

## SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-48
<b>DA Number</b>	DA/578/2009/D
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Section 4.55(2) application to amend condition No. 13 to increase the annual volume of material to be extracted from 195,000 tonnes per annum to 250,000 tonnes per annum
<b>Street Address</b>	Nos. 4713 and 4751 Old Northern Road Maroota
<b>Applicant</b>	PF Formation
<b>Owner</b>	Mr M E Attard and Mrs P P Attard and Mrs Olivia Michelle Graham
<b>Date of DA Lodgement</b>	10 August 2018
<b>Number of Submissions</b>	One
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Particular designated development (extractive industry)
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No. 44 - Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007</li> <li>• Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2 - 1995)</li> <li>• Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean (No. 2 - 1997)</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Hornsby Development Control Plan 2013</li> <li>• Hornsby Shire Council Section 94 Development Contributions Plan 2014 – 2024</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	<ul style="list-style-type: none"> <li>• Locality Plan</li> <li>• Statement of Environmental Effects</li> <li>• Air Quality Assessment</li> <li>• Approved Plans</li> </ul>

<b>Report prepared by</b>	Cassandra Williams
<b>Report date</b>	13 January 2020

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

- The application is for a Section 4.55(2) application to amend condition No. 13 to increase the annual volume of material to be extracted from 195,000 tonnes per annum to 250,000 tonnes per annum for the approved extractive industry.
- The proposal complies with the provisions of the *Hornsby Local Environmental Plan 2013* and *Sydney Regional Environmental Plan No. 9 -Extractive Industry*.
- One submission has been received in respect of the application.
- It is recommended that the application be approved.

### RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/578/2009 for extractive industry (designated development) at Lot 2 DP 510812 and Lot 3 DP 567166, Nos. 4713 and 4751 Old Northern Road Maroota, be amended as detailed in Schedule 1 of this report.

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### SITE

The extraction area is situated within Lot 3 DP 567166 and Lot 2 DP 510812. The two lots have a combined area of approximately 60 hectares and are situated east of Old Northern Road, approximately 2 kilometres north of its intersection with Wisemans Ferry Road.

Lot 3 is battle-axe shaped lot with an area of 50.59 hectares and is located on the eastern side of Old Northern Road. The western portion of the allotment, where it fronts Old Northern Road is approximately 93 metres wide for a length of 800 metres. The allotment then widens to 565 metres at the rear. A dwelling house is located at the front of the property near Old Northern Road. Further east within the site are two agriculture dams which support market gardening.

A natural watercourse known as Coopers Creek crosses the site and flows in a southeast direction into the adjoining Marramarra National Park. Coopers Creek drains into the Hawkesbury River approximately 4 kilometres to the east.

The site has previously been used, in part, for sand extraction and construction of a water supply dam. The initial extraction site occupied the narrow access handle of Lot 3 which fronts Old Northern Road. The disturbed area has been rehabilitated for agricultural use.

Lot 2 is a rectangular shaped lot with an area of 10.12 hectares. A dwelling house is located within the centre of the property as well as a dam. A natural watercourse crosses the site and flows from Coopers Creek.

The extraction area and land to the north, west and south occupy freehold land. The eastern boundary and a small section of the southern boundary abut Marramarra National Park. Part of the lot, to the north is undergoing sand extraction, the remainder of it being undeveloped bushland traversed by an access track to the transmission line to the east whilst land to the south is partly cleared.

Sand extraction is currently being undertaken within the northern precinct of the site.

## THE APPROVED DEVELOPMENT

On 3 March 2010, Council approved DA/578/2009 for a sand extractive industry to be developed in two stages and progressively rehabilitated in stages to agricultural use including dams for water storage and rehabilitated bushland, subject to conditions.

The application was approved as designated development and included the following conditions:

- Annual volume to be 195,000 tonnes per annum;
- 35 truckloads per day;
- Extraction depth RL 177m AHD ie: 2 metres above the wet weather height groundwater level; and
- 20 year consent expiring in 2030.

On 28 March 2012, Council approved a Section 96(2) modification to amend a number of conditions of consent relating to the time period the consent is valid; monitoring and management requirements including rehabilitation and environmental protection works, processing of materials; clarification of wording relating to S94 contributions; noise management requirements; amendments to the EPA GTAs.

The application also requested amendments to the buffer zone imposed in the GTAs granted by NPWS regarding Aboriginal Cultural Heritage. This modification was not supported by NPWS and was not amended as part of the proposal.

On 12 September 2012, the applicant lodged a Class 1 appeal in the Land and Environment Court against the refusal to amend Condition No. 66 relating to the buffer zone. The appeal was upheld.

On 3 November 2016, Council approved a Section 96(2) modification to amend condition No. 10 to permit the approved number of truck loads that are permitted to be removed from the site per day to be averaged over a year, as weather conditions and market demand can restrict truck movements on any one day.

On 4 September 2018, Council approved a Section 4.55(1) application to correct a minor typographical error in the wording of condition No. 2.

## THE MODIFICATION

The Section 4.55(2) application seeks to modify the approved development as follows:

- Increase the annual volume of material to be extracted from 195,000 tonnes per annum to 250,000 tonnes per annum.

No changes are proposed to the existing operational conditions with respect to monitoring and management, hours of operation, number of truck movements; extraction depths, noise limits and dust control.

The applicant has provided the following justification for the proposed modification:

- *The objectives of the proposed modification to development consent No. 578/2009B are:*
- *To improve the operational efficiency of the site by increasing production to a maximum of 250,000 tonnes per annum.*
- *To increase supply and help meet demand for construction sand in metropolitan Sydney.*

- To be consistent with development consent No. 342/98F for the nearby Pit 4 (Lot 2 DP 748820) with a maximum production rate of 250,000 tonnes/annum and transport of material from the site limited to 35 laden road vehicles a day.

*Production from Pits 5 and 15 has increased since development commenced in January 2013 reaching approximately 189,000 tonnes for the financial year 2016-2017. This production is close to the maximum annual volume of material of 195,000 tonnes per annum permitted by Condition 13. Due to increased demand for construction sand in metropolitan Sydney caused by continuing residential development and NSW government infrastructure works the maximum annual volume of extracted material of 195,000 tonnes per annum is likely to be exceeded in the near future. Demand for construction sand has exceeded supply in the Maroota area and there is an urgent need to expand production from existing quarries and to develop new quarries.'*

## **ASSESSMENT**

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

### **1. STRATEGIC CONTEXT**

#### **1.1 Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan**

A *Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the District planning process to define objectives and set goals for job creation, housing supply and choice in each District. The *North District Plan* is a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney.

Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde, and Willoughby LGAs to form the North District. The *North District Plan* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development. The *Metropolis of Three Cities* sets a District 20 year strategic housing target of 92,000 dwellings over the next 20 years.

The proposed development would be consistent with 'A *Metropolis of Three Cities*', by providing resources to support a growing population.

### **2. STATUTORY CONTROLS**

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

## **2.1 Environmental Planning and Assessment Regulation 2000 (Schedule 3 Part 1)**

The original development application was defined as designated development under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* (the Regs) for the following reasons:

- (1) *the use will result in more than 30,000 cubic metres of material being extracted per annum;*
- (2) *the use will disturb a total surface area of more than 2 hectares of land by:*
  - (a) *clearing or excavating; or*
  - (b) *constructing dams, ponds, drains, roads or conveyors; or*
  - (c) *storing or depositing overburden, extractive material or tailings; or*
- (3) *the use is located:*
  - (a) *in or within 40 metres of a natural water body, and an environmentally sensitive area;*
  - (b) *within 500 metres of the site of another extractive industry that has operated within the past 5 years.*

In accordance with the Regs, Council has given written notice of the modification application to public authorities and adjoining property owners/ occupiers and any person that made a written submission to the original application. A notice was placed on the land which could be read from a public place and a notice was published in the local newspaper circulating in the locality.

## **2.2 Environmental Planning and Assessment Act 1979 - Section 4.55(2)**

The proposal constitutes an amendment under Section 4.55(2). Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council may consider an application to amend development consent provided that, inter alia:

- “(a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*
- (5) *(Repealed)*

With respect to (a), it is considered that the proposal as amended is substantially the same as the development originally approved.

With respect to (b) the application was referred to all public authorities/ approval bodies that provided conditions of concurrence or general terms of approval on the original application.

With respect to (c) and (d), the amended application was advertised, and 1 submission was received.

Section 4.55(3) requires the consent authority to take into consideration the reasons given for the granting of the original consent, which included:

- *The proposed development constitutes a viable extractive operation designed to supply sand material to the Sydney building market.*
- *The development would progressively rehabilitate the site over the anticipated life of the consent.*
- *Rehabilitation would result in an agricultural landform which would increase the present productive area of each of the lots and thereby increase both the agricultural productivity of the properties and provide opportunities for extended crop rotation.*
- *The rehabilitation of bushland would minimise any adverse impacts on flora and fauna within the locality.*

In this regard, the proposed modification would be consistent with the above reasons.

## **2.3 Hornsby Local Environmental Plan 2RU013**

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

### **2.3.1 Zoning of Land and Permissibility**

The subject land is zoned part RU1 Primary Production and part E3 Environmental Management. The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*



- *To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The objectives of the E3 zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect the natural environment of steep lands and floodplains within the catchment of the Hawkesbury River.*

The proposed development is defined as 'extractive industry' under the *HLEP* and is permissible in the RU1 zone with Council's consent.

The proposal is consistent with the objectives of the RU1 zone in that it would not cause population growth or fragment the land and is within the servicing capacity of the area. Although the proposal would restrict agriculture in the medium term, it is proposed to provide a major portion of the extraction area for agriculture and bushland once extraction has ceased. The environmental and rural qualities of the area would be maintained with rehabilitation of the extraction areas for agriculture, dams and bushland.

Extractive industries are prohibited in the E3 zone under the *HLEP*. However, the provisions of *Sydney Regional Environmental Policy No. 9 (Extractive Industries)* takes precedence over the *HLEP* and allows the proposal with development consent. *SREP 9* identifies sand/clay/shale and friable sandstone in the Maroota area as extractive material of regional significance.

The proposal would rehabilitate with bushland large portions of the two areas zoned E3. Mitigation measures would be implemented to reduce any impacts on water quality with the use of a closed water cycle system (except for the collection of rainwater), no off-site discharge of clean or dirty water and a 40 metre buffer area around Coopers Creek. The scenic quality of the area would be maintained with a 40 metre setback from Coopers Creek, the 10 metre setback to the property boundaries and the rehabilitation of the extraction area.

### **2.3.2 Height of Buildings**

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 10.5m. The original application and the proposed modification do not include any building works and therefore Clause 4.3 does not apply.

### **2.3.3 Heritage Conservation**

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council. The site includes Aboriginal cultural heritage and an Aboriginal Heritage Assessment was submitted with the original application and referred to the Department of Environment and Climate (DECC) for comment. The DECC reviewed the *Aboriginal Cultural Heritage and Archaeological Assessment Part Lot 3 DP567166 and Part Lot 2 DP510812 at Old Northern Road, Maroota, NSW* dated January 2008 prepared by Total



Earth Care and supports the recommendations contained within the report and therefore granted General Terms of Approval regarding cultural heritage as part of the original consent.

The proposed modification does not alter the existing GTAs, notwithstanding the application was referred to the Office of Environment and Heritage and at the time of writing the report, no response has been received.

#### **2.3.4 Earthworks**

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

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

#### **2.4 Sydney Regional Environmental No. 9 (No. 2) - Extractive Industry.**

The aim of the plan is to facilitate development of extractive resources in proximity to the population of the Sydney Metropolitan area by identifying land which contains extractive material of regional significance.

The regional environmental plan (*SREP 9*) overrides the *HLEP*, by permitting extractive industry to occur on land to which the REP applies.

*SREP 9* was considered in the original application (Planning Report No. PLN 7/10). The proposed development is substantially the same development and whilst the modification proposes to increase the total volume of resource to be extracted from the site, no changes are proposed to the environmental management and monitoring of the development, hours of operation, number of truck movements; extraction depths, noise limits and dust control.

Accordingly, the original assessment of the development against the provisions of *SREP 9* remain unchanged.

#### **2.5 Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.**

The *Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 - 1997) (SREP 20)* applies to the site. The aim of *SREP 20* is "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context."

Clause 6 of *SREP 20* identifies specific planning policies and recommended strategies for development. The impact of the proposal on the hydrology of the area, and the cumulative impacts of the proposed quarry on traffic, noise, air quality and ecology were considered at the time of the assessment of the original application. The proposed modification regarding maximum annual volume of extracted material would not alter the original assessment of the development and the existing operation conditions would remain unchanged to ensure the cumulative environmental impact of the development on the catchment is minimised.

#### **2.6 State Environmental Planning Policy No. 19 - Bushland in Urban Areas**

*SEPP 19* was considered in the original application (Planning Report No. PLN 7/10). No further bushland is proposed to be cleared as part of the Section 4.55(2) modification.

## **2.7 State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**

*SEPP 33* was considered in the original application (Planning Report No. PLN 7/10). As the quarry extracts and processes more than 30,000 cubic metres of extractive material per year, it currently operates under an Environment Protection licence (EPL) which authorises extractive industries on the site under the *Protection of the Environment Operations Act 1997 (POEO Act)*.

The proposed Section 4.55(2) modification would not have any increased or significant environmental impacts over and above what is already occurring during existing site activities in terms of potential noise, stormwater and air pollution and further assessment is not required.

The EPA raised no objection to the proposed modification and advised that the EPL for the site would be required to be amended to reflect the increase to the maximum annual volume of material to be extracted from the site.

## **2.8 State Environmental Planning Policy No. 44 - Koala Habitat Protection**

*SEPP No. 44* was considered in the original application (Planning Report No. PLN 7/10). The proposed Section 4.55(2) modification would not result in further land clearing in relation to potential koala habitats.

## **2.9 State Environmental Planning Policy No. 55 Remediation of Land**

*SEPP 55* was considered in the original application (Planning Report No. PLN 7/10). The proposed Section 4.55(2) modification would not result in further land clearing requiring additional assessment in regard to land contamination.

## **2.10 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

*SEPP Mining, Petroleum Production and Extractive Industries* was considered in the original application (Planning Report No. PLN 7/10). The proposed Section 4.55(2) modification would not result in additional impacts and satisfies Clause 12-17 of the Policy as detailed below.

With respect to Clause 12, the proposal is compatible with the surrounding land uses of agriculture, extractive industry and National Park and would not have a significant impact on the existing and potential future land uses. Public benefits would flow from the proposal as discussed in Sections 3.3 and 3.4 of this report.

With respect to Clause 13, the proposal is compatible with the existing on-site and likely future land uses of extractive industry and agriculture and would not have a significant impact on these existing and future land uses. Public benefits would flow from the proposal as discussed in Sections 3.3 and 3.4 of this report.

With respect to Clause 14, Council 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 impacts on significant water resources, (including surface and groundwater resources), impacts on threatened species and biodiversity, and greenhouse gas emissions are minimised. These matters are addressed in the EIS and accompanying SIS and approved conditions of consent.

With respect to Clause 15, the officer's assessment is satisfied that the development would 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.

With respect to Clause 16, Council must consider whether or not transport of materials in connection with the development is not to be by public road, limiting or precluding truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools and implementation of a code of conduct relating to the transport of materials on public roads. At present there are no alternative roads for transporting the material along Old Northern Road past Maroota Public School and Wisemans Ferry Road. Extractive industry operators in the Maroota area have agreed on a traffic management policy of complying with speed limits of 40 kilometres per hour outside Maroota Public School. The traffic management policy also states that all loads would be covered leaving the quarry sites and engine/ exhaust brakes would not be used in the vicinity of quarry site.

The proposed modification would not increase transport movements along public roads in the Maroota area compared to existing operations for extractive industry on Lot 3 DP 567166. Transport alternatives may become available in the future with development of an internal access road between extraction areas on different properties for transport to processing plants in the Maroota area.

Clause 16(2) requires referral of the application to the Roads and Maritime Service (RMS). As detailed in Section 5.2.1 of this report, the RMS raised no objection to the proposal.

With respect to Clause 17, a quarry rehabilitation plan has been approved as part of the existing consent and subject to compliance with the recommendations of the plan, Council's conditions and the General Terms of Approval granted by various agencies, the application satisfactorily addresses the requirements of the SEPP.

## **2.11 Clause 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans**

Clause 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

## **2.12 Hornsby Development Control Plan 2013**

The original development application was assessed in accordance with the Extractive Industry Development Control Plan in force at that time. The *Hornsby Development Control Plan 2013 (HDCP)* applies to the development and Part 2 Rural sets out the relevant desired outcomes and prescriptive requirements for Extractive Industries. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDCP – Part 2.5 Extractive Industries				
Control	Approved	Proposed	Requirement	Complies
Extraction Area				
- Lot 3	6.80 ha	unchanged	N/A	N/A
- Lot 2	4.96 ha	unchanged	N/A	N/A
- Total	11.76 ha	unchanged	N/A	N/A
Setbacks				
- Public Road	200m	unchanged	30m	Yes
- Adjoining property boundaries	10m	unchanged	10m	Yes
- Habitats of threatened species/ ecological communities	<40m in some parts of site	unchanged	40m	As approved
- Site or relic of heritage et al	6m	unchanged	40m	As approved
- Residences not assoc. with use	200m	unchanged	100m	As approved

The proposed amendment to increase the maximum annual volume of material to be extracted to 250,00 tonnes per annum is discussed below with respect to the requirements of Part 2.5 Extractive Industries of the HDCP.

#### 2.12.1 Setbacks

The proposed modification does not alter the approved setbacks of the extraction area from adjoining property boundaries and the approved setback provisions to a site or relic of heritage, archaeological, geological, or cultural significance on the site.

#### 2.12.2 Transport

The approved development relies on the existing single access point to Old Northern Road via approximately 100 metres of an unnamed sealed road in the care and control of Council (as mentioned in the submission received); and then approximately 1 kilometre of unsealed internal access or haul road.

Condition No. 10 states: 'A maximum of 35 truck loads of material are permitted to be removed from the site each day averaged over 1 month.', which is consistent with the wording for the consent at Lot 3 Old Northern Road Maroota (DA/725/1994) and Lot 2 DP 748820, No. 311 Old Telegraph Road Maroota (DA/342/1998).

The proponent has advised that since the May 2009 EIS for the project, the average payload of each truck transporting material off-site has increased by over 3 tonnes. In 2009 the average payload of each truck was 27 tonnes and in 2017 the average payload for each truck is over 30 tonnes.

Since 2014 the National Heavy Vehicle Regulator provides for heavy vehicles to operate on Higher Mass Limits (HML) in stated areas and routes via a Performance Based Standard where approved heavy vehicles are designed to carry more weight without creating additional impacts on the road. To be eligible for Higher Mass Limits, vehicles must be fitted with certified road friendly suspensions and use authorised Higher Mass Limits routes. Old Northern Road and Wisemans Ferry Road to and from Maroota are approved routes for Higher Mass Limits vehicles. The majority of PF Formation customers use Higher Mass Limits trucks and the Performance Based Standard with the average payload on a truck and trailer/ dog transporting material increasing to 40 tonnes in 2017 with some selected combinations hauling from the site carrying payloads of over 46 tonnes.

One submission was received objecting to proposed modification as it would result in increased numbers of heavy vehicles entering and leaving the site, increasing traffic, noise and wear and tear on the local and main roads.

The proposed modification would not increase the number of heavy truck movements from that already approved. Furthermore, Higher Mass Limits trucks are fitted with certified road friendly suspensions designed to carry more weight without creating additional noise and dust impacts on the road. Notwithstanding to minimise any potential impact on the local road, a condition is recommended in Schedule 1 requiring any damage caused to Council's assets as a result of the development to be rectified by the applicant in accordance with Council's Civil Works Specifications, noting that Section 7.11 contributions provide for wear and tear on RMS roads.

The application also includes an Air Quality Impact Assessment Report (Project No 0516347) dated 2 September 2019 and an Operational Noise Letter dated 6 September 2017 which has adequately addressed potential noise and amenity impacts from increased extraction volumes.

### **2.12.3 Water Resources**

The objectives of Part 2.5.3 of the HDCP are to protect existing drainage patterns, conserve and efficiently manage the sustainability of surface and ground water resources and to protect the downstream ecosystems.

The proposed modification would not alter the original assessment of the development which included that all surface runoff from the site would be directed to a series of sediment dams and tailings ponds and ultimately to clean water storage dams. The amount and rate of stormwater runoff would not increase as a result of the development. The inward draining nature of the site and no off-site discharge of clean or dirty water would ensure that no contaminated surface water can leave the site.

Extraction would not occur below 2 metres above the wet weather groundwater level (or 177m AHD). Groundwater levels and water quality would be regularly monitored and the results reported in accordance with the recommendations of the Groundwater Assessment prepared by URS, dated 15 January 2008, the EIS that accompanied the original application and the approved conditions of consent.

#### **2.12.4 Soil and Water Management**

The proposed modification would not alter the original assessment of the development with respect to Part 2.5.4 of the HDCP.

#### **2.12.5 Acoustic Environment**

The proponent adequately addressed the potential additional noise impacts associated with the proposed increase in production of up to 250,000 tonnes with justification provided by a certified acoustic third-party consultant that the proponent can comply with the noise limits specified in the EPA's General Terms of Approval (GTA) 1107279 and Environmental Protection Licence (EPL) 3829. In addition, noise compliance testing is conducted annually at noise sensitive receivers. This should continue to verify that the noise limits can be met.

#### **2.12.6 Air Quality**

An Air Quality Assessment (Project No. 0516347) prepared by ERM dated 2 September 2019 was submitted with the modification application. The predicted impacts due to the proposal have been assessed as minimal and unlikely to result in an exceedance of the dust deposition goals. The cumulative impact with existing air quality is also unlikely to result in exceedances of the air quality goals.

The EPA has raised no objection to the proposed modification and advised that the EPL would need to be amended to reflect the increase in the annual volume of material extracted. The existing GTAs which are included in the conditions in Schedule 1 include requirements for dust deposition measurements to be carried out at various locations on the site during operations.

The potential for loss of amenity from dust generated by vehicles along internal roads can be adequately suppressed through frequent watering of the road surface. The sand material being extracted from the area is relatively coarse material with a low content of dust particles. The sand is processed using either a wet wash plant with no potential for dust generation or drying screening.

All trucks leaving the site would have their loads covered with tarpaulins to prevent dust escape.

#### **2.12.7 Mitigation and Monitoring**

The approved development includes a condition for the Environmental Management Plan to be updated annually providing a framework for ongoing monitoring and management of the project. The proposed modification would not alter the existing conditions/ requirements in this regard.

#### **2.12.8 Extraction Sequence**

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

No changes are proposed to the approved extraction process, which has been designed to minimise the generation of impacts, minimise the volume of waste and limit the potential impact upon sensitive site features.



### **2.12.9 Rehabilitation**

The approved development included a rehabilitation plan providing detailed measures for the protection of the existing vegetation, re-establishment of endemic plant communities, earth bunding and screen planting and treatment of final excavated surfaces.

Progressive rehabilitation of the extraction sites is proposed by rehabilitating slopes from the top of the cut face to the bottom. It is proposed that management plans are to be updated on a yearly basis as part of the ongoing maintenance of the rehabilitation.

The proposed modification would not alter the approved rehabilitation plan or existing conditions regarding ongoing maintenance. Accordingly, Part 2.5.9 of the HDCP is complied with.

### **2.13 Section 7.11 Contributions Plans**

The original consent included a condition requiring the proponent to make a payment of a contribution towards the cost of the rehabilitation, restoration, repair and/or maintenance of Old Northern Road and Section 7.11 administration in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Hornsby Shire Council Section 94 Contributions Plan 2014-2024*.

No changes are proposed to the existing condition.

## **3. ENVIRONMENTAL IMPACTS**

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

### **3.1 Natural Environment**

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

### **3.2 Built Environment**

The environmental impacts of the proposed development on the built environment have been addressed in Section 2 of the report and the traffic impacts of the proposed modification have been addressed in Section 2.12.2 of the report.

### **3.3 Social Impacts**

The social impacts of extractive industry include a change to the visual amenity of the area as a result of removal of vegetation. It was acknowledged in the original assessment of the proposal, that the development would result in increased noise emissions from truck movements, an increase in heavy vehicular movements along Old Northern Road at Maroota and the potential for loss of groundwater supply to adjoining agriculture areas. Notwithstanding, these matters were considered in detail within this report for the original DA and the application incorporated appropriate measures to mitigate against social impact viz; pollution control, rehabilitation of bushland and monitoring of groundwater, which are supported by the conditions of consent imposed on the development.

Whilst the modification proposes an increase to the maximum annual volume of material to be extracted, no changes are proposed to the approved number of truck movements and the recommended conditions in Schedule 1 of the report mitigate the potential social impacts of the proposal.



### **3.4 Economic Impacts**

The extractive industry would have a positive economic impact by supplying valuable building sand to the Sydney market. Employment opportunities would be created in the locality including income to local suppliers servicing employees of the industry. The economic benefits may also include the creation of additional areas of productive farmland upon completion of the extractive industry.

## **4. SITE SUITABILITY**

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

There is no known hazard/risk associated with the site with respect to landslip, subsidence and flooding that would preclude approval of the proposed development. Whilst the site is identified as bushfire prone land, the NSW Rural Fire Service raised no objection to the original applicant and did not provide a response to the referral of the modification application.

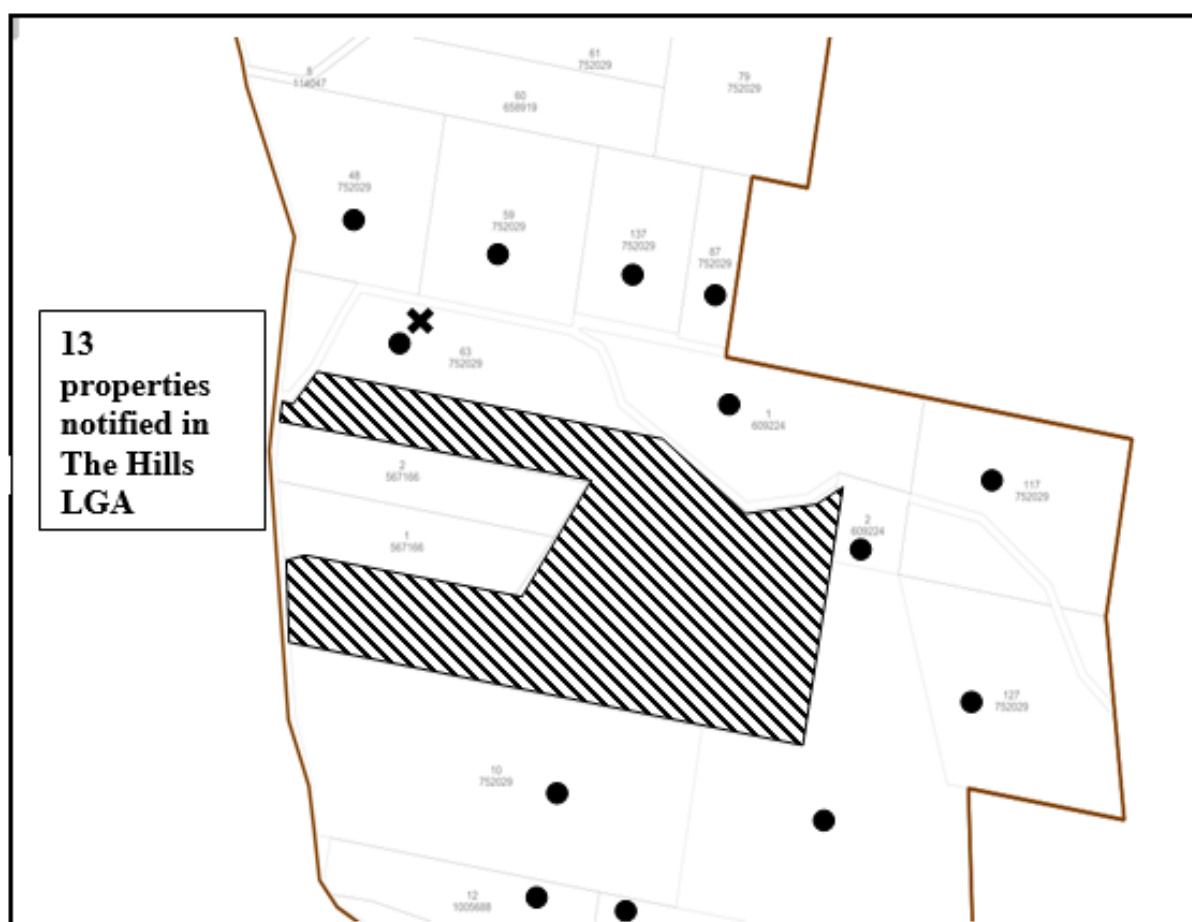
The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

## **5. PUBLIC PARTICIPATION**


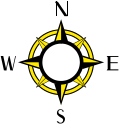
Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

### **5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 14 August 2018 and 5 September 2018 and further notification between 28 November 2019 and 20 December 2019 in accordance with the Notification and Exhibition requirements of the Act. During this period, Council received 1 submission. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



**NOTIFICATION PLAN**

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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One submission objected to the development, generally on the grounds that:

#### 5.1.1 Truck movements/ Access point location

The submission raised concerns regarding the increase of truck movements in the area when extraction begins and the detrimental impact on Old Northern Road as a result. The proposed modification does not increase the approved traffic movements to and from the site, nor alter the approved site access location.

#### 5.1.2 Noise Impacts

The submission raised concerns that noise monitoring is not done on their property. Condition No. 46 imposed by the EPA identifies the properties where noise generated at the premises must not exceed the noise limits presented in the table. The submitter's property is not identified in this list and hence noise monitoring equipment is not located at the boundary closest to them.

### **5.1.3 Section 7.11 contributions**

The submission raised concerns with regards to the requirement to pay Section 94 contributions. The existing consent includes a condition for payment of Section 94 contributions (now known as Section 7.11 contributions). This condition applies to all extracted material transported from the site.

### **5.1.4 Amount of material removed**

The submission raised concerns that the record of tonnage supplied to Council for Section 94 contributions may not be correct. Council has previously reviewed the submitted records (s.94 contributions paid) in recent years and calculated that the annual volume extracted did not exceed the existing approval for 195,000 tonnes per annum.

As no further evidence of non-compliance has been provided Council's investigation of this matter has been closed.

## **5.2 Public Agencies**

The development application was referred to the following Agencies for comment:

### **5.2.1 Roads and Maritime Services**

RMS raised no objections to the proposed modification given that the maximum number of truckloads of material will not increase as a result of the modification.

### **5.2.2 Environmental Protection Authority**

The EPA has reviewed the application and information provided and generally supports the proposed change to the extraction limit.

The EPA has also reviewed the original consent and notes that General Terms of Approvals (GTAs) issued previously by the EPA does not include an extraction limit, however the EPL does (condition L5.1). Therefore, the EPL should be varied to effectively regulate the modified activity. The applicant will need to apply separately to the EPA to vary this licence to reflect the increased annual volume of material to be extracted from 195,000 to 250,000 tonnes per annum.

### **5.2.3 NSW Rural Fire Service**

No response received.

### **5.2.4 Office of Environment and Heritage**

No response received.

### **5.2.5 Department of Primary Industries - Water**

No response received.

### **5.2.6 Department of Primary Industries – Mining (Mineral Resources)**

No response received.

## **6. THE PUBLIC INTEREST**

Section 4.15(1)(e) of the Act requires Council to consider "*the public interest*".

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes

adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

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

## **CONCLUSION**

The application proposes to increase the annual volume of material extracted from 195,000 tonnes to 250,000 tonnes per annum.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 1 submission during the public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval of the modification is recommended. The reasons for this decision are:

- The proposed modification generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The amended application is substantially the same as that approved.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

## **Attachments:**

1. Locality Plan
2. Statement of Environmental Effects/ Acoustic letter
3. Air Quality Report
4. Approved Plans

## SCHEDULE 1

<b>Date of 1<sup>st</sup> modification:</b>	28 March 2012
<b>Details of 1<sup>st</sup> modification:</b>	Amend conditions of consent relating to time limit, monitoring, management and rehabilitation works, processing of materials, S94 contribution conditions and noise monitoring
<b>Conditions Added:</b>	Nil
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	2, 8, 11, 12, 15, 17, 18, 53, 60 and 62
<hr/>	
<b>Date of LEC modification:</b>	9 February 2013
<b>Details of LEC modification:</b>	Modification of the Aboriginal Cultural Heritage General Terms of Approval
<b>Conditions Added:</b>	Nil
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	66 and 72
<hr/>	
<b>Date of 2<sup>nd</sup> modification:</b>	3 November 2016
<b>Details of 2<sup>nd</sup> modification:</b>	Amend condition No. 10 treating to truck movements
<b>Conditions Added:</b>	Nil
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	10
<hr/>	
<b>Date of 3<sup>rd</sup> modification:</b>	4 September 2018
<b>Details of 3<sup>rd</sup> modification:</b>	Amend condition No. 2 to correct typographical error
<b>Conditions Added:</b>	Nil
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	2

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<b>Date of this modification:</b>	11 February 2020
<b>Details of this modification:</b>	Amend condition No. 13 to increase the annual volume of material extracted from 195,000 tonnes to 250,000 tonnes
<b>Conditions Added:</b>	24A
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	1 and 13

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## CONDITONS OF APPROVAL

### GENERAL CONDITIONS

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

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

### 1. Approved Plans and Supporting Documentation

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

*Quarry Rehabilitation Concept Plans prepared by Footprint Green Pty Ltd*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Rev</b>	<b>Dated</b>
smrmcs1.01	Cover Page	0.4	15 January 2010
smrmex1.01	Existing site land uses and habitats and extraction and rehabilitation areas	0.4	15 January 2010
smrmeo1.01	Operational stages and typical extraction and rehabilitation process	0.4	15 January 2010
smrmfc1.01	Proposed land uses and final landform and contours	0.4	15 January 2010
smrmpp2.01	Stage 1 - rehabilitation process in Area E	0.4	15 January 2010
smrmsp1.01	Stage 1 - extraction and rehabilitation process in Areas A and C	0.4	15 January 2010
smrmsp2.01	Stage 2 - extraction and rehabilitation process in Areas B and D	0.4	15 January 2010
smrmrd1.01	Procedures for <i>Tetratheca glandulosa</i> propagation and translocation and bushland rehabilitation	0.4	15 January 2010
smrmrd2.01	Procedures for upland wetland revegetation and agricultural land rehabilitation	0.4	15 January 2010
smrmrp2.01	Specifications and species options for revegetation	0.4	15 January 2010
smrmmr1.01	Performance measures, monitoring and reporting	0.5	15 January 2010



*Supporting Documentation*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
Environmental Impact Statement	Environmental Planning Pty Ltd	May 2009
Species Impact Statement	Aquila Ecological Surveys	November 2008
Report on Traffic and Transportation Requirements - Job No. 9162 Report No. 36/07	Lyle Marshall & Associates Pty Ltd	February 2008
Air Quality Impact Assessment	Holmes Air Sciences	4 March 2008
Air Quality Impact Assessment Addendum 1 (letter)	PAE Holmes	13 August 2009
Air Quality Impact Assessment Addendum 2 (letter)	PAE Holmes	24 September 2009
Air Quality Assessment Project No. 0516347	ERM	2 September 2019
Environmental Noise and Vibration Assessment – TD721-01F02 (Rev 4)	Renzo Tonin and Associates	17 March 2008
Acoustic Report Addendum (letter)	Renzo Tonin and Associates	14 August 2009
Operational Noise Impact Letter	Koikas Acoustics Pty Ltd	6 September 2017
Groundwater Assessment Report - JN 43346029.00106/REPORT 08	URS Australia Pty Ltd	15 January 2008
Aboriginal Cultural Heritage and Archaeological Assessment	Total Earth Care	January 2008
Herbivore Exclusion Fencing Requirements	Hornsby Shire Council Bushland & Biodiversity Team	1 February 2010

**2. Consent Limited to a Period of 20 Years**

Pursuant to Section 4.17(1)(d), this consent is limited to a period of 20 years from the endorsed date of this consent or the commencement of on-site extraction works, whichever is the latter date. Any disturbed areas on the site, must be rehabilitated in this period.

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

### **3. Determination of Weighted Material**

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

## **REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **4. Licences**

The proponent is to obtain all necessary operating licenses and permits from all relevant public authorities including the Environmental Protection Authority and Department of Water and Energy, details of which are to be submitted to Council prior to the commencement of on-site works.

### **5. Protection of Aboriginal Artefacts and Habitat**

Fencing must be provided to separate extraction areas from Aboriginal artefacts and habitat areas to reduce impacts to native vegetation and the habitat it provides and to protect Aboriginal artefacts.

### **6. Erosion and Sediment Control**

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

*Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.*

### **7. Certification by a qualified and experienced ecologist**

In accordance with the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15<sup>th</sup> January 2010) certification by a qualified and experienced ecologist is required to:

- a) undertake *Tetratheca glandulosa* propagation and translocation procedures including pre-clearing surveys and identification of clumps of on-site (Task 6.1-6.11 – Sheet 8/11)
- b) collection of all baseline vegetation quadrat data for future monitoring purposes prior to clearing
- c) prior to clearing of native vegetation within each cell check that the cell does not contain exotic or weed vegetation
- d) prior to the translocation of topsoil within each cell check that the recipient cell does not contain any exotic or weed vegetation and the final grading band sub strata has been suitably prepared
- e) provide recommended actions required to ensure the donor and recipient sites are weed free before works commence

## **8. Noxious Weeds**

The removal of introduced environmental and noxious weeds from donor and recipient sites is to be undertaken by a qualified and experienced bush regeneration company or consultant.

## **9. Rehabilitation Bond**

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

# **OPERATIONAL CONDITIONS**

## **10. Truck Movements**

A maximum of 35 truck loads of material are permitted to be removed from the site each day averaged over 1 month. A

## **11. Monitoring and Management**

The proponent must submit to Council every 12 months after the endorsed date of this consent an *Environmental Management Plan* in which Council is to be satisfied of the overall performance and management of the operation.

The *Environmental Management Plan* should refer to the objectives and principles of Ecologically Sustainable Development and address the following matters:

- a) Acquisition of all necessary licences and permits and an indication of how compliance with licensing and approval requirements will be achieved and due diligence attained.
- b) On site materials Management including management of operational impacts: if appropriate, include such as:
  - i) management of explosives, chemicals and fuel and their use
  - ii) maintenance an site security plans
- c) Water Management.
- d) Acoustic Management.
- e) Air quality Management.
- f) Transport routes, access & movements.
- g) Soil Conservation including geo-technical appraisal of tailing systems and erosion and sediment controls.
- h) Social impact management including consultation with community groups, nearby residents and monitoring of complaints received.
- i) Identification, assessment and evaluation of risks, safeguards and the confidence level of contingency / emergency plans.
- j) Statement of Compliance with the approved EIS documentation, conditions of this consent and the objectives of Councils DCP - Extractive industries.

- k) Advice and recommendations of all relevant state government agencies.
- l) Reference to International Standards (ISO) 14001-14004 relating to Environmental Management Systems, which should address issues such as:
  - i) the capacity and support mechanisms necessary to implement and achieve the proponent company's environmental policy, objectives and targets; and
  - ii) the means by which the proponent company measure, monitor and evaluate its environmental performance.
- m) Recommendations to adjust operation procedures to improve the overall performance of the operations.
- n) Strategies to feed information from the monitoring program back into the management practices and action plans to improve the environmental performance and sustainability of all components of the proposal.
- o) Training programs for operational staff and incentives for environmentally sound performance.
- p) Archaeological protection measures.
- q) Performance indicators in relation to critical operational issues including:
  - i) Compliance with the conditions of consent;
  - ii) Compliance with the objectives of Sydney Regional Environmental Plan No. 9 Extractive Industries (No. 2 - 1995); and
  - iii) Compliance with the objectives of Council's Extractive Industry Development Control Plan.

## **12. Processing of Materials**

Processing of materials must take place wholly within the Maroota area.

## **13. Annual Volume of Materials Extracted**

The annual volume of material to be extracted shall be a maximum of 250,000 tonnes per annum in accordance with the details provided in the Environmental Impact Statement and accompanying documents (i.e. 195,000 tonnes per annum).

## **14. Rehabilitation and Environmental Protection Procedures**

All rehabilitation and environmental protection procedures must be undertaken in accordance with the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15<sup>th</sup> January 2010).

## **15. Rehabilitation and Environmental Protection Works**

In accordance with the approved Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota prepared by Footprint Green Pty Ltd (dated 15<sup>th</sup> January 2010) all weed removal, protection and translocation of *Tetratheca glandulosa* clumps, vegetation clearing, bulk removal of topsoil containing seed bank and preparation of recipient

sites including final grading of sub strata (Tasks 7.6 – 7.30 within sheet 8/11 of the approved Rehabilitation Plan) is to only be undertaken by an experienced bushland rehabilitation company or consultant.

Some bulk earth works pertaining to rehabilitation works (e.g. topsoil stripping or recipient site preparation) may be undertaken by other earth moving personnel including PF Formation employees or other earthmoving contractors.

## **16. Exclusion Fencing**

- a) In order to prevent herbivory of germinating translocated soil seedlings, exclusion fencing is to be undertaken in accordance with the '*Herbivore Exclusion Fencing Requirements*', prepared by Hornsby Shire Council Bushland and Biodiversity Team, dated 1 February 2010. The fencing which includes sedimentation/erosion control is to be installed immediately after topsoil has been translocated to the recipient site.
- b) The Herbivore Exclusion Fencing must be maintained for each rehabilitation cell until certification from an ecologist or contracted bush regeneration company or consultant is provided to Council that justifies that exclusion fencing is no longer required due to the success of native vegetation establishment.

## **17. Monitoring Program**

- a) The monitoring program for bushland rehabilitation must form part of other monitoring requirements (ground water, air quality etc) of the approved quarry operation Environmental Management Plan. The approved monitoring methods, survey parameters, frequency, performance measures and remedial actions outlined within sheet 11 of 11 of the *Quarry Rehabilitation Concept Plan for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15<sup>th</sup> January 2010) must be undertaken by a qualified and experienced ecological company or consultant.
- b) At the completion of rehabilitation and translocation works within each cell, a concise works summary report must be prepared by a qualified and experienced ecologist to ensure the rehabilitation and translocation works are satisfactorily completed in accordance with the approved rehabilitation plan with *Task 7.32 – Sheet 8/11* of the approved *Quarry Rehabilitation Plans for Part Lot 3 DP567166 and Part Lot 2 DP510812 Old Northern Rd, Maroota* prepared by Footprint Green Pty Ltd (dated 15<sup>th</sup> January 2010). The works summary reports must be provided to Council and must also be attached to the operational monitoring program reporting (Environmental Management Plan).

## **18. s94 Infrastructure Contributions**

The monthly payment to Council of a contribution of \$0.80\* per tonne for all extracted material transported from the site in accordance with Council's *Development Contributions Plan 2007-2011* and the following:

- a) On or before the 14<sup>th</sup> day of each month that extracted materials are transported from the site, the Applicant shall submit to Council a certified copy of returns or records showing the true quantities of extracted material transported from the site during the

immediately preceding month. Thereafter, Council will issue to the Applicant an invoice for the contribution payable for such material transported from the site. Payment of the amount of the invoice shall be made by the Applicant within 14 days of the invoice date. If the party carrying out the extraction work fails to deliver such returns to the Council in accordance with this clause by the 14<sup>th</sup> day of a particular month, the Council shall at its absolute discretion be entitled but not obliged to estimate the quantity of material transported from the site during the immediately preceding month and shall be entitled to issue such an invoice on the basis of such estimate.

- b) Council shall be entitled to inspect and audit the original records relating to any of the extracted material, including locality of destinations, numbers and types of laden trucks and trailers and load quantities, transported from the site.
- c) If the Applicant ceases to carry out the approved extraction work or if a party other than the Applicant commences to carry out such work without the Applicant having started to do so, then the Applicant shall forthwith furnish to Council notice of that fact together with the name and address of the party (if any) who has commenced or will thereafter commence to carry on the said work. Such notice shall be accompanied by an acknowledgment in writing by that party that it is aware of the obligations imposed on it pursuant to this condition. Until such time as the notice and acknowledgment are furnished to the Council by the applicant, the applicant will remain jointly and severally liable with the party for the time being carrying out the extraction work for payment of the aforesaid contribution and for compliance with the terms of this condition. The terms of this paragraph shall apply mutatis mutandis to any future operator of the extraction work in the event of his ceasing to carry out the work.

*Note: \* The value of contribution is current as at 5 February 2010. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

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

## **19. Environmental Management**

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

## **20. Setback from Prescribed Stream**

A buffer setback of 40 metres must be provided from the crest of the watercourse (Coopers Creek) to any construction works. The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.

## **21. Wastewater System Approval**

An on-site sewage management system, separately approved under the *Local Government Act 1993*, must be installed, commissioned and certified by a licensed plumber in accordance with *Australian Standard 1547 – Onsite Domestic Wastewater Management (2000)* and

*Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998).*

## **22. Maintenance of Wastewater Device**

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

## **23. Storage of Flammable and Combustible Goods**

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

## **24. Depth of Excavation**

The maximum depth of allowable excavation is 177 metres AHD or the retention of a 2 metre buffer above the wet weather high water table.

## **24A. Damage to Council Assets**

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

### **GENERAL TERMS OF APPROVAL – DEPARTMENT OF WATER AND ENERGY**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

## **25. Works Requiring Controlled Activity Approval - GTA 1**

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA/578/2009 and provided by Council:

- i) Site Plan, map and/or surveys

Any amendments or modification to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water and Energy must be notified to determine if any variations to these GTA will be required.

## **26. Works Requiring Controlled Activity Approval - GTA 2**

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water and Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.



**27. Works Requiring Controlled Activity Approval - GTA 3**

The consent holder must prepare or commission the preparation of:

- i) Vegetation Management Plan.
- ii) Erosion and Sediment Control Plan
- iii) Soil and Water Management Plan.
- iv) Amendments to Plans - in relation to rehabilitation of Coopers Creek in and around the crossing and in-line dam.

**28. Works Requiring Controlled Activity Approval - GTA 5**

The consent holder must:

- i) Carry out any controlled activity in accordance with approved plans.
- ii) Construct and/or implement any controlled activity by or under the direction supervision of a suitability qualified professional.
- iii) When required, provide a certificate of completion to the Department of Water and Energy.

**29. Deleted**

**30. Works Requiring Controlled Activity Approval - GTA 7**

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.

**31. Works Requiring Controlled Activity Approval - GTA 8**

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water and Energy as required.

**32. Works Requiring Controlled Activity Approval - GTA 9**

The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the Department of Water and Energy as and when required.

**33. Works Requiring Controlled Activity Approval - GTA 12**

The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water and Energy.

**34. Works Requiring Controlled Activity Approval - GTA 13**

The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain

water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the Department of Water and Energy.

**35. Works Requiring Controlled Activity Approval - GTA 14**

The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

**36. Works Requiring Controlled Activity Approval - GTA 15**

The consent holder is to ensure that all drainage works:

- i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy; and
- ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water and Energy.

**37. Works Requiring Controlled Activity Approval - GTA 16**

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water and Energy.

**38. Works Requiring Controlled Activity Approval - GTA 17**

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water and Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

**39. Works Requiring Controlled Activity Approval - GTA 18**

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

**40. Works Requiring Controlled Activity Approval - GTA 19**

The consent holder must ensure that any excavation does not result in:

- i) diversion of any river,
- ii) bed or bank instability, or
- iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water and Energy.

**41. Works Requiring Controlled Activity Approval - GTA 22**

The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the Department of Water and Energy.

#### 42. Works Requiring Controlled Activity Approval - GTA 23

The consent holder must establish a riparian corridor along Coopers Creek in accordance with a plan approved by the Department of Water and Energy.

#### **GENERAL TERMS OF APPROVAL - DEPARTMENT OF ENVIRONMENT CLIMATE CHANGE AND WATER (EPA)**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

EPA Identification No.	Type of Monitoring Point	Description of Location
5	Meteorological station	Meteorological station located at a site to be determined in accordance with AM-1.

#### 43. 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.

#### 44. Waste (5.1)

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*.

#### 45. Waste (L5.2)

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

#### 46. Noise Limits (L6.1)

Noise generated at the premises must not exceed the noise limits presented in the table below:

**Table 6.1 - Noise Limits (dB(A))**

Location	Day
	L <sub>Aeq,15min</sub>
R3 – Lot 59 DP 752029	43
R4 – Lot 63 DP 752029	41
R6 – Lot 2 DP 567166	45
R7 – Lot 2 DP 567166	45
R8 – Lot 2 DP 567166	46
R9 – Lot 1 DP 567166	47
R10 – Lot 10 DP 752029	47
R11 – Lot 1 DP 621814	35
R12 – Lot 6 DP 39392	35

R13 – Lot 5 DP 39392	35
R14 – Lot 4 DP 39392	35
R15 – Lot 3 DP 39392	35
R16 – Lot 2 DP 39392	35
R17 – Lot 1 DP 39392	35

**47. Noise limits apply regardless of Chapter 11 Industrial Noise Policy (L6.2)**

Noise generated from the premises in excess of the limits set out in condition L6.1, whether on one or more occasions, constitutes a breach of the licence regardless of Chapter 11 of the Industrial Noise Policy.

**48. Interpretation of noise limits (L6.3)**

For the purposes of condition L6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public holidays,
- Evening is defined as the period 6pm to 10pm Monday to Sunday,
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays,
- The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable; and
- Error margins associated with the noise monitoring equipment used are not to be taken into account in reporting whether or not a noise limit in Condition No. 39 has been exceeded.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

**49. Noise (L6.4)**

The noise emission limits identified in condition L6.1 apply under adverse meteorological conditions of:

- Wind speed up to 3m/s at 10 metres above ground level.

**50. Noise (L6.5)**

For the purpose of condition L6.4 the metrological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as EPA Identification Point 5.

**51. Noise (L6.6)**

For the purposes of determining the noise generated at the premises:

- Class 1 or 2 noise monitoring equipment that is calibrated in accordance with the manufacturer's specifications must be used according to AS IEC61672.1-2004 and AS IEC61672.2-2004;

b) The noise monitoring equipment for the premise described in Table 6.1 must be placed in a position that is:

- On a property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
- Within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises.

## **52. Hours of Operation (L6.7)**

All activities at the premises must only be carried out on between 0700 and 1800 Monday to Saturday inclusive. Up to ten (10) laden vehicles can enter or leave the premises between 0600 and 0700 Monday to Saturday inclusive.

## **53. Noise Management Plan (L6.8)**

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

- All measures necessary to not exceed the limits in Table L6.1 at all times
- A system that allows for periodic assessment at least every 6 months of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to reduce noise levels from the premises at Locations R6, R7, R8, R9 and R10 in Table L6.1, including, but not necessarily limited to, fitting and maintenance of "residential class muffler(s)" to the bulldozer(s), and formation and maintenance of sand mound(s) or sand bunds.
- Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable
- Measures to monitor noise generated from the premises, and respond to complaints
- Measures for community consultation including site contact details
- Noise monitoring and reporting procedures.

## **54. Dust (O2.1)**

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

## **55. Dust (O2.2)**

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

## **56. Soil and Water Management Plan (O3.1)**

A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge

of sediment and other pollutants to lands and/or waters during all phases of the operation. The Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Volume 2E Soils and Construction - Mines and Quarries* (available from the EPA).

**57. 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.

**58. Monitoring Records (M1.2)**

All records required to be kept by the licence must be:

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

**59. Monitoring Records (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;

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

**60. Requirement to monitor concentration of pollutants discharged (M2.1)**

For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

**Point # 1, 2, and 3**

**Air**

Pollutant	Units of measure	Frequency	Sampling Method
Particles - Deposited Matter	Grams per square metre per month	Monthly	AM-19

**61. Testing methods - concentration limits (M4.1)**

Monitoring for the concentration of a pollutant emitted to the air 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 a relevant local calculation protocol must be done in accordance with:

- a) any methodology which is required by or under the *POEO Act 1997* to be used for the testing of the concentration of the pollutant; or

- b) If no such requirement is imposed by or under the *POEO Act 1997*, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- c) if no such requirement is imposed by or under the *POEO Act 1997* or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

*Note: The Protection of the Environment Operations (clean air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".*

## 62. Requirement to monitor weather (M5.1)

For each monitoring point specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) each weather parameter specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

### POINT 5 <weather>

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Wind Speed	m/s	Continuous	15-minute	AM-2 and AM-4
Wind Direction	°	Continuous	15-minute	AM-2 and AM-4
Sigma Theta	°	Continuous	15-minute	AM-2 and AM-4
Temperature	°C	Continuous	15-minute	AM-4

## 63. 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.

## 64. Dust Monitoring Plan

- a) The proponent must prepare and implement a dust monitoring plan, to the satisfaction of DECCW, that:
  - quantifies dust impacts at the most sensitive receptor(s) as defined by the results of the EA;
    - for the range of normal operating scenarios at the proposal site;
    - for variable meteorological conditions;



- is implemented within 1 month of operational activities beginning at the proposal site; and
  - operates for a minimum period of 12 months.
- b) The proponent must submit a report to the Manager of Sydney Industry for DECCW approval detailing all elements of the dust monitoring plan at least two months prior to commencement of operational activities at the proposal site.

**GENERAL TERMS OF APPROVAL – DEPARTMENT OF PRIMARY INDUSTRIES MINERAL RESOURCES**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

**65. Production Data**

The operator is required to provide annual production data as requested by the Mineral Resources Division of the Department of Primary Industries.

**GENERAL TERMS OF APPROVAL – DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

**66. Aboriginal Cultural Heritage - GTA 1**

All identified sites must be protected from impact by a 40 metre buffer zone to be calculated from the perimeter of the identified site, other than for sites CC1 and CC6 which shall have a 20 metre buffer zone, which buffer zone is to also be calculated from the perimeter of sites CC1 and CC6.

**67. Aboriginal Cultural Heritage - GTA 2**

All identified sites to be precisely relocated using photos and GPS references prior to demarcation of buffer zone.

**68. Aboriginal Cultural Heritage - GTA 3**

All buffer zones to be clearly fenced.

**69. Aboriginal Cultural Heritage - GTA 4**

No vehicular access, services or earth disturbing works will be permitted within the buffer zones. No other impacts will be permitted within the buffer zones.

**70. Aboriginal Cultural Heritage - GTA 5**

The buffer zones must not be used as storage areas.

**71. Aboriginal Cultural Heritage - GTA 6**

Runoff from the sand extraction operation should be designed to ensure that sites are protected from altered runoff and deposition conditions which may impact sites.

**72. Aboriginal Cultural Heritage - GTA 7**

All sites CC1, CC2, CC3, CC4, CC5 and CC6 to be monitored annually to assess the condition of the buffer fencing, buffer zones and impacts to sites from runoff and/or deposition. Remedial action to be taken where necessary if changes are detected.

Any amended remediation action undertaken pursuant to this condition, in respect of site CC1 must be undertaken pursuant to an Aboriginal Heritage Impact Permit issued under Part 6 of the *National Parks and Wildlife Act 1974*.

**73. Aboriginal Cultural Heritage - GTA 8**

If new Aboriginal objects, including Aboriginal human remains are found all work must cease and the Department of Environment, Climate Change and Water must be contacted.

**74. Aboriginal Cultural Heritage - GTA 9**

All people employed on site must undergo a site induction which includes training in the management protocols set out in condition No. 73 above and be briefed on the Aboriginal cultural heritage significance of the area and relevant GTA conditions.

**CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY**

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

- 75.** The wheels of all vehicles leaving the site are to be clean and free of dust, dirt and mud. It is recommended that a wheel wash be installed to prevent material being deposited on Old Northern Road.
- 76.** All landscaping, signage, fencing and parked vehicles are not to impeded sight lines to pedestrians and vehicles travelling along Old Northern Road.
- 77.** All vehicles must enter and exit the site in a forward direction.
- 78.** All vehicles must be clear of the formation before being required to stop.
- 79.** All works associated with the proposed development to be at no cost to the RTA.

**- END OF CONDITIONS -**