

**COUNCIL ASSESSMENT REPORT  
SYDNEY NORTH PLANNING PANEL**

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSNH-520 - DA/820/2024
<b>PROPOSAL</b>	Establishment and operation of a sandstone quarry
<b>ADDRESS</b>	Lots 1 and 2 DP 609224, No. 4773 Old Northern Road, Maroota Crown road reserve
<b>APPLICANT</b>	Central Civil (NSW) Pty Ltd
<b>OWNER</b>	Central Civil Pty Ltd Crown Land
<b>DA LODGEMENT DATE</b>	24 July 2024
<b>APPLICATION TYPE</b>	DA, Integrated, Designated
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 7, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: particular designated development (extractive industry)
<b>CIV</b>	\$977,507.48 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and hazards) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Hornsby Development Control Plan 2024</li> <li>• Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	3

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Survey Plan</li> <li>• Site Plans</li> <li>• Environmental Impact Statement</li> <li>• Biodiversity Development Assessment Report</li> <li>• Submissions Report</li> <li>• Environmental Management Plan</li> <li>• Operational Plan of Management</li> <li>• Response to RFI - 2 April 2025</li> <li>• Consolidated Cut and Fill Details</li> <li>• Road Design Plan 1</li> <li>• Road Design Plan 2</li> <li>• Architectural Plans</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	No
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes - 7 May 2025
<b>SCHEDULED MEETING DATE</b>	June 2025
<b>PREPARED BY</b>	George Papworth
<b>COI DECLARATION</b>	No conflict of interest declared
<b>DATE OF REPORT</b>	2 June 2025

## EXECUTIVE SUMMARY

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The application proposes the development and operation of an extractive industry (sandstone quarry) to be located within Lots 1 and 2 DP 609224 (No. 4773 Old Northern Road, Maroota), as well as an unnamed Crown Road reserve.

The proposed quarry would extract, process and despatch up to 30,000 tonnes per annum of sandstone logs, flagging stone and friable sandstone over a 30-year quarry life. The extraction area would be progressively rehabilitated to develop a final landform suitable for nature conservation.

The site would be accessed by the existing unnamed Local Road which connects the site to Old Northern Road. The proposed development would include the upgrading of the unnamed Local Road.

The proposed operational disturbance area would have a footprint of 4.13ha. The proposed disturbance area would require the removal of 3.77ha of remnant native vegetation with the remaining 0.36ha of land made up of existing tracks and the two former extraction areas.

The site is located within the RU1 Primary Production zone and C3 Environmental Management zone pursuant to Clause 2.2 of the LEP. Extractive industries are a permissible land use with consent in the RU1 zone but are a prohibited land use in the C3 zone with the application relying upon permissibility in the C3 zone under Clause 2.9(3) of the State Environmental Planning Policy (Resources and Energy) 2021.

The proposal satisfies the requirements of the HLEP and is generally consistent with the relevant controls within the Hornsby Development Control Plan 2024 (HDCP). A summary of the proposal's compliance with the relevant environmental planning instruments is provided below:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 4 Koala Habitat Protection 2021 requires a consent authority to consider whether the land is a potential or core koala habitat. The proposed development will impact Koala use trees and accordingly Council must consider a Koala Assessment Report (KAR) for the development in deciding whether to grant consent. The application is supported by a KAR prepared by Ecoplaning dated 1 November 2023. It is deemed unlikely that Koalas would utilise the site and appropriate mitigation measures have been recommended to avoid any inadvertent impacts.  
  
Council concurs with the KAR with regards to the Biodiversity and Conservation SEPP in that the site is a potential Koala habitat, however, due to the absence of Koala activity a Koala Plan of Management is not required. Appropriate conditions of consent have been recommended to ensure the recommended mitigation measures are implemented.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments - The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system. Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of Chapter 6 of the Biodiversity and Conservation SEPP.
- State Environmental Planning Policy (Planning Systems) 2021 - Chapter 2: State and Regional Development - The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7 of Schedule 6.

In accordance with Schedule 3, Section 26 of the Environmental Planning and Assessment Regulation 2021 the proposed extraction area would disturb a surface area of 3.77ha and

therefore the project is classified as designated development. Accordingly, the Sydney North Planning Panel is the consent authority for the application.

The proposed development does not constitute State Significant Development.

- State Environmental Planning Policy (Primary Production) 2021 - Chapter 2 aims to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict of rural land and to identify State significant agricultural land. The site has not been identified as State or regionally significant agricultural land by Schedule 1 of the Primary Production SEPP. The proposed development would not remove any land currently managed for intensive agriculture, as there is no land used for agriculture directly surrounding the site.
- State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 3 requires Council to consider the hazards and risks associated with a proposed development before approval is given for construction and operation. The proposal is not potentially a hazardous industry and accordingly, a preliminary hazard analysis is not required. The proposed development is potentially an 'offensive industry' as an Environment Protection Licence from the Environmental Protection Authority (EPA) is required. Subject to compliance with the EPA licencing requirements, the proposal has addressed the requirements of the Resilience and Hazards SEPP.
- State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 requires consent authorities to consider whether the land is contaminated, and 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. A search of Council's records and aerial images reveals that the site has been historically used for conservation purposes and no contaminating activities are known to have occurred within the project area. It is considered unlikely that the site is contaminated and the use of the site as an extractive industry is acceptable.
- State Environmental Planning Policy (Resources and Energy) 2021 - Chapter 2 Mining, Petroleum Production and Extractive Industries sets out the matters to be considered when assessing an application for extractive industry including the compatibility with surrounding land uses, resource recovery; environmental management; transport and rehabilitation. Subject to the supporting documentation and recommended conditions of consent, the proposed development satisfies the provisions of the Resources and Energy SEPP.
- State Environmental Planning Policy (Resources and Energy) 2021 - Chapter 3 Extractive Industries in Sydney area aims to facilitate development of extractive resources in proximity to the population of the Sydney Metropolitan Area. The Resources and Energy SEPP overrides the Hornsby LEP by permitting extractive industry to occur on land to which the policy applies.

Section 3.6(3) specifies that Council must not grant consent unless it has considered the effect of the development on water management, flooding and considered a rehabilitation plan. Section 3.6(3) specifies that Council must not grant consent unless it is satisfied that noise and vibration levels will generally be in accordance with the State guidelines that rehabilitation measures will be carried out in accordance with the guidelines in the Urban Erosion and Sediment Control Handbook (1992).

Council has considered the Ground and Surface Water Assessment within the submitted EIS which has addressed the aquatic/riparian environment matters, erosion sediment control, water

quality aspects and hydrogeological concerns that relate to the proposed development and is satisfied that development would not impact on groundwater or surface water flow.

WaterNSW noted that if groundwater is encountered during the development and requires removal a construction dewatering Water Supply Works Approval would be required.

Council has considered and is satisfied that a rehabilitation plan has been prepared in accordance with the Extractive Industry Report and appropriate conditions have been recommended to ensure the rehabilitation measures will be carried out.

Council is satisfied that the operation of the Quarry in the manner proposed is not expected to exceed the criteria adopted for the construction, operational and road traffic noise and vibration assessments.

The proposed development is classified as *integrated development* under Division 4.8 of the EP&A Act as it would require a Water Management Work Approval under Section 90(2) of the *Water Management Act 2000* and a Section 138 approval under the *Roads Act 1993*.

The application was referred to WaterNSW who determined that for the purposes of the *Water Management Act 2000*, no further investigation is required by WaterNSW. WaterNSW noted that if groundwater is encountered during the development and requires removal and construction dewatering, a Water Supply Works Approval would be required.

The application was referred to TfNSW who noted that the proposed development would not generate a significant number of vehicle trips during its operation and accordingly, raised no objection.

As part of the issued SEARs, the NSW Environment Protection Authority determined that no further consultation is required as the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* and so will not require an Environmental Protection Licence under this Act.

The proposal was notified in accordance with the Council's Community Engagement Plan from 9 August 2024 until 6 September 2024 and 3 unique submissions were received. The submissions generally raise concern with respect to traffic impacts, air quality, noise and the maintenance of the Unnamed Local Road. The matters raised in the submissions have been addressed in the applicant's Submissions Report and in the body of this report and do not warrant refusal of the application.

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

## 1 THE SITE AND LOCALITY

### 1.1 The Site

The 23.33ha site consists of Lots 1 and 2 DP 609224 and an unnamed Crown Road reserve, at 4773 Old Northern Road, Maroota. The site is located to the east of Old Northern Road, Maroota and is accessed from an unnamed local road off Old Northern Road.

The irregular shaped lot is 903.24m wide at the northern boundary, 45.9m on the eastern boundary and has an irregular southern boundary that narrows to 5m on the western boundary.

The site experiences a 44m fall to the north and a 36m fall to the south of the ridge line that runs along the southern boundary, adjacent to the Crown Road reserve.

The site is mapped as containing Scribbly Gum Open-Woodland/Heath, Grey Gum-Scribbly Gum Woodland and Peppermint-Angophora Forest.

An Easement for Transmission Line Variable Width (VIDE GOV.GASSETTE 23/07/65) is located in the north-east corner of the site.

Within the site there is one mapped first-order watercourse in the central portion, and the riparian buffer of another first-order stream in the north-east corner. The western stream begins north of the subject land, and the eastern stream is just to the east of the subject land. Each of these streams drains to the north into Dalgetys Creek, which then flows east to the Hawkesbury River.

It is noted that previous extraction areas are visible on site, as shown in Figure 3. It is noted that this disturbance precedes the applicant's tenure of the site. Based on the information provided by the applicant, these operations comprised the clearing of approximately 600m<sup>2</sup> of vegetation, extraction of sand materials and dimension stone and the establishment of a number of access tracks within the site.

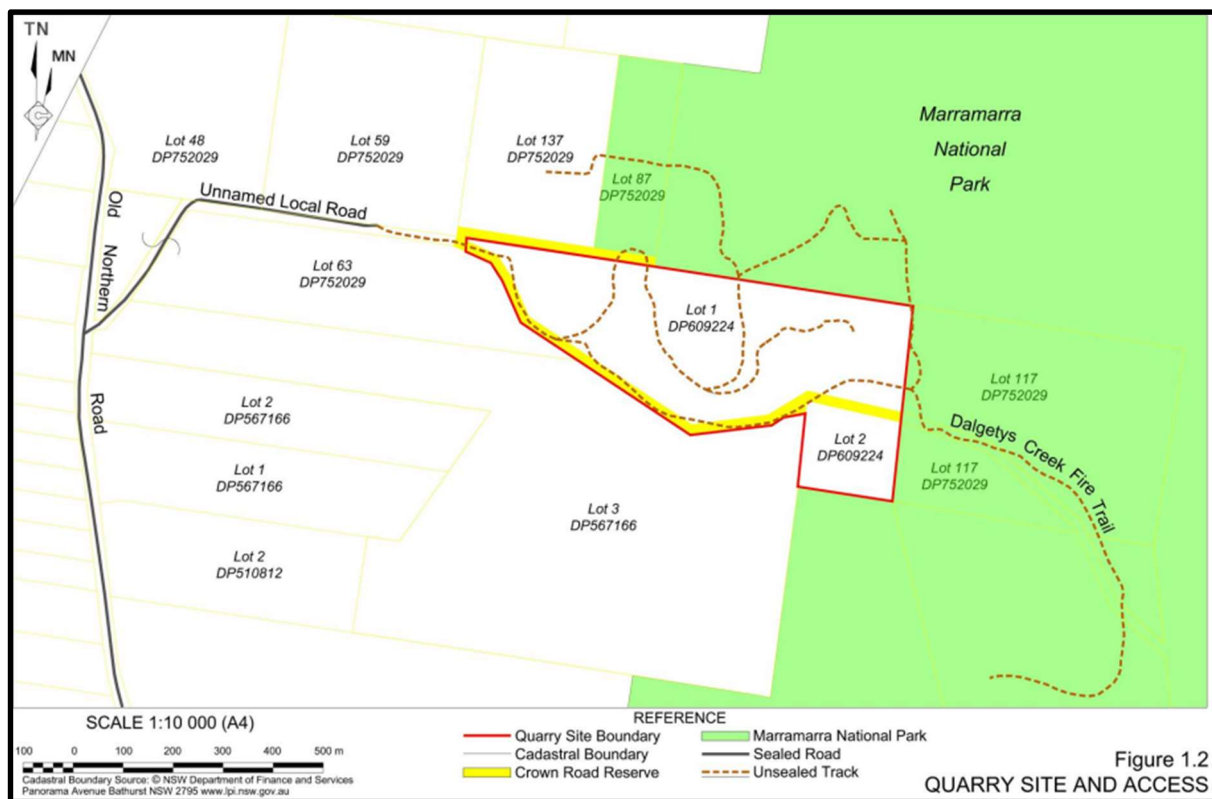


Figure 1: Location Plan





Figure 2: Aerial photograph of site and surrounding area

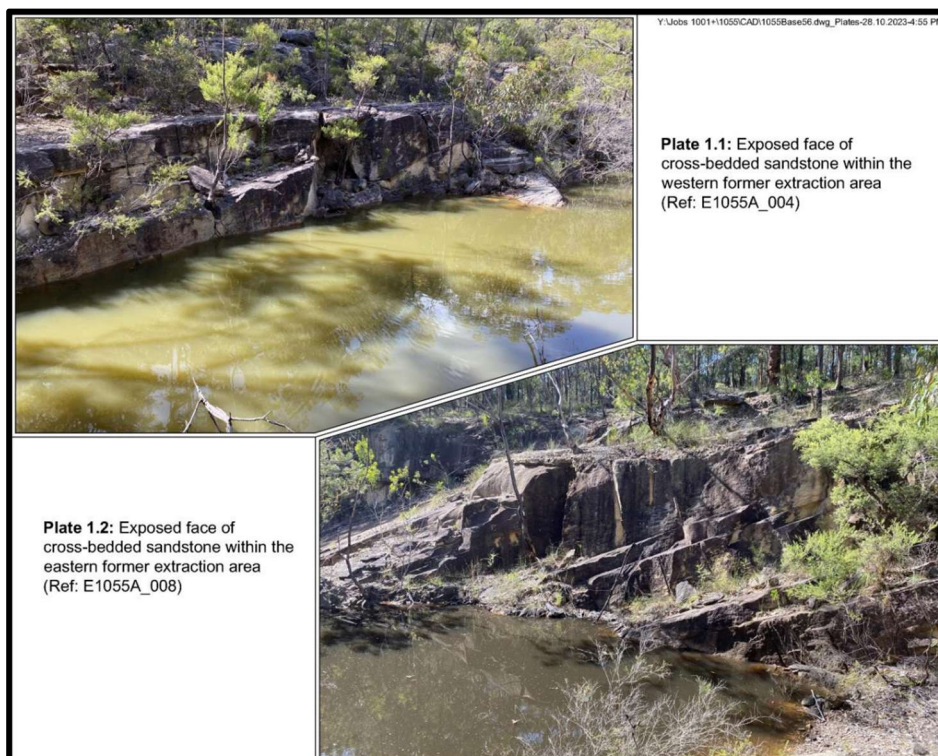


Figure 3: Existing extraction areas on site

## 1.2 The Locality

The site is located in a rural area predominately zoned RU1 Primary Production land with parcels of C3 Environmental Management land. The Marramarra National Park to the east is zoned C1 National Parks and Nature Reserves.

As shown in Figure 2, the project area is located in close proximity to a number of other sand and sandstone quarries in Maroota, including:

- Maroota Sandstone Quarry, 15 Laughtondale Gully Road Maroota - 1.9km to the north-west of the site
- PF Formation, Pits 3 and 5 - located approximately 100m south-west of the site.
- Dixon Sand, Old Northern Road Quarry - located approximately 2km south-west of the site.
- P.F Formation, Old Telegraph Road Sand Extraction - located 1.2km to the south of the site.

Camilleri Stockfeeds is located to the north-west of the site and is accessed off the unnamed local road.

## 2 THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The application proposes the development and operation of an extractive industry (quarry) to be located within Lots 1 and 2 DP 609224 (No. 4773 Old Northern Road, Maroota), as well as an unnamed Crown Road reserve comprising:

- Extraction, processing and despatch of up to 30,000 tonnes per annum (tpa) of sandstone logs, flagging stone and friable sandstone.
- Crushing and screening of friable sandstone using a mobile processing plant for use in on-site road and track maintenance.
- Importation of up to 30,000tpa of virgin excavated natural material (VENM) for use in landscaping and progressive rehabilitation at the Quarry.
- Product transportation and material importation involving a maximum of 10 laden heavy vehicle movements per day, with an average of 4 laden heavy vehicle movements per day.
- Progressive and final rehabilitation of the Quarry to develop a final landform suitable for nature conservation.
- Ongoing operations for a period of 30 years from the commencement of operations under the development consent.

The proposed operational disturbance area, shown in Figures 4 and 5 below, would have a footprint of 4.13ha. The proposed disturbance area would require the removal of 3.77ha of remnant native vegetation with the remaining 0.36ha of land made up of existing tracks and the two former extraction areas.

The extraction area would be developed in two stages from west to east to a maximum depth of RL218m Australian Height Datum (AHD). All product extraction, processing, stockpiling and despatch activities would be undertaken within the extraction area. The extraction area would include a 5m perimeter zone to allow for construction of a perimeter safety bund, tracks and erosion and sediment control infrastructure.



The proposed Quarry Access Road would be partly located on Lot 1 DP 609224 and the unnamed Crown Road reserve which provides access to Dalgetys Creek Fire Trail and Marramarra National Park. The existing track to the proposed extraction area would be widened to provide the Quarry Access Road to permit two heavy vehicles to pass within the site. The road would have an unsealed surface for its entire length within the site and, together with roadside drainage, would have a maximum width of 8m. It is noted that the Applicant has lodged a Road Closure application to Crown Lands with the intention to purchase part of the unnamed Crown Road reserve.

The proposed quarry hours of operation would be Monday to Friday 7am to 5pm, Saturday 7am to 1pm and closed on Sundays and Public Holidays. All heavy vehicle movements along Old Northern Road would be restricted between the hours of 8:00am to 9:30am and 2:30pm to 4:00pm, coincident with school zone hours.

Development consent is sought for a total period of 30 years which would consist of an extraction period of 20 years and a further 10 years to permit sufficient time for importation of VENM to complete rehabilitation operations.

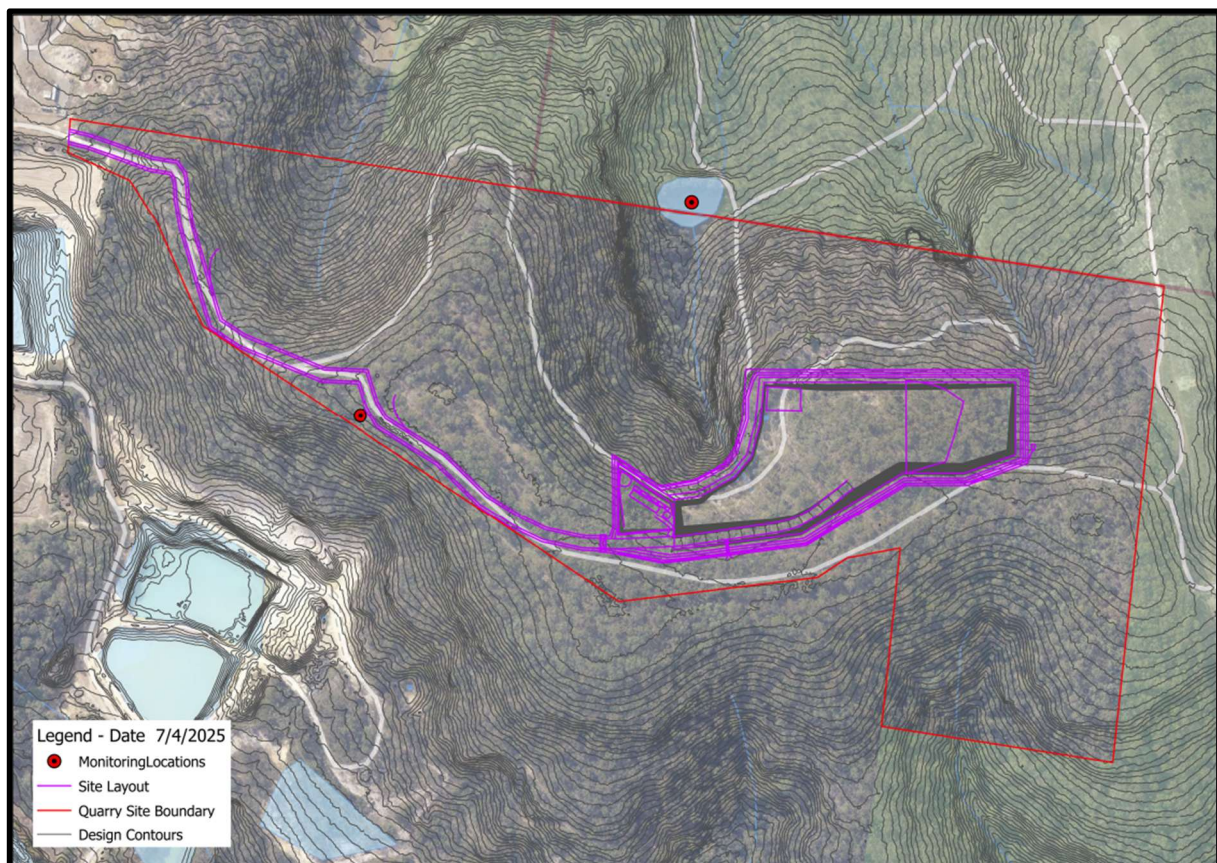


Figure 4: Location of extraction area and internal access road



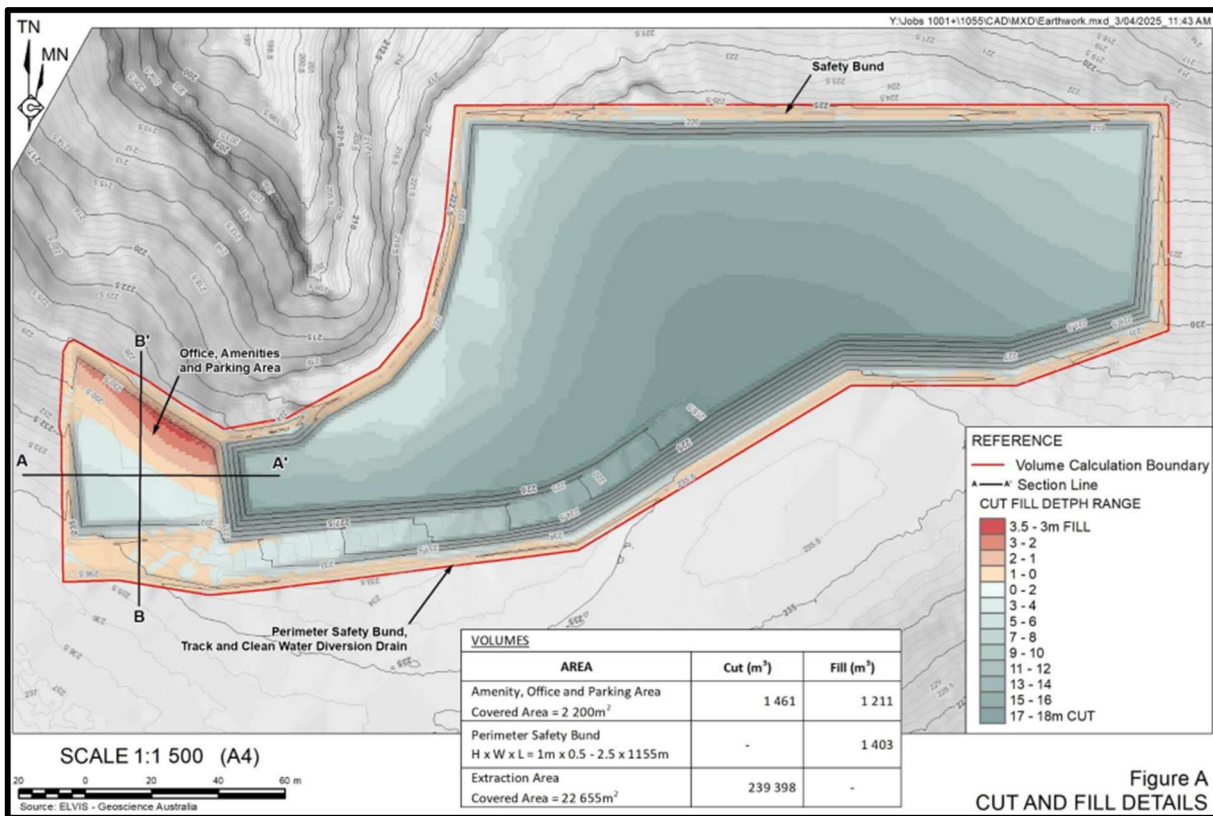


Figure 5: Cut and Fill Details

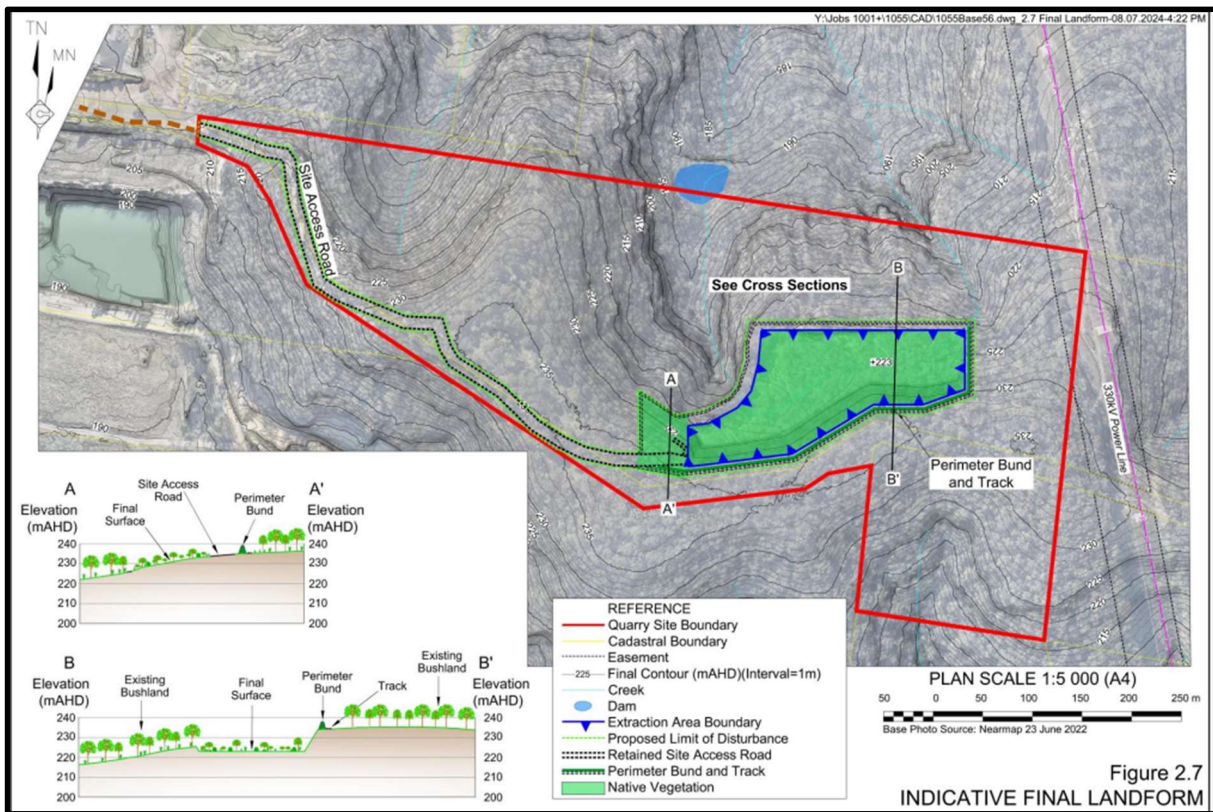


Figure 6: Indicative Final Landform (Restoration)

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the application on 5 July 2023 where various issues were discussed. A summary of the key planning controls and submission requirements was provided to the applicant.

The development application was lodged on 24 July 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

**Table 1: Chronology of the DA**

Date	Event
24 July 2024	DA lodged
2 August 2024	DA referred to external agencies
9 August 2024 - 6 September 2024	Exhibition of the application
14 October 2024	Request for Information from Council to applicant
6 November 2024	Panel briefing
6 January 2025	Request for Information from Council to applicant
5 February 2025	Request from Council to applicant for update on submission of requested information
18 February 2025	Council provided an update to the Panel Secretariat on the status of the DA and timeframe for the provision of additional information by the applicant.
19 February 2025	The Panel Secretariat advised no further request for additional information to be sent prior to discussion with the Panel Chair.
21 February 2025	Amended plans and additional information accepted by Council under CI 38(1) of the Environmental Planning and Assessment Regulation 2021 ('2021 EP&A Regulation').
24 February 2025	DA re-referred to internal branches of Council.
19 March 2025	Council prepared a draft request for further information and sought advice from the Panel Secretariat to issue the letter to the applicant
21 March 2025	Planning Panels Case Manager advised a report to be prepared for the Panel and set a meeting date of 9 April 2025
2 April 2025	Briefing of the Panel by the applicant to request additional time to address the requested information to enable the provision of sufficient information for assessment and determination of the application.
3 April 2025	Additional information accepted by Council under CI 38(1) of the Environmental Planning and Assessment Regulation 2021 ('2021 EP&A Regulation').

21 May 2025	Panel briefing which raised an issue with the conditional owners' consent provided by Crown Land.
30 May 2025	Amended owners' consent issued by Crown Land issued removing the conditional wording.

### 2.3 Site History

It is noted that previous extraction areas are visible on site, as shown in Figure 3. It is noted that this disturbance precedes the Applicant's tenure of the site. Based on the information provided by the applicant, these operations comprised the clearing of approximately 600m<sup>2</sup> of vegetation, extraction of sand materials and dimension stone and the establishment of a number of access tracks within the site.

## 3 STRATEGIC CONTEXT

### 3.1 Greater Sydney Regional Plan - A Metropolis of Three Cities and North District Plan

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

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

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

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

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

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

## 4 STATUTORY CONSIDERATIONS

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.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)

#### **4.1 Environmental Planning and Assessment Regulation 2021 - Designated Development**

In accordance with Schedule 3, Section 26 of the Environmental Planning and Assessment Regulation 2021, any extractive industries that will disturb a total surface area of more than 2ha of land is designated development.

The proposed extraction area would disturb a surface area of 3.77ha and therefore the project is classified as designated development.

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

The SEARs stated that the EIS for the development must comply with the requirements in Clauses 190, 192 and 193 of Part 8 Division 5 of the Environmental Planning and Assessment Regulation 2021. In particular, the EIS must include an executive summary (Part ES-1 of EIS), a comprehensive description of the development (Section 2 of EIS), a conclusion justifying why the development should be approved (Section 7 of EIS) and a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading (Page iii of EIS).

In preparing the EIS for the development, the applicant was required to consult with relevant Local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development. Table 2.2 within Appendix 2 of the EIS summarises the consultation that was carried out, identifies the issues raised during this consultation, and explains how these issues have been addressed in the EIS.

The EIS must assess the potential impacts of the proposal at all stages of the development, including the establishment, operation and decommissioning of the development. The EIS must address the following specific issues: Noise, Air, Water, Traffic & Transport, Biodiversity, Heritage, Land Resources, Waste, Hazards, Visual, Social & Economic and, Rehabilitation.

Table 2.1 within Appendix 2 of the EIS summarises the coverage of the Secretary's Environmental Assessment Requirements in EIS.

In preparation of the EIS, the SEARs were obtained from the DP&E and have been addressed in the EIS as summarised in Appendix 2 of the EIS.

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

#### **4.2 Crown Land Management Act 2016 (CL Act 2016)**

Part of the proposed development will be located on Crown land. The applicant was required to obtain owners' consent for lodgement of the Development Application with Council. The Department of Planning, Housing and Infrastructure - Crown Lands and Public Spaces granted consent to lodge the DA dated 30 May 2025.

#### **4.3 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

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

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

The following Environmental Planning Instruments are relevant to this application:

- *Hornsby Local Environmental Plan 2013*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

##### **4.4.1 Hornsby Local Environmental Plan 2013**

The relevant local environmental plan applying to the site is the Hornsby Local Environmental Plan 2013 ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,



- (a) *to facilitate development that creates—*
  - (i) *progressive town centres, thriving rural areas and abundant recreation spaces connected by efficient infrastructure and transport systems, and*
  - (ii) *a well-planned area with managed growth to provide for the needs of future generations and people enriched by diversity of cultures, the beauty of the environment and a strong economy,*
- (b) *to guide the orderly and sustainable development of Hornsby, balancing its economic, environmental and social needs,*
- (c) *to permit a mix of housing types that provide for the future housing needs of the community near employment centres, transport nodes and services,*
- (d) *to permit business and industrial development that meets the needs of the community near housing, transport and services, and is consistent with and reinforces the role of centres within the subregional commercial centres hierarchy,*
- (e) *to maintain and protect rural activities, resource lands, rural landscapes and biodiversity values of rural areas,*
- (f) *to provide a range of quality passive and active recreational areas and facilities that meet the leisure needs of both the local and regional community,*
- (g) *to facilitate the equitable provision of community services and cultural opportunities to promote the well being of the population of Hornsby,*
- (h) *to protect and enhance the scenic and biodiversity values of environmentally sensitive land, including bushland, river settlements, river catchments, wetlands and waterways,*
- (i) *to protect and enhance the heritage of Hornsby, including places of historic, aesthetic, architectural, natural, cultural and Aboriginal significance,*
- (j) *to minimise risk to the community in areas subject to environmental hazards, including flooding and bush fires.*

The proposal is consistent with these aims.

#### **4.4.1.1 Zoning and Permissibility (Part 2)**

The site is located within the RU1 Primary Production zone and C3 Environmental Management zone pursuant to Clause 2.2 of the LEP.

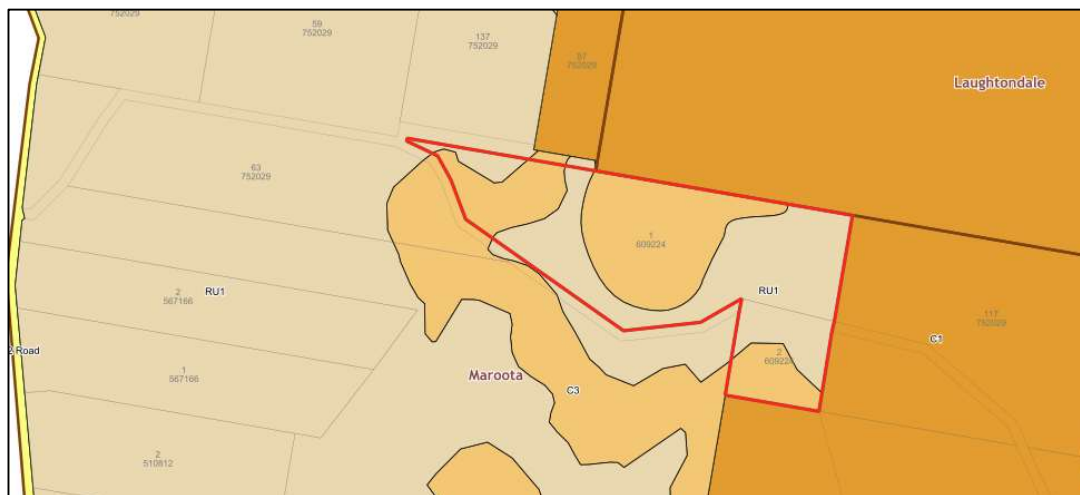


Figure 7: Zoning Extract

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *extractive industry* which is a permissible use with consent in the Land Use Table in Clause 2.3 for the RU1 zone. Extractive industries are a prohibited use in the Land Use Table in Clause 2.3 for the C3 zone with the application relying upon permissibility in the C3 zone under Clause 2.9(3) of the State Environmental Planning Policy (Resources and Energy) 2021 which states:

- (3) **Extractive industry** Development for any of the following purposes may be carried out with development consent—
- (a) *extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),*
  - (b) *extractive industry in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone.*

As the HELP is inconsistent with the Resources and Energy SEPP, the SEPP prevails over the LEP to the extent of the inconsistency. Under the HLEP, *agriculture* is a permissible land use within the C3 zone, therefore Clause 2.9(3) of the Resources and Energy SEPP prevails.

It is noted that the site is not located within land described in Schedule 4 of the Resources and Energy SEPP and therefore Section 3.9 of the Resources and Energy SEPP does not apply.

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

#### **RU1 Primary Production**

- *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 industry and align with the rural character of the area, including agritourism and tourist and visitor accommodation.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

### **C3 Environmental Management**

- *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.*
- *To enable low impact agritourism and tourist and visitor accommodation that is compatible with the environmental values of the zone.*

The proposal is considered to be consistent with the RU1 zone objectives for the following reasons:

- The proposal would not cause population growth or fragment the land.
- The proposal would not unreasonably increase demand for public infrastructure, services or facilities.
- The proposal would not comprise the effective operation of agricultural activities in the area.

Council has considered the zone objectives of the C3 zone and noted that as extractive industries are a prohibited use in the Land Use Table in Clause 2.3 for the C3 zone, the application relies upon permissibility in the C3 zone under Clause 2.9(3) of the Resources and Energy SEPP and therefore the proposed land use is not required to be consistent with the C3 zone objectives.

Notwithstanding, Section 4.4.7 of this report considers and evaluates Clauses 2.17 to 2.23 of the Resources and Energy SEPP which set out the matters to be considered when assessing an application for extractive industry.

#### **4.4.1.2 General Controls and Development Standards (Part 2, 4, 5 and 6)**

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are discussed below.

#### **4.4.1.3 Height of Buildings**

Clause 4.3 of the LEP 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 proposed development includes the construction of an office shed, lunch shed, storage container and toilet block with a maximum height of 2.9m which complies with the maximum height requirements.

#### **4.4.1.4 Heritage Conservation**

Clause 5.10 of the LEP sets out heritage conservation provisions for Hornsby Shire. The site is not listed as containing an item of heritage or archaeological significance in Schedule 5 of the HLEP.

A Historic Heritage Assessment prepared by Biosis Pty Ltd dated 22 September 2023 concluded that the study area had been assessed as holding low research potential and low archaeological potential. There were no items in the study area that were assessed to have heritage significance.

Accordingly, subject to an unexpected finds condition, no further assessment regarding heritage conservation is required.

#### 4.4.1.5 Earthworks

Clause 6.2 of the LEP 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.

#### 4.4.1.6 Terrestrial Biodiversity

The objective of Clause 6.4 Terrestrial Biodiversity is to maintain terrestrial biodiversity by:

- a) *protecting native fauna and flora, and*
- b) *protecting the ecological processes necessary for their continued existence, and*
- c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

*Section 4 states that 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 by adopting feasible alternatives—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.*

There is no land included within the Terrestrial Biodiversity Map within the subject land and therefore Clause 6.4 does not apply.

Accordingly, the proposal is considered to be consistent with the LEP.

#### 4.4.2 State Environmental Planning Policies

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in Table 2 and considered in more detail below.

**Table 2: Summary of Applicable State Environmental Planning Instruments**

EPI	Matters for Consideration	Comply
SEPP (Biodiversity & Conservation)	Chapter 4: Koala Habitat Protection 2021 Chapter 6: Water catchments	Y
SEPP (Planning Systems)	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7 of Schedule 6 as it comprises <i>particular designated development</i> .	Y
SEPP (Primary Production)	Chapter 2: Primary Production and rural development	Y

SEPP (Resilience & hazards)	Chapter 3: Hazardous and offensive development Chapter 4: Remediation of Land	Y
SEPP (Resources and Energy)	Chapter 2: Mining, petroleum production and extractive industries	Y
Proposed Instruments	No compliance issues identified.	N/A

Consideration of the relevant SEPPs is outlined below.

#### **4.4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The application has been assessed against the requirements of Chapters 4 and 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

##### ***Chapter 4 Koala Habitat Protection 2021***

Chapter 4 of this policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Under Chapter 4, where there is a Koala Plan of Management (KPoM) that applies to the site, the development application must be consistent with the approved KPoM. However, there is no approved KPoM that applies to the study area and therefore Clause 4.9 of the SEPP applies.

Ten known Koala use trees, as per Schedule 4 of the SEPP, have been identified within the subject land. The proposed development will impact these Koala use trees. Therefore, as the development is likely to have a higher level of impact on Koalas or Koala habitat than 'low or no impact', Council must consider a Koala Assessment Report (KAR) for the development in deciding whether to grant consent.

The application is supported by a Koala Assessment Report prepared by Ecoplaning dated 1 November 2023.

One threatened species was recorded during spotlighting and motion-detecting cameras, an Eastern Pygmy Possum, within the eastern portion of the site. No koalas were recorded during the searches.

Searches for Koala scats and scratchings were carried out according to the SAT set out in the Koala (*Phascolarctos cinereus*) Biodiversity Assessment Method Survey Guide (DPE 2022a). No Koala scat or scratchings were detected during SAT surveys.

Although it was deemed unlikely that Koalas would utilise the site, as a precaution, several mitigation measures have been recommended to avoid any inadvertent impacts. This includes adopting accessible Koala fencing (or alternatively exclusion fencing where threats are present) and undertaking a pre-clearance survey of Koala use trees (listed in Schedule 2 of the SEPP) prior to their removal.

Council concurs with the Koala Assessment Report with regards to the Biodiversity and Conservation SEPP in that the site is a potential Koala habitat, however, due to the absence of Koala activity a Koala Plan of Management is not required. Appropriate conditions of consent have been recommended to ensure the recommended mitigation measures are implemented.

##### ***Chapter 6 Water Catchments***

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of

development are considered in the regional context. This chapter contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of chapter 6 of the Biodiversity and Conservation SEPP.

#### **4.4.4 State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')**

##### ***Chapter 2: State and Regional Development***

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7 of Schedule 6 of the Planning Systems SEPP as the proposal is development for *particular designated development* which includes extractive industries that meet the requirements for designated development under the environmental Planning and Assessment Regulations, Schedule 3, Section 26.

In accordance with Schedule 3, Section 26 of the Environmental Planning and Assessment Regulation 2021, any extractive industries that will disturb a total surface area of more than 2 hectares of land is a designated development. The proposed extraction area would disturb a surface area of 3.77 hectares and therefore the project is classified as designated development.

Accordingly, the Sydney North Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

The proposed development does not constitute State Significant Development as Schedule 1 Clause 7 of the SEPP defines state significant extractive industries as: (1) Development for the purpose of extractive industry that: (a) extracts more than 500,000 tonnes of extractive materials per year, or (b) extracts from a total resource (the subject of the development application) of more than 5 million tonnes, or (c) extracts from an environmentally sensitive area of state significance.

The extraction would not exceed the thresholds that trigger State Significant Development. The proposed sandstone quarry will extract up to 30,000 tonnes of sandstone per year from a total resource of approximately 575,000 tonnes. The sandstone quarry is not located within an environmentally sensitive area of State significance as defined by Part 2.1, Section 2.2 of the SEPP. Accordingly, the development does not meet the criteria for State Significant Development.

#### **4.4.5 State Environmental Planning Policy (Primary Production) 2021**

The application has been assessed against the requirements of Chapter 2 of State Environmental Planning Policy (Primary Production) 2021.

The aims of the Primary Production SEPP include to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict of rural land and to identify State significant agricultural land

The site has not been identified as State or regionally significant agricultural land by Schedule 1 of the Primary Production SEPP.



The proposed development would not remove any land currently managed for intensive agriculture, as there is no land used for agriculture directly surrounding the site.

The protection of the land that is the subject of the proposed development would not provide any public benefit. The employment and local economic stimulus that would be generated by the proposed development is considered to be of wider public benefit.

No further assessment is therefore required under the Primary Production SEPP.

#### **4.4.6 State Environmental Planning Policy (Resilience and Hazards) 2021**

The application has been assessed against the requirements of Chapters 3 and 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

##### ***Chapter 3 Hazardous and Offensive Development***

The provisions of Chapter 3 of the Resilience and Hazards SEPP have been considered in the assessment of the development application. Section 3.12 of the SEPP requires consent authorities in determination an application to carry out development to consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- (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*
- (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*
- (e) *any likely future use of the land surrounding the development.*

The proposal would involve the use of diesel fuel, a Class 3 C1 combustible liquid, and small amounts of other hydrocarbons including lubricating oils and combustible liquids. A self-bunded trailer or similar would be used to transport diesel to the site. No diesel would be stored permanently on site and would be kept away from other Class 3 flammable liquids.

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

The proposed development is potentially an 'offensive industry' as an Environment Protection Licence from the Environmental Protection Authority (EPA) is required. Subject to compliance with the EPA licencing requirements, the proposal has addressed the requirements of the SEPP.

##### ***Chapter 4 Remediation of Land***

The provisions of Chapter 4 of the Resilience and Hazards SEPP have been considered in the assessment of the development application. Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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.

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

#### **4.4.7 State Environmental Planning Policy (Resources and Energy) 2021**

The application has been assessed against the requirements of chapter 2 and 3 of State Environmental Planning Policy (Resources and Energy) 2021.

#### ***Chapter 2 Mining, Petroleum Production and Extractive Industries***

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:

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

Sections 2.17-2.23 of the Policy sets out the matters to be considered when assessing an application for extractive industry.

With respect to Section 2.17, the proposal is compatible with the surrounding land uses of agriculture and extractive industry 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 Section 4.11 of this report.

With respect to Section 2.19, 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 Section 4.11 of this report.

With respect to Section 2.20, 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 supporting documentation and subject to recommended conditions, are considered acceptable.

With respect to Section 2.21, Council is satisfied that the development would be carried out in such a way as to optimise the efficiency of recovery of extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of the extractive materials.

With respect to Section 2.22, 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, other than Old Northern Road and the unnamed local road. Appropriate operational safeguards and traffic management measures have been included in the EIS and would be included in the Environment Management Plan for the ongoing management of the site.

The proposal would not significantly increase transport movements along public roads in the Maroota area compared to existing operations.

Section 2.22(2) requires referral of the application to Transport for NSW (TfNSW). As detailed in Section 5.1 of this report, TfNSW raised no objection to the proposed development.

With respect to Section 2.23, a Quarry Rehabilitation Plans have been submitted with the application and subject to compliance with the recommendations of the plan and supporting documents, Council's conditions and the General Terms of Approval granted by various agencies, the application satisfactorily addresses the requirements of the Resources and Energy SEPP.

### **Chapter 3 Extractive Industries in Sydney area**

Chapter 3 Extractive Industries in Sydney area applies to the subject site as the site is listed within Schedule 6 of the policy. The aim of this 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 Resources and Energy SEPP overrides the LEP by permitting extractive industry to occur on land to which the policy applies.

Section 3.6(3) specifies that Council must not grant consent unless:

- (a) *it has considered the effect of the development on flood behaviour, the water quality, quantity and hydrodynamics of any watercourse or underground waters and also the effect of flood behaviour on the development and operations associated with the development in the vicinity; and*
- (b) *it has considered a rehabilitation plan prepared in accordance with the Guidelines for Rehabilitation Plans in the Extractive Industry Report; and*
- (c) *it is satisfied that, while the development is being carried out, noise and vibration levels will generally be in accordance with the guidelines in the State Pollution Control Commission Environmental Noise Manual (1985 edition) available at the offices of the Environmental Protection Authority and the Councils of the areas specified in Schedule 4; and*
- (d) *it is satisfied that rehabilitation measures will be carried out in accordance with the guidelines in the Urban Erosion and Sediment Control Handbook (1992) prepared by the Department of Conservation and Land management and available at the offices of the Department of Land and Water Conservation.*

With respect to (a), Council has considered the Ground and Surface Water Assessment within the submitted EIS which has addressed the aquatic/riparian environment matters, erosion sediment control, water quality aspects and hydrogeological concerns that relate to the proposed development.

Appropriate conditions of consent have been recommended to ensure that extraction must not be undertaken below a level of 218m AHD to ensure that groundwater is not encountered.

It is noted that Water NSW determined that if groundwater is encountered during the development and requires removal, the proponent would need to contact WaterNSW immediately and apply for a construction dewatering Water Supply Works Approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.

As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).

With respect to (b), a rehabilitation plan has been considered by Council and it has determined that it is in accordance with the Extractive Industry Report. The rehabilitation plan adequately addresses the issues of short-term erosion protection, maintenance treatments, agricultural use and native bush regeneration.

With respect to (c), a Noise Assessment prepared by Muller Acoustic Consulting dated 4 April 2025 concluded that the operation of the Quarry in the manner proposed is not expected to exceed the criteria adopted for the construction, operational and road traffic noise assessments. Council Environmental Protection team have assessed the Noise Assessment and concurs with the findings. Accordingly, Council is satisfied that while the development is being carried out, noise and vibration levels will generally be in accordance with the guidelines in the State Pollution Control Commission Environmental Noise Manual.

With respect to (d), Council's assessment concluded that soil conservation issues have been addressed in the planning stage of this proposal. Council is satisfied that a rehabilitation plan has been prepared in accordance with the Extractive Industry Report and appropriate conditions have been recommended to ensure the rehabilitation measures will be carried out

The site is not located within land described in Schedule 4 of the Resources and Energy SEPP and therefore Section 3.9 of the SEPP does not apply.

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

The following Development Control Plan is relevant to this application:

- *Hornsby Development Control Plan 2013* ('the DCP')

Part 2.5 Extractive Industries of the HDCP provides controls for extractive industries at Maroota to which the State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP). While it is noted that the site is not located within land described in Schedule 4 of the Resources and Energy SEPP and by extension, land to which the controls for extractive industries identified in the Hornsby DCP apply, these controls may also be applied elsewhere in the rural areas where similar extractive industries are proposed.

Accordingly, the proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP). Table 3 sets out the proposal's compliance with the prescriptive requirements of the Plan:

**Table 3: Consideration of the HDCP Controls**

Control	Requirement	Proposal	Comply
Extraction Area	N/A	3.44ha	N/A
Setbacks (Extraction Area)			
- <i>Public Road</i>	30m	>500m	Y
- <i>Adjoining property boundaries</i>	10m	25m	Y
- <i>Residence not associated with site</i>	100m	870m	Y
- <i>Land reserved under the National Parks and Wildlife Act 1974</i>	30m	>90m	Y
- <i>Top bank of a watercourse</i>	40m or WaterNSW requirements	0m	N
Setbacks of Internal Access Road			
- <i>Unnamed road</i>	30m	0m	N
- <i>Old Northern Road</i>	30m	800m	Y
- <i>Adjoining property boundaries</i>	10m	0m	N
- <i>Residence not associated with site</i>	100m	>600m	Y
- <i>Land reserved under the National Parks and Wildlife Act 1974</i>	40m	>200m	Y
- <i>Top bank of a watercourse</i>	40m	>40m	Y

#### 4.5.1 Biodiversity

The desired outcomes of Part 1.3.1.1 Biodiversity of the HDCP are to encourage “*development that provides for the conservation of biodiversity including threatened species and populations, endangered ecological communities, remnant indigenous trees, regionally and locally significant terrestrial and aquatic vegetation*” and to encourage “*development that maintains habitat for native wildlife and wildlife corridors to provide for the movement of fauna species.*”

This is supported by the prescriptive measure (a) that states:

“*Development should seek to:*

- *avoid potential adverse impact on biodiversity,*
- *if that impact cannot be avoided, minimise that impact, or*
- *if the impact cannot be minimised, to mitigate the impact.”*

The property has been identified as containing vegetation communities identified as Scribbly Gum Open-woodland/Heath, Grey Gum-Scribbly Gum Woodland and Peppermint-Angophora Forest.

As discussed in Section 6.4 of this report, the proposal meets the prescriptive measures of Part 1.3.1.1 Biodiversity of the HDCP and is considered acceptable, subject to the conditions recommended in Attachment A.

#### **4.5.2 Watercourses**

The proposed development has been designed with a closed water management system to ensure there would be nil discharge of sediment-laden water from the site.

The perimeter safety bund would convey sediment-laden runoff from within the extraction area to the sump while a clean water diversion would prevent dirty runoff entering the adjacent areas of undisturbed vegetation. The only watercourses to be disturbed are non-perennial minor streams for which a Controlled Activity Approval under Section 91(1) of the Water Management Act 2000 would be required. No discharge from the disturbed area is proposed.

Council's assessment against the relevant requirements of Part 1.3.1.3 Watercourses has raised no concerns with the proposed development, subject to the conditions recommended in Attachment A of this report.

#### **4.5.3 Waste Management**

The desired outcomes of Part 1.3.2.3 Waste Management of the HDCP is for *'development that maximises re-use and recycling of building materials'*. This is supported by the prescriptive measures which state that *'a waste management plan should be prepared in accordance with Council guidelines and submitted with the development application to address demolition and construction waste'*.

Waste management measures have been outlined in Section 8 of the Submissions Report prepared by RW Corkery & Co dated February 2025, however in order for this to be incorporated into the Environmental Management Plan a condition is recommended for the Environmental Management Plan to be updated accordingly.

The proposal meets the desired outcome of Part 1.3.2.3 Waste Management of the HDCP and is considered acceptable, subject to the recommended conditions of consent.

#### **4.5.4 Effluent Disposal**

The desired outcome of Part 1.3.2.4 Effluent Disposal of the HDCP is to encourage that *"sewage is disposed of in a manner that minimises impacts on the natural and built environment and public health."*

This is supported by the prescriptive measure which states that *"areas that are not serviced by the Sydney Water reticulated sewerage system are required to dispose of wastewater using a NSW Health Department accredited Sewage Management Facility."*

The site is not served by the sewers of Sydney Water and all wastes are to be collected and treated on site.

The information submitted in response to Council's request for additional information indicates a pump-out style system of onsite sewerage management would be installed to service the proposed development and specifications have been provided for a 2000L waste tank and supporting framework.

Australian/New Zealand Standard AS/NZS 1547:2012 identifies performance standards that apply to management of on-site domestic wastewater management systems including systems for treating wastewater originating from household or personal activities and includes that from facilities servicing



staff/employees/residents in institutional, commercial, and industrial establishments (AS/NZS 1547:2012, Section 1.2.1).

As the proposed pump-out system would not involve any on-site land application of treated effluent, the submission of the previously requested Site Capability and System Design report is not considered necessary at this stage and detailed assessment of the proposed pump-out system design can be undertaken at the local approval application stage, the submission of which to Council has been recommended as a condition of consent.

The proposal meets the desired outcome of Part 1.3.2.4 Effluent Disposal of the HDCP and is considered acceptable.

#### **4.5.5 Bushfire**

The desired outcomes of Part 1.3.3.1 Bushfire of the HDCP are to encourage “*development that is located and designed to minimise the risk to life and property from bushfires*” and to encourage “*development that balances the conservation of native vegetation and bushfire protection.*”

The site is bushfire prone, and the proposed additions would be located within an area with a Bushfire Attack Level (BAL) of BAL FZ (Flame Zone).

The application was referred to the NSW Rural Fire Service (RFS) in accordance with Section 4.14 (1A) of the Act for comment.

The RFS raised no objections to the development, subject to the conditions recommended in Attachment A.

The proposal meets the desired outcomes of Part 1.3.3.1 Bushfire of the HDCP and is considered acceptable, subject to conditions.

#### **4.5.6 Setbacks**

The desired outcome of Part 2.5.1 Setbacks of the HDCP are to encourage “setbacks to extractive operations that protect the natural environment and provide reasonable visual and acoustic amenity to the area”.

This is supported by the prescriptive measure that extractive operations including internal access roads should comply with Table 2.5.1-a: Minimum Setbacks. Table 2.5.1-a prescribes a minimum 40m setback (or otherwise to the requirements of WaterNSW to the top bank of a watercourse; a 30m setback to a public road and a 10m setback to adjoining property boundaries.

The proposed extraction area would have a nil setback to the top bank of a watercourse which does not comply with the 40m prescriptive measure. The internal access road would have a nil setback to the adjoining property to the south and to the Unnamed Local Road.

In support of the extraction area 40m encroachment to the top bank of a watercourse, it is noted that the application was referred to WaterNSW who raised no objections to the proposed development and a Controlled Activity Approval under Section 91(1) of the *Water Management Act 2000* would be required due to disturbance within 40m of waterfront land.

In support of the internal access road encroachment to a public road, it is noted that the internal access road is required to connect to the unnamed local road to provide vehicular access to the extraction area. The internal access road would be setback over 800m to Old Northern Road which would provide reasonable visual and acoustic amenity to the area.

The nil setback to the south boundary is a result of the internal access road following an existing fire trail on Crown Land. The property to the south is an existing extraction site, and therefore it is considered appropriate to reduce the adjoining property setback requirement to provide an integrated final landform, in accordance with prescriptive measure 2.5.1(b).

The proposal meets the desired outcomes of Part 2.5.1 Setbacks of the HDCP and is considered acceptable, subject to conditions.

#### **4.5.7 Transport**

The desired outcome of Part 2.5.2 Transport of the HDCP are to encourage *“extractive industries that maintain a safe and efficient road network and extractive industries that have minimal impact on the local road network”*.

In accordance with prescriptive measure (f) the application was supported by a Road Transport Assessment prepared by The Transport Planning Partnership dated 27 October 2023. TfNSW has reviewed the submitted application and notes the proposed development would not generate a significant number of vehicle trips during its operation.

TfNSW raised no objection to the proposed development as it is unlikely to have a significant impact on the classified road network.

A condition of consent has been recommended regarding 7.11 contributions to ensure that the extractive operations would contribute to the maintenance of the road network as a result of road damage caused by heavy vehicles, in accordance with prescriptive measure (e).

The proposal meets the desired outcomes of Part 2.5.2 Transport of the HDCP and is considered acceptable, subject to conditions.

#### **4.5.8 Water Resources**

The desired outcome of Part 2.5.3 Water Resources of the HDCP are to encourage *“the protection of existing drainage patterns including location, quantity and quality of water; the conservation and effective management of the sustainability of surface and groundwater resources; and the protection of downstream dependent riparian ecosystems and natural habitats”*.

This is supported by prescriptive measures that state *“proposals should employ extraction procedures capable of maintaining, monitoring and managing pre-existing surface drainage patterns and groundwater flow and water quality conditions; and extraction should not occur within 2m of the high groundwater level”*.

Applications should be accompanied by a Water Management Plan which provides a framework for the identification, classification and management of artificial and natural surface and subsurface water cycles during all phases of clearing, extraction and rehabilitation.

A Ground and Surface Water Assessment was provided within the submitted EIS which has addressed the aquatic/riparian environment matters, erosion sediment control, water quality aspects and hydrogeological concerns that relate to the proposed development.

Appropriate conditions of consent have been recommended to ensure that extraction must not be undertaken below a level of 218m AHD to ensure that groundwater is not encountered.

The proposal would meet the desired outcomes of Part 2.5.3 Waste Resources of the HDCP and is considered acceptable.

#### **4.5.9 Soil and Water Management**

The desired outcome of Part 2.5.4 Soil and Water Management of the HDCP are to encourage *“extractive operations that minimise soil erosion and water pollution by minimising land disturbance and requiring control measures on-site”*.

The applicant provided an Erosion and Sediment Control Plan, prepared by RW Corkery & Co. Pty Ltd dated February 2025.

The EIS states that the perimeter safety bund would convey sediment-laden runoff from within the Extraction Area to the sump while a clean water diversion would prevent “dirty” runoff entering the adjacent areas of undisturbed vegetation. The only watercourses to be disturbed are non-perennial minor streams for which a Controlled Activity Approval under Section 91(1) of the Water Management Act 2000 would be required. No discharge from the disturbed area is proposed.

The proposal meets the desired outcomes of Part 2.5.4 Soil and Water Management of the HDCP and is considered acceptable, subject to conditions.

#### **4.5.10 Acoustic Environment**

The desired outcome of Part 2.5.5 Acoustic Environment of the HDCP are to encourage *“reasonable acoustic amenity for residents and other users of the area”*.

In accordance with prescriptive measure (e) the applicant provided an updated Noise Assessment dated 4 April 2025 which incorporates the additional information requested by Council to clarify inconsistencies with the SEARs application, operating hours, truck movements, construction noise, use of a local road and predicted operational road traffic noise levels.

The results of the operational road traffic assessment confirm compliance is achieved with the project traffic noise criteria established in accordance with NSW DECCW's NSW Road Noise Policy (March 2011) for heavy vehicle movements along Old Northern Road and Wiseman's Ferry Road, modelled at a speed of 80kmh and the Unnamed Local Road at a speed of 50kmh.

The proposal meets the desired outcomes of Part 2.5.5 Acoustic Environment of the HDCP and is considered acceptable, subject to conditions.

#### **4.5.11 Air Quality**

The desired outcome of Part 2.5.6 Air Quality of the HDCP are to encourage *“extractive industries designed with measures to prevent air pollution”*.

In accordance with prescriptive measure (i), the applicant provided an Air Quality Impact Assessment prepared by Northstar Air Quality Pty Ltd dated 9 August 2023 which concluded that the proposed development would comply with all impact assessment criteria for annual average concentrations of TSP, PM2.5, PM10 and deposited dust.

The AQIA included mitigation measures, including watering on unpaved road and limited vehicles speeds. Council requested an updated AQIA which was provided by Northstar Air Quality Pty Ltd on 28 January 2025, titled Response to Submissions.

The Response to Submissions addresses all Council's requirements and in combination with the previously submitted Air Quality Impact Assessment Report, demonstrates the proposed development can achieve satisfactory air quality outcomes.

The proposal meets the desired outcomes of Part 2.5.6 Air Quality of the HDCP and is considered acceptable, subject to conditions

#### **4.5.12 Mitigation and Monitoring**

The desired outcome of Part 2.5.7 Mitigation and Monitoring of the HDCP are to encourage “*The implementation of good environmental management practices and mitigation measures throughout the life of an extractive operation and the establishment of a framework for ongoing monitoring of the environmental management practices and mitigation measures of an extractive operation including a flora and fauna monitoring program*”.

This is supported by prescriptive measure (b) that states an Environmental Management Plan should be submitted to Council outlining appropriate environmental management practices for the proposed extractive operation as well as establishing a framework for ongoing monitoring of the proposed practices.

The applicant submitted an Environmental Management Plan, prepared by RW Corkery, dated February 2025, Reference No. 1055/03b. Section 6.1 of this report details the assessment of the Environmental Management Plan.

Council’s Environmental Protection Team have concluded that the application can be supported subject to appropriate conditions of consent to ensure that any outstanding information in regard to the Environmental Management Plan is provided prior to works commencing.

The proposal meets the desired outcomes of Part 2.5.7 Mitigation and Monitoring of the HDCP and is considered acceptable, subject to conditions

#### **4.5.13 Extraction Sequence**

The desired outcome of Part 2.5.8 Extraction Sequence of the HDCP are to encourage “extraction that occurs in an orderly and controlled manner, extraction that is undertaken in an environmentally acceptable manner and protection of land holdings not currently being extracted and to facilitate future extraction”.

This is supported by a prescriptive measure that requires applications to be accompanied by an Extraction Program Plan.

Section 2.5 of the EIS presents information relating to the proposed extraction operations including design features, extraction sequence, extraction methods, equipment used and extraction rates.

The proposal meets the desired outcomes of Part 2.5.8 Mitigation and Monitoring of the HDCP and is considered acceptable, subject to conditions

#### **4.5.14 Rehabilitation**

The desired outcome of Part 2.5.9 Rehabilitation of the HDCP are to encourage “extractive industries that implement progressive rehabilitation strategies that minimise long-term impacts on surrounding land uses and optimise sustainable future land use; extractive industries that adopt measures to ensure ongoing biodiversity conservation and sustainable management of vegetation; and extractive industries that rehabilitate sites to a standard that is compatible with the surrounding landscape character and best practice principles of environmental management”.

This is supported by a prescriptive measure that requires a Vegetation Management and Restoration Plan (VMRP) should be submitted with the application.

Section 2.13 of the EIS addresses matters relating to rehabilitation. All final or terminal benches within the extraction area would be progressively revegetated to provide for the establishment of native vegetation endemic to the area. Stockpiled topsoil and/or overburden (where available) would be progressively placed on each bench once activities cease in that area prior to seeding.

The proposal meets the desired outcomes of Part 2.5.9 Rehabilitation of the HDCP and is considered acceptable, subject to conditions.

#### **4.6 Section 7.18 of the EP&A Act**

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Hornsby Shire Council S7.11 Development Contributions Plan 2020-2030*

This Contributions Plan has been considered and included the recommended draft consent conditions.

#### **4.7 Section 4.15(1)(a)(iiia) - 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.

#### **4.8 Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

#### **4.9 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:

##### **4.9.1 Biodiversity Impacts**

As discussed in Section 6.4 of this report, Council is satisfied that the Ground and Surface Water Assessment within the submitted EIS has addressed the aquatic/riparian environment matters, erosion sediment control, water quality aspects and hydrogeological concerns that relate to the proposed development.

Appropriate conditions of consent have been recommended to ensure that extraction must not be undertaken below a level of 218m AHD to ensure that groundwater is not encountered.

#### **4.9.2 Access and Traffic**

The application was supported by a Road Transport Assessment prepared by The Transport Planning Partnership dated 27 October 2023.

TfNSW has reviewed the submitted application and notes the proposed development would not generate a significant number of vehicle trips during its operation. TfNSW raised no objection to the proposed development as it is unlikely to have a significant impact on the classified road network.

A condition of consent has been recommended regarding 7.11 contributions to ensure that the extractive operations would contribute to the maintenance of the road network as a result of road damage caused by heavy vehicles.

#### **4.9.3 Public Domain**

The proposed development would result in the upgrading on the Unnamed Local Road with the Quarry Access Road Approach Road widened from CH40 to CH391 as shown on Maroota 2 - MP (Sheet 2) prepared by Duncan Priestley Civil Engineering dated 5 February 2025 (D09073174) and the Quarry Access Road to the front access of the subject property from CH0 to CH280 as shown on Maroota 1 - MP (Sheet 2) prepared by Duncan Priestley Civil Engineering dated 5 February 2025 (D09073173).

A condition of consent has been recommended regarding 7.11 contributions to ensure that the extractive operations would contribute to the maintenance of the road network as a result of road damage caused by heavy vehicles.

#### **4.9.4 Utilities**

There are currently no utilities or services which service the site. An enclosed generator would be used to generate power as required. Communications would be via mobile phone and/or two-way radio. Potable water would be bought to the site as required in 20L containers.

#### **4.9.5 Heritage**

A Historic Heritage Assessment prepared by Biosis Pty Ltd dated 22 September 2023 concluded that the study area had been assessed as holding low research potential and low archaeological potential. There were no items in the study area that were assessed to have heritage significance.

Accordingly, subject to an unexpected finds condition, no further assessment regarding heritage conservation is required.

#### **4.9.6 Impacts on National Park as a Recreational Asset**

The proposed excavation area is set below a ridgeline that runs along the southern boundary of the site. The proposed access road would follow the ridgeline. There would be limited views of the access road from within the adjoining Marramarra National Park, with the development well screened by the native vegetation.

No public access walking tracks or camping areas are located within the area of Marramarra National Park visible from the site.

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



#### **4.9.7 Water Impacts**

The proposed development has been designed with a closed water management system to ensure there would be nil discharge of sediment-laden water from the site.

Appropriate conditions of consent have been recommended to ensure that extraction must not be undertaken below a level of 218m AHD to ensure that groundwater is not encountered.

#### **4.9.8 Air Quality Impacts**

The Response to Submissions addresses all Council's requirements and in combination with the previously submitted Air Quality Impact Assessment Report, demonstrates the proposed development can achieve satisfactory air quality outcomes.

#### **4.9.9 Soil Contamination**

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

#### **4.9.10 Natural Environment**

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

#### **4.9.11 Noise and Vibration**

A Noise Assessment prepared by Muller Acoustic Consulting dated 4 April 2025 concluded that the operation of the Quarry in the manner proposed is not expected to exceed the criteria adopted for the construction, operational and road traffic noise assessments. Council Environmental Protection Team have assessed the Noise Assessment and concurs with the findings.

#### **4.9.12 Natural Hazards**

The application was referred to the N.S.W Rural Fire Service (RFS) in accordance with Section 4.14 (1A) of the *'Environmental Planning and Assessment Act 1979'* for comment.

The RFS raised no objections to the development, subject to the conditions recommended in Attachment A.

#### **4.9.13 Social and Economic Impact**

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

#### **4.9.14 Site Design and Internal Design**

The extraction area is appropriately setback from the property boundaries to ensure that the proposed development protects the natural environment and provides reasonable visual and acoustic amenity to the area. The proposed internal access road follows an existing fire trail, and the adjoining Marramarra National Park would have very limited views of the access road.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

#### **4.10 Section 4.15(1)(c) - Suitability of the site**

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

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

- The proposed extractive industry is permissible in the zone.
- The proposal includes suitable buffers from the adjoining National Park.
- The proposed extraction area has significant separation from rural residences not associated with the quarry.

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

##### **4.10.1 Bushfire Risk**

The application was referred to the N.S.W Rural Fire Service (RFS) in accordance with Section 4.14 (1A) of the *‘Environmental Planning and Assessment Act 1979’* for comment.

The RFS raised no objections to the development, subject to the conditions recommended in Attachment A.

#### **4.11 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

#### **4.12 Section 4.15(1)(e) - 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.

## **5 REFERRALS AND SUBMISSIONS**

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### **5.1 Agency Referrals and Concurrence**

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 4.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 4: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) Biodiversity Conservation Act 2016	The proposal is likely to significantly affect threatened species and accordingly, the proposal has provided a biodiversity development assessment report (BDAR) in accordance with Division 2. Appropriate conditions of consent have been recommended to retire biodiversity credits to offset the residual impact on biodiversity values of at least the number and class specified in the BDAR.  Concurrence is not required in accordance with 7.2(2A).	Y
Rail authority for the rail corridor	Section 2.98(3) - SEPP (Transport and Infrastructure)	N/A	Y
Referral/Consultation Agencies			
RFS	S4.14 - EP&A Act Development on bushfire prone land	RFS has undertaken a merit-based assessment of the proposal and provided recommended conditions, including Bush Fire Emergency Management and Operations Plan, Asset Protection Zones, Construction Standards, Access and Water and Utility Services	Y
Electricity supply authority	Section 2.47 & S2.48 - SEPP (Transport and Infrastructure) Development near electrical infrastructure	The eastern extent of the proposed quarry site is located approximately 90m west of the 330 kV Munmorah to Sydney	Y

		<p>West high voltage electrical transmission line.</p> <p>The proposed development does not trigger any of the criteria within Section 2.47 or 2.48 of the Transport and Infrastructure SEPP.</p>	
Rail authority	Section 2.97 - SEPP (Transport and Infrastructure)	N/A	Y
Transport for NSW	<p>Section 2.22 - SEPP (Transport and Infrastructure)</p> <p>Development that is deemed to be traffic generating development in Schedule 3.</p>	<p>TfNSW has reviewed the submitted application and notes the proposed development would not generate a significant number of vehicle trips during its operation (based on the Road Transport Assessment prepared by The Transport Planning Partnership dated 27 October 2023).</p> <p>TfNSW raises no objection to the proposed development as it is unlikely to have a significant impact on the classified road network.</p>	Y
National Parks and Wildlife Services (NPWS)	<p>Section 56 of EP&amp;A Regulation 2021</p> <p>Notified as an adjacent land owner.</p>	<p>NPWS supported the proposed stormwater management and erosion and sediment control measures, subject to clarifications to ensure no negative impact to the adjacent National Park.</p> <p>The applicant provided the clarifications in the Submissions Report and Council has recommended appropriate conditions of consent.</p>	Yes, see Section 5.1.1
Design Review Panel	<p>CI 28(2)(a) - SEPP 65</p> <p>Advice of the Design Review Panel ('DRP')</p>	N/A	Y
Integrated Development (S 4.46 of the EP&A Act)			

RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A	Y
Natural Resources Access Regulator	S89-91 - <i>Water Management Act 2000</i> (WM Act) water use approval, water management work approval or activity approval under Part 3 of Chapter 3	For the purposes of the WA Act, no further investigation is required by WaterNSW. If groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a construction dewatering Water Supply Works Approval. In support of this approval, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction.	Y
EPA	Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act)	The proposed development does not constitute a Scheduled Activity under Schedule 1 of the POEO Act and so, will not require an Environmental Protection Licence.	Y

### 5.1.1 WaterNSW

WaterNSW reviewed the information submitted with the application regarding the establishment of a sandstone quarry (30,000 tpa) and considered that for the purposes of the *Water Management Act 2000*, no further investigation is required.

Water NSW noted that if groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a construction dewatering Water

Supply Works Approval. Failure to do so may result in NRAR taking compliance action under the *Water Management Act 2000*.

As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).

#### **5.1.2 National Parks and Wildlife Services (NPWS)**

NPWS supported the proposed stormwater management and erosion and sediment control measures, subject to clarifications to ensure no negative impact to the adjacent National Park.

In response to the clarifications sought, Council requested additional information including an updated Erosion and Sediment Control Plan. The applicant provided an Erosion and Sediment Control Plan, prepared by RW Corkery & Co. Pty Ltd dated February 2025 along with a Submissions Report. Council is satisfied that the applicant has addressed the clarifications sought by the NPWS.

In regard to the assessment of cumulative impacts of the quarry on the waterways of Marramarra National Park, it is noted that the proposed development has been designed with a closed water management system to ensure there would be nil discharge of sediment-laden water from the site.

NPWS raised concerns about the ongoing access into the Marramarra National Park via Dalgetys Creek Fire Trail. In accordance with the Crown Lands 'Consent of Owner for a lodgement of a development application' dated 19 April 2024, a deferred commencement condition has been recommended requiring evidence that the purchase of Crown pubic road adjoining Lot 1 DP 609224 has been completed prior to the consent becoming operative and the creation of easements to ensure public authorities, including NSW Rural Fire Service and NPWS maintain a Right of Access to Dalgetys Creek Fire Trail.

In response to NPWS concerns regarding threatened flora species and site revegetation, in particular the impact on *Darwinia fascicularis subsp. Oligantha*, the applicant confirmed that pre-clearance surveys would be carried out by a qualified ecologist with permanent barriers constructed around any identified plants.

The applicant would implement NPWS recommendation to increase the proposed planting density assist in the success of revegetation activities. As such, the standard planting densities for the quarry identified in the NSW Rehabilitation Cost Estimate Tool version 2024-1 (NSW Resources Regulator, July 2024) have been adopted as follows.

- One tree per 16m<sup>2</sup> (4m centres)
- One shrub per 16m<sup>2</sup> (4m centres)
- Up to 4 groundcovers per 1m<sup>2</sup>

Subject to the conditions of consent recommended in Attachment A, Council has determined that the proposed development would have no negative impact to the adjacent Marramarra National Park.

#### **5.1.3 Environment Protection Authority**

As part of the SEARs application, the NSW Environment Protection Authority determined that no further consultation is required as the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 and so will not require an Environmental Protection Licence under this Act.

Clause 16, Part 1 of Schedule 1 - Scheduled Activities - includes crushing, grinding or separating. This clause applies if the activity has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of material per year.

The NSW EPA's determination was that the proposed development does not meet the definition of a Scheduled Activity, and no further consultation is required.

## 5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined Table 5.

**Table 5: Consideration of Council Referrals**

Officer	Comments	Resolved
Environmental Protection	Council's Environmental Protection assessment supported the proposed development, subject to conditions of consent.	Yes, refer to Key Issues
Engineering	Council's Development Engineer assessment supported the proposed development, subject to conditions of consent.	Y
Traffic	Council's Traffic Engineering assessment supported the proposed development, subject to conditions of consent.	Y
Natural Resources	Council's Natural Resources assessment supported the proposed development, subject to conditions of consent.	Yes, refer to Key Issues
Public Domain/ Assets	Council's Asset Operations & Maintenance Team assessment supported the proposed development, subject to conditions of consent.	Y

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

## 5.3 Community Consultation

The proposal was notified in accordance with the Council's Community Engagement Plan from 9 August 2024 until 6 September 2024. The notification included the following:

- A sign placed on the site.
- Notification on Council's website.
- Notification letters sent to adjoining and adjacent properties (17 letters sent)

The Council received a total of 3 unique submissions, comprising 3 objections. The issues raised in these submissions are considered in Table 6.

**Table 6: Community Submissions**

Issue	No. of submissions	Council Comments
Traffic Management Plan	3	<p>The submissions in regard to traffic management requested that an adequate Traffic Management Plan be submitted in support of the application to ensure that multiple trucks using the road are appropriately controlled, including the potential to upgrade give way signs to a traffic light system.</p> <p>Outcome: Council concurs with the Road Transport Assessment prepared by The Transport Planning Partnership dated 27/10/2023. The probability that a driver would need to wait for an opposing vehicle at least once over the 10 haulage hours proposed per weekday would be 66%. The increase in the probability of a vehicle needing to wait at either end of the one-lane two-way section of the unnamed local road throughout the day is minor, and the layout of this section of the road does not raise any safety or operational issues, as sight lines between opposing drivers are good, and the existing signage and line marking clearly outlines the expectations for drivers in both directions.</p> <p>A traffic light system is not appropriate and as it would result in longer delays to vehicles. Council's Traffic &amp; Road Safety Team has recommended that the road be widened to 6.5m between the give way signs.</p>
Dust	1	<p>A submission raised concerns that increase dust from traffic movements would impact local dams.</p> <p>Outcome: The results of the Air Quality Impact Assessment prepared by Northstar Air Quality Pty Ltd dated 9 August 2023 concluded that the proposed development would comply with all impact assessment criteria for annual average concentrations of TSP, PM2.5, PM10 and deposited dust.</p> <p>The AQIA included mitigation measures, including watering on unpaved road and limited vehicles speeds.</p> <p>Council requested an updated AQIA which was provided by Northstar Air Quality Pty Ltd on 28 January 2025, titled Response to Submissions.</p> <p>The response to submissions addresses all Council's requirements and in combination with the previously submitted Air Quality Impact Assessment Report, demonstrates the proposed development can achieve satisfactory air quality outcomes.</p>



Noise	1	<p>A submission raised a concern that an appropriate acoustic assessment has not been carried out. Submission also raised concerns regarding noise and dust generated from neighbouring quarry sites.</p> <p>Outcome: The Noise Assessment concluded that road traffic noise emissions associated with the transportation of sandstone products and the importation of VENM materials would satisfy the relevant Road Noise Policy (RNP), 2011 road traffic noise criteria for daytime and nighttime periods. Council's Environmental Protection team have assessed the updated Noise Assessment prepared by Muller Acoustic Consulting dated 4 April 2025 and raised no concerns.</p>
Unnamed Local Road	1	<p>Concerns were raised regarding the responsibility of the unnamed local road.</p> <p>Outcome: Hornsby Council is responsible for the maintenance of the unnamed local road. Appropriate conditions of consent have been recommended, including Section 7.11 contributions.</p>

## 6 KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 6.1 Environmental Management

The application has been assessed utilising the *Protection of the Environment Operations Act 1997*, *Local Government Act 1993*, *Local Government (General) Regulation 2005* and *Environmental Planning & Assessment Act 1979*.

Council's Environmental Protection team have concluded that the application can be supported subject to appropriate conditions of consent to ensure that any outstanding information is provided as prior to works commencing.

- a. A detailed description of the proposed water monitoring program and other measures to mitigate surface and groundwater impacts.
- b. The above stated information is listed under the Key Issues that must be addressed in accordance with the Planning Secretary's Environmental Assessment Requirements, EAR Number: EAR 1741 (see page 4 of 32 of D08930291). Accordingly, as this has been included in the Environmental Impact Statement (EIS), the EIS does not comply with the environmental assessment requirements in accordance with Section 191 of the EP&A Reg.

Resolution: The issue has been resolved through recommended conditions of consent in Attachment A, including an amended plan condition for updated Site Plans and Environmental Management Plan, to ensure a satisfactory site plan clearly identifying the boundary of the approved development area is submitted to Council prior to the operation of the consent, and to ensure documentation of adequate

procedures to suitably mitigate environmental and amenity impacts, manage environmental risk and monitor environmental performance.

## **6.2 Noise Assessment**

The potential for noise to impact on adjoining properties is an important consideration given the extent of excavations proposed.

The application was accompanied by a Noise Assessment prepared by Muller Acoustic Consulting Pty Ltd dated 28 September 2023 which considered this issue.

Council requested an updated Noise Assessment to clarify inconsistencies with the SEARs application, operating hours, truck movements, construction noise, use of a local road and predicted operational road traffic noise levels.

The applicant provided an updated Noise Assessment dated 4 April 2025 which incorporates the additional information requested by Council. The results of the Operational Road Traffic Assessment confirm compliance is achieved with the project traffic noise criteria established in accordance with NSW DECCW's NSW Road Noise Policy (March 2011) for heavy vehicle movements along Old Northern Road and Wiseman's Ferry Road, modelled at a speed of 80kmh and the unnamed local road at a speed of 50kmh.

Resolution: The issue has been resolved and appropriate conditions of consent have been recommended as outlined in Attachment A.

## **6.3 Engineering for new road works**

The submitted amended engineering plans for the proposed "Quarry Access Road", prepared by Duncan Priestley, dated 5 Feb 2025 (D09073173 & D09073174) have been assessed by Council's Development Engineers. It is considered that these plans lack sufficient engineering information for the proposed road designs and can only be supported subject to appropriate conditions of consent.

Section *0042 Pavement Design* of Hornsby Council's Civil Works AUS-SPEC Specifications have general guidelines for pavement designs for residential and commercial developments in general. It is not considered a suitable pavement design criterion for a sandstone quarry, with heavy haulage operations.

Council's Asset Operations & Maintenance Team has requested that the design of the proposed road pavement, in particular, the section of road from Old Northern Road to the front access point of the property, which is under the management of Hornsby Shire Council, should be in accordance with the following relevant specifications:

1. Austroads Guide to Pavement Technology, Part 2, Pavement Structural Design (2017); and
2. RMS Supplement to Austroads Guide to Pavement Technology (2018)

Resolution: Appropriate conditions of consent have been recommended to ensure that proposed access roads meet the above criteria in lieu of the proposed Section *0042 Pavement Design*.

It is noted that final road designs, including road surfacing details, would be agreed with Council prior to the commencement of any works under a Section 138 approval under the *Roads Act 1993*.

## 6.4 Biodiversity

### 6.4.1 Water Management

Council's Natural Resources Team noted that within the site there is one mapped first-order watercourse in the central portion, and the riparian buffer of another first-order stream in the north-east corner. The western stream begins north of the site, and the eastern stream is just to the east of the site. Each of these streams drains to the north into Dalgety's Creek, which then flows east to the Hawkesbury River. Most watercourses found within the assessment buffer are also within the Dalgety's Creek catchment, and all are within the larger Hawkesbury River catchment including Marramarra National Park.

It is highly likely that threatened flora and fauna including (but not limited to) Red-crowned Toadlet that was recorded on-site inhabit these watercourses that rely upon the current hydrological flows occurring through the existing geological landscape. Other ecological features in the catchment would rely upon essential ecosystem services provided current surface and sub-surface water flows within the existing catchment provided by the proposed extraction area.

The applicant responded on 2 April 2025 to Council's request for additional information and clarified that their position is that the BDAR concludes that there would be no impacts to surrounding watercourses due to proposed closed water management system and the fact that the extraction area would not intersect the regional water table.

The applicant states that the groundwater assessment is considered adequate for the following reasons:

- The extraction area is hosted by the Triassic-aged Hawksbury Sandstone. Most of the other quarries in Maroota are hosted by a range of geological units collectively referred to as the Maroota Tertiary Sand (see EIS Section 2.3 and Figure 2.2).
- The extraction area is also within the Sydney Central Groundwater Source. Most of the other quarries in Maroota are hosted by the Maroota Tertiary Sands Groundwater Source (see EIS Section 5.4.2 and Figure 5.4).
- Monitoring Bore BH1 is located within the Project Site and is independently monitored by PF Formation Pty Limited. Average standing water level within the bores is approximately 47.1m below ground level, or more than 30m below the base of extraction (see EIS Section 5.4.2 and Graph 5.1)
- As a result, the applicant contends that the proposed extraction area would not intersect the saturated water table.

Council's position is that the application has adequately addressed the prescribed impacts in accordance with Clause 6.1(d) of the *Biodiversity Conservation Regulation 2017* (BC Reg) and Section 6 of the BAM 2020 Section. It is noted that Section 5.4.2 (page 5-32) of the EIS refers to 3 boreholes concluding that no groundwater is present.

It is generally agreed that site topographical constraints limit opportunities for suitable extraction areas and the EMP sufficiently addresses sedimentation and erosion control and water quality management.

The applicant states that surface water aspects are adequately addressed in Section 4.4 and Appendix 6 of the Submissions Report. In summary, the applicant contends the following:

- The Quarry Site is located at the top of the catchment.

- There would be a minor reduction in the regional catchment. The regional catchment is approximately 2.14 million ha. The Extraction Area represents 0.000000196% of the total catchment. The applicant contends that this reduction would not result in any adverse environmental impacts.
- The proposed closed water management system would ensure nil discharge of sediment-laden water from the site. Therefore, it is considered that there would be no water quality-related impacts to the surrounding waterways resulting from “dirty water”. Biodiversity aspects of this matter are addressed in Section 4.3 and Appendix 5 of the Submissions Report. That assessment concludes that there would be no water-related adverse biodiversity-related impacts as a result of the Project.

Resolution: Appropriate conditions of consent have been recommended to ensure that extraction must not be undertaken below a level of 218m AHD to ensure that groundwater is not encountered.

It is noted that if groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a construction dewatering Water Supply Works Approval. In support of this approval, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction.

#### **6.4.2 Flora and Fauna**

A total of 3.77 ha within the 4.13 ha of subject land was identified as supporting native vegetation. The Biodiversity Offset Scheme (BOS) is triggered for the proposed development as the amount of native vegetation clearing exceeds the applicable threshold of 0.5 ha vegetation clearing threshold.

Based on the species identified during traverses of the study area, and informed by regional vegetation mapping, three PCTs were identified within subject land:

- PCT 3586 - Northern Sydney Scribbly Gum Woodland
- PCT 3616 - Sydney Hinterland Grey Gum Transition Forest
- PCT 3622 - Sydney Hinterland Yellow Bloodwood Woodland.

Twelve hollow-bearing trees (HBTs) were recorded within the subject land, and 28 HBTs were recorded within the study area.

The following three species identified within the subject land are species credit species for both foraging and breeding habitat:

- *Chalinolobus dwyeri* (Large-eared Pied Bat)
- *Myotis macropus* (Southern Myotis)
- *Vespadelus troughtoni* (Eastern Cave Bat).

One threatened species was recorded with a camera in the far eastern portion of the study area, the Eastern Pygmy Possum (*Cercartetus nanus*).

One threatened frog was recorded, the Red-crowned Toadlet (*Pseudophryne australis*). This species was recorded on every night of survey in the small watercourse just to the east of the subject land. The subject land is within the species polygon for Red-crowned Toadlet

Eight threatened species credit species (three flora species and five fauna species) were identified within the subject land:

- *Darwinia fascicularis subsp. oligantha* endangered population
- *Pimelea curviflora* var. *curviflora*
- *Tetralthea glandulosa*
- *Chalinolobus dwyeri* (Large-eared Pied Bat)
- *Myotis macropus* (Southern Myotis)
- *Vespadelus troughtoni* (Eastern Cave Bat)
- *Cercartetus nanus* (Eastern Pygmy-possum)
- *Pseudophryne australis* (Red-crowned Toadlet).

Council's Natural Resources Team completed numerous on-site surveys to verify the observation of the Biodiversity Development Assessment Report prepared by Ecoplan Pty Ltd dated 1 November 2023. These included surveys undertaken during the optimal detection period for threatened species (December 2024).

Resolution: Appropriate conditions of consent have been recommended to ensure that biodiversity impacts are appropriately offset through the retirement of species credits.

A Biodiversity Management Plan must be prepared by a suitably qualified and experienced ecological consultant (accredited under the NSW Biodiversity Offsets Scheme) and submitted to Council's Natural Resources Team for review and written approval prior to a Construction Certificate/commencement of site establishment works.

This is to ensure compliance with the biodiversity offset scheme and to ensure the protection of resident fauna during and post works on the site and to ensure the mitigation and monitoring of indirect impacts.

## 6.5 Site and Architectural Plans

Council requested the submission of updated sites plans showing GPS coordinates, dimensions and boundary setback distances of the 'Extraction Area' and 'Limit of Disturbance Area' to clearly delineate the extent of the proposed project area.

The GIS Map (D09104082) does not contain the requested detail, and the concerns previously expressed by Environmental Protection team remain regarding the implications for operating staff and inspecting regulatory officers on being able to clearly identify the limits of the extraction and project areas.

Resolution: An amended plan condition has been recommended, requiring an updated Site Compound Plan to be submitted to Council to include the missing information.

## 6.6 Earthworks

Council requested the submission of an Earthworks Cut and Fill Report prepared by a qualified quantitative Surveyor or other suitably qualified professional demonstrating how the 575,000-tonne resource estimate was determined.

The document *Re: Consolidated Cut and Fill Details*, dated 3 April 2025 summarises information previously provided in other plans and documents, however, does not properly quantify how the 575,000-tonne resource estimate was determined.

The available resource estimate has been used to inform proposed additional traffic generation and thus establish the predicted operational road traffic noise levels identified in the Noise Assessment, prepared by Muller Acoustic Consulting Pty Ltd, dated 4 April 2024.

The review and advice provided by Council's Environmental Protection team in relation to the proposed development is reliant upon the applicant having provided an accurate representation of the available resource estimate.

The information provided in the document *Re: Consolidated Cut and Fill Details*, indicates site establishment works for the construction of road works, access tracks and the Office, Amenities and Parking Area will involve 2,906m<sup>3</sup> cut and 2449m<sup>3</sup> fill, resulting in a fill surplus of 457m<sup>3</sup>.

While the document indicates the construction of the perimeter safety bund will require an estimated 1403m<sup>3</sup> of fill, the construction of the perimeter safety bund would be carried out progressively during quarrying activities using overburden material and therefore not require fill importation.

Fill importation associated with site establishment works may be required i.e. in the instance of excavated site material not being suitable for use in engineering works for road construction, however, it is not anticipated this would involve significant volumes of fill importation and a construction traffic management plan is not considered necessary.

Resolution: Appropriate conditions of consent have been recommended to ensure all fill imported to the site is VENM and the total amount of VENM permitted to be imported is clearly limited by condition.

## **7 CONCLUSION**

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This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations 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.

The application proposes a sandstone extractive industry over 30 years. The application is classified as designed development in accordance with Schedule 3, Section 26 of the Environmental Planning and Assessment Regulation 2021 as the proposal would disturb more than 2 hectares of land. The extraction areas would be progressively rehabilitated. Accordingly, the application is submitted to the Sydney North Planning Panel for determination.

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

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

The application is recommended for approval.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

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

## 8 RECOMMENDATION

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THAT the Sydney North Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/820/2024 for establishment and operation of a sandstone quarry at Lots 1 and 2 DP 609224, No. 4773 Old Northern Road, Maroota and Crown Road reserve, subject to the conditions of consent in Attachment A of this report.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Approval from the Crown to lodge
- Attachment C: Architectural Plans
- Attachment D: Vegetation Management and Restoration Plan
- Attachment E: Quarry Access Road
- Attachment F: Submissions Report
- Attachment G: Environmental Impact Assessment