

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-30
DA Number	DA20/0278
LGA	Sutherland Shire Council
Proposed Development	Additional use of Sandy Point Quarry to receive, stockpile and blend up to 100,000 tonnes per annum of recycled products, VENM sands or virgin quarried products with extracted products from quarry
Street Address	14309 Heathcote Road, Menai
Applicant/Owner	Benedict Industries Pty Ltd
Date of DA lodgement	1 May 2020
Number of Submissions	39
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	cl.7(a) of Schedule 7
List of all relevant s4.15(1)(a) matters	• Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) • State Environmental Planning Policy (State & Regional Development) 2011 (SEPP SRD) • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) • Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. • Sutherland Shire Development control Plan 2015
List all documents submitted with this report for the Panel's consideration	• Plans • Draft Conditions of Consent • NSW EPA recommendations • TfNSW recommendations
Report prepared by	Slavco Bujaroski – Development Assessment Officer Sutherland Shire Council
Report date	10 November 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
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Conditions

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

REPORT SUMMARY

REASON FOR THE REPORT

This application is referred to the Sydney South Planning Panel (SSPP) as the proposed development is development for the purposes of an extractive industry which is regionally significant development. Clause 7(a) of Schedule 7 of State Environmental Planning Policy (State and Regional Development) declares that development for the purposes of an extractive industry that meets the requirements for designated development is regionally significant development and must be determined by the SSPP.

PROPOSAL

The application is for an additional use of Sandy Point Quarry to receive, stockpile and blend up to 100,000 tonnes per annum of recycled products, VENM sands or virgin quarried products with extracted products from quarry.

THE SITE

The site is located on the eastern side of Heathcote road about 8.5km north of the intersection of Heathcote Road and New Illawarra Road and 200m south of the intersection of Heathcote Road and St George Crescent Sandy Point.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

1. That Development Application No. DA20/0278 for Additional use of Sandy Point Quarry to receive, stockpile and blend up to 100,000 TPA of recycled products, VENM sands or virgin quarried products with extracted products from quarry at Lot 1 DP 1176153 14309 Heathcote Road, Menai be approved, subject to the conditions contained in Appendix "A" of the report.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

The proposal relates to an existing quarry which extracts sandstone producing sand and sandstone products that are exported from the site. The proposal is for an additional activity at the quarry which involves the blending of imported material with material extracted at the quarry and to be ultimately sold as a product to customers. The applicant has submitted that up to 100,000 tonnes per annum of material will be imported to the site with the total quarry production capacity of 400,000 tonnes per annum adjusted according to the quantity of material imported. For example, if 50,000 tonnes of material is imported for that year, the quarry production capacity is to be reduced to 350,000 tonnes per annum so that the overall export production of the facility does not exceed 400,000 tonnes per annum. The applicant indicates that an average of 8,333 tonnes per month will be imported.

In terms of the material to be imported, the applicant has advised that the 100,000 tonnes of material to be imported will comprise varying quantities of the following:

- i. VENM (Virgin Excavated Natural Material) such as sand / sandstone and other VENM material that has received a resource recovery exemption, for example, fines, aggregate, glass and mulch;
- ii. Virgin quarried products such as quarry dust, sands, aggregates, pebbles / rock;
- iii. Amendment products described as coir fibre, perlite, peat, fertiliser and pH material

The applicant states that the imported material will be stockpiled in a designated area on the site that is about 5,000m² in area (refer to site plan below) and is part of the existing quarry floor. The material would then be blended with extracted material from the quarry and then exported from the site to customers by truck. The applicant has confirmed that there will not be any processing of material on site as the imported material would already be either extracted, crushed, resized by screening or washed at a different licensed quarry or produced and tested elsewhere by a licensed waste processing facility. This is an important distinction in terms of the classification of the proposal as initial concerns by Council related to whether the proposed activity comprised a 'waste management facility' and was, therefore, considered to be designated development. The matter of whether the proposal is classified as designated development is discussed in greater detail in Section 8 of this report.

The applicant notes that the proportion of each material to be imported will vary depending on market demand for the product to be produced at the site. The applicant has indicated that the blended products would generally comprise engineering material to be used as fill or other landscaping material. While the applicant has provided estimates for each type of material to be imported, they have advised that because this is a new commercial activity on the site, it is difficult to provide definitive tonnages of each type of material to be imported. The applicant confirms that the total would not exceed 100,000 tonnes per annum.

A site plan and photos are included below.

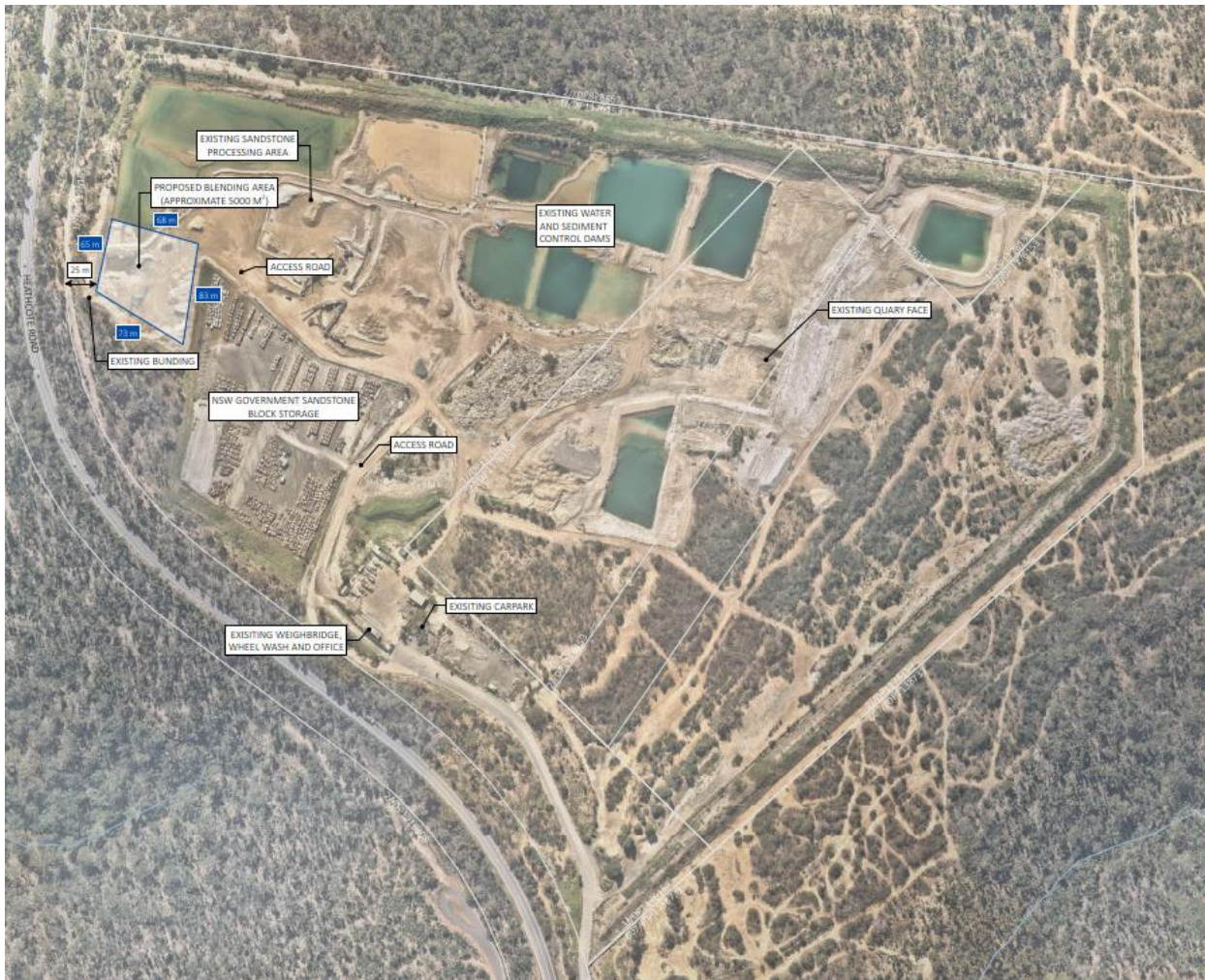


Figure 1: Overall aerial view of site

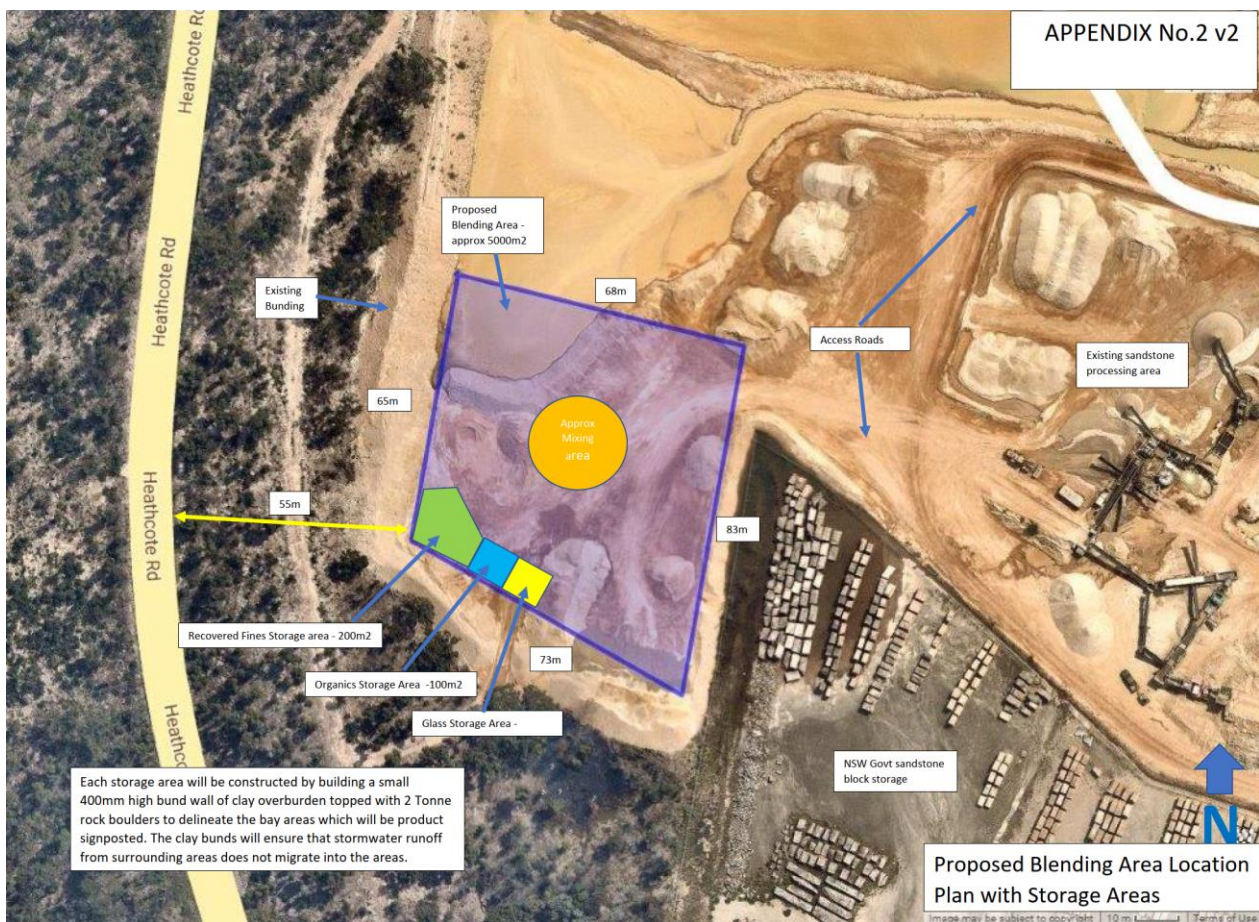


Figure 2: Localised aerial view showing location of proposed blending activity

2.0 SITE DESCRIPTION AND LOCALITY

The site is located on the eastern side of Heathcote road about 8.5km north of the intersection of Heathcote Road and New Illawarra Road and 200m south of the intersection of Heathcote Road and St George Crescent Sandy Point. The site is situated at Lot 1 and Lot 2, Deposited Plan 1176153 and is known as 14309 Heathcote Road, Menai. From February 2011 till June 2012, the site was known as Lot 3707 and Part Lot 3708 in Deposited Plan 1162238. The eastern part of the site (now Lot 2) was formerly known as Portion 456 and the western part (now Lot 1) was known as 'Crown land west of Portion 456'. The former site designations are relevant to the history of quarry operations at the site detailed under the background section below.

The existing quarry site is an irregular shaped area that is spread over 2 lots with a total area of about 35.4 hectares. The blending activity is proposed to be located on a part of the western lot (Lot 1 DP 1176153) which is about 20.7 hectares in area. The site has a fall from south to north of about 26m.

The site is situated to the north and north east of Heathcote Road with the land across Heathcote Road to the west comprising land that is part of Holsworthy Barracks and owned by the Commonwealth. The site is adjoined to the east by land owned by the Gandangara Aboriginal Land Council and to the north by the Georges River National Park. Georges River is about 400m to the north of the site. The nearest dwellings are about 500m to the north of the site in Picnic Point (across Georges River) with Sandy Point dwellings being about 700m from the site to the north.

Situated on the land is an area for equipment storage, demountable office / amenities structures, a fenced area for sandstone storage. A 10m high bund wall extends along part of the western boundary, along the entire northern boundary and along the eastern boundary of site and is constructed of fill material. The site is used as a sandstone quarry and has an Environment Protection License that limits its production. An access road runs from Heathcote Road to the demountables area.

The site is identified by Council's mapping as being bushfire prone, containing class 5 acid sulfate soils, is environmentally sensitive land (terrestrial biodiversity), contains threatened species (Deane's Paperbark and Koala), contains endangered ecological communities (shale forest), is part of a Greenweb area (support, restoration and core), is mapped as having a high Aboriginal archaeological sensitivity and adjoins land that is potentially contaminated. An aerial photo showing the location of the site is shown below.

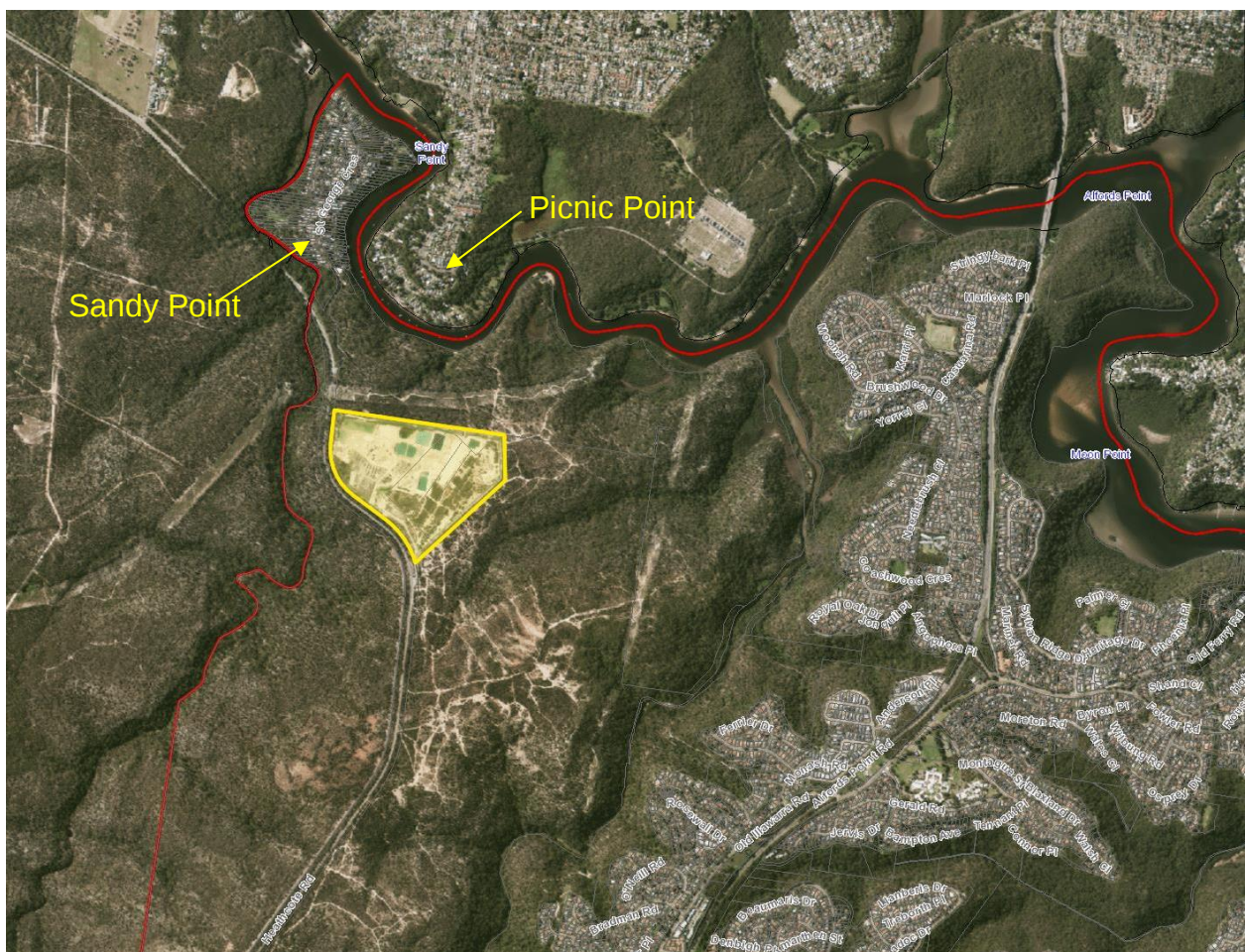


Figure 1: Aerial photo showing context of the overall site relative to Sandy Point, Georges River and Picnic Point to the north.



Figure 2: Aerial photo highlighting the western lot proposed for the blending activity

3.0 BACKGROUND

A. History of quarry operations at the site:

- In 1967, development consent was granted to use the land, then known as 'Crown land west of Portion 456', for the extraction of rock ballast and filling (DA900/67). Consent conditions placed no limits on the amount of extraction, hours of operation or vehicle movements for the quarry operation.
- On 24 March 2011, DA11/0259 was lodged for the construction and operation of a waste glass fines processing facility, importation of inert quarry materials and importation and long-term storage of quarried materials. DA11/0259 was refused by Council on 28 June 2011.
- In 1998, Environmental Protection License (EPL) 1924 was issued to the quarry (operated by CSR at the time) with a maximum quarry production capacity of 200,000 tonnes per annum. This was later revised to 30,000 tonnes per annum following a transfer of license to a different operator.
- In 2010, EPL 1924 was transferred to the current owner, Benedict industries. The EPL production limit was then raised to 200,000 tonnes per annum in 2016.
- In 2019, EPL 1924 varied the production limit at the quarry to 400,000 tonnes per annum.

B. Timeline for this DA

A history of the development proposal is as follows:

- The current application was submitted on 1 May 2020.
- The application was placed on exhibition on 2 occasions. In the initial round of notification, the last date for public submissions was 2 June 2020, and, for the second round, the last day for public submissions was 7 October 2020.

- Following a preliminary assessment of the proposal, a letter was sent to the applicant on 30 June 2020 advising that the proposal was classified as designated development and that it should be withdrawn and relodged as such.
- Council reconsidered the classification of the development application as designated development (refer to Section 8 of this report for the reasons) and requested in a letter dated 18 August 2020 that the following additional information be provided by the applicant:
 - Applicant to address NSW EPA concerns
 - Noise / Acoustic Report:
 - Further details regarding the submitted acoustic report including, confirmation that the consultant is qualified, details of the measurements taken and whether they were taken in accordance with Australian Standards and equipment used.
 - Air Quality:
 - Copy of the EPA Air Quality Management Plan for the quarry to be provided
 - Revised air quality modelling showing predicted levels for PM2.5, PM10, TSP and DD
 - An assessment of crystalline silica emissions
 - Traffic:
 - significant concerns raised regarding traffic safety at the Heathcote Road intersection requiring a deceleration lane
 - referral to RMS required
- The requested additional information was lodged on 24 August 2020 and 16 October 2020.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to Council to enable an assessment of this application.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 42 of Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

Council originally notified 3 adjoining or affected owners of the proposal. The proposal was renotified to 145 residents of Picnic Point.

The application was publicly exhibited in accordance with the Regulations between 11 May 2020 to 2 June 2020, to 3 adjoining property owners and 35 submissions (including 1 petition) were received during this time.

During the assessment, comments were received from a landowner residing in Picnic Point via representations via their local member and then through the EPA. Given the proximity of Picnic Point to the development, Council considered that residents of Picnic Point be given the opportunity to comment on the proposal. This additional notification of the proposal was undertaken and 145 property owners were notified. This second notification process closed on 7 October 2020 and 4 submissions were received.

A full list of the locations of those who made submissions, the date of their letter and the issues raised is contained within Appendix B of this report.

6.0 MAJOR ISSUES ARISING FROM SUBMISSIONS

The main issues identified in the submissions are as follows:

1. Permissibility / overdevelopment
2. Health impacts from dust and odours
3. Noxious plants / National Park impacts
4. Noise impacts
5. Traffic safety
6. Water runoff
7. Fire Risk

Issue 1: Permissibility / overdevelopment

Concerns were raised regarding whether the proposed activity was appropriate for this zone particularly as it is located close to residential properties. In addition, comments suggested that the expansion of the quarry is an 'overutilisation' of the site, that the proposal should be assessed as State significant Development and there were questions whether the proposal was in fact ancillary to the existing quarry.

Comment: The proposal meets the requirements in terms of being a type of extractive industry which is ancillary to the existing quarry operations. It does not meet the threshold of being State Significant Development and it is intended to reduce the quarry production to take into account the proposed activity to import materials. The proposed additional activity is not considered to result in an overdevelopment of the site.

Issue 2: Health impacts from dust and odours

Concerns were raised regarding dust / silica levels, odours and general air quality issues that would result from the proposed activity. Many residents stated that the existing dust levels were impacting their health and amenity and that the proposed activity would worsen the situation particularly with the importation of bags / bales. In addition, it was contended that the importation of recycled products could bring harm.

Comment: The matter of potential air quality impacts is discussed in detail in the assessment section of the report.

Issue 3: Noxious plants / National Park impacts

Concerns were raised that imported materials would contaminate the adjoining bushland with noxious weed species.

Comment: The material to be imported is required to have been produced and tested to an EPA Resource Recovery Exemption prior to importation to the site. In addition, the location of the proposed blending activity is about 150m from the National Park and is unlikely to contaminate it by way of introducing weed species.

Issue 4: Noise / Vibration impacts

Concerns were raised regarding increased noise levels impacting the amenity of nearby residents. The concerns included issues related to the existing activity and that it was operating rock crushing activities late into the evenings. In addition, some residents commented that the existing blasting activities vibrated and damaged their dwellings and is also damaging an Aboriginal historic site (Red Hand Cave).

Comment: The matter of potential noise impacts is discussed in detail in the assessment section of the report. In terms of blasting, this proposal does not propose any additional blasting to what currently occurs on the site.

Issue 5: Traffic safety

Concerns were raised that; the condition of Heathcote Road would be made worse by fully laden trucks returning to the site, the quarry intersection is dangerous, Heathcote Road is already dangerous and the traffic assessment should assume no back loading for worst case.

Comment: The matter of traffic safety is discussed in detail in the assessment section of the report.

Issue 6: Water runoff

Concerns were raised regarding potentially contaminated water that is leaching through the bund wall and into the National Park and Georges River and that recycled material will further pollute Georges River.

Comment: The matter of water runoff from the site as it relates to the proposed activity is discussed in detail in the assessment section of the report.

Issue 7: Fire Risk

Concerns were raised regarding a potential fire risk at the site as the proposal is for recycled waste.

Comment: The materials proposed to be imported are generally not flammable (soil, sand, sandstone) and do not include general household waste such as paper and plastics.

Revised Plans

The applicant lodged revised plans and additional information on 24 August 2020 and 16 October 2020.

In accordance with the requirements of SSDCP2015 these plans and information were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

Submission Review Panel (SRP)

As a result of the submissions received and the issues raised, the proposal was referred to Council's SRP. The SRP noted that as the proposal will be referred to the SSPP.

7.0 STATUTORY CONSIDERATIONS

Having regard to the development as described in the Statement of Environmental Effects, the types of development that the proposed development could fall within are 'extractive industries' or 'waste management facilities or works'.

Firstly, extractive Industries are described under cl.19 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (the Regulations) to be industries that obtain extractive materials (defined in cl.38 of Schedule 3 to include rock, sandstone and gravel (which would include the VENM proposed to be imported by the Applicant) by various methods OR "*that store, stockpile or process extractive materials*", and include extractive industries that are located in or within 40m of a natural waterbody, wetland or an environmentally sensitive area. The development site adjoins Georges River National Park which, pursuant to the definitions at cl.38 of Schedule 3, is an environmentally sensitive area.

In terms of waste management facilities or works, cl.32 of Schedule 3 of the Regulations provides that waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste, and meet certain other criteria are designated development. The proposed development does not meet any of the mass of material criteria in cl.32(a), (b) or (c) but, being adjacent to the Georges River National Park, is with 100m of an environmentally sensitive area. Accordingly, if the development deals with waste in one or more of the ways described in the definitions under cl.38, it will be designated development. The question is whether what is being stored, blended and on-sold is waste for the purposes of the clause. Waste is defined at cl 38 of Schedule 3 as:

waste includes any matter or thing whether solid, gaseous or liquid or a combination of any solids, gases or liquids that is discarded or is refuse from processes or uses (such as domestic, medical, industrial, mining, agricultural or commercial processes or uses). A substance is not precluded from being waste for the purposes of this Schedule merely because it can be reprocessed, re-used or recycled or because it is sold or intended for sale.

The VENM proposed to be imported under the development proposal is material that has been discarded or is refuse from other processes or uses (being excavated elsewhere). However, whilst the material to be imported pursuant to the development may have been discarded, or be unwanted, by the person who generated the material (at which point it was waste) that does not mean that it is discarded or refuse material in the hands of the applicant. From the applicant's perspective, it is wanted material that is not to be discarded. It is a material to be processed, used in the blending activity, and sold as part of a blended product. In this regard, the material proposed to be imported is wanted material. It is not proposed to dispose of it on-site, either partially or wholly and the applicant indicates that they will use all the material and not process it to find 'useful' material and discard the rest. The other category of material proposed to be imported are products that have been produced from waste under a resource recovery order and exemption. Whilst such products would still be categorised as waste under the Protection of the Environment Operations Act 1997 ("POEO Act") and the Protection of the Environment (Waste) Regulation 2014 ("POEO Waste Regulation"), they would not fall within the definition under Schedule 3 of the Regulations as they are neither discarded nor refuse. On this basis, the proposed development does not fall within the description of waste

management facilities or works in cl.38 of Schedule 3 to the EPA Regulation.

As a result of the analysis above, the proposal falls within the description of extractive industries as it 'obtains extractive materials' and stores, stockpiles and processes them. In addition, because the proposal is within 40m of an environmentally sensitive area (Georges River National Park), it would also ordinarily be classified as designated development. Cl.37A of Schedule 3 provides an exception to designated development for ancillary development as follows:

- (1) *Development of a kind specified in Part 1 is not designated development if -*
 - (a) *it is ancillary to other development, and*
 - (b) *it is not proposed to be carried out independently of that other development.*

In terms of (1)(a), while the scale of the proposed development is significant, it is substantially smaller than the existing quarry activities on the site and it is intended to use the material extracted and sold from the quarry in the new activity. The blending operation involves substantially smaller amounts of material than the existing quarrying operation, the imported material is similar in nature to the material quarried on site and is to be blended with and intended to improve (from a market perspective) the quarried material. The proposed development will rely on the existing plant and staff and will occupy only a small area of the quarry. The proposed development is considered 'subservient' to the existing development and ancillary to the existing quarry. In terms of (1)(b) above and having regard to the blending of the imported material with the quarried material and the physical location of the blending activity, the applicant has not proposed to carry it out independently of the existing extractive industry. To ensure this is the case, it is recommended that the requirement to blend imported materials with quarried material be included as a condition of consent (Condition 5). While the proposed development fits the description of a type of designated development (extractive industry), it is not designated development as it is ancillary to the existing extractive industry on the land satisfying the exception in cl.37A of Schedule 3.

Regarding the matter of whether the proposal is regionally significant development, regionally significant development is development declared to be such by an environmental planning instrument for which a Sydney district or regional planning panel will be the consent authority. State Environmental Planning Policy (State & Regional Development) 2011 (SEPP SRD) is relevant and cl.7 of Schedule 7 provides the following:

7 Particular designated development

Development for the purposes of—

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

The proposed development is development for the purposes of extractive industry and meets the requirements under cl.19 of Schedule 3 of the Regulations. It is not designated development, however, the test for whether it is regionally significant is whether it meets the requirements. As discussed above, the proposed development falls within the description of extractive industries as it 'obtains extractive materials' and stores, stockpiles and processes them. Therefore, the proposed development is regionally significant development, and the Sydney South Planning Panel is the consent authority.

In terms of land zoning, the subject land is located within Zone SP1 Special Activities (Quarry) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The following land uses are permissible with development consent:

Aquaculture; Food and drink premises; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

The purpose shown on the land zoning map is for a quarry. Therefore, as the proposed development is ancillary to an extractive industry (the quarry), it is permissible within the zone with development consent.

The following Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- State Environmental Planning Policy (State & Regional Development) 2011 (SEPP SRD)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)

Section 7.11 / 7.12 Development Contribution Plan 2016

- Section 7.12 Development Contribution Plan 2016 - Sutherland Shire.

8.0 COMPLIANCE

8.1 State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A site inspection identified that the site is currently occupied by a quarry. A review of Council's GIS and historical aerial photos has shown that the above has been in place operation since at least the middle of the 1950s (about 65 years). A search of Council's records, including historical files, has revealed that the

site has not had any other previous uses. A search of Council's contaminated land register specifies that the site is not potentially contaminated.

In conclusion, the site is suitable for the proposed development in accordance with the requirements of SEPP 55.

8.2 Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there is likely to be minimal adverse impacts on water quality. Council is of the view that with the implementation of the recommended conditions of consent the proposal would be consistent with the aims and objectives of GMREP2.

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

State Environmental Planning Policy (State and Regional Development) 2011 identifies State and Regionally Significant development in NSW. Schedule 7 of the SEPP identifies this application as regionally significant development as it meets the requirements of an extractive industry that is designated development. As such, the application is referred to the South Sydney Planning Panel as the consent authority.

8.4 State Environmental Planning Policy (Infrastructure) 2007

Development with frontage to a classified road (clause 101)

Division 17, Subdivision 2 of the Infrastructure SEPP relates to land in or adjacent to road corridors or road reserves. The site has a frontage to Heathcote Road which is identified as a classified road on Council's road hierarchy maps.

Before granting consent for development on land which has a frontage to a classified road the consent authority must be satisfied that certain factors have been considered. These factors include safety; efficiency of the road network; design, emission of smoke or dust from the development; nature, volume and frequency of vehicles; and the impact of traffic noise and emissions.

The proposal is accessed from Heathcote Road which is a classified road. Under Schedule 3 of the Infrastructure SEPP, the proposal is a type of industry located on land that is greater than 20,000m² in area. In accordance with cl.104(1) of the SEPP, the proposal is traffic generating development which must be referred to Transport for NSW (TfNSW) for comment. This has been carried out and TfNSW comments and recommendations are included as Condition 4. A copy of TfNSW comments are also included in Appendix C of this report.

8.5 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 outlines the framework for assessment and approval of biodiversity impacts for development that requires consent under the Environmental Planning and Assessment Act 1979.

The assessment of the development has revealed that the Biodiversity Offset Scheme (BOS) threshold is NOT triggered and biodiversity matters have been appropriately assessed via Council's LEP and DCP objectives and controls.

8.6 Sutherland Shire Local Environmental Plan 2015

There are no applicable development standards for the proposal contained in SSLEP 2015. A compliance table is not required in these circumstances.

8.7 Sutherland Shire Development Control Plan 2015

There are no development controls contained in SSDCP 2015 that are applicable to the proposed development. A compliance table is not required in these circumstances. The matter of traffic generation and any potentially associated impacts are discussed in the assessment section of the report.

8.8 Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)

The draft Environment SEPP seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of State and Regional significance. The draft SEPP was exhibited between October 2017 and January 2018. The SEPP effectively consolidates several SEPPs including SEPP19, SEPP (Sydney Drinking Water Catchment), and GMREP2 and remove duplicate considerations across EPIs. Relevant considerations have been taken into account against the in-force EPIs in this report.

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation of Land SEPP)

The draft Remediation of Land SEPP seeks to repeal and replace SEPP55 in relation to the management and approval pathways of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

- require all remediation work carried out without the need for development consent to be reviewed and certified by a certified contaminated land consultant,
- categorise remediation work based on the scale, risk and complexity of the work, and
- require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

The site and proposal has been assessed against the provisions of SEPP55 and likelihood of contamination is low. The proposal is satisfactory with regard for the provisions of draft *Remediation of Land SEPP*.

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

The Mining SEPP provides additional detail regarding the permissibility of the proposed development. In particular, the Mining SEPP provides situations where the co-location of industry with an existing approved

extractive industry are permissible. Cl.7(4) of the Mining SEPP states:

*(4) **Co-location of industry** If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—*

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

The existing quarry has the benefit of development consent and is a type of extractive industry. The proposed development satisfies (a) and (b) of cl.7(4) in that it will involve the blending of site extracted material and that it will involve the blending of imported material to be used as a substitute for extractive material. The proposed blending activity will be co-located on land that has the benefit of development consent for an extractive industry and is, therefore, permissible with development consent.

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1 NSW Environment Protection Authority (EPA)

The application was referred to the EPA because the proposal requires a change in the Environment Protection License that applies to the existing facility. Under cl.4.46 of the EP&A Act 1979, the proposal is Integrated Development and must be referred to the EPA for their approval. NSW EPA have provided their recommendations which have been incorporated into the suite of conditions as Condition 3. EPA comments are also included in Appendix D of this report.

9.2 Transport for NSW (TfNSW)

The application was referred to TfNSW because the proposal is traffic generating development under cl.104 of the Infrastructure SEPP. TfNSW have assessed the proposal and provided recommendations which have been incorporated into the conditions as Condition 4.

9.3 Council's Traffic Engineer

The application and additional information were referred to Council's Traffic Engineer who provided the following comments:

- *main concerns relate to safety due to heavy vehicles required to reduce speed at the entry to the site and the proposed site traffic (cumulative traffic volume) and Heathcote Road traffic volume. These trigger an intersection upgrade as per Austroad Guideline Part 6 requiring a southbound deceleration lane.*
- *The construction of any intersection upgrade works must be carried out prior to the commencement of the proposed use.*

9.4 Environmental Health

The application and additional information was referred to Council's Environmental Health Unit who had no significant concerns with the proposal subject to appropriate conditions being imposed relative to noise control, the storage of hazardous or toxic material, general waste storage requirements, external lighting and hours of operation.

9.5 Environmental Scientist – Air Quality

The application was referred to Council's Environmental Scientist specialising in air quality who made the following comments:

- *Air quality modelling was undertaken in accordance with EPA guidelines to assess the potential levels of particulate and silica generated from the site. The model's isopleths show that levels of particulates and dusts generated from the development are within EPA / NEPM air quality standards.*
- *Under the proposed operational changes dusts and particulate levels are expected to be slightly lower due to the reduction in sandstone excavated and associated processing.*
- *any measures that can prevent wind erosion across the active and inactive areas of the quarry would lessen the air quality impact of the quarry.*
- *that air quality be managed / monitored via fixed active monitors for Particulates PM 2.5 PM10 and Total Suspended Particulates rather than rely on observation.*
- *the bund wall surrounding the quarry is not vegetated and is a source of dusts emanating from the site. Recommend revegetation of the walls to stabilise the soil and mitigate the dusts generated.*

9.6 Environmental Scientist – Land Contamination

The application was referred to Council's Environmental Scientist specialising in land contamination and waste who made the following comments:

- *Any blended material left over after exporting will need to be disposed of off-site.*
- *Material storage areas to require a hardstand area and be covered with tarpaulin or similar while awaiting to be blended.*

10.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

10.1 Issues relating to NSW EPA licensing

The current EPA license applying to the quarry does not permit waste material to be imported to the site which means that a license variation under s.58 of the Protection of the Environment Operations Act 1997 will need to be obtained for this to occur. This requirement has been included in Condition 10.

In addition to this, the products resulting from the proposed blending activity must have a Resource Recovery Order and Exemption (RRO/E) issued by the EPA that specifies the composition and use of the final products prior to material being imported, blended and on sold. To be able to import different materials to the site and then blend them, the applicant will need to apply to the EPA to obtain a RRO/E for each type of product they intend to make. Each batch of the final blended product will then need to be sampled and assessed against the relevant RRO/E, and, if it meets all requirements, it can then legally be sold for the purposes stated in the exemption.

The applicant has not provided details and compositions of the final products, rather, they have provided a range of materials proposed to be imported which will be part of the future blended products. The applicant's revised list of materials proposed to be imported and approximate quantities is as follows.

- i. Venm: Sand, Sandstone (60KTpa)
- ii. Resource Recovery Exemptions: Fines, aggregate and glass (70Ktpa)
Mulch (15Ktpa)
Pasteurised garden organics (5Ktpa)
- iii. Virgin quarried products: quarry dust, sands, aggregates, pebbles (40Ktpa)
- iv. Amendment products: Lime / dolomite / gypsum, coir fibre, perlite, peat, fertiliser (1.5Ktpa)

The applicant has noted that the materials to be imported will be in any combination of these but not exceed 100,000Tpa.

In their comments, NSW EPA raised a concern that the intended purpose of the individual materials is not known and the suitability of the use of those materials for the proposed use will need to be undertaken and assessed. They have noted that the use of the material must be genuine, fit for purpose and cause no harm to the environment or human health. Council considers that the assessment of any future RRO/E should be undertaken by the NSW EPA when applied for. The appropriateness and use of individual imported materials is the responsibility of the EPA, however, it is noted that there has not been an objection by the EPA to the importation of the revised list of materials proposed by the applicant. It is concluded that, based on the materials proposed to be imported, the EPA would be able to grant RRO/Es subject to satisfying the EPA requirements.

While only the overall quantity of material is known, the types of products imported to site to be blended will depend largely on what has been approved by the EPA through the RRO/E process. It is recommended to include a condition stating that importation and blending cannot occur on the site until the applicant has applied for, and has had approved by the EPA, a RRO/E for each of the specific products they intend to process at the site. The existing EPL licence will also need to be updated to reflect the proposed changes

to the activities on site. Condition 11 reflects this requirement. Other recommendations from the EPA in terms of not allowing asbestos waste to be stored at the site and limiting the imported materials to 100,000Tpa are also included in the suite of conditions.

10.2 Issues relating to the proposed blending activity

The proposed activity comprises the blending or mixing of imported materials with quarry extracted materials to a specification requested by the customer of the quarry. The products were described as engineering materials to be used for, for example, government infrastructure works or other blended materials for landscaping purposes.

The applicant has explained that front loading trucks will scoop the required quantities and proportions of the relevant stockpile material (both imported material and quarry extracted material) and mix it on the quarry floor to the specification required. The quarry floor was described by the applicant as being 'first flush pebble' and it is not intended to lay down hardstand such as concrete to the blending area. The applicant advised that there could be multiple blended products stockpiled in the blending area awaiting to be exported and that the blended products would be made to order and not on a speculative basis. Cross contamination of stockpiled blended products near each other is only a concern for the applicant in terms of quality control and satisfying RRO/Es. Sampling and testing of each of the blended material will need to be carried out in any case to ensure compliance with the RRO/E before being allowed to export from the site. Only once the finished product has been validated in accordance with the RRO can it then leave the premises.

Notwithstanding the above, any residual blended material left over on the quarry floor after exporting will need to be cleared so as not to 'contaminate' the next blended product. Ideally, a hardstand area should be installed to enable the entire stockpile to be scooped up without either leaving material behind or to limit loader drivers from scraping the floor and having the quarry pebble making its way into the final product. Once again, the second scenario of scraping the floor and introducing quarry floor material to the blend is an issue related to quality control for the applicant while the first relates to the matter of disposal of any residue blended material. Given the area involved and the likely re-purposing of the area for future quarry operations means that the installation of a hardstand is not appropriate. The alternative is to ensure that any residual blended material following the loading process is to be removed from the site and disposed of appropriately rather than filled into one the existing ponds or to another unknown area of the site. Condition 13 is recommended to be included in this regard.

10.3 Issues relating to the storage of imported materials

The applicant has supplied an amended site plan showing the original area of 5,000m² of the site for the proposed blending activity with more detail shown in terms of the area where imported material will be stored. Specifically, the applicant has proposed that recovered fines, organics and glass products will be stored in bays and described as follows:

Each storage area will be constructed by building a small 400mm high bund wall of clay overburden topped with 2 tonne rock boulders to delineate the bay areas which will be product signposted. The clay bunds will ensure that stormwater runoff from surrounding areas does not migrate into the areas.

The proposed bays for the storage of these materials are reasonable, however, in terms of best practice, the bays that occupy fines, mulch and recycled glass should include hard standing to minimise leaching into the subsurface. Given the diverse origin of fines and potential leaching from mulch and recycled glass, the risk of contamination entering the ground and existing ponds from these products is greater than for VENM. The runoff from mulch, fines, glass and soil amendments would have a range of chemicals and pollutants unlikely to be present in the current site runoff which could potentially affect soil and groundwater.

The applicant has argued that mulch will be brought onto the site as needed by the customer order and that it will not be imported unless there are suitable weather conditions. The variability of rainfall patterns around Sydney will make this difficult to predict and the dynamic nature of the proposed activity means that it may not always be practical to cease importing the material. The time that the material is stored on the site is also not able to be predicted exactly and there may be delays in the time between importation of the material and the actual blending process where the stockpile cannot be 'expeditiously' processed. For this reason, it is recommended that a precautionary approach be applied for the storage areas to ensure that potential leachate is minimised when material is stored on site for a prolonged time. In this regard, it is recommended that the storage areas for fines, organic material and recycled glass be situated upon a hardstand and be covered when awaiting to be blended, for example, by tarpaulin, so as to minimise sediment runoff and leaching following rain events. In addition, soil and groundwater contamination testing is recommended to ensure that leaching is not occurring into the substrate or off-site into the National Park. Potential dust and odour impacts can also be minimised by covering of storage areas. Condition 12 relates to this recommendation.

Stormwater management around the stockpile and blending area is also a concern. While stormwater migration from adjoining areas into the storage and blending area can be dealt with by introducing bunding as proposed by the applicant, water runoff from the storage and blending area may contain a range of chemicals and pollutants due to the nature of the materials stored. The EPA has indicated that if the proponent intends to integrate stormwater runoff from the stockpile / blending area into the existing quarry ponds, then a water characterisation study will be required to understand the nature and pollutant loads in the runoff. The recommendations of the EPA have been included in Condition 12.

10.4 Air quality

The revised air quality reports were examined for the proposed blending activity by Council's Environmental Scientist who specialises in air quality. Air quality modelling was undertaken in accordance with EPA guidelines to assess the potential levels of particulate and silica generated from the site. The model's isopleths show that levels of particulates and dusts generated from the development are within EPA / NEPM air quality standards. Under the proposed operational changes, dusts and particulate levels are expected to be slightly lower due to the proposed reduction in sandstone excavated and associated processing.

Of the activity undertaken, it is noted that 81% of the TSP (Dusts), 82% of PM10 and 85% of PM2.5 (particulates) is generated by wind erosion across the active and inactive areas of the quarry. Therefore, any measures that can prevent this occurring would lessen the air quality impact of the quarry.

Under the existing air quality management plan for the site, dusts are suppressed on site using water sprays and limiting stockpile heights. Air quality is also monitored monthly using dust deposition gauges. A major limitation to this air quality management strategy is that it does not monitor for short duration peak dust events which may range from a few hours to days depending on wind and weather conditions. This can result in dusts and fine particulates being made airborne over a significant distance and deposited at nearby receptors. Though this may not lead to health standards being exceeded, dust levels may be still high enough to cause minor irritation to airways and a nuisance being deposited on surfaces etc. This reflects resident complaints in the area.

A weakness of current air quality monitoring onsite is that airborne dust levels are monitored on a continual basis by visual assessment only. Although this assessment is in accordance with EPA guidelines, it is subjective, and, over a large area such as the quarry it is, in practice, more difficult to evaluate consistently and regularly in comparison to, for example, road works or a small building site which are activities that occur in a smaller location for a short period of time. Though dust monitors are placed around the periphery of the site for the EPA, they only measure dust deposition monthly not short duration, peak high wind / dry weather events. It is these events that can be responsible for dusts being blown and deposited at nearby receptors.

Due to the size and scale of the operations and intended blending activities which will require the movement and disruption of stockpiles, that air quality be managed / monitored via fixed active monitors for Particulates PM 2.5 PM10 and Total Suspended Particulates rather than rely on observation. The monitors will be able to directly inform, in real time, to the quarry staff any exceedances in air pollution and assist in better triggering water sprays on stockpiles. Monitoring in this way also gives the quarry the ability to use the data to easily refute complaints when they occur and demonstrate this information to relevant authorities when needed. These units are not as expensive as they were a few years ago, the cost has come down significantly with the technology and it is not unreasonable in this operational context.

It is recommended that 2 monitors be installed at the periphery of the quarry to intercept / monitor dusts and particulates blown toward both Sandy Point and Picnic Point. Condition 16 relates to this requirement.

In addition to the above, and from observation at the site, it was noted that the bund wall surrounding the quarry is not vegetated and is a source of dusts emanating from the site. There are no dust control measures such as water sprays used on the walls due to the limited water onsite and the need to focus it on roadways and stockpiles. To remove this source of dust, it is recommended that the bund wall be revegetated to stabilise the soil and mitigate the dusts generated. This will help mitigate dust / particulate air pollution and complement existing measures such as water sprays for the site – this is especially an issue in dry seasons / conditions where water can be very limited. This requirement has also been included in Condition 17.

10.5 Noise

Noise issues raised by some residents relate to current quarry operations occurring late into the night as

well as from blasting and screening processes. There is no blasting proposed and imported material is already screened and processed off-site. The proposed blending activity is not dissimilar to existing activities on the site where material extracted from the quarry, screened and stockpiled by front end loading trucks on various parts of the site. While there is no screening proposed for the blending activity, front end loading trucks will retrieve materials from the stockpiles and blend them on the quarry floor. The proposed reduction in the quarry production to offset the new blending activity is likely to reduce external noise impacts especially when it is operated in conjunction with more reasonable operating hours having regard to the context.

In terms of hours of operation, the applicant has confirmed that the quarry is manned from 6am to 10pm Monday to Friday and 6am to 4pm Saturdays, however, denies that they are the source of many of the complaints. Note that the current quarry hours of operation are not limited by the consent that the quarry operates under. Notwithstanding the existing circumstance, it is recommended that the hours of operation of the proposed blending activity be restricted to more reasonable times having regard to the proximity of residents both in Sandy Point and Picnic Point. In this regard, Condition 23 recommends that the blending activity operate from 6am to 6pm Monday to Friday and between 7am and 4pm on Saturday only.

10.6 Traffic

The matter of minimising any impacts related to additional traffic generated by the development is critical as the site has a direct connection to Heathcote Road which is a state road that has significant levels of traffic. Heathcote Road is a State Road and as such the proposed ingress and egress to and from the site is a matter under the control of Transport for NSW (TfNSW).

In terms of traffic generation of the proposal, the applicant has argued that 50% of trucks that currently export the quarry extracted material will likely return fully laden with import material for the new activity instead of returning empty. They have called this 'backloading' and have effectively argued that this efficiency will not introduce any significant additional traffic movements to that of the existing operation. Council's Traffic Engineer has a contrary view in that the worst-case scenario of 0% quarry trucks return empty should be considered. Notwithstanding these 2 different positions and the different results concluded by each scenario, the proposal will introduce additional truck movements into Heathcote Road. While the number of additional truck movements is relatively small in either case, any additional traffic from heavy vehicle trucks that enter / exit to or from Heathcote Road has the potential to reduce road safety. To address this road safety concern at the intersection, Council's Traffic Engineer recommends that a deceleration lane will be required along the southbound lane of Heathcote Road, although the road is under the control of TfNSW who ultimately decide on the form of intersection upgrade required.

The applicant does not generally consider that intersection upgrade works are required, however, they have proposed to construct intersection upgrade works, including a deceleration lane, subject to being allowed to commence and operate the additional activity at the same time as the road works are being constructed. The applicant has proposed the following:

- *the design and installation of an acceleration lane (northbound) and a deceleration lane (southbound)*

- *at the current entrance of its Sandy Point quarry in accordance with the relevant Austroads standards;*
- *BI (Benedict Industries) to fund the agreed works subject to TfNSW sign-off of the design and proposed works;*
- *for the initial two years, the intersection design, approval and construction works shall occur concurrently with any the blending activities approved by Development Consent; and*
- *TfNSW does not object to the commencement of the Blending activity during the maximum two-year intersection design and construct period.*

In addition to this, the applicant proposes that if the road works are not complete in the 2-year timeframe, then development consent can be 'rescinded'. The applicant has included a concept design for intersection works for comment by TfNSW and this is included in Appendix E. As TfNSW is the approving road authority for any intersection works, assessment of the concept design rests with TfNSW.

The matter of public road safety is of utmost importance when considering the applicant's proposal regarding the concurrent construction of works and commencement of operations. Council's Traffic Engineers and TfNSW are of the view that any intersection upgrade works to address additional traffic onto Heathcote Road from the site must be addressed prior to the commencement of any use that would generate that additional traffic. The issue, in this circumstances, is not one of traffic management but a public safety matter which must be addressed prior to the introduction of any additional traffic into Heathcote Road. This requirement has been included as Condition 4 and Condition 7.

10.7 Adjoining National Park

The land adjoins Georges River National Park to the north which is managed by the NSW National Parks and Wildlife Service (NPWS). NPWS has published a document titled 'Development Adjoining NPWS Land – Guidelines for Consent and Planning Authorities'. This document includes various issues that need to be considered when assessing proposals on land adjoining National Parks. These are discussed below:

i. Erosion and sediment control

There is no vegetation removal proposed and the location of the proposed activity relative to the boundary with the National Park means that appropriate sediment control measures can be implemented within the site.

ii. Stormwater runoff

Appropriate conditions have been included which deal with stormwater runoff. It is understood that the quarry is required to do testing prior to discharging stormwater via their approved discharged point.

iii. Wastewater

The proposal does not include any elements that would require sewage disposal.

iv. Management implications relating to pests, weeds and edge effects

The proposed development is located on a part of the site that is about 150m from the National Park which assists in minimising environmental impacts on the National Park. Matters relating to the existing bund wall are relevant to the existing Environment Protection License that applies to the land.

v. Fire and the location of asset protection zones

While part of the subject site is bushfire prone, asset protection zones or bush fire hazard reduction within the National Park are not required.

vi. Boundary encroachments and access through NPWS lands

The proposal is wholly located within the lot boundaries and no access through NPWS land is proposed.

vii. Visual, odour, noise, vibration, air quality and amenity impacts

These matters have been assessed both by Council's Environmental Officers and the NSW EPA and the matters are addressed by either existing Environment Protection License conditions or proposed conditions of consent.

viii. Threats to ecological connectivity and groundwater-dependent ecosystems

The proposal does not include any extraction of groundwater or the removal of any vegetation.

ix. Cultural heritage

The proposal is located wholly on the subject site which is mapped by Council's Aboriginal Archaeological mapping as being 'disturbed' with no evidence of shell material or significant sandstone features within the development zone.

x. Road network design and its implications for continued access to the park

Continued access to the park is maintained as the proposal does not propose any change to the local road network.

10.8 Acid Sulfate Soils

The subject site is identified as within 'Class 5' Acid Sulfate Soils Maps and the provisions of Clause 6.1 are applicable. The objectives of this Clause are to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

Within Class 5, the trigger under SSLEP 2015 is works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

Given the nature of the proposed works, an activity that does not require excavation, there is unlikely to be an impact on the water table on adjacent Class 1, 2, 3, or 4 land.

10.9 Stormwater Management

Clause 6.4 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been addressed to Council's satisfaction subject to conditions.

10.10 Terrestrial biodiversity

The subject land is identified as containing 'Biodiversity' on the Terrestrial Biodiversity Map. Clause 6.5 requires Council's assessment to consider certain matters. Council must consider the potential adverse impact of the development on vegetation/ flora, fauna, biodiversity and habitat. Of further consideration is the conservation and recovery of flora and fauna and their habitats and the potential to fragment or diminish the biodiversity structure, function and connectivity of the land. The relevant matters have been considered as part of the assessment of this application and the proposal is acceptable in this regard.

10.11 Urban design (non-residential)

Clause 6.16 of SSLEP 2015 contains certain matters of consideration relating to urban design. The relevant matters have been considered as a part of the assessment of the application and the proposal is considered to be acceptable.

10.12 Bushfire

Council records indicate that the site is bushfire prone land. A bushfire assessment has been undertaken of the proposed development. The proposal includes no new buildings that would increase the risk from bush fire and any land clearing for asset protection zones is not required.

10.13 Greenweb

The subject site is identified within Council's Greenweb strategy. The Greenweb is a strategy to conserve and enhance Sutherland Shire's bushland and biodiversity by identifying and appropriately managing key areas of bushland habitat and establishing and maintaining interconnecting linkages and corridors.

The subject site is identified as a Greenweb 'Core', 'Support' and 'Restoration' area.

Having regard for the nature of the proposed development conditions have been included in relation to additional Greenweb plantings.

10.14 Threatened Species

Threatened species are particular plants and animals that are at risk of extinction and include threatened populations and endangered ecological communities. Threatened species, populations and ecological communities are protected by the Biodiversity Conservation Act 2016, NSW Fisheries Management Act 1994 and the Commonwealth Environmental Protection and Conservation of Biodiversity Act 1999.

Council has mapped the known threatened species, populations and endangered ecological communities. Following a review of this information and an inspection of the site it is concluded that the proposed development will not result in any significant impact on threatened species, populations and endangered ecological communities.

10.15 Archaeological Sensitivity

Council records indicate that the subject site is rated as 'Disturbed' and 'High' in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal therefore does not warrant an Aboriginal Archaeological Study being undertaken.

11.0 DEVELOPMENT CONTRIBUTIONS

Due to its nature, the proposed development will not require or increase the demand for local and district facilities within the area. Accordingly, it does not generate any Section 7.11 contributions. Further the proposed development has a value of less than \$100,000 and therefore does not attract any Section 7.12 Contributions in accordance with Council's adopted Section 7.12 Development Contribution Plan 2016.

12.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts more than \$1000. In addition, Council's development application form requires a general declaration of affiliation. In relation to this development application a declaration has been made that there is no affiliation.

13.0 CONCLUSION

The subject land is located within Zone SP1 Special Uses (Quarry) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being ancillary to the existing quarry use, is a permissible land use within the zone with development consent.

In response to public exhibition, 38 submissions were received. The matters raised in these submissions have been discussed in this report and have been dealt with by design changes or conditions of consent where appropriate.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. 20/0278 may be supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (SB).