complaints regarding offensive noise).

The EPA also considered the original Noise Report was unsatisfactory, raising several concerns with the assessment including (sections refer to the original Noise Report):

1. Potential for some noise sources to have significant low-frequency or other annoying noise emissions that could attract modifying factor penalties (s 2.3.2) not considered;
2. Modelled height of each noise source inaccurate (particularly rock screener, excavators with hammers/rock saws which may have acoustic centres >1m above ground) (s 4.1.2);
3. The modelled scenarios state only 14T trucks were available for testing, however truck and dog trailer combinations of up to 32T capacity may be used. The representative worst-case noise sources are to be used in the assessment, (s 4.1.3);
4. Source SWLs generally appear to be low, without references or measurements on which they are based (s 4.1.3);
5. Inconsistency with component and overall noise emission levels (Table 4.2 - overall LAeq(15min) noise level for 129 Smallwood Rd);
6. Confirmation whether ISO9613-2 calculation algorithm was used in modelling (s 4.1.2);

7. Noise contours in Appendix C1 and C2 are unclear and contain several inconsistencies with corresponding point level locations. Clarification also required for barrier at 131-133 Smallwood Rd.
8. Clarification required whether predicted noise levels include proposed acoustic barriers (s 4.1.4).

A revised Noise Impact Statement provided by Acoustic Dynamics dated 25 July 2023 ('Revised Noise Report') was subsequently provided. Council's Environmental Health Officer and the EPA were satisfied with the Revised Noise Report. The report methodology involved undertaking ambient and attended noise surveys and assessing the operational and road traffic noise impacts against the relevant noise emission design targets referenced in the NPfl. These are generally referred to as the 'Intrusiveness Noise Level' and 'Amenity Noise Level'.

The Revised Noise Report retained the Project Noise Trigger Level for which the development must comply at 40dB(A) and provided the operational noise assessment predictions in Section 4.1.4 and Tables 4.1 (extraction) and 4.2 (rehabilitation).

This assessment was based on a worst-case scenario with all machinery operating simultaneously and at full capacity, over any 15-minute period during the nominated daytime period. This assessment concluded that the proposal would achieve the required 40dB(A) at the nearest residential receivers. The noise emission contours map (**Figure 26**) illustrates this compliance, with the nearest residential receivers shown in green (35-40dB(A)).

Compliance with the Project Noise Trigger Level relies on:

- The recommendations outlined in Section 6 of the Revised Noise report comprising acoustic barriers and management measures; and
- The construction of a 1.8 metre acoustic barrier required as part of the subdivision of 131-133 Smallwood Road (1318/2019/ZD).

These matters are considered further below.

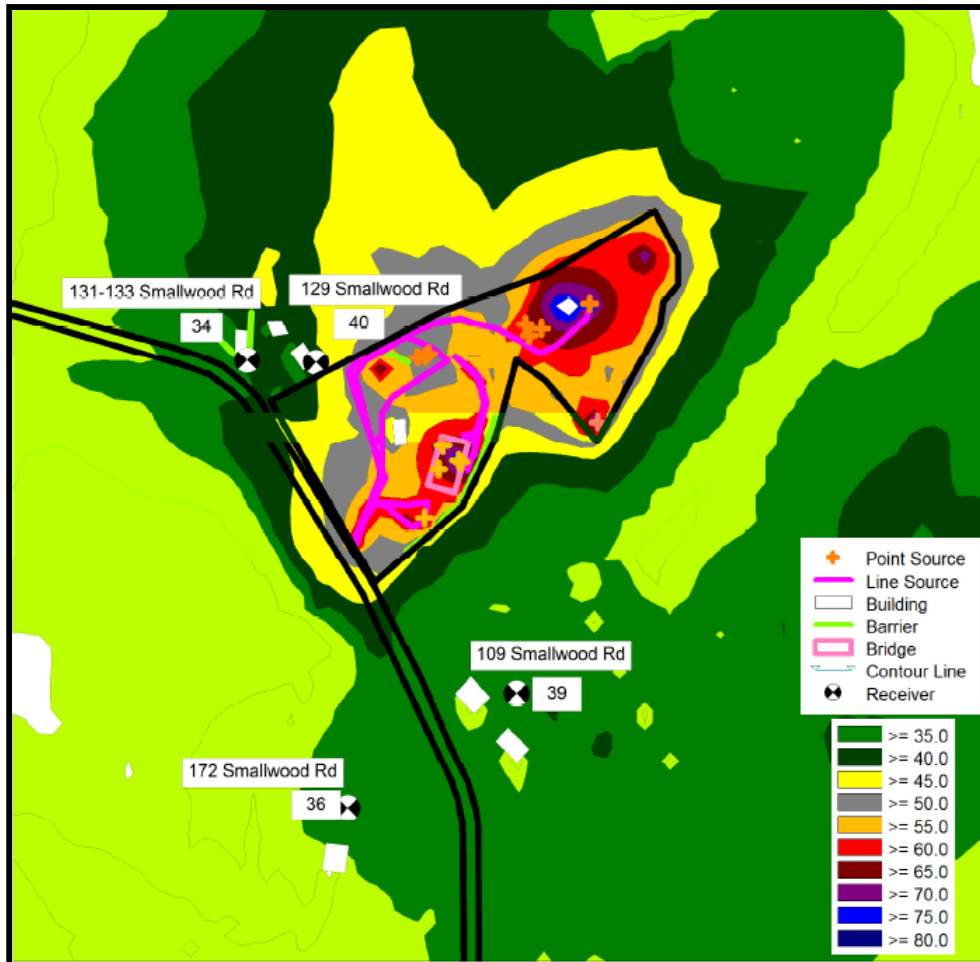


Figure 26: Noise Emission Contour Map (Source: Noise Impact Report, Acoustic Dynamics, 25 July 2023)

(i) Section 6 recommendations

Section 6 of the Revised Noise Report requires a number of mitigate measures to achieve the compliant noise levels to the nearest residential receivers. These recommended measures are outlined below and considered in the context of the proposal:

(a) Acoustic barriers

The Revised Noise Report requires two (2) acoustic screens/barriers at a height of 2.5 metres above the ground comprising the following (**Figure 27**):

- Along the southern boundary of the production area; and
- Along the southern edge of the material storage area.

The specifications for the required acoustic screens/barriers are also provided including that the barriers must utilise the highest elevation points along the boundary, must not contain any gaps along the surface area of the screen and be close fitting to the ground. The acoustic screens/barriers must also provide a minimum surface density of 15kg/m² and provided a range of suitable construction materials which includes shipping containers end to end with any gaps covered and filled. All building materials must also be tested and certified for suitability.

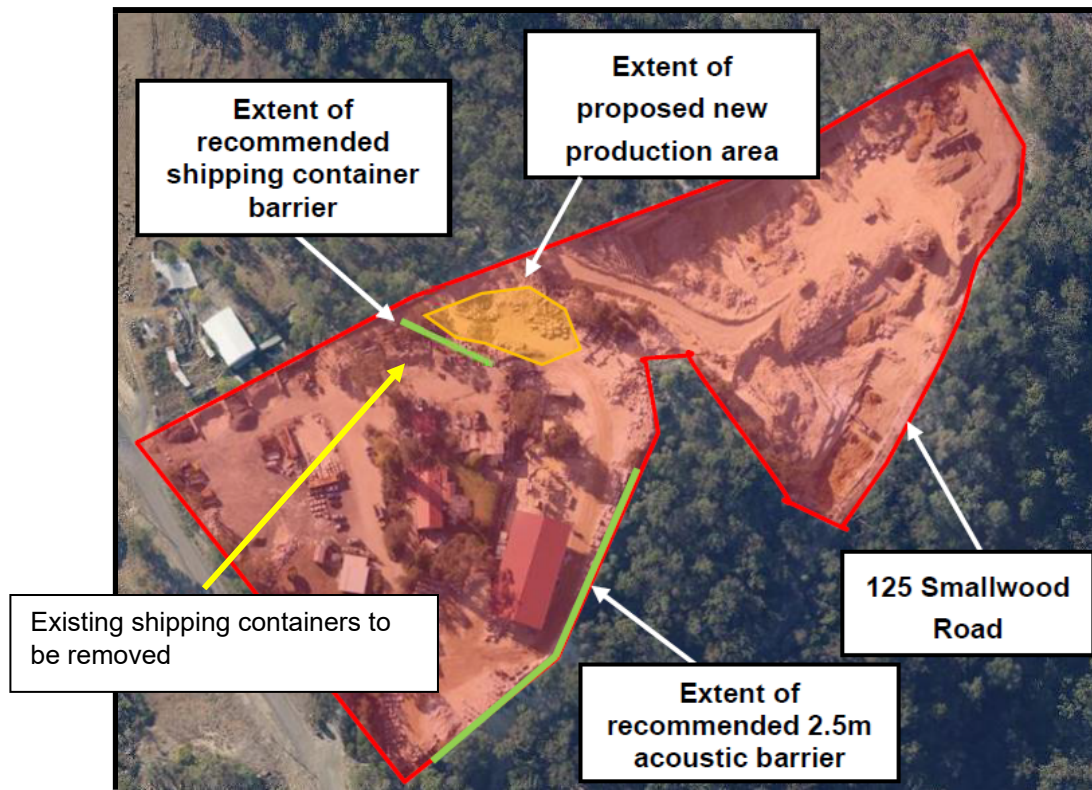


Figure 27: Required Acoustic Barriers (Source: Appendix A2 of the Revised Acoustic Report)

Existing Acoustic Barriers

There are currently acoustic barriers installed on the site, however, such barriers are unsatisfactory. The acoustic earth bund that is currently along the southern boundary of the property is unsatisfactory from an ecological perspective and there has been no engineering details provided for this earth bund. It is also inconsistent with the requirements of the Revised Noise Report in that the height of this existing bund is approximately 1.7 metres to 2.35 metres in height (**Figure 28**) while a height of 2.5 metres is required.

Accordingly, this earth bund is required to be removed and replaced with an acoustic barrier which is consistent with the requirements of the Revised Noise Report, including comprising a post and panel construction to 2.5 metres in height. Therefore, relevant consent conditions have been recommended which requires the installation of an acoustic barrier in this location.

An inspection of the site also revealed that there is line of shipping containers located to the south of the proposed relocated material storage area in the approximate location of the acoustic barrier required in the Revised Acoustic Report (**Figures 29 and 30**). This existing wall of existing shipping containers, however, does not satisfy the requirements of Section 6 of the Revised Noise Report as there are gaps in this line of shipping containers and there is no acoustic certification of the barrier.

Therefore, a consent condition is recommended which requires the installation of an acoustic barrier in this location in accordance with the Revised Noise Report. A condition is also recommended that all acoustic attenuation measures that are installed as part of the development are to be maintained to ensure acoustic compliance. This includes, but is not limited to, maintaining acoustic barriers to ensure they remain solid and gap free.



Figure 28: Figure 19: Existing earth bund along the southern boundary of the site



Figure 29: Existing Shipping Containers to south of proposed relocated material storage area



Figure 30: Existing Shipping Containers to south of proposed relocated material storage area

(b) Management Plan

The Revised Acoustic Report provides the following recommendations to ensure the amenity of the neighbouring properties and receiver areas is adequately protected during the use and operation of the quarry:

- Implementation of an appropriate community liaison procedure including a noise and vibration management plan and noise and vibration complaint procedure;
- The *Quarry Environmental Management Plan* may include personnel roles and responsibilities, operational noise and vibration management strategies, acoustic risk identification and mitigation measures, regular maintenance of plant and equipment and complaint's procedure and register;
- To ensure off-site heavy vehicle impacts are managed appropriately, the quarry operator must implement suitable off-site truck management controls. Such controls would include (but not be limited to):
 - Conditioning of driver behaviour (i.e. limiting use of compression braking along Smallwood Road);
 - Signage limiting speed along Smallwood Road to 40km/Hr; and
 - Regular inspection and maintenance of truck fleet.
- Doors to the large saw acoustic enclosures must be closed whenever the saw is operational;
- Loaders and excavators dropping loads in the production area must not "shake" the bucket to empty contents; and
- Should trucks or other vehicles be required to be on site for longer than five minutes, Acoustic Dynamics advises that engines should be switched off for the duration.

These measures are generally included in the *Quarry Environmental Management Plan* dated 7 August 2023, however, a number of these acoustic matters are also included as specific conditions to ensure clarity of the required acoustic operating requirements. The GTAs issued by EPA for the EPL also contain numerous noise related conditions, in particular Condition L3.9 of the EPL GTAs states:

L3.9 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

- a) *all measures necessary to satisfy the limits in Table L3.1 at all times,*
- b) *a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,*
- c) *Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,*
- d) *Measures to monitor noise performance and respond to complaints,*
- e) *Measures for community consultation including site contact details,*
- f) *Noise monitoring and reporting procedures.*

This condition (subclause (a)) requires compliance with the recommendations of the Revised Noise Report which provides for the proposal to comply with the project noise trigger level of 40dB(A). The GTAs issued by EPA for the EPL are included in **Attachment A** and therefore the proposal is consistent with these recommended measures.

(ii) Acoustic Barrier at 131-133 Smallwood Road

Consent was granted by Council for a subdivision creating six community title rural residential lots and one association lot (rural cluster) at 131-133 Smallwood Road on 27 August 2021 (DA 1318/2019/ZD). This site is located beyond the adjoining site to the northwest of the subject site.

An *Acoustic Report* prepared by Koikas Acoustics Pty Ltd dated 23 October 2019 ('Koikas Report') was prepared for the application, which concluded that a 1.8 metre high noise barrier/solid fencing was required along the eastern boundary of Lots 2 and 7 in order to achieve compliance with the nominated operational noise criteria to the subdivision (indicated by the blue line in **Figure 31**).

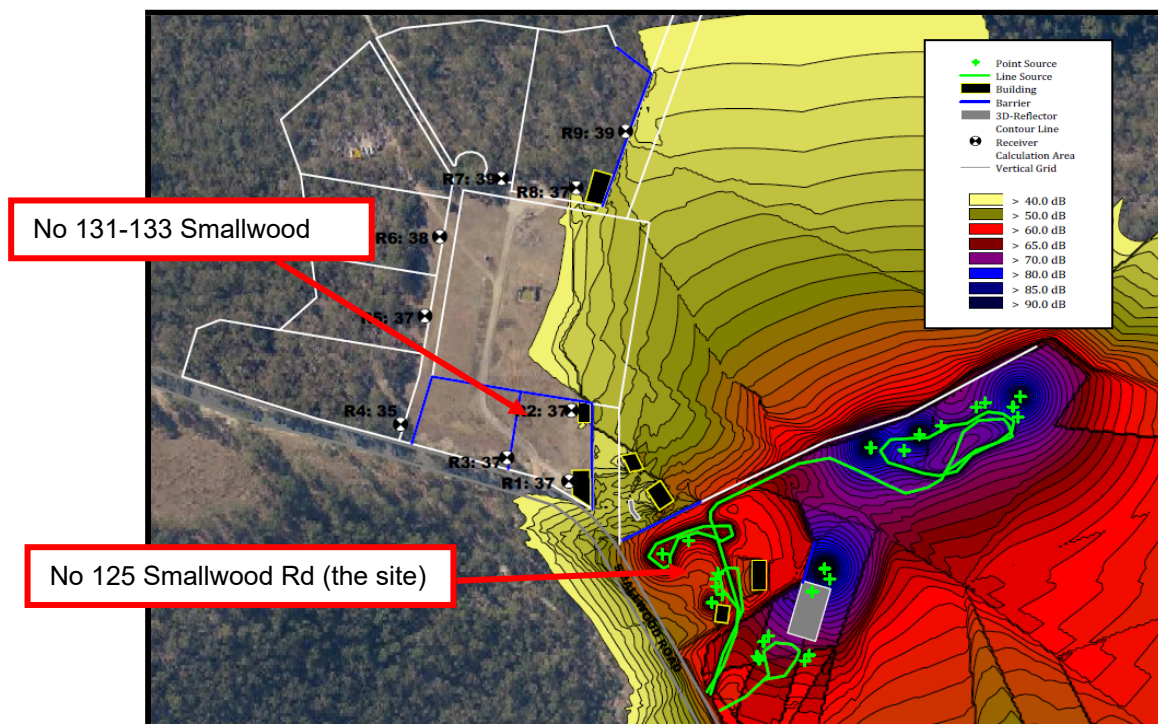


Figure 31: Mitigation Measures to 131-133 Smallwood Road (Source: Koikas Report, October 2019; Scenario 1.2 of Appendix B)

The 131 Smallwood Road consent required the following:

- Construction of a noise barrier along the eastern boundary of Lots 2 and 7 to a minimum height of 1.8 metres (Condition 51); and
- A number of acoustic restrictions and requirements prior to the issue occupation/subdivision certificate) including
 - restriction be placed on the Section 88B for lots 2 to 7 that an acoustic report is required with any development application for residential dwellings to be constructed on the property to assess the impact (if any) from the nearby quarry and make design and construction recommendations. (Condition 66(a))
 - An acoustic report for the noise wall is required prior to the issue of the Subdivision Certificate confirming that the noise barrier constructed along the eastern boundary of Lots 2 and 9 enables the noise criteria (LAeq, 15 min 40 dB(A)) established by the Koikas Acoustics to be achieved at each residential block or makes recommendations of further works to be completed in order to achieve the noise criteria. Prior to the Subdivision Certificate being issued, any

recommended works are to be completed and testing carried out to verify the suitability of the works (Condition 67).

- Restriction for the acoustic treatment for Lots 2 to 7 to be burdened with a restriction requiring that a noise and vibration impact assessment accompany any application for a dwelling house to ensure the maximum LAeq levels are achieved (Condition 79(n)).

This consent has not been physically commenced on the site, however, is still an active consent, with a lapsing date of August 2026 for physical commencement. There are no conditions required to be imposed for this application as this acoustic barrier is located on other land.

Other matters which were considered in the Revised Noise Report included:

- The material storage area for the quarry was previously located adjacent to the northwest boundary with 129 Smallwood Road, but was screened with storage bins that provided some acoustic attenuation. The proposal involves the relocation of this material storage area to a more central location on the site between the processing area and the quarry pit, reducing the potential acoustic impacts for the receiver at 129 Smallwood Road. The required acoustic barrier on the southern side of the proposed relocated material storage area will further ensure that No 129 Smallwood Road is not exposed to noise above the 40dB(A) and replaces the barrier shown in the Koikas Report. A consent condition is recommended that the office and parking area identified on the amended set of plans prepared by PGH Environmental Planning Pty Ltd is not to be used for any material storage, the storage of equipment associated with the operation of the quarry or any other purpose other than car parking.
- The previous operation of the site involved the use of rock breaking and rock screening equipment, which has the ability to cause significant acoustic impacts to the nearby residential receivers. The applicant has clarified that there will be no usage of the abovementioned equipment on site. A consent condition has been recommended which prohibits the use of this equipment or similar.
- The use of 32-tonne trucks will continue to be used at the site, with the addition of trailers, however, there will be minimal additional noise generated from the trailers.
- The proposed noise emission from off-site traffic to the most affected residences (Table 4.3) will comply with the applicable noise criteria of the EPA's *NSW Road Noise Policy*. Furthermore, one of the EPA's conditions in the GTAs for the environmental protection licence is that a *Traffic Noise Management Strategy* is required which is to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied. This will ensure that the traffic movements associated with the quarry comply with the requirements for road traffic noise.
- The use and operation of the quarry is consistent with the *Assessing Vibration: A Technical Guideline* prepared by the Department of Environment and Conservation (February 2006) which incorporates British Standard 6472-1992 *for the evaluation of human exposure to vibration in buildings*. The Revised Noise Report concluded that the predicted vibration emission levels, resulting from the operation of the quarry and truck pass-by events are well below structural and cosmetic damage criteria. There are no conditions required for this matter. The proposal does not include blasting and

this is not to be undertaken on the site, which forms a recommended consent condition.

- The modelled scenarios in Section 4.1.3 included the 2 large saws in the production area only operating within the acoustic enclosures with doors closed which forms a recommended consent condition to ensure that the saws are only operated within the acoustic enclosure with doors closed.
- Annual environmental compliance reports which are required to review the operation of the quarry with regards to the conditions of consent has also been included in the recommended consent conditions, which are also required as part of the GTAs for the EPL;
- A Complaints management plan to correctly receive and address any issues raised by nearby residents would also assist in ensuring the proposal does not exceed the required noise levels, which is included in the recommended consent conditions.

Following a thorough assessment of the potential noise sources arising from the proposal and the Revised Noise Report, it is considered that the proposal will comply with the project noise trigger level of 40dB(A) subject to the recommendations of the Revised Noise report and which have been included in the recommended draft consent conditions in **Attachment A**. It is also considered that the proposal has adequately addressed the SEARs having regard to acoustic issues and that the EPA is satisfied with the proposal, demonstrated by the issuing of GTAs for the EPL.

6.3 Air Quality

The site contains large areas of exposed ground and consists of non-cohesive soils (outlined in Soil & Water Assessment), which when combined with the undertaking of extractive activities, means that dust is a potential risk on the site. Appropriate controls to limit dust will be required.

The *Air Quality Impact Assessment* prepared by RWDI Australia Pty Ltd dated 26 August 2022 ('Air Quality Report') provides an assessment of the potential operational air quality impacts associated with the proposal as well as a discussion of the likely off-site air quality impacts associated with the proposal. The Air Quality Report outlines the nearest potentially affected sensitive receptors as comprising the rural dwellings located near the site at No's 109, 172 and 129 Smallwood Road, the same as the Noise Report.

The major air pollutants associated with the proposal are dust and particulate matter, comprising pollutants identified as:

- Particulate matter (PM_{2.5} and PM₁₀);
- Total suspended particulates (TSP);
- Deposited dust; and,
- Respirable crystalline silica

The Air Quality Report assessed the proposal in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2016) and identified that the most significant dust generating activities during the operation of the site include:

- Dry cutting sandstone in the quarry pit;
- Crushing and screening;
- Material handling;

- Wheel generated dust; and,
- Wind erosion.

The report noted that the cutting activities undertaken in the processing area are “wet” processes (rock saws use water as lubricant) and do not generate significant dust. It was further noted in the report that the site operates a water cart to control dust from haulage routes, which has been factored into the emissions estimation.

The dust emissions associated with the operation of the proposal were estimated for the various quarrying and processing activities proposed to be undertaken on the site. Dispersion modelling was then undertaken to provide a predicted 24-hour average concentrations at the sensitive receptors. The results demonstrated that the proposal is not predicted to result in any additional exceedances of the impact assessment criteria for PM_{2.5} and PM₁₀ concentrations compared to background levels. Therefore, in accordance with the Approved Methods, no additional measures are needed to reduce PM_{2.5} or PM₁₀ emissions.

The Air Quality Report presented the annual average concentrations of PM_{2.5} and PM₁₀ due to the proposal and the existing background concentrations. While this indicated that the proposal would have a small effect on annual average PM_{2.5} and PM₁₀ concentrations, it still complies with the impact assessment criteria of PM_{2.5} - 25µg/m³ (24 hours – measured at 5.82 – 6.26µg/m³ for the site and proposal) and PM₁₀ - 50µg/m³ (24 hours – measured at 12.61- 13.77 µg/m³ for the site and proposal) (**Figures 32 and 33**).

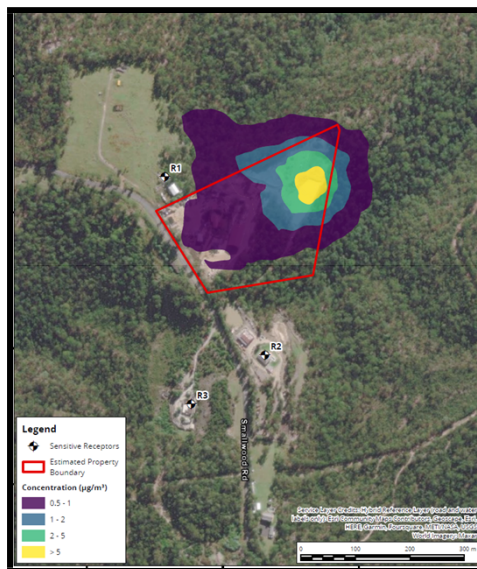


Figure 32: Predicted 24-hour average incremental PM_{2.5} (Source: Air Quality Report)

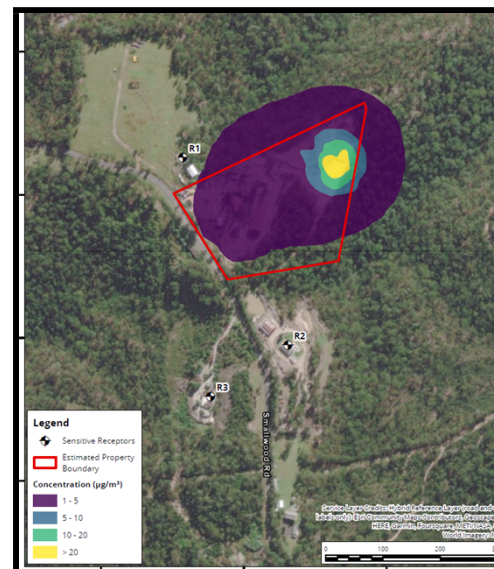


Figure 33: Predicted 24-hour average incremental PM₁₀ (Source: Air Quality Report)

Consideration of the predicted annual average TSP concentrations and deposited dust levels due to the Proposal and the existing background concentrations were also undertaken having regard to the proposal and the background levels. This demonstrated that the predicted TSP concentrations and deposited dust levels comply with the impact assessment criteria (TSP criteria - 90µg/m³ (annual) and tested at 45.41-47.14 µg/m³; deposited dust criteria - 4 g/m²/month(annual); tested at 2.25-3.73g/m²/month).

This assessment showed that the most affected residential receiver is R1 (No 129 Smallwood Road), and it is predicted to experience annual average PM_{2.5} concentrations of 0.07µg/m³ (annual average) due to the Project. This level is due to the total dust from the site, and only a small portion of this dust could contain silica and is below the Victorian EPA

criterion of $3\mu\text{g}/\text{m}^3$ for respirable crystalline silica.

The Air Quality Report concluded that air quality impacts associated with the operation of the proposal are predicted to comply with relevant impact assessment criteria, however, considers that appropriate dust mitigation and management measures should still be implemented to minimise air quality impacts associated with the proposal. These mitigation measures include:

- engines of vehicles and plant to be switched off when not in use
- vehicles and plant to be fitted with pollution reduction devices where practicable
- vehicles and plant to be maintained in accordance with manufacturer's specifications
- reduce drop heights when handling dusty material
- dampen excessively dusty material during handling
- vehicles restricted to designated routes
- on-site speed limits enforced
- vehicle loads to be covered when travelling off-site.

The Air Quality Report also stated that the results were predicted on the basis that the site operates a water cart to control dust from haulage routes and therefore this should also be included in the mitigation measures.

Council's Environmental Health Officer reviewed the Air Quality Report, supporting the report with recommended conditions to be imposed. Similarly, the EPA considered the Air Quality Report and provided GTAs for the proposal.

These mitigation measures are contained within the *Quarry Environmental Management Plan* and are also included in the dust conditions of the GTAs for the EPL from the EPA. Notwithstanding that these measures are already included in these documents, the measures are also recommended draft consent conditions and are included in **Attachment A**.

6.4 Soil and Water Management

The *Soil and Water Assessment* prepared by Strategic Environmental & Engineering Consulting dated 24 August 2022 ('the Soil & Water Report') provides an assessment of potential impacts of the proposal on soil and water onsite and downstream. The report also provides recommendations to mitigate and manage those impacts to address specific items relating to soil and water.

The quarry has water management structures already in place comprising the following:

- Main sediment basin in the eastern portion of the site adjoining the quarry area with an assumed capacity of around $1,800\text{m}^3$ and a depth of around 2 metres (**Figure 34**); and
- Process Sediment Basins which comprise a series of drains within the processing area, which direct excess water used by the rock saws during processing of the quarried sandstone into slabs/pavers to a cascading series of collection ponds. From these basins, water is recycled back into the processing activities from the larger sediment basin, thus creating a closed loop for water use (**Figure 35 & 36**).

Arising from the historical and existing use of the site for a quarry, a bunded valley area has been formed in the northern and northeastern portions of the site in the existing quarry area, that is now significantly below the natural ground level (**Figure 37**). The eastern wall of the quarry which forms the outside edge of the main sediment basin at approximately RL 76m

AHD isolates the quarry area from the eastern downslope lands. Given this 'bunded' nature of the site, the Soil & Water Assessment considers that there is minimal risk of contributing sediment into the downslope bushland. The bunds/quarry edges are well-vegetated and are a stable landform so will remain.



Figure 34: Existing Main Sediment Basin



Figure 35: Process Sediment Basins from Processing Area



Figure 36: Sediment Pond



Figure 37: The existing quarry forming a bunded site

Runoff from the site

The Soil & Water Assessment concluded that there is likely to be minimal runoff from the site, having considered the existing water management structures located on the site and having regard to the rainfall data for the locality. This conclusion was based on the existing main sediment basin being capable of absorbing the rainfall and other runoff from within the site such that no water discharges from the site.

The ground surface of the main basin is located at approximately RL 74.5m, however, water can pond within the quarry for at least 1.5 metres above the existing main basin ground level before overtopping the bund at RL 76m. Water loss from the basin can also occur from evaporation and seepage and therefore even if the dam is at capacity of 1,800m³ (at RL 74.5m), the assessment concluded that the basin/quarry is not expected to discharge and therefore site runoff is generally contained within the main basin. Similarly, the stormwater runoff from the haul roads is also captured in the main sediment basin within the floor of the quarry.

The water used within the processing area as lubricant in the cutting machines/rock saws, is pumped from the main sediment basin and drains to the sediment basins in the processing area (Figure 25 above), where the slurry from the brick saws is collected. In the first chamber, the water from the processing area is collected and the suspended sediment settles and the cleaner water drains to the second chamber. The water in the second chamber then drains to the sediment pond adjoining the twin-sediment basins which is then recycled back to the rock saws. Overflows from this sediment pond are directed to the main sediment basin. Captured sediment is routinely removed from the sediment basins and forms the only waste produced at the site.

Water Quality

Having regard to water quality issues, the proposal does not involve any changes to the operation of the quarry, with only a deeper excavation within the existing footprint proposed. Therefore, since the proposal does not produce any runoff from the site, there are no impacts expected to Kellys Creek, Little Cattai Creek or Broadwater Swamp in relation to water quality or quantity. The vegetated bunds and the existing water management infrastructure on the site result in minimal risk of contributing sediment into the downslope bushland.

Water Supply and Use

The Soil & Water Assessment considered that a conservative estimate of daily water demand would be around 1,000 Litres/day, and concluded that there is a surplus of water available on the site given the water recycling undertaken on the site. Therefore, the report concluded that there is no need for any additional water to be sourced for use on the site and accordingly, no need for licensing or approvals under the *Water Management Act 2000*. The Bushfire Report noted that a 20,000 litre static water supply must be provided on-site for the existing dwelling, which is included as a recommended draft consent condition in **Attachment A** (RFS condition).

Impacts

The Soil & Water Assessment considers the potential impacts rising from the proposal to include the following:

- Erosion and sediment control - There is a risk of sediment runoff onto downslope lands on the site from the processing area, material storage area and driveway, as

those areas do not drain naturally into the main sediment basin. Appropriate erosion and/or sediment controls are required for those areas.

There is potential for soil movement during periods of heavy rainfall. This may result in sedimentation in areas of adjacent vegetation, which could facilitate the movement of weed propagules. Given that the study area has been operating as a quarry for some time, any indirect impacts associated with sedimentation are likely to be a continuation of current operations. Sediment and erosion controls measures should be implemented for the life of the project to manage indirect impacts.

- Sediment Tracking onto Smallwood Road - There is a low to moderate risk of sediments being tracked from the site onto Smallwood Road, where they could cause environmental problems (when washed into local waterways). Further, sediments on Smallwood Road could cause safety issues for road users. Rumble grids are in place at the driveway egress point and these will need to be regularly inspected and maintained. In addition, a regime of inspection should be enacted as well as a requirement to undertake street sweeping if sediment tracking becomes problematic.
- Fuels, Chemicals and Oils Storage - The storage and use of fuels, chemicals and oils onsite creates a risk of environmental harm from spills or leaks. As such, management regimes will be required that minimise the risk of spills or leaks, and include back-up containment.
- Rehabilitation – the Rehabilitation Management Plan includes objectives relevant to soil and water management including that retained water on the site is fit for the intended post-quarry land use and water discharged from site is suitable to preserve downstream water quality. The Soil & Water Assessment considers that the Rehabilitation Management Plan if effectively implemented, there is a minimal risk of pollution of soil and water resources during the rehabilitation phase. It is noted that the main sediment basin will be retained on the site, while the sediment basins will be removed.

The Soil & Water Assessment outlines the location of the recommended water management structures (**Figure 38**) which generally already exist on the site. The assessment also provides a number of water management recommendations to manage or mitigate the potential impacts. These recommendations are contained in Section 5.2 and 5.3 of the *Quarry Environmental Management Plan*, which is included in the recommended draft consent conditions in **Attachment A**.

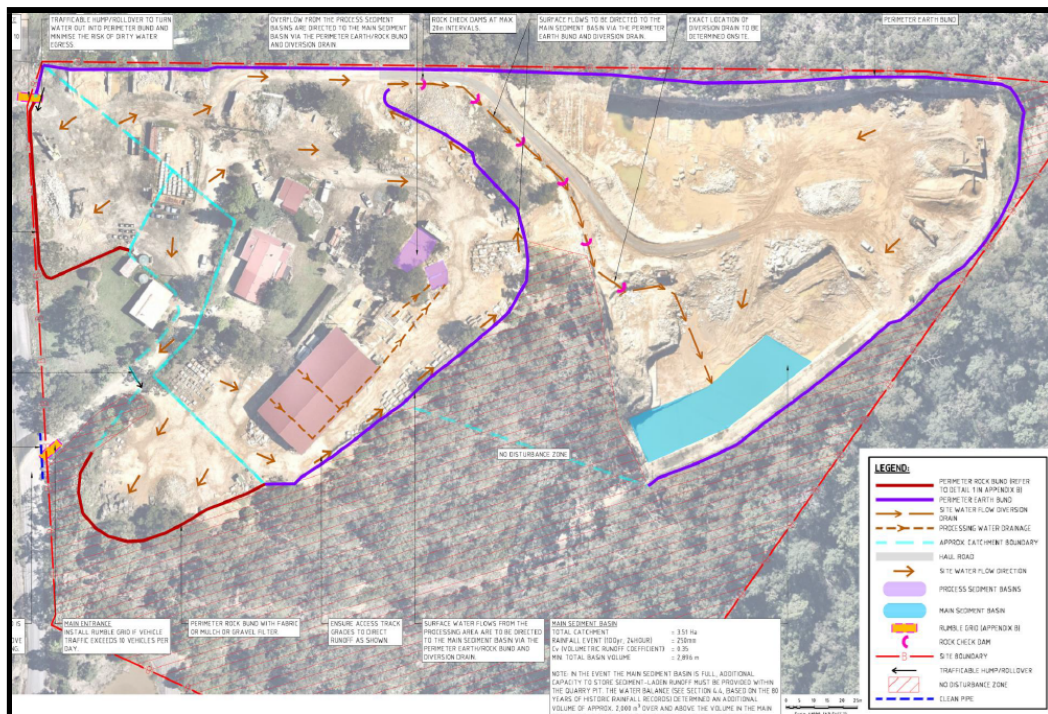


Figure 38: Location of Water Management and Erosion and Sediment Control Measures
(Source: Soil & Water Assessment, August 2022)

Wastewater

The site is not supplied with a reticulated wastewater service and therefore the site relies on an on-site wastewater system. Council's Environmental Health Officer was concerned that the application did not provide any details in relation to effluent treatment and disposal method to be used at the quarry and whether the system satisfied Council's Local Approval Policy.

Certification was provided following an inspection of the wastewater management system at the site that all systems were installed to meet the requirements of Council's *Local Approvals Policy (Policy 15/2021-2024)* and that all systems are currently operational and working in full.

Council's Environmental Health Officer is satisfied with this response and recommended draft consent conditions are included in **Attachment A** requiring the necessary application under section 68 of the *Local Government Act 1993* and that the system is to be managed in accordance with that approval.

Following consideration of the Soil & Water Assessment and the provisions of the Quarry Environmental Management Plan, it is considered that the soil and water management arrangements for the proposal are satisfactory subject to the recommended draft consent conditions in **Attachment A**.

6.5 Traffic and Transport

A *Traffic Impact Assessment Report* prepared by Positive Traffic Engineering and Planning dated August 2022 was provided which assessed existing and future traffic conditions for the site having regard to the proposal.

Council raised several concerns with this original traffic report in the request for information in December 2022, including to account for the exclusion of Sunday data, address identified non-compliances with number of laden truck movements/day (non-compliances with former consent), provide further breakdown of vehicles entering/exiting the site having regard to general deliveries and fuel delivery and provide details regarding the high number of both inbound and outbound 'short' vehicle trips given that the site has 9-10 employees. Details of the 'unclassifiable' vehicle and an explanation for the lack of correlation of the inbound and outbound movements were also requested.

These matters were addressed in a revised Report, *Traffic Impact Assessment Report* prepared by Positive Traffic Engineering and Planning dated July 2023 ('Revised Traffic Report') in Appendix B. It is considered that these matters were addressed as the premises are not to operate on a Sunday and the existing non-compliances with the former consent is to be managed by Council's enforcement officers and does not form part of this assessment. The traffic data from the surveys is considered to be satisfactory.

The Revised Traffic Report noted that the proposal sought approval for both the continued extraction from the site as well as rehabilitation and accounted for the proposed capacity of the quarry over both of these phases of the development. The report also noted that the proposal relies on service vehicles to deliver parts and fuel to the site, with the fuel vehicle travelling to / from the site each day of the working week, which would have been included in the traffic count surveys.

The extraction period of two (2) years and the rehabilitation period of six (6) years does not require any increase in staff numbers at the site which was also noted in the Revised Traffic Report. The proposal also includes a reduction in operating hours of both the office and quarry compared to the 2002 approval (7.30 instead of 6.30 weekdays and 1pm close on Saturdays).

The existing average weekday traffic generated by the existing operations at the site and for operational day (ignoring Saturday with lesser operation) on the basis of 17,000t/year was provided as:

- **25 vehicles inbound** (Table 6 of Traffic Report) comprising 13 trips by light vehicles (cars / vans), 10 vehicles small – medium sized trucks and 2 are large trucks equating to a total of **12 truck movements** inbound generated on average.
- **25 vehicles outbound** (Table 7 of Traffic Report) comprising 17 trips by light vehicles (staff leaving the site during the survey period), 6 trips by small –medium sized trucks and 2 by large trucks equating to a total of **8 truck movements**.

The Traffic Report noted that the significant proportion of 2002 inbound and outbound trips generated by the existing quarry are light vehicles or cars, equating to approximately 53-64% of the total daily traffic generated by the existing quarry. The next largest component of vehicles which access the site are 2-3 axle small – medium sized trucks. Only a very small number of average daily trips generated by the site are undertaken by large trucks.

Proposed Additional Traffic Generation

To achieve the proposed increase in capacity of the quarry, the quarry operation will rely on a higher proportion of larger vehicles to keep the extraction period to a minimum and will result in an increase in the daily truck movements to and from the site. The proposed traffic generation is outlined in **Table 15**.

Table 15: Proposed Traffic Generation (Source: Table 8 - Traffic Report, July 2023)

VEHICLE TYPE	% OF PRODUCT	NO OF TRUCK MOVEMENTS			
		annual tonnage	month	Week (÷5.5)	Day
Quarry Operation					
Truck & Dog (32 tonnes)	80%	48,000	125	29	6
Medium Rigid Truck (12 tonnes)	7.5%	4,500	31	7	1
Small Rigid truck (4 tonnes)	7.5%	4,500	94	22	4
Light Vehicle	5%	3,000	125	29	5
Total		60,000 tonnes	375	87	16
Rehabilitation					
Truck & Dog (32 tonnes)	100% (400,000t)	66,666.67 (based on 6 years)	174	40	7

The proposal would generate in the order of **16 truck movements inbound and outbound** each working day (excluding Saturday where proportionally it would be only 25% of the weekday demand from the surveys). This compares with an existing average of **12 inbound and 8 outbound** truck movements greater in size than a light vehicle.

In relation to traffic generation, the main differences between the existing and proposed quarry operations at the site include:

- The site would generate an **additional 4 inbound and 8 outbound truck** trips per weekday;
- The site would generate a higher proportion of larger sized vehicles;
- The number of light vehicles generated by staff is likely to be the same as existing conditions given there are no changes proposed to existing staff levels on the site.
- The Saturday additional traffic would be negligible compared to existing movements.
- The Rehabilitation phase would result in an average weekday traffic generation of approximately **7 inbound / 7 outbound** truck movements by a truck & dog vehicle in addition to the light vehicles. While the size of the service vehicle during this period would all be large vehicles, the actual overall truck generated trips of the site during the period of rehabilitation would result in a *net reduction* of truck trips generated by the site compared to existing truck movements.
- The proposal would not result in the midblock capacity of Smallwood Road being exceeded in either direction during the AM and PM peak hour periods.

The Revised Traffic Report made the following conclusions:

- The potential average net weekday daily traffic increase would be only 4-8 additional traffic movements over the course of a weekday (7:30am – 4:30pm) and that during

the rehabilitation period, the overall site traffic generation and the number of trucks currently generated by the quarry would *decrease* compared to the existing site traffic generation.

- The potential traffic generation of the proposal for both the operation and rehabilitation phases of the proposal would not impact on the surrounding road network to a point of detriment, with the intersections in the immediate vicinity of the development to operate at a similar level of service in the future.
- There are no capacity improvements necessary in Smallwood Road to accommodate the small increase in daily traffic volumes which would occur during both the operation and rehabilitation.
- Overall, the traffic impacts of the proposal are considered acceptable and the resulting traffic volumes in Smallwood Road would not be significant.

These conclusions are supported. There is also considered to be appropriate car parking and access arrangements on the site (discussed below).

While the Revised Traffic Report did not provide any mitigation measures, the *Quarry Environmental Management Plan* provides the following traffic-related management measures:

- Coordinate deliveries/collection to avoid peak periods where feasible;
- The maximum number of laden truck movements shall not exceed 16 vehicles inbound/outbound per working day during the extraction period and 7 vehicles inbound/outbound per day during rehabilitation;
- Implement traffic management plans, including use of designated haul routes and exit/entry points to the distribution point of all quarried sandstone, and the up keeping of roads adjoining the site.
- Identify traffic controls at induction, including approved parking areas for quarry workers;
- Implement a car parking management plan (prepared by principal);
- Provide signage, identifying car parking and disabled access;
- Safe public access shall be provide at all times in accordance with development conditions.

These mitigation measures are supported and are recommended in **Attachment A**, including limiting the number of truck movements to the site on a daily basis to 16 vehicles inbound/outbound during the operational phase and 7 vehicles inbound/outbound in the rehabilitation phase.

It is also considered that an *Operational Traffic Management Plan* is to be prepared, which is to include matters such as posted and safe speed limits on public roads and on internal haul roads and parking areas, safety requirements on site (within quarry area, processing area etc), heavy vehicle noise and the covering of loads. Heavy vehicle departure and arrival (having regard to consent conditions), primary haulage routes, as well as driver code of conduct and induction protocols should also be included. The comments from TfNSW also considered that this *Operational Traffic Management Plan* is required.

This condition will assist with improving the movements of trucks to and from the site, particularly for residents along Smallwood Road, as there has been significant concern expressed by the community regarding the truck movements to and from the site. The GTAs issued by the EPA also requires a *Traffic Noise Management Strategy* to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied. It is noted however that the proposal including truck movements is consistent with the EPAs NSW Road Noise Policy.

Car Parking and Internal Haul Roads

The car parking, vehicle access and the internal haul roads are existing on the site for the operation of the quarry. The DCP controls for car parking and internal roads are outlined in **Table 16**.

Table 16: DCP Controls - Transport (Section 2 of Part B1 (Rural))

Control	Requirement	Proposal	Comply
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.	An existing single vehicle access is to be retained by the proposal.	Yes
Internal access carriageways - width	Min 12m wide	The internal haul road along the northwestern boundary does not achieve a 12 metre width.	No
Internal access carriageways - setbacks	<ul style="list-style-type: none"> Min 10m setback from adjoining property boundary Min 50m setback from environmentally sensitive areas including habitats of threatened species. Min 100m setback from residences not associated with extraction 	<p>This has not been achieved.</p> <p>This does not occur on the site or adjoining sites.</p> <p>No 109 Smallwood Rd – approx. 190m from the processing shed; No 129 Smallwood Rd – within 100m of internal roads.</p>	<p>No</p> <p>N/A</p> <p>No</p>

The car parking area is an informal area at the front of the site which caters for cars and light vehicles relating to staff, visitors and customers, which is satisfactory having regard to the proposed continued use of the site for a quarry. There are no minimum car parking rates for quarries provided in Part C2 of the DCP as outlined in Section 4 of this report. The retention of the existing vehicle access point to the site is satisfactory and is also generally consistent with the DCP controls.

As outlined in Table 16, the existing internal haul roads do not provide a 12 metre access carriageway and are not located 10 metres from the property boundary or 100 metres from a residence not associated with the quarry. The roads are fit for purpose as demonstrated by their use in the existing and previous quarrying operations on the site and in this way are satisfactory having regard to the road dimensions.

The internal haul roads are generally located along the northwestern boundary of the site, in the vicinity of bushland on the adjoining property at No 129 Smallwood Road. The internal haul road is approximately 35 metres from the dwelling/shed on the adjoining property. While the required DCP setback distances from boundaries are not achieved by the proposal, compliance with the required noise and dust levels are complied with for the adjoining property at No 129. This ensures that the quarry roads can operate without exceeding the applicable standards and are therefore satisfactory, despite being inconsistent with the DCP

controls.

Following a thorough consideration of the proposal from a traffic generation perspective and having reviewed the comments from Transport for NSW and the EPA, it is considered that the proposal is satisfactory subject to the recommended draft consent conditions in **Attachment A**.

6.6 Biodiversity

The site contains an active quarry and associated infrastructure, however, also contains a large area of natural bushland. The site is also generally surrounded by natural bushland and therefore potential ecological impacts require consideration.

The site contains two (2) Plant Community Types (PCTs) which were validated in the study area during survey, comprising the following (neither conformed to any threatened ecological communities) (**Figure 39**):

- PCT: 1081 - Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion in two broad-condition states: high condition and disturbed.
- PCT 1181 - Smooth-barked Apple-Red Bloodwood-Sydney Peppermint Heathy Open Forest on Slopes of Dry Sandstone Gullies of Western and Southern Sydney in a high condition state

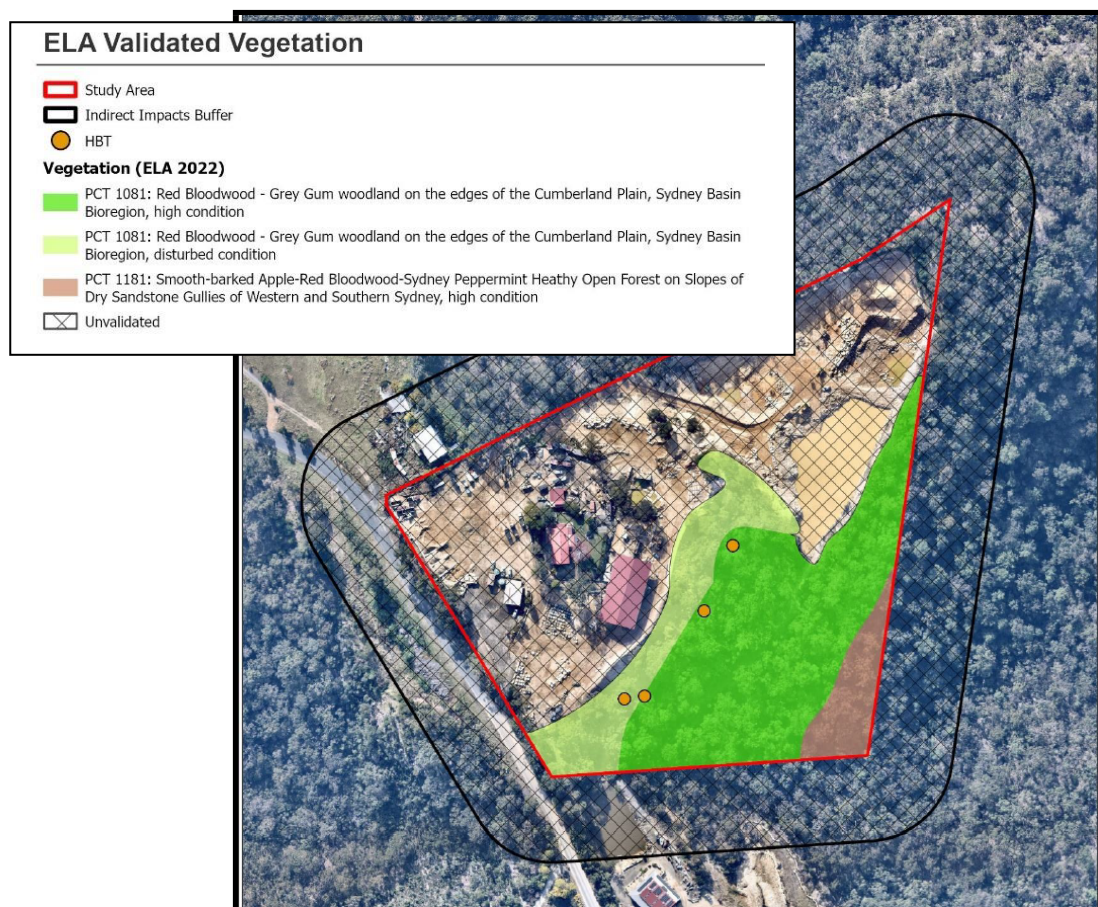


Figure 39: Existing Vegetation (Source: Fig 5 - Revised Flora & Fauna Report, Ecological Australia, June 2023)

No threatened species have previously been recorded within the subject site and following a likelihood of occurrence assessment, none of the threatened ecological communities, threatened fauna or threatened flora predicted as having the potential to occur on the site are considered likely to occur on the site. This is due to the lack of vegetation and disturbance from the operational quarry.

A *Flora and Fauna Assessment* prepared by EcoLogical Australia dated 23 August 2022 was provided with the application. Council's Ecologist reviewed this original report and raised a number of concerns including a lack of buffer zones to protect biodiversity values on adjoining lots, concerns with existing encroachments onto adjoining land and the lack of consideration of the indirect impacts on biodiversity values. These indirect impacts included vibration, noise, stormwater run-off, dust, light, and groundwater on both the site and adjoining properties.

Clause 6.1 of the *Biodiversity Conservation Regulation 2017* had also not been considered and the impacts on vegetation from all stages of development including post-operation and rehabilitation phases and impacts from these works, including impacts on neighbouring lands were not adequately addressed. It was further noted that an Arboricultural Impact Assessment of the trees located within the site and within the adjoining properties (within the encroachments) and a Tree Removal Plan were not provided.

A revised Flora and Fauna Report prepared by Ecological Australia P/L dated 1 June 2023 ('the F&F Report') was provided in response to Council's concerns, which outlined the proposal and provided an assessment of potential ecological impacts. The F&F Report concluded that the proposed extension of the life of the quarry would not affect any existing native vegetation, or habitat for threatened species or threatened ecological communities.

The F&F Report further considered the provisions of the *Biodiversity Conservation Act 2016* ('BC Act') and considered that the proposed development would not trigger the Biodiversity Offset Scheme (BOS) as there are no new impacts associated with the proposed development (no clearing of native vegetation), the study area is not mapped on the Biodiversity Values Map ('BVM'), the study area is not part of an Area of Outstanding Biodiversity Value and a significant impact to threatened ecological entities is considered unlikely.

The F&F Report found that there were no threatened ecological communities mapped or expected to occur within the subject site or in the indirect impacts area. The proposed development would also not remove any native vegetation. The subject site does not contain habitat for threatened flora or fauna species and no threatened flora or fauna species were expected to occur within the subject site. Neither a Test of Significance in accordance with the BC Act, nor the application of Significant Impact Criteria in accordance with the EPBC Act were applied for any of these species or communities.

Potential groundwater dependent ecosystem (GDE) were not ground truthed and therefore, presence of the GDE has been assumed, and its extent assumed to be the previously mapped extent. Since the Groundwater Assessment determined that it was unlikely groundwater would be breached as part a result of the proposed works, the report concluded that there are unlikely to be any adverse impacts on GDEs.

Ecological Impacts

In relation to direct impacts, the F&F Report concluded that since the proposed development relates only to extending the life of the operational quarry and does not include the removal of any vegetation, the proposal will not directly affect any native vegetation or habitat for threatened species.

Having regard to indirect impacts, the F&F Report assessed land within a 50 metre radius of the proposed site boundary and identified that potential indirect impacts included noise pollution, sedimentation and erosion, and changes to hydrology. The report concluded that the mitigation measures proposed for these potential indirect impacts were sufficient to mitigate potential ecological impacts. The F&F Report also considered that the Rehabilitation Plan included sufficient mitigation measures to ensure no adverse ecological impacts would occur from the proposal.

A number of potential impacts were identified in the F&F Report which may arise from the proposal which included the compaction of soil, accidental damage/clearing, removal or disturbance of threatened species, loss or modification of foraging habitat and incidental harm to native fauna. Unexpected finds during works, an increase in sediment flow and runoff being directed to surrounding native vegetation were further potential impacts identified.

The F&F Report recommended various measures to minimise the impacts of the proposed development on surrounding ecological values, including potential habitat for threatened species and ecological processes. These were recommended to be implemented prior to the commencement of works and included the following:

- No native vegetation is to be removed as part of the proposed development
- Install barrier fencing to prevent entry into adjacent vegetation and appropriate 'no-go zone' signage.
- Include a description of the ecological values adjacent to the subject site in the site induction for all contractors, including that native vegetation is a 'no-go' area
- Implement all recommendations for the acoustic, groundwater and contamination assessment
- Include an unexpected finds protocol as part of the Construction Environment Management Plan and include the protocol in the worker site induction
- Soil and erosion control measures such as sediment fencing must be installed prior to on-ground works. These are to be inspected regularly (weekly), with more frequent inspections during rain periods to ensure structures are in proper working order.

The F&F Report concluded that the proposed development does not involve the expansion of the quarry area or any impacts to native vegetation and that the study area does not contain or provide habitat for threatened ecological values. The surrounding landscape contains native vegetation and may provide habitat for fauna and this area will not be directly impacted. An assessment of potential indirect impacts was completed and determined that indirect impacts are likely to be negligible.

Council's Ecologist was generally satisfied with the F&F Report, although the following concerns were raised:

- Direct and indirect impacts of the remediated landform
- Tree removal
- Costs of Rehabilitation and Rehabilitation Bond
- Acoustic wall - Southern stockpile.

These matters are considered further below.

Direct and indirect impacts of Remediated Landform

Council's Ecologist was concerned with the direct and indirect impacts of the proposed final

remediated landform (including levels) identified in the Rehabilitation Management Plan. The conceptual final landform (including proposed levels) poses an increased risk on biodiversity values within surrounding areas of existing native vegetation, including bushland areas within adjoining properties, should the required revegetation and maintenance of the site be inappropriately managed or abandoned.

In particular, Section 4.2.5 of the F&F Report identified the potential for soil movement during periods of heavy rain that may result in sedimentation within areas of adjacent vegetation, which could facilitate the movement of weed propagules. This poses a significant risk on biodiversity surrounding the development footprint. Risks include sediment laden runoff and introduction of priority and environmental weeds and pathogens. The high risk of soil erosion associated with the proposed final landform poses direct and indirect impacts on terrestrial biodiversity and waterways within the catchment areas surrounding the development footprint.

Noting the increased potential risks on biodiversity values within land surrounding the development from the proposed final rehabilitated landform, the Rehabilitation Management Plan requires amendment to consider best practice native vegetation rehabilitation and regeneration works including rehabilitation and maintenance of areas required to be restored. A draft condition is recommended in **Attachment A** to amend the Rehabilitation Management Plan to consider these risks and required rehabilitation works more accurately.

Tree Removal

The F&F Report was assessed on the basis that no native vegetation was to be removed, however the *Arboricultural Impact Assessment* (AIA) prepared by Smart Arbor Professional Consulting dated 7 July 2023 ('Arborist's Report') has determined that two (2) trees are required to be removed for the proposed relocated materials storage area (between the processing area and the quarry area) (**Figure 40**). These trees, Trees 2 and 3, are located within the batter for this materials storage area and therefore are required to be removed. The proposed removal of these two native trees would not have a significant impact on biodiversity values and are supported.

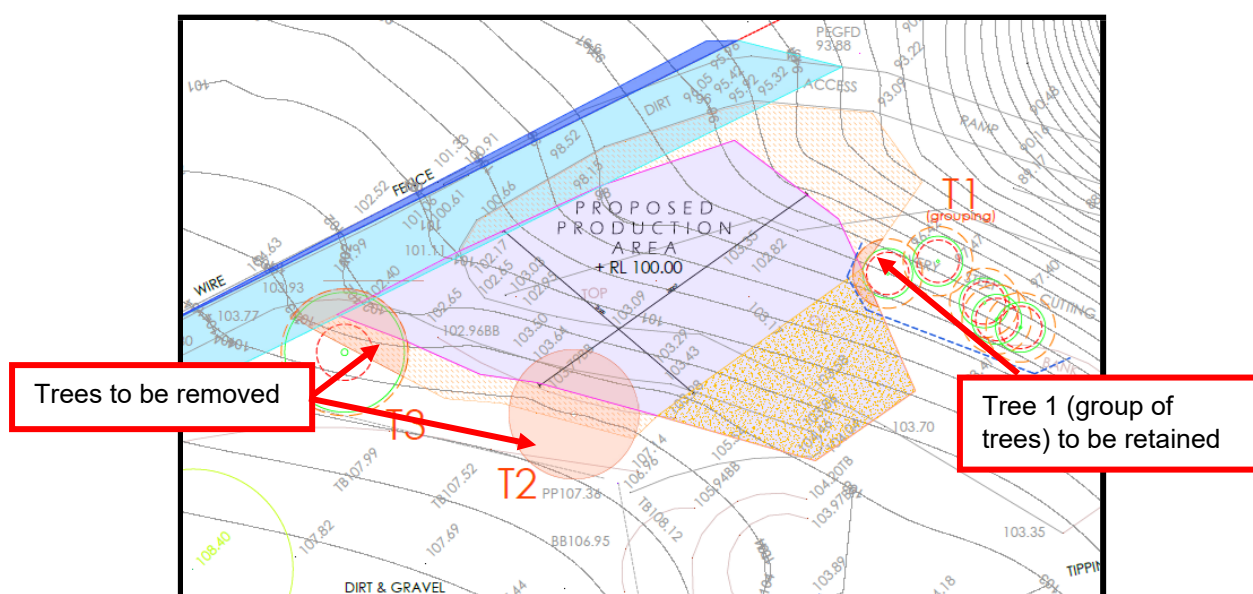


Figure 40: Tree Location and Impact Plan (Source: Arborist's Report, July 2023)

The Arborist Report also recommends relevant tree protection zones and associated

measures for the retained group of trees, known as Tree 1 (T1 in Figure 30). Relevant draft conditions are recommended in **Attachment A** for the removal of Trees 2 and 3 and the retention and protection of Tree 1. The Arborist's Report also inspected the areas of historical encroachment onto adjoining properties. The Report noted that no significant impact to health or structure had been sustained within the past year on currently existing prescribed trees in areas identified as encroaching within setbacks and neighbouring properties.

The encroachments identified on the plans supplied by PGH Environmental Planning appear to suggest that any potential impact posed to vegetation adjacent to these sections would have been sustained thirteen or more years ago, and has likely been optimised by tree root and canopy growth over the consecutive years since these encroachments have been imposed.

The Arborist Report concluded that remediation of these encroachments may pose an impact to existing vegetation when soil and rock are restored in the form of fill within measured tree protection zones for prescribed trees along the nearest edge to the cleared land. Therefore, it was recommended that no further action be taken in these zones prior to remediation, unless required by Council.

It is considered that any remediation of these encroachment areas should be undertaken once quarrying has ceased and the landform is returned to its former levels. The proposed tree removal is satisfactory subject to recommended draft consent conditions in **Attachment A**.

Costs of Rehabilitation and Rehabilitation Bond

Costs associated with the required rehabilitation works must include more accurate costings associated with establishment and maintenance of revegetation works. Council's Ecologist considered that the costs for the rehabilitation phase of the development did not accurately reflect the costs associated with the required establishment and maintenance of native vegetation, with consideration of increased planting densities and works that will be required to mitigate indirect impacts on the surrounding environment.

Section B2 of the DCP (Section 10) requires the payment of a minimum rehabilitation bond of \$3.00 per square metre, which for this site would be the equivalent to \$75,000 for the required rehabilitation area (approximately 2.5ha). The Rehabilitation Management Plan identifies the costs for rehabilitation works as totalling **\$375,553**, which is equivalent to approximately \$15 per square metre and which fails to appropriately consider costs associated with best practice native vegetation rehabilitation works including establishment (1 year) and maintenance (5 years) of areas required to be restored.

The costs of implementing a Vegetation Management Plan (establishment and maintenance) for the site has been estimated at **\$473,395** by Council's Ecologist which includes increased planting densities and works that are required to mitigate indirect impacts on the surrounding environment. These costs are considered to more accurately determine the final proposed cost per square metre for the rehabilitation bond. Taking into account these two amounts (in bold above), the total rehabilitation cost has been estimated at **\$848,948** which is equivalent to approximately \$34 per square metre. As a measure to mitigate risks associated with the rehabilitation phase of the development, a condition requiring an increased Rehabilitation Bond to at least **\$30 per square metre** (which would yield a bond of **\$750,000**) is recommended so that the costs of the required rehabilitation works are more accurately reflected. A recommended consent condition to this effect has been included.

Southern stockpile (acoustic bund)

The F&F Report and the Arboricultural Impact Assessment did not consider the potential impacts on native vegetation and specific trees associated with the location of the existing acoustic bund and southern stockpile, which is unauthorised works (**Figure 41**). Following discussions between Council's Environmental Health Officer and Ecologist, consent conditions have been recommended to remove the existing fill stockpile under the supervision of a Project Arborist and Project Ecologist. This acoustic bund is to be replaced with an acoustic wall in accordance with the Revised Noise Report (relevant conditions recommended).

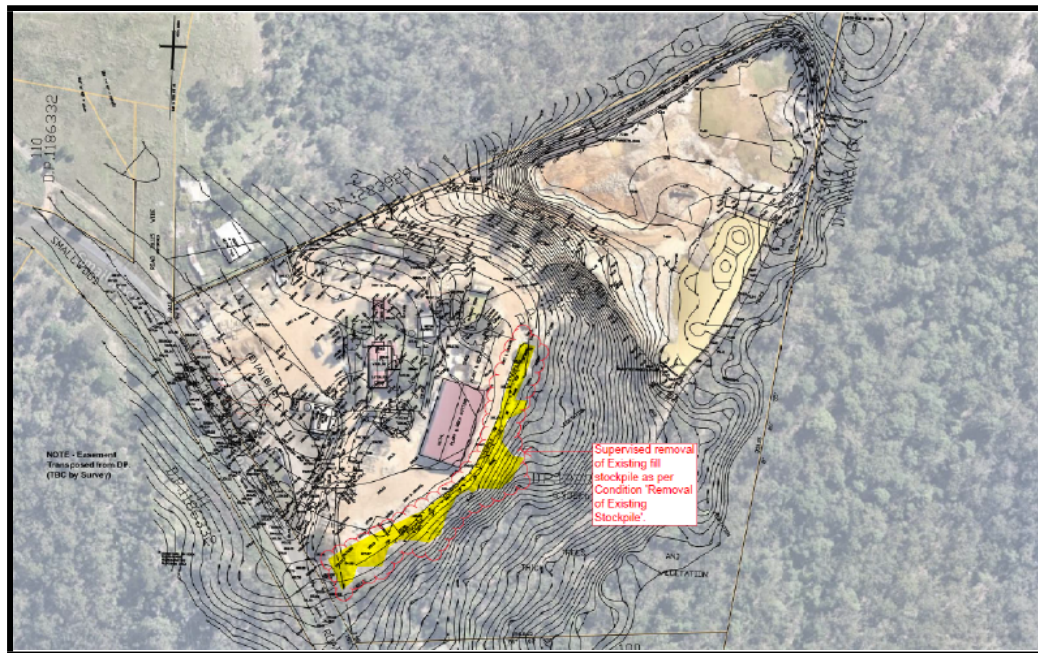


Figure 41: Existing fill stockpile to be removed (Source: Sheet 2, PGH set)

Following a thorough consideration of the F&F Report and comments from Council's Ecologist, it is considered that the proposal is satisfactory having regard to ecological matters subject to the draft consent conditions recommended in **Attachment A**.

6.7 Bushfire

The site is classified as bushfire prone land (**Figure 42**) as vegetation Category 1 and vegetation buffer. Section 6.1.9.1 of the EIS considers the provisions of *Planning for Bushfire Protection 2019* ('PfbP') as it applies to the site and proposal. This assessment considered that the quarry and associated processing, administration and parking/vehicle storage manoeuvring areas are highly modified due to the nature of the activity and that the active footprint of the site is effectively clear of any bushland hazard. This area is considered to meet the provisions of 'low threat vegetation - exclusions' (section A1.10, PBP 2019) as it contains non-vegetated areas and low threat vegetation (centrally located maintained area of grass and vegetation surrounding the staff quarters).

A *Bush Fire Emergency Evacuation Plan* prepared by PGH Environmental Planning dated 1 September 2022 which outlines that the primary action in the event of a bush fire will be to shelter-in-place for the resident manager/caretaker however as the other occupants are employees they will be required to evacuate. The designated assembly point is the all-weather surface parking area located in the western area adjacent to the

office/administration building.

In terms of services, the EIS states that it is considered appropriate to ensure that a minimum 20,000 litres static water supply with associated fire pump is available on the upper level adjoining the caretaker's residence, given the larger dam on the site is located at the lower, quarry level of the site. It is also noted that the site is serviced by electricity.

The EIS contains a Statement of Compliance from a qualified consultant in bush fire risk assessment that the proposal conforms to the specifications and requirements of *Planning for Bush Fire Protection 2019* (PBP) as relevant to the proposal pursuant to S4.14(1) of the EP&A Act.

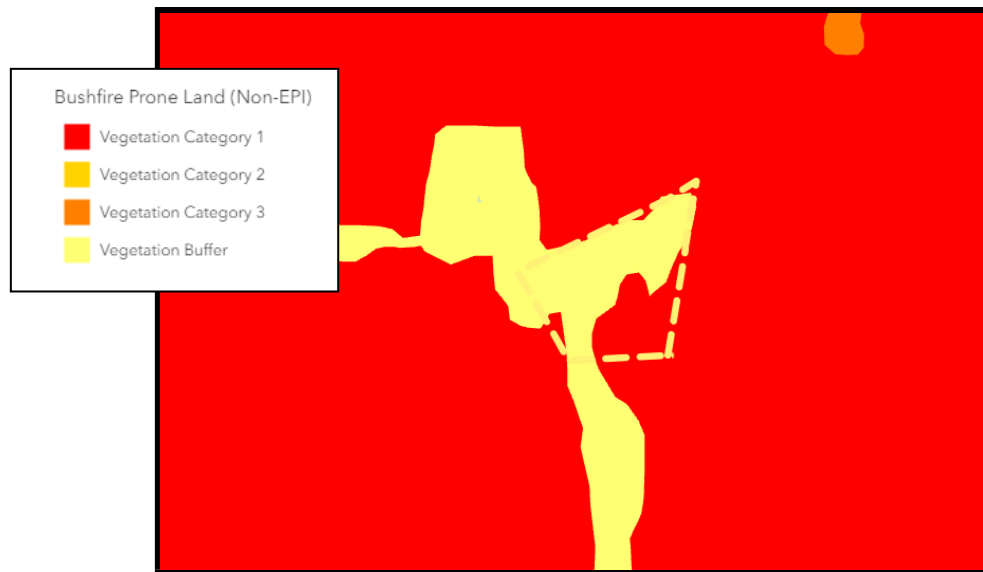


Figure 42: Bushfire Prone Land Map (Source: NSW Planning Portal Spatial Viewer)

The application was referred to the NSW RFS pursuant to Section 4.14 of the EP&A Act as outlined in Section 5.1 of this report. The RFS reviewed the proposal and raised no objections subject to recommended consent conditions in relation to an emergency and evacuation plan, water and utility services, included in **Attachment A**.

6.8 Waste

The SEARs require that estimates of the quantity and nature of the waste streams that would be generated or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams are to be considered.

The proposed quarrying on the site will result in minimal waste of the sandstone product as well as generating minimal waste in the processing of the resource. This limited waste arises from the nature of the material as well as the techniques used for the quarrying. The sandstone is split from the rockface in the quarry as blocks, which are then cut into either pre-ordered sizes and shapes or cut into manageable sizes for sale. This product is used in pavers, retaining walls and facing etc. For sandstone that is not suitable for blocks, the product is crushed and stored in the material storage area for sale and used for other purposes such as road base.

The only waste product is the slurry which settles as sediment in the sediment ponds adjoining the processing area, which arises from the rock saws in the processing area. This material is periodically removed from the site. The only other waste products from the site

would be normal office waste associated with the staff areas and office which can be removed from the site in the general Council kerb-side collections.

The GTAs issued by the EPA also contain conditions relating to waste, including that no waste generated outside the premises is 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.

During the rehabilitation phase, only VENM or Excavated Natural Material ENM is to be used to return the land to the natural landform as outlined in the *Rehabilitation Management Plan*. Therefore, there will be no waste material brought to the site in the rehabilitation phase of the development. The proposal is considered to be satisfactory in relation to waste management subject to recommended draft consent conditions in **Attachment A**.

6.9 Visual Impacts

The site currently contains a number of buildings and equipment which are used in the existing quarrying operations on the site. The quarry pit and the excavators associated with the quarrying are located a significant distance from the road within the pit area and are not visible from Smallwood Road.

However, the site office and administration area are visible from Smallwood Road and currently results in an adverse visual impact to the street given the lack of any planting or other measures to screen the development from the street. The location of trucks and other equipment associated with the use of the site are highly visible along this frontage which contributes to the adverse visual impacts of the proposal (**Figure 43**). The south-western corner of the site is proposed to be retained as a car parking area which is the most visible portion of the site from the street.

There are no other uses now proposed in this area given the quarry trucks will not deposit the material in this area for future operations, with the material storage area being relocated to between the rear of the Manager's residence area and the quarry. This allows the opportunity for additional planting to be undertaken in this area of the site to reduce the visual impacts of the proposal.



Figure 43: The site from Smallwood Road

The proposal is considered to be inconsistent with the objectives of Part C, Section 3 (Landscaping) of the DCP (as outlined in Section 4 of this report). The EIS states that it is proposed to undertake landscape screening along this frontage to minimise any visual impact the site which will ensure that there are no significant adverse visual impacts upon surrounding properties. The plans prepared by PGH also refer to this planting along the Smallwood Road frontage, however, indicates that this will be undertaken in the rehabilitation phase of the development.

While the proposal outlines that this frontage area (Zone 5) will be re-established with selected plantings in accordance with the Rehabilitation Management Plan, it is considered that such planting is required to be undertaken prior to the commencement of the approval given the adverse visual impact of the proposal from Smallwood Road. This landscaped area shall have a minimum width of two metres consistent with Clause 3.1(b) of the DCP.

A recommended consent condition has been included in **Attachment A** to this effect to ensure that the proposal satisfies objective (i) in Clause 1.2 to ensure that landscaping preserves and contributes to the Shire's environmental and visual character. The appearance of the proposal from Smallwood Road will be significantly improved with the landscaping screening.

6.10 Rehabilitation

The rehabilitation of the site following the cessation of quarrying on the site is outlined in the *Rehabilitation Management Plan* prepared by Umwelt (Revision 4) dated 7 November 2023 ('Rehabilitation Plan'). Some aspects of the proposed rehabilitation of the site are considered in the ecological issues assessment outlined above.

There were some concerns with the original Rehabilitation Plan raised in the RFI letter from Council, which required additional information including cross sections showing the extent of

fill and the final landform and confirmation of the final level of the main area of rehabilitation, which varied in the consultant reports. Clarification of the extent of the rehabilitated area, particularly the material storage and hardstand areas associated with the site office, the growth media, the timing/commencement of rehabilitation and how the rehabilitation will be monitored and costed (the cost is not an assessment matter) were required. These matters were generally addressed in the final plan, although Council's Ecologist requires certain matters to be addressed in an amended rehabilitation plan as outlined in the discussion on ecology issues in this report

The key objectives of the Rehabilitation Plan are to provide direction for the management and enhancement of the rehabilitation values of the quarry site consistent with the DCP requirements and so as to:

- *create a stable landform that integrates with surrounds and promotes a final land use similar to that prior to disturbance;*
- *restore native vegetation to a level that reflects the cover, diversity, and density of native vegetation, commensurate with adjacent land use types;*
- *ensure the re-establishment of habitat for local flora and fauna;*
- *ensure the preservation of downstream water quality; and*
- *describe the management measures, monitoring, performance evaluation and reporting procedures that are to be implemented at the Quarry, and*

The proposal includes site rehabilitation over a period of between four (4) years to six (6) years following the conclusion of the extraction activity on the site. The total volume of imported material required to achieve the nominated rehabilitation landform (to RL85m AHD) has been estimated at 200,000m³ (400,000 tonnes). This timeframe has been proposed due to the uncertainty in the timing of when the material required to rehabilitate the site will be available.

The Rehabilitation Plan aims for a combination of residential and natural bushland land uses, described in the Plan as Final Land Use Domains (FLDs), and which are identified as independent management zones.

The proposed final land use domains and management zones ('MZ') include:

- Native Woodland ecosystem (MZ1: rehabilitation area – passive biodiversity conservation);
- Residential and Critical Infrastructure (MZ2: rehabilitation area - residential and critical infrastructure); and
- Water storage area (MZ3: water storage dam)

These areas are illustrated in **Figure 44** and are considered further below.

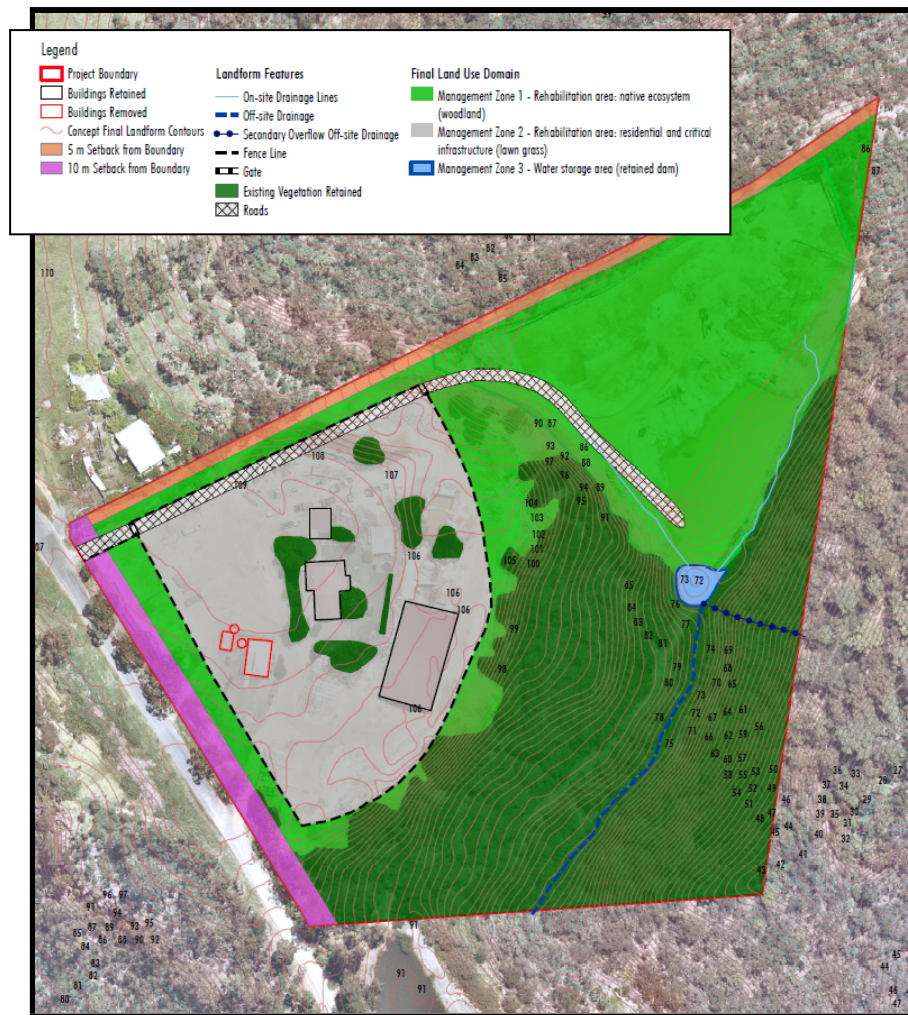


Figure 44: Rehabilitation Plan (Source: Figure 3.1 of Rehabilitation Plan, Umwelt, May 2023)

Native Woodland ecosystem (MZ1: rehabilitation area – passive biodiversity conservation)

This Land Use Domain comprises the majority of the site and includes the area of existing natural vegetation on the site, which has not been disturbed, as well as the rehabilitated extraction area and a portion of the processing and stockpile areas. The final landform is to be established by importing VENM and ENM to be placed across the floor of the extraction area and pushed and shaped by a bulldozer to progressively raise the height of the landform in a terrace like fashion. This will result in a progressive raising of the landform towards the final plateau formation with a terraced landform at an elevation of 78m, 81m and 85m AHD respectively (**Figures 45 to 48**).

The surface layer is to be deep ripped and a minimum 100mm of growth media applied, which will be imported to the site. The importation of fill material and growth media to establish final landform may result in the introduction of weed species and therefore weed management will be undertaken. Revegetation activities include direct seeding using local provenance seed as well as seed sourced from a suitable native seed supplier, which will use species consistent with the adjacent vegetation communities being the PCT outlined in the F&F Report. The planting will also be supplemented by tube stock planting if deemed necessary during rehabilitation monitoring.

This landform has been designed to be capable of supporting sustainable native ecosystems and which will integrate with the surrounding landscape of established woodland on the site

and adjoining properties.

The Rehabilitation Plan provides for a final landform of the existing extraction area to extend the existing east-west oriented ridge line (formed between two unnamed tributaries of Kellys Creek to the east and west) as a plateau at an elevation of approximately RL 85m AHD. A slope of approximately 1:3 (V:H) (18°) will be formed along the southern edge of the plateau, equivalent to local slopes of the surrounding topography, which includes slopes exceeding 1:2 (30°) as the land falls away to Kellys Creek. The surface of the plateau will be profiled to create small rises and swales with natural fall created towards small drainage lines. The final landform will allow the rehabilitated extraction area to integrate with the shape, form, contour, and vegetation of the surrounding terrain.

The shaped areas will be compacted to a minimum compaction of 95% standard, and this will be certified by a NATA registered laboratory. A fence currently runs around the perimeter of the Quarry area. This will provide a physical barrier between the rehabilitation works and surrounding vegetation and ensure that adjoining lands will be protected from any potential impacts posed by rehabilitation works/machinery.



Figure 45: Sections of Final Landform (Source: Rehabilitation Management Plan, Umwelt, November 2023)

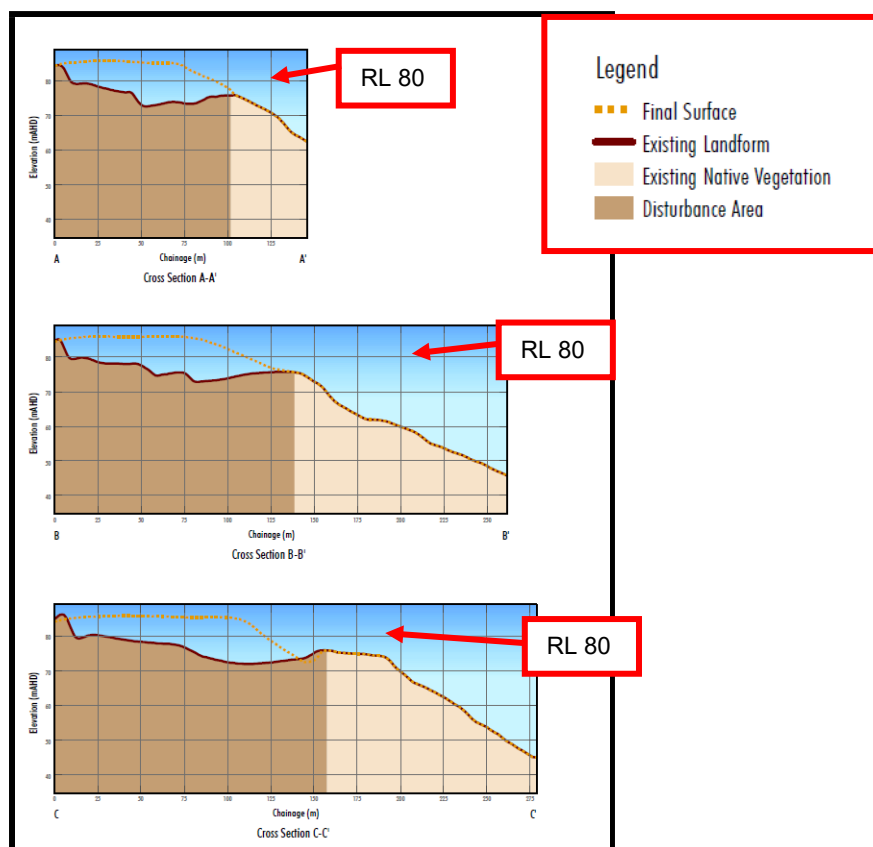


Figure 46: Sections A-A, B-B and C-C (Source: Rehabilitation Management Plan, Umwelt, November 2023)

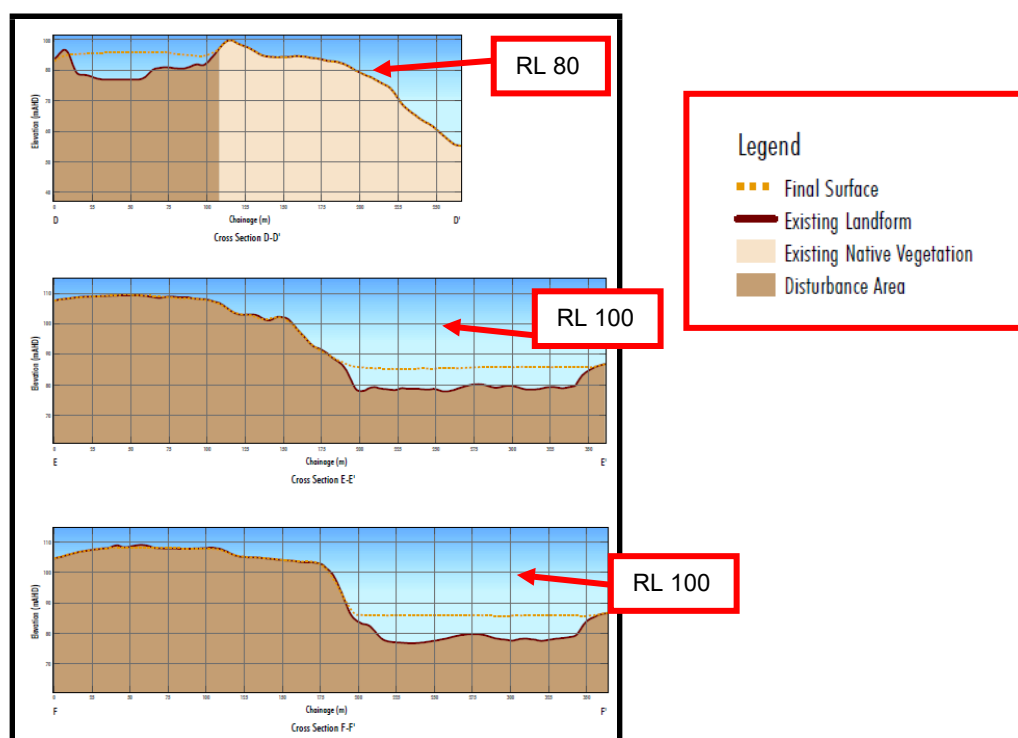


Figure 47: Sections D-D, E-E and F-F (Source: Rehabilitation Management Plan, Umwelt, November 2023)

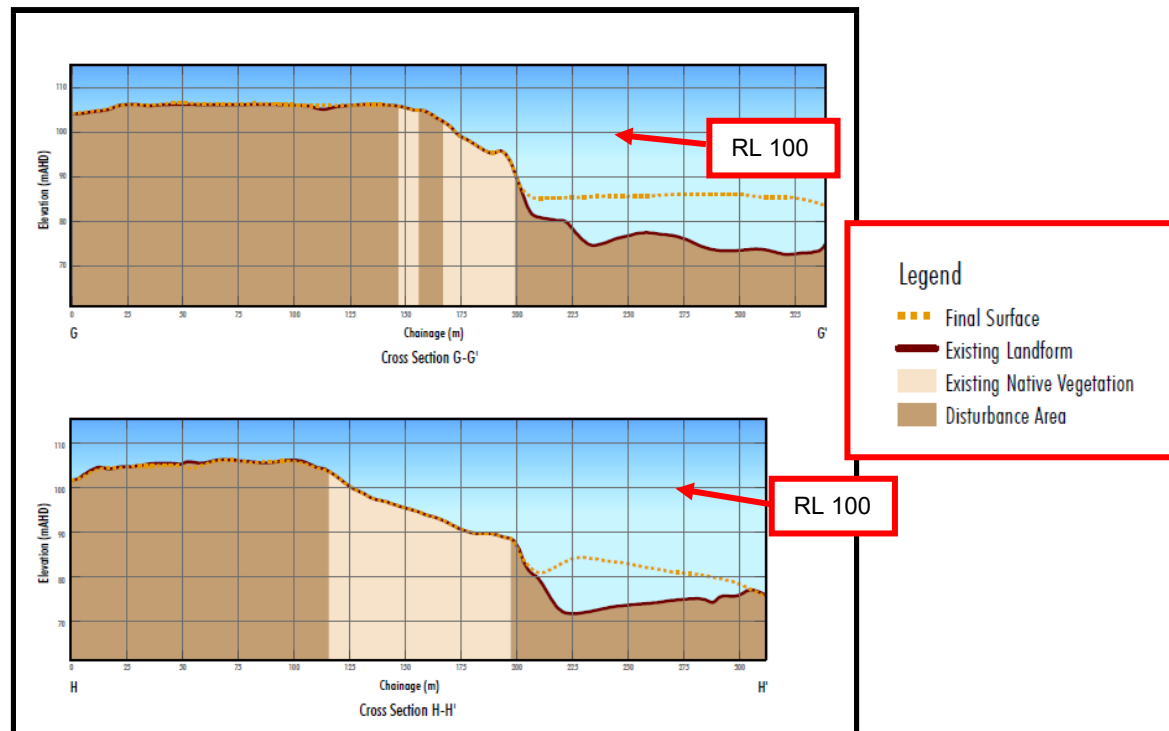


Figure 48: Sections D-D, E-E and F-F (Source: *Rehabilitation Management Plan, Umwelt, November 2023*)

The growth media preparation activities will occur as soon as practicable once the final landform has been shaped, with the soil or other growth media to be imported to the site for placement on the final landform.

Residential and Critical Infrastructure (MZ2: rehabilitation area - residential and critical infrastructure)

This Land Use Domain comprises the area in the top portion of the site near the Smallwood Road boundary. The Rehabilitation Plan proposes the retention of the existing residential building, processing shed and roads within this area. The other infrastructure in this area, including the processed material storage area and the hardstand areas will be removed, with the existing landform largely retained with profiling undertaken to remove any large, erodible stockpiles and in-fill any gullies, basins or sumps.

Throughout the rehabilitation maintenance and monitoring phase, the site office will be retained to facilitate quarry closure and rehabilitation activities, and will be removed and rehabilitated at the end of the rehabilitation phase. This area will be fenced to create a block of approximately 7,190 m² and will comprise lawn area to provide a bushfire asset protection zone around the retained residence from the rehabilitated woodland and other structures of at least 60 metres.

Water storage area (MZ3: water storage dam)

This land use domain comprises the retention of the main sediment basin as a single dam near the southern-most point of the Quarry. This dam will initially function as a sediment control feature during landform construction and will then provide a water source for native fauna, a source of water for fire-fighting purposes and a controlled discharge point in accordance with *Soils and Construction: Managing Urban Stormwater*, Vol. 1, 2nd Eds. (Landcom, 2004). Decommissioning and removal of infrastructure including pumps and

pipes not required for final land use to licensed waste facility will be undertaken.

A vehicle access track (internal road) will be maintained from Smallwood Road, connecting with the residential FLD and the water storage area. This will allow for the ongoing maintenance of the water storage area and access to a static water supply for firefighting purposes.

The Rehabilitation Plan provides specific tasks for each of these management zones to reach the intended final land use including indicative timing and the personnel responsible for the action. The Rehabilitation Plan sets the benchmark values for key indicators used to demonstrate that the rehabilitation objectives have been met. Completion criteria are objective target levels or values assigned to a variety of indicators which can be measured to demonstrate progress and the ultimate success of rehabilitation.

Rehabilitation Costs

The Rehabilitation Plan outlines that in order to ensure sufficient funds are available for rehabilitation, the quarry operator will establish a rehabilitation provision which will allocate a proportion of income generated from the sale of extracted materials. A rehabilitation cost estimate has been prepared for the site using the NSW Resources Regulator tool and rehabilitation rates, based on a snapshot of current disturbance. This is further discussed in the consideration of the ecological issues outlined above, which concluded that a rehabilitation bond of \$30/ square metre represented a reasonable estimate of the rehabilitation costs, which would be held by Council.

It is considered that the proposed rehabilitation of the site is satisfactory and the proposed future land uses on the site are compatible with adjoining lands given the adjacent native vegetation areas located to north and south of the extraction area. Relevant draft consent conditions are recommended to be imposed as outlined in **Attachment A**.

6.11 Other Matters

There are a number of other matters which were raised in the SEARs which require consideration as outlined below.

Encroachments and Setbacks

The plan set refers to “encroachments” of the existing quarry and associated operations, which are generally referring to encroachments into the required setbacks under the DCP. There have also been encroachments into the adjoining properties both to the northwest and northeast. These matters are discussed below.

Encroachments into DCP Setbacks

Part B1 (Rural) of The Hills DCP 2012 provides minimal setbacks for extractive industries in Section 1 of Part 2.

The Statement of Outcomes for these controls state:

- *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 development controls in relation to minimum setbacks of Part B1 (Rural) of The Hills

DCP 2012 are considered for the proposal in **Table 17**.

Table 17: Consideration of DCP Minimum Setbacks

REQUIREMENT	MINIMUM SETBACK	COMPLY
Adjoining property boundary	Minimum setback of 10m	No (adjoins boundary)
Public road	Minimum setback of 30m	No (car parking 20m)
National Park, State Forest or Crown Lands boundary	Minimum setback of 40m	Yes (no such land within 40m)
Any site or relic of heritage, archaeological, geological or cultural significance	Minimum setback of 40m	Yes (none identified within 40m)
Top bank of a watercourse	Minimum setback of 40m or otherwise to requirements of Office of Water	Yes (setback 100m)
Public or Community facility	Minimum setback of 100m	Yes (none within 100m)
Residence not associated with extraction	Minimum setback of 100m	No (No 129 within 100m of internal roads and storage area)
Electricity transmission lines	In accordance with requirements of electricity authority/transmission corporation	Yes (none within 100m)

The encroachments into the minimum setbacks required by the DCP are illustrated in **Figures 49** and **50** and are considered further below.

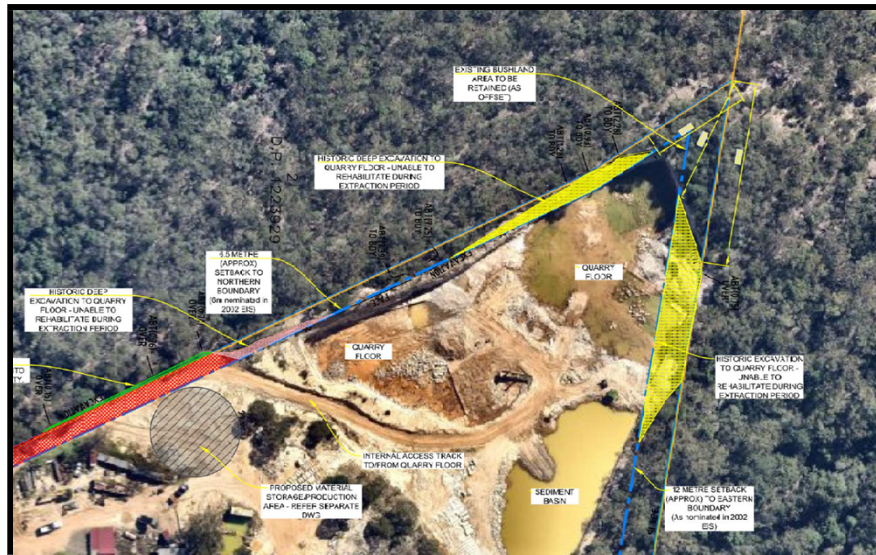


Figure 49: Encroachments into Minimum Setbacks and Adjoining Properties (Source: Part Site Plan/Setbacks, Rev B, 29 June 2023)



Figure 50: Encroachments into Minimum Setbacks and Adjoining Properties (Source: Part Site Plan/Setbacks, Rev B, 29 June 2023)

Adjoining Property Boundary

The proposal does not comply with the minimum setback of 10 metres to adjoining properties arising from the existing internal haul road adjoining the property boundary with No 129 Smallwood Road (red hatching – Zone 2) and the excavation face of the quarry along the north-western boundary towards the northern corner of the site (yellow and pink hatching – Zones 3 and 4). Both of these areas are actively used for the purposes of quarrying on the site and cannot be restored until after the quarrying has been completed on the site (**Figures 51 and 52**).

Both of these encroachment areas into the required 10 metre adjoining property setback adjoin areas of natural vegetation and are unlikely to adversely impact on the amenity of this adjoining property given the dwelling/shed is located to the southwest and in close proximity

to the road. Following the completion of quarrying on the site, these encroachments will be rehabilitation back to the natural landform with associated natural vegetation.

The access track cannot be relocated outside of the 10 metre setback without substantial earth works due to historical excavation and the relocated material storage area. Its current location is the only point at which vehicles can access the quarry floor. Within the quarry areas the extent of excavation (and significant level changes in excess of 12 metres) in certain locations makes it impossible to reinstate compliant setbacks until the site is rehabilitated.

The proposal, notwithstanding the exceedances of the 10 metre setback, achieves the intent of the controls in that the landscape quality and habitat value of the land will be restored following the quarrying operations on the site and there were no threatened species, populations or ecological communities identified on the site. Moreover, there is no further extension to the area of the quarry floor/boundaries, only the depth of the floor will increase in this proposal. The rural-residential streetscape and character is generally preserved in that the quarrying activities are generally located a distance from the road and adjoining bushland.

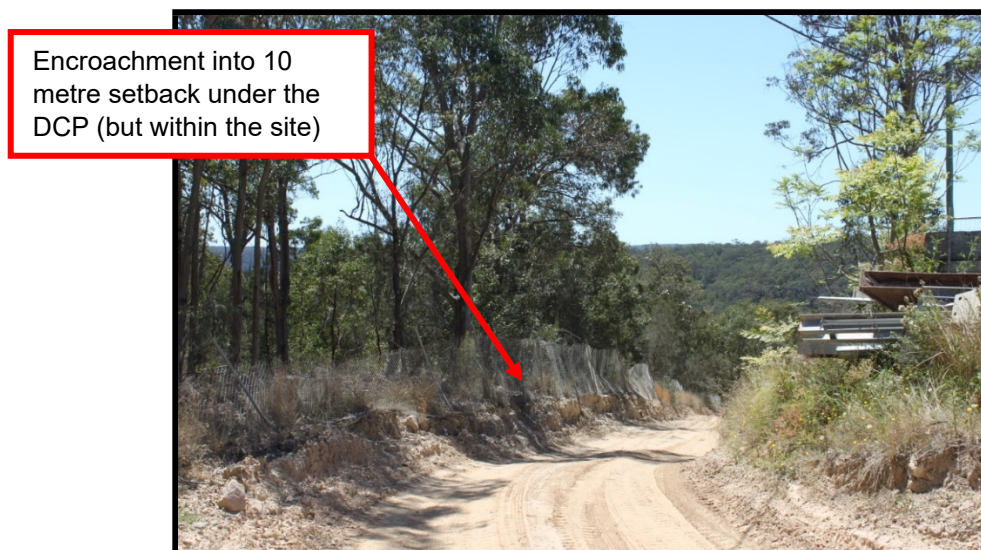


Figure 51: Development within 10m of the property boundary



Figure 52: Encroachment of northwestern quarry wall into setback to adjoining property

Public Road

The proposal does not comply with the minimum setback of 30 metres from a public road arising from the existing (and proposed) car parking area which is located within 20 metres (approximately) from Smallwood Road (green hatching – Zone 5). There are no structures or associated quarrying activities to be undertaken in this area as the proposal involves relocating the materials storage area from this area (front south-west corner) to adjoining the haul road between the processing area and the quarry area. This relocation results in only a car parking area being provided in this area, with the office located approximately 35 metres from the road.

The proposal also identifies the front 20 metres along Smallwood Road to be re-established with selected plantings comprising the PCT from the site within 3 months of the issue of development consent as outlined in Table 4.1 of the Rehabilitation Management Plan (November 2023). (Figure 53). This timing is supported as it will allow for the relocation and establishment of the new materials storage areas away from this boundary. The intent of the setback controls is considered to be satisfied by this enhanced planting in that the proposal will enhance the rural-residential streetscape. This is also required pursuant to Part C3 in relation to Landscaping (refer to Section 4 of this report). A recommended consent condition has been included in **Attachment A**.

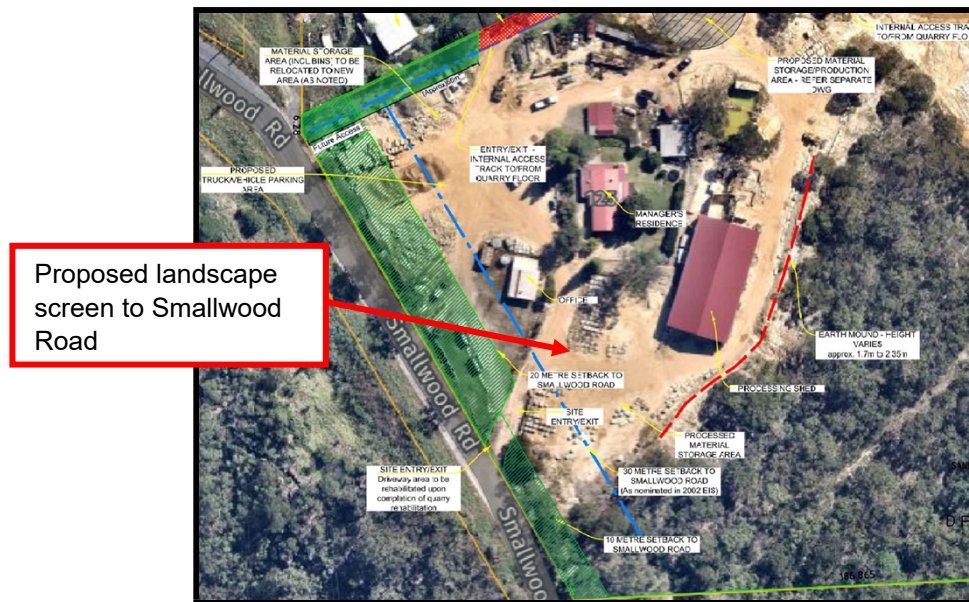


Figure 53: Proposed setback to Smallwood Road (Source: Part Site Plan/Admin Area, PGH, Rev B 29 June 2023)

Residence not associated with extraction

The proposal does not comply with the minimum setback of 100 metres to a residence not associated with extraction. This arises as a result of the dwelling/shed at No 129 Smallwood Road that is located within 10 metres of the common boundary and the existing quarry operations and associated infrastructure being within the required 100 metre setback to this dwelling/shed. Given the proposal is to extend the approved quarry time to the maximum approved depth with no increases to the lateral extent of the quarry and the proposed mitigation measures, this encroachment is considered to be acceptable.

As outlined above for the other setback inconsistencies, the proposal is considered to generally achieve the intent of the controls in that the landscape quality and habitat value of the land will be restored following the quarrying operations on the site and there were no threatened species, populations or ecological communities identified on the site.

The variations to the DCP minimum setbacks are considered satisfactory and a variation to the DCP controls is supported.

Encroachments into Adjoining Properties

In addition to the encroachments to the minimum boundary setbacks under the DCP, there are two (2) points of encroachments into adjoining properties as outlined on the Site Plan/Setbacks Plan (Revision B, dated 29 June 2023) and the EIS.

These encroachments comprise the following:

- To the northwest into No 129 Smallwood Road for land adjoining the existing internal haul road along this boundary and consists of an encroachment over the boundary by between 150mm and 760mm which includes the chain wire fence and the outside verge of the haul road. The internal haul road which is required for the current and future quarrying on the site is wholly within the subject site and there is no active use of the adjoining land in this application (**Figures 54 & 55**); and

- To the northeast into No 3676 – 3776 Old Northern Road (owned by Deerubbin LALC) by approximately 750mm consisting of the quarry excavation (**Figures 56 & 57**).



Figure 54: Encroachment into No 129 Smallwood Rd (Source: PGH, Rev B, Site Plan/Setbacks



Figure 55: Looking towards No 129 at approximate location of encroachment



Figure 56: Encroachment into No 3676-3776 Old Northern Rd (Source: PGH, Rev B, Site Plan/Setbacks



Figure 57: Looking northeast towards approximate location of encroachment

It is understood that works have not occurred within this area since the current quarry operator has commenced quarrying on the site and that these sections of land outside of the site are not required for the current operations of the quarry. Therefore, these sections can be considered to be historical encroachments.

There has been no owners consent provided from either of the adjoining land owners and therefore there shall be no works undertaken on land outside of the subject site unless there is written owners consent from the owner of the adjoining land. The EIS outlines that if deemed necessary, a temporary fence with para-webbing can be placed on the boundary to define these sections so that no works occur in these areas and/or they are not affected in the future.

These requirements for owners consent and the provision of temporary fencing are considered to be satisfactory in terms of preventing any further encroachments into adjoining properties and are therefore included in the recommended draft consent conditions in **Attachment A**. Consent conditions have also been recommended to be imposed to ensure that written owners consent from the adjoining properties is provided prior to any

rehabilitation works which are required to be undertaken on these adjoining properties (notwithstanding there are no such rehabilitation works to adjoining properties currently proposed). These encroachments are satisfactory subject to no further increases to the existing encroachments and that any works to rectify the encroachments are undertaken with owner's consent.

Heritage

The site is not affected by any heritage items pursuant to Clause 5.10 of THLEP 2019. In relation to Aboriginal cultural heritage, a search of the Office of the Environment and Heritage (AHIMS) Web Services (Aboriginal Heritage Information Management System) revealed that there are no Aboriginal places or sites having been recorded within 200 metres of the site. Relevant draft consent conditions have been recommended in **Attachment A** to ensure that if during construction works any relics are located, that appropriate actions are undertaken.

Land Resources

The SEARs requires that an assessment of land resources is provided including an assessment of:

- Potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate);
- Assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts; and
- Consideration of the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Section 2.17 of State Environmental Planning Policy (Resources and Energy) 2021, including surrounding pastoral lands.

These matters are considered below.

Soils and Land Capability

The site contains non-cohesive soils as outlined in Soil & Water Assessment and therefore potential erosion problems may occur on the site. The mitigation measures to reduce or prevent soil erosion on the site include the provision of sediment control devices throughout the site to ensure that unrestricted flows do not occur. The strategic placement of the sediment basins also reduces this potential soil erosion hazard, while the provision of soil and water measures outlined in the Soil & Water Plan also assist in relation to directing drainage to these basins.

The issue of land contamination is considered in the assessment of the Resilience & Hazards SEPP in Section 4 of this report. The management measures proposed include undertaking some soil sampling prior to the rehabilitation of the site to ensure that the site is compatible with future uses of the land.

The proposal is considered satisfactory having regard to soils and land capability subject to the soil and water as well as land contamination conditions in the recommended consent conditions.

Erosion and Sedimentation Issues

The proposed measures to prevent or control these impacts are outlined in the Soil & Water Report and further considered in Section 6.4 of this report.

Compatibility of the Development with Other Land Uses

Consideration of the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Section 2.17 of Resources and Energy SEPP is considered in Section 4 of this report. The proposal is considered unlikely to have significant adverse impacts to other land uses in the vicinity of the site as a result of the mitigation measures proposed.

Therefore, the proposal is considered to be consistent with the land resources on the site as required by the SEARs.

Hazards and Risks

The QEMP identifies certain potential hazards and risks on the site, which include:

- *Handling and storage of chemicals* – spills or leaks to soil or water. The QEMP provides that spill kits are to be provided and that all hazardous and/or dangerous goods are to be stored in a bunded area. Relevant consent conditions are recommended.
- *Extraction works* – disturbance of unrecorded indigenous and non-indigenous artefacts. The QEMP provides that work shall cease immediately and instruction to be provided by Council. Relevant consent conditions are recommended.
- *Pest control* – use of chemicals for current and preventative pest control. The QEMP requires that no new chemical pesticides are used for new remediation works.
- *Unexpected odours detected during excavation* – significant odours causing nuisance or health hazard. The QEMP requires that if odours are significant enough to cause nuisance, then the site management measures for odour control should be adopted.

The SEARs also required that the EIS consider hazards including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, storage, and handling and use of any hazardous or dangerous goods. Bushfire is considered above, while the potential for spills to occur with dangerous goods is also considered above. These issues have been satisfactorily addressed.

The proposal is not considered to be *potentially offensive industry* or *potentially hazardous industry* as outlined in Section 4 of this report. The quarry has and will continue to operate in a manner that responds to proper site management so as to avoid any unacceptable level of impact. On site operations are required to be undertaken in accordance with the QEMP and associated Occupational Health and Safety Requirements to ensure worker and visitor safety as outlined in the recommended consent conditions. The proposal is considered to adequately consider potential hazards which may affect the site.

Social & Economic

The SEARs requires an assessment of the likely social and economic impacts of the development, including consideration of both the significance of the resource and the costs

and benefits of the project. The remaining material volume survey prepared in March 2023 estimates there is approximately 47,363m³ of the sandstone resource material left on the site.

The economic costs of the project are reasonably low in that the equipment and infrastructure are already on the site including the processing areas and equipment, the sediment basins, the internal haul roads and the machinery required to quarry and process the sandstone. The quarry extraction area is also well advanced such that the sandstone resource is reasonably accessible. The economic advantages of the proposal include the service to trades and services in the area and greater Sydney which rely on the sandstone resource from the site.

The environmental (and amenity) costs are reasonably high if the operation were to be undertaken without mitigation measures, however, this is not proposed given the extensive management reports and plans prepared to reduce these environmental impacts. The proposal involves quarrying material from an established quarry with a known accessible resource still available and in this way is considered to be highly resource efficient. The proposed quarrying methods to be utilised are also efficient in that there is minimal waste of the resource throughout the quarrying and processing of the material.

From a social impact perspective, the quarry is an existing land use in the area and provides employment and business investment opportunities. While there will be job losses when quarrying ceases on the site, this potential negative impact can be reduced by providing a strategy for re-employment of those staff in the long term. Following a consideration of the social, economic and environmental impacts of the proposal, it is considered that it will largely have positive impacts subject to the mitigation measures being implemented.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the 2021 Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported subject to the recommended consent conditions.

The key issues of environmental management, acoustic impacts, dust, soil and water management, traffic and transport and biodiversity have been the subject of expert reports which contain mitigation measures which are considered to satisfactorily address these matters subject to the recommended draft conditions. These measures include acoustic barriers, limits on trucks movements and hours of operation, replanting requirements and retention of existing water management structures on the site. The *Quarry Environmental Management Plan* (EI Australia, August 2023) includes these measures and is included in the recommended draft consent conditions. The issues relating to bushfire and waste are also satisfactory, while visual impacts and the historic encroachments are considered satisfactory subject to the landscape screen and fencing requirements imposed in the draft conditions.

The rehabilitation of the site is considered to be satisfactorily outlined in the Rehabilitation Management Plan subject to various amendments outlined in the recommended draft consent conditions, including a bond to be held by Council which is more reflective of the costs of the rehabilitation works required. The other matters including heritage, land resources, hazards, social & economic issues required to be addressed in the SEARs are also considered satisfactory.

The mitigation measures outlined in the accompanying reports and management plans are considered to be appropriate and will ensure impacts to the area are minimised. The key issues are considered in detail in Section 6 of this report and are considered satisfactorily resolved subject to the recommended draft consent conditions.

Assessment under Section 4.15(1) of the EP&A Act concluded that the proposal is generally consistent with the relevant planning controls. The site is also considered suitable for the development and there are unlikely to be any significant adverse impacts arising from the proposal subject to the recommended conditions. The proposal is considered to be in the public interest given the disturbed nature of the site arising from the history of quarrying with a known resource remaining on the site, with impacts mitigated.

Following a thorough consideration of the application, it is considered that the proposal has adequately addressed potential impacts and relevant recommended consent conditions are provided for the Panel's consideration. The proposal is consistent with the planning controls and the jurisdictional preconditions to the grant of consent have been satisfied. The EIS is considered to be consistent with the requirements of the SEARs, the EP&A Act and the 2021 Regulation.

Accordingly, the development application is recommended for approval subject to the conditions as contained at **Attachment A** of this report.

8. RECOMMENDATION

That the Development Application DA 544/2023/JP for the continuation of extractive industry for a sandstone quarry for two (2) years, rehabilitation for four (4) to six (6) years, relocation of the materials storage area, increase in truck movements and the construction of acoustic barriers at Lot 1 DP 1223929 (No 125 Smallwood Road, Glenorie be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- **Attachment A: Recommended consent conditions**
- **Attachment B: Compliance Table – Part B2: Rural of the DCP**

Attachment A: Recommended Draft Consent 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/REF NO.	DESCRIPTION	AUTHOR	DATE
EIS 20-0860_V2 (Revision D)	Environmental Impact Statement (Revised)	PGH Environmental Planning	25 July 2023
PGH 20-0660 Rev B	Site layout Plan	PGH Environmental Planning	29 June 2023
PGH 20-0660 Rev B	Site/Survey Plan	PGH Environmental Planning	29 June 2023
PGH 20-0660 Rev C	Part Site Plan/Setbacks (Processing/Admin Area)	PGH Environmental Planning	06/11/2023
PGH 20-0660 Rev C	Part Site Plan/Setbacks (Quarry Area)	PGH Environmental Planning	06/11/2023
A01 Revision A	Production Area Site	Affordable Plans	22 May 2023
ESO_5784SG (Revision B)	Detail and Level Survey	ESO Surveyors	20 May 2023
Ref: E24668.E13. Rev 5	Quarry Environmental Management Plan	EI Australia Pty Ltd	7 August 2023
Revision 01	Soil and Water Assessment	Strategic Environmental & Engineering Consulting (SEEC)	24 August 2022
22267/R01 (Revision 4)	Rehabilitation Management Plan	Umwelt (Australia) Pty Limited	November 2023
2102831 Revision B	Air Quality Impact Assessment	RWDI Australia Pty Ltd (Wilkinson Murray)	26 August 2022
PT20118r02_V6	Traffic Impact Assessment Report	Positive Traffic Engineering & Planning	July 2023

21SYD - 18750	Flora and Fauna Assessment	EcoLogical Australia	1 June 2023
Version 1.0	Arboricultural Impact Assessment	Smart Arbor Professional Consulting	7 July 2023
BEEP20-0860_V1_Sandstone Quarry (Revision C)	Bushfire Emergency Evacuation Plan	PGH Environmental Planning	1 September 2022
Version 01	Groundwater Impact Assessment	Harwood Environmental Consultants	29 August 2022
4867R003.JC.230725 Rev 4	Noise Impact Statement	Acoustic Dynamics	25 July 2023
E24668.E01_Rev0	Preliminary Site Investigation	EI Australia Pty Ltd	24 August 2022
	Remaining Volume Estimate (to RL70) March 2023	Civiltrak	March 2023
	Wastewater management certification	AZ FLOW Plumbing Services Pty Ltd	4 July 2023
-----	Stockpile Removal Plan (for identification of stockpile only)	----	----

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

An Environment Protection Licence (**EPL**) pursuant to the *Protection of the Environment Operations Act 1997* from the NSW EPA is required for the proposal. A separate application must be made to the EPA to obtain this EPL. The general terms of approval for this proposal from the NSW EPA dated 8 September 2023 on Notice No 1632875 are provided at **Attachment A**. The proposal must comply with these general terms of approval.

3. Timeframe for Compliance with Certain Conditions

The timeframe for completion of the following is three months from the endorsed date of this consent:

- a. Obtain a Construction certificate and construct the required acoustic walls.
- b. Lodge the rehabilitation bond with Council.
- c. Relocate the materials storage area.
- d. Undertake landscape planting along the Smallwood Road frontage of the site.

4. Annual Environmental Compliance Report

Within one month of the anniversary of this consent, a report demonstrating that the operation of the quarry complies with the conditions of consent and is compliant with the relevant environmental legislation is to be prepared annually and submitted to Council's Manager Environment and Health and made available on the operator's website. The generation of dust produced from the site and associated activities are to be monitored and included in the Annual Environmental Compliance Report.

5. Works on Adjoining Properties

There shall be no works undertaken on properties adjoining the subject site unless there is written owners consent from the owner/s of the adjoining land.

6. Construction Certificate

A Construction Certificate is required for the materials storage area and the construction of the acoustic measures.

7. Tree Removal

Approval is granted for the removal of two (2) trees identified as Tree No 2 and Tree No 3 in the *Arboricultural Impact Assessment* prepared by Smart Arbor Professional Consulting (Version 1.0, dated 7 July 2023). All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Protection of Existing Trees and Native Vegetation

No additional native vegetation (trees and understorey) is to be removed for the creation of an Asset Protection Zone or for any other purpose without prior consent of Council.

9. Contamination Assessment & Site Remediation

The recommendations of the *Preliminary Site Investigation* prepared by EI Australia Pty Ltd (Ref: E24668.E01_Rev0) dated 24 August 2022 are to be implemented as part of this approval. In particular, a targeted soil investigation within the building footprint areas and vehicle parking areas is to occur prior to the rehabilitation of the site.

10. Contamination

Any new information that may come to light which has the potential to alter previous conclusions about site contamination, shall be immediately notified to the Principal Certifier.

11. 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.

In the event that an Aboriginal cultural heritage item is found, an Aboriginal Heritage Impact Permit (AHIP) will need to be made to salvage and excavate or destroy under Section 87 of the *National Parks and Wildlife Act 1974*.

12. Rural Fire Service Requirements

The following conditions are imposed by the NSW Rural Fire Service pursuant to Section 4.14 of the *Environmental Planning and Assessment Act 1979* dated 12 October 2022:

Emergency and Evacuation Plan

Intent of measures is to provide suitable emergency and evacuation arrangements for occupants:

- (a) A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (b) The provision of water must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- a 20,000 litre static water supply must be provided on-site for the existing dwelling,
 - an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (5-20 metres),
 - 65mm Storz connection with a ball valve is fitted to the outlet,
 - the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
 - underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
 - a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
 - above-ground tanks are manufactured from concrete or metal,
 - raised tanks have their stands constructed from non-combustible material or bush - fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
 - unobstructed access can be provided at all times,
 - underground tanks are clearly marked,
 - tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
 - all exposed water pipes external to the building are metal, including any fittings,
 - where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
 - any hose and reel for firefighting connected to the pump shall be 19mm internal diameter,
 - fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
 - A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.

- (c) The provision of any new electricity services must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- where practicable, electrical transmission lines are underground,
 - where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- (d) The provision of any new gas services must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
 - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
 - connections to and from gas cylinders are metal,
 - polymer-sheathed flexible gas supply lines are not used, and
 - above-ground gas service pipes are metal, including and up to any outlets.

13. Department of Regional NSW - Mining, Exploration & Geoscience

To assist in the collection of construction material production data, the proponent shall provide annual production data for the subject site to the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

14. Endeavour Energy Requirements

The following condition is imposed by Endeavour Energy as the electricity provider:

The low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW' and be appropriately designed and located to maintain minimum clearances above ground, and from trees, shrubs and structures.

Irrespective of the ownership of the overhead service, the minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' e.g. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV) and includes the following requirements for work near low voltage overhead power / service lines:

- (a) Hand held tools – 0.5 metres
- (b) Operation of crane of mobile plant – 3 metres

- (c) Handling of metal materials (scaffolding, roofing, guttering, pipes etc) – 4 metres
- (d) Handling of non-conductive materials (timber, plywood, PVC pipes and guttering etc) – 1.5 metres
- (e) Driving or operating vehicle – 0.6 metres

Specifically in regard to safety clearances, an assessment is required to be undertaken of the metal awning (located to the north-west of the metal shed) and appropriate action undertaken to ensure safety clearances are either achieved or rectification works undertaken to ensure compliance with the Australian Standards.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

15. Removal of Acoustic Earth Bund (fill stockpile)

Before the issue of a Construction Certificate, the existing fill stockpile (located within the southern extent of the process areas and identified as '*Stockpile*' in the Site/ Survey Plan, must be removed under the supervision of the Project Arborist and Project Ecologist.

The existing fill stockpile must be carefully removed under the supervision of a Project Arborist and Project Ecologist, to adequately remediate and restore areas required to be retained as existing PCT 1081- *Red Bloodwood – Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion*, identified in Figure 5 of the Flora and Fauna Report prepared by EcoLogical Australia dated 23 August 2023. These removal works must be completed prior to the installation of the required 2.5 metre high acoustic barrier required by this consent.

16. Acoustic Measures

The following measures are required to be installed in accordance with the *Noise Impact Statement* prepared by Acoustic Dynamics dated 25 July 2023 (Ref: 4867R003.JC.230725) Revision 4:

- (a) An acoustic barrier along the southern boundary of the production area in the form of a post and panel construction to 2.5 metres in height in accordance with the *Noise Impact Assessment* prepared by Acoustic Dynamics dated 23 July 2023; and
- (b) An acoustic barrier along the southern edge of the material storage area in accordance with the *Noise Impact Assessment* prepared by Acoustic Dynamics dated 23 July 2023. The existing shipping containers are to be removed.

There must not be any additional encroachment into bushland for the erection of the acoustic barriers. Details are to be provided on the Construction Certificate plans.

17. Engineering Works and Design

The detailed design of the engineering works for the materials storage area must be provided in accordance with Council's requirements, relevant Australian Standards and geotechnical advice. Details are to be provided with the application for a Construction Certificate.

18. Amendment to the Rehabilitation Management Plan

The *Rehabilitation Management Plan*, prepared by Umwelt Report no. 22267/R01, dated May 2023 shall be amended to comprise the following:

- (a) must consider direct and indirect impacts on bushland areas and biodiversity values, surrounding the approved development footprint, located within the property, and located on surrounding properties. The amended plan must also identify all measures to avoid and mitigate impacts on surrounding biodiversity.
- (b) must identify areas of land to be retained and protected and areas of land to be restored.
- (c) is to provide the following plans as an Appendix of the Amended Rehabilitation Management Plan:
 - (i) a **Vegetation Management Plan** ('VMP') is to be strictly in accordance with Council's *Vegetation Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The VMP must provide details of the rehabilitation of the quarry as well as the management and maintenance of areas containing existing vegetation, within the property required to be retained and protected:
 - Annual reduction targets for priority weeds to achieve less than 2% cover at the end of the secondary weeding phase and annual reduction targets for environmental weeds to achieve less than 4% cover at the end of 5 years.
 - The percentage survival rate for plantings (where the survival rate is below the target replacement plants will be required)
 - Performance criteria throughout the establishment and implementation performance periods (1 year establishment and 5 years implementation).
 - Plant species richness and cover abundance of native vegetation zones for each structural layer. The Hills Shire Council's Environment Team may request that planting densities be increased to further mitigate risks associated with rehabilitation works.
 - A Gantt chart, or similar, to reflect staging of all VMP works required during the establishment and implementation periods.
 - Native species richness and cover abundance for groundcovers, shrubs and canopy species and weed cover abundance can be measured quantitatively within quadrats. Quadrat data collected prior to works commencing forms the baseline for monitoring performance criteria. Data collected is to include native species richness and cover abundance and weed distribution and cover abundance.
 - The VMP is to define all responsibilities and identify risks and risk mitigation measures, annual reporting requirements and costings associated with establishment and implementation of the Vegetation Management Plan for the duration of the six (6) year performance period.
 - In perpetuity performance criteria.
 - (ii) A **Stormwater & Erosion Management Plan**. The Stormwater Management Plan must detail the proposed location of any dams, overflow, swales, silt traps, fencing, and drainage infrastructure. The plan must be designed to avoid impacts on native vegetation required to be retained and protected by this consent. The Stormwater & Erosion Management Plan should include measures for ongoing monitoring of stormwater quality as well as maintenance of structures such as drains, silt traps and fencing. The Stormwater & Erosion Management Plan must aim to preserve downstream water quality.
 - (iii) A **Dam Decommissioning Plan**
 - (iv) An **Earthworks Plan** – identifying cross sections and levels of final landform.

- (d) Describe how the rehabilitation site would achieve objectives and be integrated with the measures identified in the required Vegetation Management Plan (to be provided as an appendix to the Amended Rehabilitation Management Plan).
- (e) Provide amended rehabilitation cost estimates that accurately considers the required establishment and implementation of the Vegetation Management Plan. Cost estimates must identify risks associated with implementation of the Amended Rehabilitation Management Plan and must identify costs of the identified mitigation measures required to address the risks of rehabilitation works.
- (f) Describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including closure, final landform (including final voids), final land use/s and water management in the final landform.

The Plan must be prepared by a suitably qualified and experienced person/s and submitted to The Hills Shire Council's Manager – Environment and Health for approval.

19. Operational Traffic Management Plan

An *Operational Traffic Management Plan* shall be prepared, which is to include (but is not limited to, the following matters:

- (a) Adherence to posted and safe speed limits on public roads (in consultation with a Traffic Engineer)
- (b) Speed limits on internal haul roads and parking areas
- (c) Safety requirements on site (within quarry area, processing area etc)
- (d) Heavy vehicle compression braking and heavy vehicle noise (turn off vehicle if extended waiting)
- (e) Covering of loads
- (f) Heavy vehicle departure and arrival (having regard to consent conditions) including the requirement for the implementation of a CB radio communication system with truck drivers so they don't need to sound their truck horn (only for emergencies).
- (g) Safety initiatives for residential areas and school zones
- (h) Primary haulage routes (short cuts and deviations should not be used when delivering Quarry products)
- (i) Heavy vehicle breakdown and incidents and fatigue management
- (j) Compliance measures and monitoring
- (k) Emergency contact numbers
- (l) Driver code of conduct and induction protocols.

The Plan must be provided with the application for a Construction Certificate.

20. Erosion & Sediment Control Plan

An Erosion and Sediment Control Plan, prepared in accordance with '*Managing Urban Stormwater Soils & Construction*' prepared by the NSW Department of Housing, must be prepared, including details of the following:

- (a) Allotment boundaries
- (b) Location of the adjoining roads
- (c) Contours
- (d) Existing vegetation
- (e) Existing site drainage

- (f) Critical natural areas
- (g) Location of stockpiles
- (h) Erosion control practices
- (i) Sediment control practices
- (j) Outline of a maintenance program for the erosion and sediment controls

To ensure that material deposits do not occur on Smallwood Road, a second shakedown grid shall be installed to provide a more effective method of minimising the potential for residual material deposits being tracked on Smallwood Road. This must be included on the Erosion and Sediment Control Plan and provided with the application for a Construction Certificate.

21. Site Water Management Plan

A Site Water Management Plan is to be prepared in accordance with "*Managing Urban Stormwater - Soils and Construction*" (*Blue Book*) produced by the NSW Department of Housing and the recommendations in Section 4 of the *Soil and Water Assessment* prepared by Strategic Environmental and Engineering Consulting, referenced as Rev 01 dated 24 August 2023. The plan is to be kept on site at all times and made available upon request and provided with the application for a Construction Certificate.

22. Bunded Storage Area

All fuels, oils and chemicals shall be stored in a clearly marked location, with bunds provided, sized for at least 110% of the capacity of the largest storage container. Spill kits are also to be provided in this area. Details are to be provided on the Construction Certificate plans.

PRIOR TO WORK COMMENCING ON THE SITE

23. 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 **\$30 per square metre** of extracted area and associated processing areas (based on 2.5 hectares) in accordance with the approved extraction and rehabilitation program for the 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 amended *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 *Rehabilitation Management Plan*.

24. Supervision of Works

The work shall be supervised by a suitably qualified and experienced Civil Engineer (or equivalent). The engineers name and contact details shall be submitted to Council prior to the commencement of works.

25. Erosion and Sediment Control/ Soil and Water Management

The approved erosion and sediment control and the site water management measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

26. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with *AS4970- 2009 Protection of Trees on Development Sites*. At a minimum a 1.8 metre high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm. A sign is to be erected indicating the trees are protected. The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

27. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) *Protection of trees on development sites* c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

28. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

29. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours' notice) or under supervision of a project arborist. If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

30. 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.

31. Bushland Protection Fencing

Prior to any works commencing on site, temporary bushland protection fencing must be in place along the boundary of the required 10 metre setback for the quarry. The temporary fence is to be a minimum chain-wire fence or similar and be suitable to restricted unauthorised entry.

The temporary fence is to stop the following occurring:

- Damage to threatened plants and their habitat.
- Placement of fill within significant bushland.
- Stockpiling of materials within significant bushland.
- Compaction of soil within significant bushland.
- Encroachment of works into significant bushland.

32. Temporary fencing – Adjoining Property Encroachments

A temporary fence of para-webbing shall be placed on the boundary in the vicinity of the existing encroachments onto No 129 Smallwood Road (to the northwest) and No 3676 – 3776 Old Northern Road (to the northeast) to define these sections so that no works occur in these areas and/or they are not further affected in the future.

DURING CONSTRUCTION

33. Acoustic Treatment

The acoustic barriers as recommended in the *Noise Impact Statement* prepared by Acoustic Dynamics Pty Ltd, referenced as 4867R003.JC.230725 dated 25 July 2023 are to be implemented as outlined in Section 6.1 of the report. The acoustic barriers:

- (a) are to be constructed a minimum of 2.5 meters high.
- (b) must not contain gaps along the surface area.
- (c) must provide a minimum surface density of 15 kg/m² and all gaps must be sealed with a flexible mastic sealant.

34. Supervision of Works

All engineering works associated with the development are to be carried out under the supervision of a practices Professional Engineer.

35. Tree Retention

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the *Arboricultural Impact Assessment* prepared by Smart Arbor Professional Consulting, dated 7 July 2023 including the following requirements:

- (a) Site Specific Tree Protection Measures identified in Section 8.3 of the Arboricultural Impact Assessment.
- (b) Tree Protection Fencing, within the locality of the production area, for trees identified as 'T1 grouping' in the Arboricultural Impact Assessment must be in accordance with the Tree Location and Impact Plan identified in the Arboricultural Impact Assessment.

And the additional following Council requirements:

- (c) Stockpiles, equipment, machinery, and materials must not be located within the tree protection zone of trees that are located within the property and on adjoining properties, that are required to be retained and protected.
- (d) No additional site entry or access is permitted in existing bushland, required to be retained and protected.
- (e) No further breaches into the required buffer areas, required setbacks and areas identified in Figure 5 of the Flora and Fauna Report (prepared by EcoLogical, dated 1 June 2023) as PCT 1081: *Red Bloodwood- Grey Gum Woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion* (disturbed condition and high condition), are to occur.

36. Replacement Planting Requirements

To maintain the treed environment of the Shire four (4) advanced 45 litres replacement trees from the following list are to be planted within the southern portion of the property (in the vicinity of the bund to be removed).

- (a) Small mature size:
Allocasuarina littoralis Black She-oak
- (b) Medium mature size:
Angophora bakerii Narrow-leaved Apple
Corymbia eximia Yellow Bloodwood
Syncarpia glomulifera Turpentine
- (c) Large mature size:
Angophora costata Smooth barked Apple
Corymbia gummifera Red Bloodwood
Eucalyptus piperita Sydney Peppermint
Eucalyptus punctata Grey Gum

37. Tree Removal & Fauna Protection

Trees with hollows 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. Any injured fauna is to be placed into the hands of a wildlife carer (please note only appropriately vaccinated personnel are to handle bats).

38. Site Management – Protection of Vegetation

No stockpiling is to be undertaken or located within the required buffer zones or ten (10) metre setback of the adjoining property boundaries or within areas containing existing native vegetation identified as PCT 1081 *Red Bloodwood – Grey Gum woodland on the slopes of the Cumberland Plain, Sydney Basin Bioregion* and containing PT 1181 *Smooth-barked Apple-Red Bloodwood- Sydney Peppermint Healthy Open Forest on Slopes of the Dry Sandstone Gullies of Western and Southern Sydney* (identified in Figure 5 of the Flora and Fauna Report prepared by EcoLogical Australia, dated 1 June 2023).

The stockpiling of materials or equipment must be located at a distance of at least ten (10) metres from areas identified at ‘existing vegetation’ (identified in figure 4.6 of the Rehabilitation Management Plan prepared by Umwelt, Revision 3, 16 May 2023). Any excavated material not used in the construction of the subject works is to be removed from the site to a licensed facility and shall not be deposited in bushland areas.

Any works (such as removal of stockpiled materials, remediation of soil and erection of acoustic barriers) occurring within the setbacks, buffer zones or within 10 metres of existing native vegetation, must be directly supervised by the Project Arborist and Project Ecologist.

To minimise and mitigate impacts on native vegetation and tree protection zones (TPZ) of trees to be retained and protected, the installation of any acoustic barrier within 10 metres of bushland areas and trees required to be retained and protected, must not be constructed with strip-footings, and must use post and panel for the construction of the Acoustic Barrier.

The location of the Acoustic barrier must be in accordance with Appendix A.2 of the Noise Impact Statement prepared by Acoustic Dynamics (Revision 4, dated 25 July 2023) and must be within the existing development footprint (i.e., there must be no additional encroachment into bushland for the erection of the Acoustic Barrier).

39. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites. Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

40. Rehabilitation Works

Any rehabilitation works required to be carried out on adjoining properties (in the vicinity of encroachments onto adjoining properties) require the written consent of the owners of all affected properties.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE/CERTIFICATE OF PRACTICAL COMPLETION FOR THE WORKS**41. Acoustic Treatment Verification**

Before the issue of an occupation certificate, the acoustic treatments required to be installed under this consent are to be inspected by an acoustic engineer and verified as satisfying the requirements of the consent.

42. Post Construction Submission Requirements – Acoustic Barriers and Materials Storage Area

Once the works are complete, Works as Executed Plans must be prepared in accordance with Council's requirements and submitted to Council for approval. The plans must be prepared by a suitably qualified engineer or registered surveyor.

43. Engineers Certificate

Certification from a suitably qualified engineer or registered surveyor is required on completion of the works (materials storage area) certifying that the work has been carried out in accordance with the structural details approved by Council.

44. Biodiversity compliance

Evidence that the following measures have been undertaken shall be submitted to The Hills Shire Council's Manager – Environment and Health:

- (a) **Local Provenance Planting Stock** – Details prepared by the project ecologist demonstrating compliance with the Local Provenance Planting Stock condition/s of this consent.
- (b) **Evidence of Local Provenance** – Invoices detailing the procurement of local provenance species used in any landscaping/bush regeneration works.

45. Approval to Operate a System of Sewage Management

Before the issue of an occupation certificate, an application for an Approval to Operate a System of Sewage Management under Section 68 of the *Local Government Act 1993* is to be made to Council.

46. Landscape Screen Planting

Landscape screen planting of native species which are endemic to the area is required along the Smallwood Road frontage of the site (noted as Zone 5) and shall have a minimum width of two (2) metres consistent with Clause 3.1(b) of the DCP. These works must be completed prior to the issue of an occupation certificate/certificate of completion.

THE USE OF THE SITE/OPERATIONAL REQUIREMENTS**47. 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* and is limited to a maximum of 30,000m³/pa (60,000t/pa) for a maximum of two (2) years.

48. Life of Consent

Consent for the purposes of extraction of material is limited to a period of two (2) years from the endorsed date of this consent. A further six (6) year period after cessation of the extraction period is permitted for completion of the rehabilitation works. Written advice is required to be provided to Council of the date of which extraction on the site has ceased.

49. Hours of Operation

The operation of the quarry is limited to the following hours:

- (a) Monday to Friday:
 - (i) Quarry: 7.30 am – 4.30pm for the extraction of materials and all activities associated with the extraction of materials (including truck movements); and
 - (ii) Office: 7.00am – 4.30pm.
- (b) Saturday: 8.00am – 1.00pm (quarry and office)
- (c) Sunday & Public Holidays - Closed - No work or activity is permitted on Sundays or Public Holidays.

There shall be no truck movements associated with the quarry outside the quarry operating hours as outlined in this condition.

50. Quarry Environmental Management Plan

The *Quarry Environmental Management Plan* prepared by EI Australia Pty Ltd (Ref: E24668.E13.Rev 5) dated 7 August 2023 must be complied with at all times, and a copy of the plan is to be kept on site and provided to regulatory authorities if required.

51. No Blasting Permitted

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

52. Restriction of Equipment

A mobile impact crusher, or similar equipment is not permitted to be used on the site at any time. Hydraulic rock breakers are only to be used on the quarry floor.

53. Depth of Extraction

The area of land disturbed for the purpose of extraction shall not exceed the existing quarry site area and is restricted to a maximum depth to RL 70m AHD.

54. No Processing of Material from off the site

Only material which has been quarried from the subject site is to be processed on the subject site. No other material quarried from other premises is to be brought to the site for processing.

55. Maximum Truck Movements

The maximum number of **laden** truck movements shall not exceed 16 vehicles (inbound/outbound) per working day during the extraction period and 7 vehicles (inbound/outbound) per day during the rehabilitation phase of the development.

56. Vehicle entry and exit

All vehicles must enter and leave the site in a forward direction.

57. Operational Traffic Management Plan

The extraction and rehabilitation phases of the quarry operation must be undertaken in accordance with the *Operational Traffic Management Plan* required by this consent at all times.

58. Truck Driver Behaviour

The operator must:

- (a) advise its drivers and its clients not to arrive at the site prior to 7.30am on any operational day;
- (b) ensure that all laden trucks have their loads covered when arriving at or leaving the site;
- (c) ensure that all laden trucks are cleaned of material that may fall from vehicles, before leaving the site.
- (d) ensure all trucks to and from the site abide by the operational Traffic Management Plan.

59. Office and Parking Area

There shall be no material storage, processing of material, storage of equipment associated with the operation of the quarry or other works undertaken in the northwestern corner of the site adjoining the boundary with No 129 near the Smallwood Road boundary. This area is only to be used for car parking.

60. Fill material

There shall be no fill material or other material brought to the site except the VENM or ENM during the rehabilitation phase of the development at the cessation of quarrying at the site only.

61. Workplace Safety

The quarry and rehabilitation operations shall be undertaken in accordance with the requirements of SafeWork NSW, the NSW Resource Regulator and the *Quarry Environmental Management Plan* at all times.

62. Soil and Water Management

The recommendations in Section 4 of the *Soil and Water Assessment* prepared by Strategic Environmental and Engineering Consulting, Rev 01 dated 24 August 2023 and the Site Water Management Plan are to be implemented at all times.

63. Protection of Groundwater

The operation of the quarry must not breach or contaminate any groundwaters. In the event of groundwaters being breached or contaminated, operations are to cease, and the Department of Primary Industries and Environment are to be immediately consulted to determine the basis upon which extraction may recommence.

64. On-site Sewage Management

The on-site wastewater system shall be operated in accordance with the section 68 approval pursuant to *Local Government Act 1993* at all times.

65. Acoustic Requirements

The large saws in the production area must only be operated within the acoustic enclosures with doors closed at all times.

66. Acoustic Barrier Maintenance

All acoustic attenuation measures that are installed as part of the development are to be maintained to ensure acoustic compliance. This includes but is not limited to maintaining acoustic barriers to ensure they remain solid and gap free.

67. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

68. Dust Mitigation

The recommendations as listed in Section 8 of the *Air Quality Impact Assessment* prepared by RWDI, Reference No 2102831, dated 26 August 2023 are to be implemented, specifically but not limited to:

- (a) Engines of vehicles and plant to be switched off when not it uses
- (b) Vehicles and plant to be fitted with pollution reduction devices where practicable
- (c) Vehicles and plant to be maintained in accordance with manufacturer's specifications
- (d) Reduce drop heights when handling dusty material
- (e) Dampen excessively dusty material during handling
- (f) Vehicles restricted to designated routes
- (g) On-site speed limits enforced

- (h) Vehicle loads to be covered when travelling off-site.
- (i) Operation of a water cart to control dust from haulage routes.
- (j) Regular wetting down on the site to be undertaken in order to control wind-blown dust from the site.
- (k) Roads adjoining the site to be kept clean and free of excavated/transportable spoil material.

69. Dust Management

The operator must:

- (a) implement best practice management to minimise the dust emissions of the development;
- (b) 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;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
- (d) monitor and report on compliance with the relevant air quality conditions in this consent; and
- (e) minimise the area of surface disturbance and undertake progressive rehabilitation of the site.

70. 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.

71. Efficient Use of Sandstone

The sandstone resource shall be quarried and processed to optimise the efficiency of the resource recovery of the material.

REHABILITATION

72. Rehabilitation Management Plan Implementation

The site must be rehabilitated in accordance with the amended Rehabilitation Management Plan at the cessation of the two (2) extraction period. This includes all stages of the amended Rehabilitation Management Plan and Vegetation Management Plan.

An Annual Progress Report throughout the rehabilitation phase must be submitted to the Council (Manager – Environment and Health) at the completion of each performance year (i.e., first 12 months, end of 24 months, end of 36 months, end of 48 months, end of 60 months, end of 72 months). A statement certifying such compliance must be provided by the author of the amended Rehabilitation Management Plan or an equally qualified and experienced person. Site rehabilitation is to be carried out in accordance with the conditions of this consent.

The operator shall retain receipts of all material received and provide documentation on a six monthly basis confirming the volume and nature of material that has been received. Only Virgin Excavated Natural Material ('VENM') or Excavated Natural Material ('ENM') is to be used to return the land to the natural landform as outlined in the *Rehabilitation Management Plan*. The rock saws shall be removed from the site at the cessation of quarrying.

73. Management of area subject to rehabilitation

Any area that is subject to the Vegetation Management Plan and amended Rehabilitation Management Plan shall be managed in accordance with these plans in perpetuity by the property owner/s.

74. Material not to leave site during rehabilitation

There shall be no material or product leaving the site during rehabilitation and there shall be no continuation of quarrying following the cessation of the two (2) year extraction period.

75. Vehicle Access during Rehabilitation

All vehicle access during the rehabilitation phase (including heavy vehicles) is to be provided from the existing vehicle access point only. The proposed access point along the north-western boundary shall only be established at the end of the rehabilitation period.

76. New Fencing – Rehabilitation Phase

New fencing is to be provided along the boundary with No 129 Smallwood Road where the existing fencing has been damaged by quarry activities in the vicinity of the internal haul road adjoining the new location of the materials storage area. This fencing is to be consistent with existing fencing and shall be erected during the rehabilitation phase of the development.

The erection of fencing along the common boundary with No 129 Smallwood Road adjoining the extraction area as outlined in the Revised Rehabilitation Plan shall be installed as soon as practicable following the cessation of quarrying having regard to the reinstatement of site levels in the vicinity of this new fencing.

77. 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.

78. 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*. Any use of off-site VENM or ENM will need to have an EPA classification certificate for the source material.

79. Hours for Rehabilitation Works

The rehabilitation works are limited to the following hours:

- a. Monday to Friday: 7.30 am – 4.30pm.
- b. Saturday: 8.00am – 1.00pm.
- c. Sunday & Public Holidays - Closed - No work or activity is permitted on Sundays or Public Holidays.

There shall be no truck movements associated with the rehabilitation works outside the operating hours as outlined in this condition.

SECTION 7.11 CONTRIBUTIONS

80. 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 \$1.11 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.

ATTACHMENT A – GENERAL TERMS OF APPROVAL FROM THE NSW EPA

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued

Notice No: 1632875



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Norwest NSW 2153

Attention: Kristine McKenzie
Email: kmckenzie@thehills.nsw.gov.au

Notice Number 1632875
Date 08-Sep-2023

Re: DA 544/2023/JP - Continuation of extractive activities - 125 Smallwood Road, Glenorie

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA544/2023/JP) (development) and accompanying information (Application) submitted to the NSW Environment Protection Authority (EPA) on 28 July 2023 by The Hills Shire Council (Council) for the above proposal at the facility located at 125 Smallwood Road, Glenorie NSW (Lot 1 DP 1223929 - Premises). EA Quarry's Pty Ltd (Applicant) is seeking by this development to continue extraction operations at the Premises for two years and thereafter rehabilitate the Premises for between four to six years.

EPA has reviewed the Application and has determined that it is able to issue an Environment Protection Licence (EPL) for the above proposal, subject to a number of conditions. The Applicant will need to make a separate application to the EPA to obtain this EPL.

The general terms of approval for this proposal are provided at **Attachment A**. If Council grants development consent (Consent) for this proposal, the conditions outlined in Attachment A must be incorporated into the Consent. **Attachment B** includes mandatory conditions for all Environment Protection Licences.

These general terms relate to the development as proposed in the information received by 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 these changes before the consent is granted. This will enable the EPA to determine whether its general terms need to be modified in light of these changes.

Environment Protection Licence requirements

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It should be noted that there are several requirements for holders of EPLs, including monthly recording and reporting; provision of a financial assurance; a maximum authorised amount permitted onsite at any one time; and stockpile height limits. The EPA will discuss these matters further with the Applicant at the licensing stage.

If you have any questions, or wish to discuss this matter further please contact Farzan Pestonji on (02) 9995 5957.

Yours sincerely

A handwritten signature in black ink, reading 'Erin Barker'. The signature is fluid and cursive, with the first name 'Erin' and last name 'Barker' clearly distinguishable.

Erin Barker
Manager Regulatory Operations
Environment Protection Authority
(by Delegation)

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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 DA544/2023/JP submitted to The Hills Shire Council on 15 September 2022
- Environmental Impact Statement (Revised) dated 25 July 2023 prepared by PGH Environmental Planning relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including but not limited to:
 - Air Quality Impact Assessment dated 26 August 2022 prepared by RWDI Australia Pty Ltd
 - Groundwater Impact Assessment dated 29 August 2022 prepared by Harwood Environmental Consultants
 - Noise Impact Assessment (Revised) dated 7 August 2023 prepared by EI Australia
 - Rehabilitation Management Plan (Revised) dated May 2023 prepared by Umwelt (Australia) Pty Ltd
 - Soil and Water Assessment dated 24 August 2022 prepared by Strategic Environmental and Engineering Consulting.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the 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 Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subjected to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "other limits" in the table below.

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Code	Waste	Description	Activity	Other Limits
NA	General solid waste Non-Putrescible	Virgin Excavated Natural Material (VENM)	Resource recovery Waste Storage	
NA	General solid waste Non-Putrescible	Excavated Natural Material (ENM)	Resource recovery Waste Storage	

L2.3 Notwithstanding any limit specified in the above table, the proponent shall not exceed the authorised amount specified in the licence. The authorised amount of waste permitted at the premises is **to be determined**.

L2.4 Quarry rehabilitation must be carried out in stages. The proponent must provide to the EPA a document detailing the stages of quarry rehabilitation and the volume of material required to fill the void at each stage.

L3. Noise

L3.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure A.3 in Noise Impact Statement, Sandstone Quarry, 125 Smallwood Road, Glenorie NSW by Acoustic Dynamics, ref: 4867R003.JC.230725, dated 25 July 2023.

Location	Noise Limits in dB(A)
	Day
	L _{Aeq} (15 minute)
109 Smallwood Road, Glenorie (Lot 100, DP 1186331)	40
129 Smallwood Road, Glenorie (Lot 1, DP 1223929)	40
131-133 Smallwood Road, Glenorie (Lot 110, DP 1186332)	40
172 Smallwood Road, Glenorie (Lot 7304, DP 1142075)	40

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

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

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Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

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

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Richmond**
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017): Use of sigma-theta data (section D1.4).

L3.5 To assess compliance:

- with the $L_{Aeq}(15 \text{ minutes})$ noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - at any other location identified in condition L3.1
- with the $L_{Aeq}(15 \text{ minutes})$ noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - at the reasonably most affected point at a location where there is no residence at the location; or,
 - at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

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L3.6 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Noise Management Plan

L3.9 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

- a) all measures necessary to satisfy the limits in Table L3.1 at all times,
- b) a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

Operating conditions

01. Odour

O1.1 The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.

02. Dust

O2.1 All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollution including dust from the premises.

O2.2 The premises must be maintained in a condition to minimise or prevent the generation of air pollution including dust on the premises.

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O2.3 All trafficable areas in or on the premises must be maintained at all times in a condition that will minimise the emission of wind blown or traffic generated dust to the air.

O2.4 Trucks entering and leaving the premises that are carrying loads must be covered at all times whilst on the premises, except during loading and unloading.

O2.5 The proponent must ensure that no material, including waste, sediment, mud or oil, is tracked from the premises.

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

M2 Requirement to Monitor Noise

M2.1 Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:

- a) occur at each location specified in Condition L3.1;
- b) occur annually in a reporting period;
- c) occur during each day period as defined in the *Noise Policy for Industry* for a minimum of 1.5 hours during the day;
- d) occur for three consecutive operating days.

M2.2 Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW.

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Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment 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

R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The Assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken with the monitoring period to address any exceedances of the limits contained in Condition L3.1 and L3.3.

R3. Traffic Noise Management Strategy

R3.1 A Traffic Noise Management Strategy (TNMS) must be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

- a) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
- b) best noise practice in the selection and maintenance of vehicle fleets;
- c) movement scheduling where practicable to reduce impacts during sensitive times of the day;
- d) communication and management strategies for non-licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;
- e) a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;
- f) specific procedures for drivers to minimise impacts at identified sensitive receivers; and
- g) clauses in conditions of employment or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

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Notice No: 1632875

Attachment B – 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:

- must be maintained in a proper and efficient condition; and
- 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:

- h) Statement of Compliance; and
- i) 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 by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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.

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

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- 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;
- g. any other relevant matters.

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

General conditions

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

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

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

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

Attachment B: Part B2 – Rural

CONTROL	REQUIREMENT	PROPOSAL	COMPLY
1. Site Planning			
Minimum setbacks	<ul style="list-style-type: none"> • Adjoining property boundary – min 10m; • Public road – min 30m • National park, State Forest or Crown lands boundary – min 40m • Any site or relic of heritage, archaeological, geological or cultural significance – min 40m • Top bank of a watercourse – min 40m or as required by DPI-Water • Public or Community facility – min 100m • Residence not associated with extraction – min 100m • Electricity transmission lines – as required by authority 	<p><10 metres</p> <p>Approx. 20m</p> <p>None in the vicinity</p> <p>None on the site</p> <p>Approx.. 100m</p> <p>None adjoining the site</p> <p>Approx. 108m to No 129 & 258m to No 109</p> <p>There are no public transmission lines on the site.</p>	<p>No</p> <p>No</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>No</p> <p>N/A</p>
2. 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.	A existing single vehicle access is to be retained by the proposal.	Yes
Internal access carriageways - width	Min 12m wide	The internal haul road along the northwestern boundary does not achieve a 12 metre width.	No
Internal access carriageways - setbacks	<ul style="list-style-type: none"> • Min 10m setback from adjoining property boundary • Min 50m setback from environmentally sensitive areas including habitats of threatened species. • Min 100m setback from residences not associated with extraction 	<p>This has not been achieved.</p> <p>This does not occur on the site or adjoining sites.</p> <p>No 109 Smallwood Rd – approx. 190m from the processing shed;</p> <p>No 129 Smallwood Rd – within 100m of internal roads.</p>	<p>No</p> <p>N/A</p> <p>No</p>
3. Water Resources			
Drainage Outlets	Employ operational practices	The proposed soil and	Yes

	capable of maintaining and monitoring drainage outlets at downstream boundaries together with pre-existing groundwater flow and quality conditions	water assessment considers these issues and is satisfactory. This matter is considered in the key issues section of this report.	
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	This is satisfactory and is considered in the key issues section of this report.	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	The groundwater report indicated that the proposed extraction will not intercept groundwater.	Yes
4. Visual Amenity & Scenic Quality			
Rehabilitation of Extraction Sites	Extraction sites are to be rehabilitated to a final landform capable of integrating with the physical elements and land use patterns of the local landscape	The Rehabilitation plan is discussed in the key issues section of this report.	Yes
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	The proposal seeks to extend the life of an existing quarry in depth only and is therefore satisfactory.	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	The processing shed is already existing at the site and the enclosures for the saws are of minimum size to acoustically shield the necessary equipment.	Yes
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	There is currently insufficient screening of the site from the street. This is satisfactory and is considered in the key issues section of this report. Relevant conditions have been imposed.	No – conditions required
5. Flora & Fauna Buffer Zones			
Extractive Industry Buffer Zones	<ul style="list-style-type: none"> To be a minimum of 50m from important habitats of threatened species, 	The Flora & Fauna Report did not consider that the site comprised	Yes

	<p>populations, ecological communities and/or;</p> <ul style="list-style-type: none"> No less than the site specific requirements of the NPWS. The buffer zone should not be disturbed except for ongoing management or rehabilitation purposes 	<p>any habitat for threatened fauna or flora species or endangered ecological communities.</p> <p>There were no specific requirements imposed by the NPWS on the site.</p> <p>The flora and fauna issues are considered further in the key issues section of this report.</p>	N/A
6. Heritage & Archaeological Resources			
Buffer Areas	<p>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 <i>National Parks & Wildlife Act, 1974</i> and as listed in the Register of Aboriginal Sites Distinct geological features 	These areas are not present on or adjoining the site.	Yes
Heritage items	Conserve and protect local, regional and state listed heritage items	There are no heritage items on or adjoining the site.	Yes
7. 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.	There is no further clearing on the site, with only the depth of the quarry to be increased and the time for quarrying extended under the proposal.	Yes
Drainage control	Developments must ensure that drainage control measures are provided for upstream catchments from runoff that may bypass 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	The proposed soil and water assessment considers these issues and is satisfactory. This matter is considered in the key issues section of this report.	Yes

	include controlled entry and exit points from sub-catchments		
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 Groundwater report concluded that the quarrying will not intercept groundwater and no dewatering is required.	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 walls of the quarry are of sufficient height to provide a wind break to the extraction area.	Yes
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 AEP storm event with a minimum 1m flood freeboard margin. 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. 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. 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	The existing main sediment basin is to be retained by the proposal and is considered to be satisfactory as outlined in the Soil & Water Assessment.	Yes
Tailing (Sludge) Pond Design	Design should have regard to: <ul style="list-style-type: none"> Site investigations including soil profiles, water table level, & in-situ materials Site suitability, including 	The existing main sediment basin is to be retained by the proposal and is considered to be satisfactory as outlined	Yes

	<p>topography, geotechnical and meteorological conditions of the locality</p> <ul style="list-style-type: none"> 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 pressure groundwater levels resulting from high water table levels within the embankment 	in the Soil & Water Assessment.	
8. Acoustic Management			
Acoustic Buffer	Provide an effective acoustic buffer to residences and public places not associated with their operations	Potential acoustic impacts and mitigation measures are outlined in the Noise Report and are considered satisfactory.	Yes
Noise Control	Implement effective noise control measures where noise emissions exceed maximum average background noise level	Potential acoustic impacts and mitigation measures are outlined in the Noise Report and are considered satisfactory.	Yes
Acoustic Shielding	Proponents are encouraged to implement the extraction "cell" technique as a means of facilitating acoustic shielding around worked extraction sites.	Potential acoustic impacts and mitigation measures are outlined in the Noise Report and are considered satisfactory.	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 overall increase to truck movements is considered satisfactory by Council's traffic engineer. The proposal complies with the EPAs Road Traffic Noise requirements (refer to key issues).	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 proposed hours of operation are within this range of hours.	Yes

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	Potential acoustic impacts and mitigation measures are outlined in the Noise Report and are considered satisfactory (refer to key issues).	Yes
9. Air Quality Management			
Dust Air Pollution	Implement effective measures capable of controlling air pollution caused by dust, particularly during dry and windy weather conditions. Ensure that dust suppression equipment is fitted to all processing equipment. Employ wind activated water sprinkler systems to ensure extraction sites minimise dust generation particularly during high periods of wind and when sites are unattended. Ensure that stockpiles of material are effectively stabilised and maintained so as to prevent any dust nuisance	Potential air quality impacts and mitigation measures are outlined in the Air Quality Report and are considered satisfactory (refer to key issues).	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	This is proposed in the Quarry Environmental Management Plan and is recommended in the consent conditions in Attachment A .	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	This is proposed in the Quarry Environmental Management Plan and is recommended in the consent conditions in Attachment A .	Yes
10. Rehabilitation			
Rehabilitation - Design and Materials	Extraction sites are to be rehabilitated to a usable and stable final landform. The rehabilitation of extraction sites is to integrate with the shape, form, contour, vegetation, soil composition, drainage and land use characteristics of the surrounding terrain. 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	The proposed rehabilitation of the site is outlined in the Rehabilitation Management Plan which is satisfactory (refer to key issues section). Recommended consent conditions are provided in Attachment A .	Yes

		<p>where the adjoining land use is for agriculture. Otherwise, all sites are to be rehabilitated to bushland. 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. 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 resspreading or backfilling. 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>		
Rehabilitation Planting Maintenance	– and	<p>Rehabilitation should incorporate, where appropriate, endemic native plants, grass covers and species. Disturbed areas should be appropriately maintained until rehabilitation is well established. Permanent ground cover should be established on areas disturbed for more than 30 days and is to be maintained by regular watering and additional applications of seed and fertiliser. 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 	Refer above	Yes

	<ul style="list-style-type: none"> • Pest and weed control • Fertiliser applications where appropriate • Regular watering • Application of lime or gypsum to control pH and improve soil structure, where appropriate 		
Rehabilitation Bond	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	Council's Ecologist has provided a detailed consideration of the rehabilitation bond to be imposed which is included in Attachment A .	Yes
11. Community Engagement			
Community Engagement	Proposals should provide opportunities to involve the local community where possible, for example via employment and the engagement of local community groups	Employment is provided by the proposal.	Yes
12. Setbacks from Maroota Public School			
Extractive Activities - Setbacks	Extractive Industries are to be set back at least 250m from Maroota Public School	The site is not in the vicinity of the school.	N/A
13. Section 94 Contributions			
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. Proponents may be required to make developer contributions under Section 94 of the <i>Environmental Planning & Assessment Act 1979</i> and in accordance with Council's Contribution Plan No.6 – Extractive Industries and shall be imposed as a condition of consent.	A consent condition regarding developer contributions has been provided by Council and included in the recommended consent conditions in Attachment A .	Yes
14. Environmental Management Systems			
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	This is proposed in the Quarry Environmental Management Plan and is recommended in the consent conditions in Attachment A .	Yes

	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		
15. Information Required for an Extractive Industries Development Application			
Required information	<ul style="list-style-type: none"> • Executive summary • Site analysis • Description of development • Planning context • Environmental impact and mitigation during clearing works • Environmental impact and mitigation during extraction • Environmental impact and mitigation during rehabilitation • Economic appraisals • Social impact assessment • Cumulative impact • Environmental management systems • Ecologically sustainable development • Review of alternatives • Recommendations 	These matters are provided and are also required by the EP&A Act and 2021 Regulation to be included in the EIS.	Yes