

PPSSSH-30 – 14309 Heathcote Road, Menai 2234

DA200278

ASSESSMENT REPORT APPENDICES

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CONDITIONS OF CONSENT
Development Application No. 20/0278

1. Approved Plans and Documents (UNI2005)

The development must be undertaken substantially in accordance with the details and specifications set out on the following approved plans:

Plan number	Reference	Prepared by	Date
-	Sandy Point Quarry Layout Plan	EMM	Received by Council on 1/05/2020
Appendix No.2 V2	Proposed Blending Area Location Plan with Storage Areas	Benedict Industries Pty Ltd	Received by Council (on 30/10/2020delete as applicable)

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note 1: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

Note 2: Airborne Dust Emissions

Site operations must be undertaken in accordance with relevant Work, Health and Safety regulations, guidelines and standards overseen by SafeWork NSW and NSW Health, particularly with respect to, but not limited to, exposure to airborne dust emissions.

2. Intersection Upgrade Works Requirements

A. Prior to Commencement of Use

The intersection upgrade works detailed in the conditions below must be completed prior to the commencement of the operation of the proposed blending activity.(UNI2020)

3. Integrated Development Approval - Requirement of Approval Bodies (UNI2025)

A. General Terms of Approval from Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 4.46 of the Environmental Planning and Assessment Act 1979:

- NSW Environment Protection Authority

A copy of the GTAs and any further requirements of the approval bodies are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required by the GTAs relevant approvals must be granted prior to the release of the Construction Certificate.

4. Requirements from Other Authorities (UNI2030)

A. Requirements from TfNSW

The development must be undertaken in accordance with the requirements of Transport for NSW (TfNSW). *(name the Authority/ies)*

list the requirements referral authority and date of letter/s

TfNSW provide consent under Section 138 of the Roads Act 1993 for the proposed adjustments to Heathcote Road for the site's increased traffic generation, subject to the following requirements being met:

1. An acceleration and deceleration lane along Heathcote Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.
2. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
3. Any changes to the access will be required to be constructed as a sealed all weather access driveway. The sealed driveway shall be designed and constructed in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
4. Sight distances from the vehicular crossings to vehicles on Heathcote Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 - Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

These requirements must be incorporated in the application for a Construction Certificate and where required, relevant approvals must be obtained prior to the release of the Construction Certificate. No operation of proposed blending activity at the site must occur prior to certification and operation of the new infrastructure as authorised by TfNSW and as detailed in the WAD.

A copy of the Requirements of TfNSW are attached to this development consent.

5. Ongoing Use of Site for Blending Activities

A. Ongoing

The proposed additional use for blending activities including receiving, stockpiling and blending of waste materials is associated with the current use of the site as a quarry (extractive industry) and is permissible subject to the quarry use being maintained. The proposed use must not operate independently of quarrying activities and operations at any time and any final blended product that is to be exported must include a proportion of site quarried material.

In addition to the above, the following conditions apply to the ongoing operation of the proposed blending activity:

- i. Asbestos waste must not be accepted or stored at the premises.
- ii. The authorised amount of material imported onto the site must not exceed 100,000 tonnes per annum.
- iii. The minimum quantity of blended material to be exported from the site in one delivery is 8 tonnes.
- iv. The applicant / EPL licensee must implement procedures to identify and prevent acceptance of prohibited waste in accordance with the Environment Protection Licence (EPL).
- v. The applicant / EPL licensee must maintain and operate a calibrated weighbridge to record the volume of all waste brought into the premises.
- vi. All vehicles entering and existing the premises must be recorded as they pass across the weighbridge or pass through a dedicated vehicles access point to enable vehicles that are transporting waste to be identified.
- vii. The applicant / EPL licensee must ensure that all waste stored and processed at the premises is assessed, classified and validated in accordance with the NSW EPA Waste Classification Guidelines 2014 (and subsequent updates) and any applicable Resource Recovery Orders and Exemptions.
- viii. The height of waste stockpiles must not exceed the height of any bunded walls that surround the premises.

Note: EPL is the abbreviation for 'Environment Protection Licence'; administered by the NSW Environment Protection Authority (EPA).

6. Approvals Required under Roads Act or Local Government Act (ENG1005)

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by Council officers at any time.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

B. During Works

There must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

7. Design and Construction of Works in Road Reserve (ENG2005)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end, a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. This application must be lodged in conjunction with a Works Authorisation Deed (WAD) as required by Transport for New South Wales (TFNSW).

This design will generally comply with the approved civil design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) and any requirements of Transport for New South Wales (TFNSW) except where modified by/or addressing the following:

- i) Construct new deceleration and acceleration lanes as required by TFNSW. This includes any adjustment to existing line marking, widening of road pavement and installation of new signage.
- ii) Construct a new all-weather vehicle crossing (asphalt or concrete) with appropriate transitions to the road pavement on Heathcote Road. This crossing must be designed to cater for vehicles servicing the site and provide sight distance in accordance with AS2890 & Austroads Guide to Road Design Part 4A Section 3 - Sight Distance.
- iii) Construct new stormwater infrastructure as required to facilitate drainage within the Road Reserve associated with the new works.
- iv) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- v) Remove and replace street trees as required by Council to facilitate the adjustments to Heathcote Road and any other works under the WAD as approved by TFNSW.
- vi) Adjust public services infrastructure as required. This includes the adjustment / relocation of any services.
- vii) Install street lighting as required to achieve illumination compliance of the new deceleration, acceleration and turning lanes.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Occupation

Prior to the commencement of the operation of the proposed blending activity or the issue of an Occupation Certificate, the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify that the road works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act Consent and RMS Works Authorisation Deed.

8. Site Management Plan (ENG2010)

A. Prior to Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.
- vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

C. Before Occupation

Before the issue of any Occupation Certificate, all foundations / materials associated with construction works (that do not form part of the approved works) must be removed. This includes but is not limited to foundations for tower cranes, vehicle access ways, stockpiles, building waste etc.

9. Supervising Engineer (ENG4005)

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Chartered Civil Engineer to supervise construction of any:

- i) Road frontage works.

The PCA must be informed of the supervising engineer's name and contact details, in writing, prior to the commencement of any construction works.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in A. above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

10. Storage of Diesel, Hazardous or Toxic Material (ENV5010)

A. Design

In areas where diesel, hazardous and/or toxic liquids are to be stored; the area must be bunded with a bund constructed of impervious material and be of sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.

B. Before Construction and issue of any Construction Certificate

Details of the design satisfying 'A.' above must accompany the documentation forming part of any construction certificate.

C. Ongoing

- (i) Hazardous and toxic materials must be stored in accordance with SafeWork NSW requirements. All tanks, drums and containers of toxic and hazardous materials in excess of 20L must be stored within a bunded area. Where appropriate, the construction of bunds must comply with the requirements of:
 - AS 1940 : 2004 The Storage and Handling of Flammable and Combustible Liquids
 - AS 3780 : 1994 The Storage and Handling of Corrosive Substances
 - AS 2714: 1993 The Storage and Handling of Hazardous Chemical Materials - Class 5.2 Substances (organic Peroxides)
 - AS 4326 : 1995 The Storage and Handling of Oxidising Agents
 - AS/NZS 4452 : 1997 The Storage and Handling of Toxic Substances
- (ii) An EPA approved spill kit /absorbent material must be available on the premises at all times. The operator must ensure the absorbent material/spill kit is located in an appropriate location, near to or in the area with the highest risk of spills occurring. The operator must maintain a register with a current copy of a Safety Data Sheets is kept for each hazardous substance, and ensure it is readily accessible to all employees.

11. Environmental Protection Licence (EPL) Requirements

A. Prior to Commencement of Use and Issue of any Construction Certificate

The Environmental Protection Licence No.1924 held by the applicant for the premises at 14309 Heathcote Road, Menai must be updated to include additional uses and testing requirements. A licence variation under s.58 of the *Protection of the Environment Operations Act 1997* must be applied for for the following requirements and be approved by the NSW Environment Protection Authority (NSW EPA) prior to commencement of importation materials and blending activities being carried out on site.

- (i) The following scheduled activities listed under Schedule 1 of the Protection of the Environment Operations Act 1997:
 - (a) 34: Resource Recovery; triggered by the proposal to receive and process waste from off-site above the threshold amount of 6 000 tonnes per annum; and
 - (b) 42: Waste Storage; triggered by the proposal to receive waste from offsite above the threshold amount of 6 000 tonnes per annum.
- (ii) Any required Resource Recovery Order and Exemption and list of any materials permitted to be imported on to site to be used in accordance with such Orders and Exemptions.
- (iii) 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], to be updated in accordance with the requirements of Condition 16 and any requirements of the NSW EPA Regulatory Operations Unit. The Air Quality Management Plan is to be referenced as necessary in the Environment Protection Licence no. 1924.

Provision of the varied Environment Protection Licence, as issued by the NSW Environment Protection Authority, must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to commencement and the issue of any construction certificate.

12. Stockpile Management

A. Design and Prior to Commencement of Use

Individual materials storage bays must be constructed prior to receiving any imported materials to site. The materials storage bays must be constructed of a concrete floor, and walls of clay, rock boulders, concrete or equivalent. The height of the walls must be constructed to adequately contains the stockpiles without risk of cross-contamination occurring. Storage bays must only be constructed in the area indicated on Site Plan - Appendix No.2 v2.

Details of these requirements must form part of the documentation for the Construction Certificate.

B. Ongoing

- (i) Materials imported to site must be placed in to designated storage bays constructed in accordance with A. above and must remain there until used for blending purposes.
- (ii) Stockpiles must be covered with tarps or similar during periods of inclement weather or if stored overnight.

- (iii) Any residual waste in the materials storage area must be classified in accordance with the EPA Waste Classification Guidelines 2014 and disposed off-site at a landfill legally licenced to take such waste and must not be used onsite for any other purpose.
- (iv) Guidance related to stockpile management and control provided in the “Guideline for Stockpile Management” South Australian EPA, 1999, where consistent with the legislation and requirements of the NSW EPA, must be adopted for onsite operations.
- (v) The maximum quantity of mulch to be stored on site at any one time is 300m³.

13. Stormwater Control and Treatment

A. Prior to Commencement of Use

Stormwater diversions must be put in place to divert any stormwater around the imported material storage bays. The applicant must prevent stormwater from the imported materials storage bays and blending area from discharging off-site or mixing with existing basins, unless otherwise approved by the NSW EPA.

Prior to this approval being sought, the proponent must (as a minimum) provide the water characterisation report to the EPA for review.

1: Water Characterisation Study

The applicant must complete a water characterisation of the water containment basins at the premises including at least Basins 2 and 3, and any additional basing that are constructed to capture run-off from the imported materials stockpile and blending area, and soil amendment storage area.

The water characterisation study must include, at a minimum:

- a. Water sampling as per the agreed sampling plan under the approved EPL over a six-month period.
- b. Sampling to include pollutants as outlined in Appendix A of revised Stormwater Management Plan dated May 2019, prepared by Tooker and Associates (“the SMP”) or as requested by the EPA.
- c. Sampling and analysis must be in accordance with the Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2004). As a minimum, the analytical suite must include pH, conductivity, heavy metals (arsenic, cadmium, chromium, copper, zinc, mercury, lead, nickel), total nitrogen, total phosphorous, nitrate and nitrite).
- d. Specify the analytical limits of reporting used for any data that is being assessed;
 - i. compare that limit of reporting to the relevant ANZECC (2000) and/or Australian & New Zealand Guidelines assessment criteria, where the limit of reporting does not provide a suitable basis for assessing risk of water pollution,

- ii. propose alternative options to characterise the risk including more sensitive laboratory testing or risk mitigation options,
- iii. the limit of reporting for concentrations of pollutants should be sensitive enough to detect pollutants at levels related to their environmental risk and ANZECC (2000) toxicant trigger value (where available), and
- iv. Compare results to the relevant ANZECC (2000) and/or Australian & New Zealand Guidelines and assessment criteria for each pollutant.

B. Ongoing

Any stormwater falling within or around the storage bays must be captured, tested and disposed off-site to a licenced waste facility unless approval to divert to existing quarry ponds is obtained from the NSW EPA.

If stormwater is approved to be diverted to the existing quarry pond then sampling of the quarry pond in accordance with the approved water characterisation study and any other NSW EPA requirements under the approved EPL.

(ENV9003)

14. Resource Recovery Orders and Exemptions

A. Prior to Commencement of Use

Prior to importation of materials or blending activities being undertaken on the site; operation specific Resource Recovery Orders and Exemptions must be approved and issued by the NSW Environment Protection Authority.

B: Ongoing

Only materials permitted by the specifications of the operation specific approved Resource Recovery Orders and Exemptions can be imported to site and used in the blending activities for resale. No other materials are permitted to be imported to site and no other Resource Recovery Order or Exemption can be utilised unless the Resource Recovery Exemption specifically permits the blending of the recycled material.

15. Blending Activities

A. Ongoing

Blending of material must only occur in the area indicated on the approved site plan titled 'Site Plan Appendix No.2 v2'.

Any residual waste in the mixing area must be classified in accordance with the EPA Waste Classification Guidelines 2014 and disposed off-site at a landfill legally licenced to take such waste and must not be used onsite for any other purpose.

16. Soil and Groundwater Sampling

A. Prior to Commencement of Use

Pre-activity sampling of soil and groundwater must be undertaken prior to the importation of materials and blending activities. Soil and groundwater samples must be taken beneath and adjacent to the designated stockpile area, and down-gradient and must also include a control location, up-gradient of all processing areas.

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to prepare and approve all necessary documents and supervise all aspects of site investigation and ongoing sampling as required.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

The soil and groundwater well installation and sampling must be undertaken in accordance with Schedule B2 of National Environment Protections (Assessment of Site Contamination Measure 1999 (NEPC 2013)) and any other relevant guidance material endorsed by the NSW EPA.

The pre-commencement investigation must be provided to the satisfaction of Council's Manager of Environmental Science and the EPA in accordance with any EPA requirements under the EPA approved Environmental Protection Licence

B. Ongoing

Sampling events must be carried out in accordance with the Environmental Protection Licence issued by the NSW EPA. All results must be reported to Sutherland Shire Council Manager Environmental Science and the EPA Regulatory Operations Unit, in accordance with Environment Protection Licence requirements, and on request.

17. Air Quality Management Plan and Best Management Practice

A. Design

The 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], must be amended by an appropriately qualified and experienced Air Quality Specialist who is a Certified Air Quality Professional (CAQP) under the Clean Air Society of Australia and New Zealand (CASANZ) or equivalent certification scheme and include the following requirements:

- (i) Two additional continuous, 24-hour air quality monitoring stations/ sensors must be installed onsite.

The primary purpose of the air quality sensors is to accurately record and measure the level of dust emissions including particulates PM2.5, PM10 and silica to ensure compliance with relevant National, State and SafeWork NSW air quality standards, in accordance with the 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], and subsequent updated versions.

- (a) The air quality monitoring sensors must be technologically robust and sensitive to monitor, as a minimum, particulates PM2.5 and PM10 and silicate dusts. The type of air quality monitoring sensors must be reviewed and approved by the NSW Environmental Protection Authority as a component of the Environment Protection Licence.
- (b) The air quality monitoring sensors must be positioned in locations that best informs any air quality impacts on neighbouring residential areas including any sensitive receptors. The location of the air quality monitoring sensors must also be reviewed and approved by the NSW Environmental Protection Authority as a component of the Environment Protection Licence.
- (c) The air quality monitoring sensors must be installed by an appropriately qualified and experienced Air Quality Specialist who is a Certified Air Quality Professional (CAQP) under the Clean Air Society of Australia and New Zealand (CASANZ) or equivalent certification scheme.
- (d) The type, design, location, installation, management, maintenance and reporting requirements of the air quality monitoring stations/ sensors is to be addressed in the Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], and subsequent updated versions.

Note: The purpose of the air quality monitoring stations / sensors is to provide immediate data to assist Quarry Management to more effectively:

- Modify work practices as required on an ongoing basis to mitigate any dust emissions generated; for example, during rapid changes to climatic and environmental conditions.
 - Review the effectiveness of the air quality management control measures implanted onsite.
 - Control and manage emitted dusts affecting both onsite and offsite locations during operations, taking into account parameters such as wind speed, wind direction, temperature and humidity.
 - Assist Quarry Management and relevant Government authorities to reconcile any air quality complaints logged in Environmental Complaints Register.
 - Provide current and immediate information to the community as required.
- (ii) Perimeter walls and embankments of the quarry must be densely vegetated by a mix of suitable

native grasses and shrubs to mitigate wind borne dusts generated from exposed and poorly bound soils and sands. A program outlining the planting, management and maintenance of the vegetation must be prepared as a component of the Air Quality Management Plan.

- (iii) Best management practices to mitigate dust emissions generated at the site (that include but are not limited to, particulates PM10, PM2.5, silica and odours) must be key objectives of the 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], and subsequent updated versions.

Best Management Practices and how they will be applied to quarry operations / activities must also be identified in the Air Quality Management Plan. This includes the various activities associated with quarrying, transportation, storage and materials blending activities.

- (iv) A rigorous procedure must be maintained for complaints handling that records details of the complaint and complainant, logs/registers the incident, outlines investigation and response/corrective actions as covered by the Environmental Complaints Register of the 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], and subsequent updated versions.
- (v) Guidance related to stockpile management and control provided in the "Guideline for Stockpile Management" South Australian EPA, 1999, where consistent with the legislation and requirements of the NSW EPA, must be adopted for onsite operations and incorporated in to operational management plans including the 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], and subsequent updated versions.

The Air Quality Management Plan must be amended to appropriately address the requirements above and be to the satisfaction of the NSW Environmental Protection Authority, Regulatory Operations Unit and Sutherland Shire Council, Manager Environmental Science prior to the issue of any Construction Certificate.

B. Prior to Commencement of Use / Issue of Occupation Certificate

The following must be completed prior to the commencement of the proposed blending activity or the issue of an Occupation Certificate.

- (i) Installation of the 2 additional air quality monitoring stations / sensors
Evidence of the correct installation and effective operation of the additional continuous 24-hour air quality monitoring stations/ sensors, as a component of the 'Air Quality Management Plan, Sandy Point Quarry' by Benedict Industries, August 2020 [version 4], must be submitted to the satisfaction of the NSW Environmental Protection Authority, Regulatory Operations Unit and Sutherland Shire Council, Manager Environmental Science prior issue of any occupation certificate.
- (ii) Vegetation of the perimeter embankment walls
Evidence of primary planting of native vegetation at the perimeter walls and embankments of the

quarry in accordance with “A” above, must be submitted to the satisfaction of the NSW Environmental Protection Authority, Regulatory Operations Unit and Sutherland Shire Council, Manager Environmental Science prior issue of any occupation certificate

C. Ongoing

- (i) Onsite operations and activities must be carried out in accordance with the requirements of the ‘Air Quality Management Plan, Sandy Point Quarry’ by Benedict Industries, August 2020 [version 4], and subsequent updated versions and any other operational management plan.
- (ii) Dust emissions that include, but are not limited to, particulates PM10, PM2.5, silica and odours that are generated from onsite sources such as roadways, material storage bins, machinery, bagged and exposed stockpiles; must be suppressed and managed in accordance with the ‘Air Quality Management Plan, Sandy Point Quarry’ by Benedict Industries, August 2020 [version 4], and subsequent updated versions, in order to achieve all relevant National and State air quality and technical standards as well as SafeWork NSW air quality standards for airborne contaminants.
- (iii) Emissions and odours emitted from the quarry must not cause actual or potential harm to human health and safety or interfere with the amenity of adjoining and neighbouring properties.
- (iv) Effective communication channels for staff and contractors working at the site must be established and maintained for the implementation of the ‘Air Quality Management Plan, Sandy Point Quarry’ by Benedict Industries, August 2020 [version 4], and subsequent updated versions.
- (v) Perimeter vegetation must be appropriately managed and maintained as an ongoing requirement of the ‘Air Quality Management Plan, Sandy Point Quarry’ by Benedict Industries, August 2020 [version 4], and subsequent updated versions.
- (vi) Auditing of the ‘Air Quality Management Plan, Sandy Point Quarry’ by Benedict Industries, August 2020 [version 4], and subsequent updated versions, must be undertaken every 3 years from the date of determination of this development consent.

The auditing must be undertaken by an independent, suitably qualified and certified Air Quality Specialist to assess the effectiveness of the environmental controls and procedures implemented on site. The Air Quality Specialist must be a Certified Air Quality Professional (CAQP) under the Clean Air Society of Australia and New Zealand (CASANZ) or equivalent certification scheme.

The auditing must include, but not be limited to, the following:

- a) Assessment of the degree of conformance with nominated procedures
- b) Review of changes to legislation and guidelines
- c) Consideration of updates in industry best practice
- d) Review of achievement of annual objectives / emission targets

(vii) All onsite operations and activities must be carried out in accordance with the requirements of Environment Protection Licence no.1924, as varied as required; issued by the NSW Environment Protection Authority.

(viii) Onsite operations and activities must also respond and adapt to legislative and guidelines changes and improvements to best practice technologies and procedures as necessary.

18. External Lighting - (Amenity) (HLT3025)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

19. Noise Control - Design and Operation (General Use) (HLT4010)

A. Design

The use of the premises and all plant and equipment must be designed and / or located so that the noise emitted complies with the NSW Environment Protection Authority (EPA) NSW Noise Policy for Industry (2017) and Road Noise Policy (2011).

Use of the premises must not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

The use of the premises and all plant and equipment must also be designed and / or located so that the noise emitted complies with the NSW EPA Environment Protection License no. No. 1924, as varied as required.

The use of the premises and all plant and equipment must be designed and / or located so that the noise emitted complies with the recommendations of the “Sandy Point Quarry - Revised Noise Assessment” by EMM, dated 27 August 2019 [J190010, RP3, v1].

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Ongoing

All plant and equipment must be operated and maintained in accordance with ‘A’ above. The use of the premises and all plant and equipment must be operated so that the noise emitted complies with the NSW EPA Environment Protection Licence, NSW Environment Protection Authority (EPA), the NSW Noise Policy for Industry (2017) and the Road Noise Policy (2011).

Any recommendations provided in the “Sandy Point Quarry - Revised Noise Assessment” by EMM, dated 27 August 2019 [J190010, RP3, v1] must also be implemented.

Ongoing periodic noise assessments must be carried out in accordance with the NSW EPA Environment Protection License and any exceedances must be addressed to ensure noise does not cause nuisance or sleep disturbance to the residential receivers.

20. Sydney Water Requirements (ORD4045)

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. Furthermore, Sydney Water has strict requirements for swimming pools / spas discharging to a pressure or vacuum sewer system.

Sydney Water will determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

21. Dial Before You Dig (ORD4050)

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

22. Noise Control and Permitted Hours for Building and Demolition Work (ORD5005)

A. General

To manage noise impacts upon the surrounding properties and occupants, demolition, excavation, or construction activities must be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

B. During Works

To minimise the noise impact on the surrounding environment, all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work is permitted on Sundays and Public Holidays.

23. Hours of Operation (ORD8020)

A. Occupation

Hours of site activity and operation of the blending activity are restricted to 6am to 6pm Monday to Friday and 7am to 4pm on Saturday. Site activity and operation is prohibited on Sunday and public holidays.

END OF CONDITIONS

Submission Summary

Submissions received during first notification period ending 2 June 2020			
Reference	Address	Submission Date	Issues Raised
1	89 St George Crescent, Sandy Point	25/05/2020	<ul style="list-style-type: none"> - DA does not exclude glass recycling (health concerns) nor concrete recycling which will introduce major noise. - The operation of the quarry was granted for the contents of the quarry and should remain so. - Imported material will increase contamination of the local bush environment with noxious weed species. - Increasing output will increase noise and extend operating hours that will continue to adversely affect the existing quiet communities. - More importing / output will equate to more truck movements and further congestion and degradation of Heathcote Road. - Any increase in output will increase the amount of dust and other airborne particulate matter being transferred to local communities.
2	142 St George Crescent, Sandy Point	25/05/2020	<ul style="list-style-type: none"> - Current noise starts at 6am and continues late at night beyond 7am to 6pm operating hours. - Operating hours should be reviewed. - New dust standard needs to be set if new materials are being introduced. - No EPA breaches is incorrect. - Imported material will increase contamination of the local bush environment with noxious weed species. There needs to be positive native planting on the bund wall so that the weeds don't have the space to grow. - Operating within the bounds of a national park the quarry operator should have more

			responsibility to restore the national park to its original state.
3	7 St George Crescent, Sandy Point	25/05/2020	<ul style="list-style-type: none"> - The 'recycled' products could bring harm to an ecologically significant site. The mangroves and riverbed could be affected by the products - Vibrations from blasting is already causing damage to house. No action to alleviate blasting impacts. - Undisclosed future impacts.
4	11 Judd Avenue Hammondville 2170	26/05/2020 and 27/05/2020	<ul style="list-style-type: none"> - Health impacts related to dust. - Blending operation should only be allowed in industrial zone. - Can become a heavy industrial site if approved.
5	70-74 St George Crescent Sandy Point	26/05/2020	<ul style="list-style-type: none"> - Increase in damage to roads and increased noise and pollution from an increase in fully loaded trucks returning to the facility. - How are detected contaminated products removed from site when 50% of trucks are quarry owned. - Banning truck movements from Hammondville and Sandy Point would address some of the issues. - The data for noise and dust seems outdated. - Quarry operating outside of approved times. - Dust accumulation has increased drastically since the increase in output. - Are current controls adequate for the additional use, increased vehicle movements and tipping. - Impact on natural watercourse in the National Park a direct result of quarry. - Any increase in operation should only be considered if no breach occurs within a timeframe. - Impact of blasting on house.

6	184 St George Crescent Sandy Point	26/05/2020	<ul style="list-style-type: none"> - Impact of extra truck movements along Heathcote Road - Impact of blasting on houses - Dust - Toxic water runoff into the Georges River
7	124 St George Crescent Sandy Point	27/05/2020	<ul style="list-style-type: none"> - Dust - Noise - Traffic
8	10 St George Crescent Sandy Point	27/05/2020	<ul style="list-style-type: none"> - Dust - Impact on ecology and biodiversity of surrounding bushland - Increased heavy vehicle movements on Heathcote Road - Overdevelopment of the quarry site - Lack of consultation with Sandy Point community
9	38A St George Crescent Sandy Point	28/05/2020	<ul style="list-style-type: none"> - Dust - Dangerous intersection to the site
10	188 St George Crescent Sandy Point	29/05/2020	<ul style="list-style-type: none"> - Blasting impacts on house - Noise from loading and crushing of rock extending into the evening beyond approved operating hours - Increased heavy vehicle movements on Heathcote Road making it more dangerous - Dangerous intersection
11	168 St George Crescent Sandy Point	29/05/2020	<ul style="list-style-type: none"> - Single lane road each way is an accident waiting to happen - Dust
12	196A St George Crescent Sandy Point	29/05/2020	<ul style="list-style-type: none"> - Noise and dust reports relate to previous activity and not to proposal - Excessive noise up to 10pm - Impact of increase in noise, dust and blasting - Possible future increase in tonnage
13	68 St George Crescent Sandy Point	31/05/2020	<ul style="list-style-type: none"> - Negative impact on amenity and environment - Excessive noise up to 10:30pm - EPA should be responsible for noise monitoring

			<ul style="list-style-type: none"> - Dust - Water pollution - Vibration damage from blasting - Impacts on road safety
14	140 St George Crescent Sandy Point	31/05/2020	<ul style="list-style-type: none"> - Operating above licensed limits and outside of agreed hours - Excessive noise throughout the night - Dust - Noise - Impacts on road safety
15	Sandy Point Residents Association	1/06/2020	<ul style="list-style-type: none"> - Currently operating outside of proposed hours of operation up to 10:30pm resulting in noise impacts - Hours of operation should be 7am to 6pm Monday to Friday, 8am to 1pm Saturdays and no work on Sundays and public holidays - Acceptable noise levels for residents of Sandy Point need to be established and be consistent with best practice - Continuous independent monitoring and reporting of noise levels to be implemented - No evidence provided that blending activity will not increase dust levels and adversely affect air quality in Sandy Point - Health risk due to potential exposure to silica within dust deposits - Dust gauges provided around perimeter of quarry but no continuous monitoring in Sandy Point - Any approval should result in acceptable dust levels based on a scientific basis, be consistent with best practice, have an enforceable requirement and have independent monitoring of dust levels in Sandy Point and public reporting of results - Water pollution - Independent testing and public reporting of any water discharged from the quarry

			<ul style="list-style-type: none"> - Ban pumping of salt water from Georges River - NSW NPWS to assess impact of water discharged from quarry through the National Park - New traffic survey should be prepared - Traffic safety at entrance. Any change to operations should upgrade the entrance - 50% backloaded truck unrealistic. Traffic impacts should assume no backloading as worst case - Independent traffic impact assessment to be undertaken, assessment of impact on Heathcote Road traffic at the entrance to be undertaken by RMS and construction of turn in lanes to allow safe entry - Importation of pH amendment, coir fibre, perlite, peat and fertiliser can increase dust and odour - Health risk from crushed glass - Any approval should limit imported material to VENM - EPA breaches - Is blending of waste material ancillary to quarrying - Bund wall overgrown with weeds and non-native vegetation which is spreading into the National Park - Any approval must eradicate weeds from the bund walls, implement an effective weed eradication program and bund walls to be revegetated with native plantings
16	144 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Dust
17	20 Sylvan Grove Picnic Point	2/06/2020	<ul style="list-style-type: none"> - Noise - Dust

18	23 Bingara Drive Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Noise - Precedent in repurposing quarry and allowing other purpose than originally approved - Dust - Odour from blending activity e.g. fertiliser
19	12 Bingara Drive Sandy Point	1/06/2020	<ul style="list-style-type: none"> - Proposal should be assessed as State Significant Development - Application relies on existing use rights arguing it is ancillary to the quarry - Doubtful that 100,000 tonnes per annum will not be exceeded and doubtful that blending will not involve crushing.
20	9 Bingara Drive Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Traffic safety on Heathcote Road and at the intersection - Increased air pollution from silica
21	86 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Noise - Impact from sand and silica dust - Uncontrolled discharge of contaminated water into the bushland - Traffic safety at intersection - Applicant's poor history of EPA breaches - Destruction and disregard of nearby Aboriginal heritage site (Red Hand Cave)
22	160 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Traffic safety on Heathcote Road as a result of increase in trucks - Dust and silica impacts - Impact to houses and Aboriginal heritage site from increased blasting - Discharge of contaminated water through the National Park and into Georges River
23	144 St George Crescent Sandy Point	2/06/2020	-
24	18 Gambier Avenue Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Traffic safety - Dust - Impacts from blasting - Increase in production will make the existing situation worse - Discharge of contaminated water

25	11 Bingara Drive Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Traffic safety at intersection - Dust and silica impacts - Impact to houses and Aboriginal heritage site from increased blasting
26	156 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Quarry will become a recycling site - Runoff from the site would result in unacceptable environmental impacts
27	182 St George Crescent Sandy Point	1/06/2020	<ul style="list-style-type: none"> - Dust - Noise from crushing machines - Quarry operating up to 10:30pm - Hours of operation should be 7am to 6pm Monday to Friday, 8am to 1pm Saturdays and no work on Sundays and public holidays - Blasting is a significant issue currently - Traffic safety on Heathcote Road and intersection
28	Picnic Point	2/06/2020	<ul style="list-style-type: none"> - Blasting from quarry is more frequent - Silica dust a concern - Quarry operating early morning till late at night - Potential impacts on Aboriginal heritage site
29	116 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Increase in production will increase impacts on nearby residents - Proposal will change the character of the area
30	106 St George Crescent Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Processing of sand is too close to residential areas - Dust impacts - Impacts from blasting - Dangerous intersection and impact Heathcote Road
31	5 Goodenia Court Voyager Point	3/06/2020	<ul style="list-style-type: none"> - Traffic safety on Heathcote Road - Quarry is incompatible with its location
32	156 St George Crescent Sandy Point	3/06/2020	<ul style="list-style-type: none"> - Objection to change from quarry to a recycling site as it will potentially result in fires - Impacts from site runoff

33	16 Bingara Drive Sandy Point	2/06/2020	<ul style="list-style-type: none"> - Expansion will result in extra traffic, dust, blasting and the ongoing fatalities - Traffic safety - Damage to indigenous sites
34	11 Carinya Road Picnic Point	3/06/2020	<ul style="list-style-type: none"> - Dust - Impacts from blasting
35	31 Carinya Road Picnic Point	4/06/2020	<ul style="list-style-type: none"> - Impact on health - Environmental impact to the area
Submissions received during second notification period ending 7 October 2020			
1	917a Henry Lawson Drive Picnic Point	8/09/2020	<ul style="list-style-type: none"> - Air quality - Extraction should not be allowed in close proximity to residential homes
2	PO Box 44 Sutherland 1499	23/09/2020	<ul style="list-style-type: none"> - Air quality impact assessment and management plan - Noise assessment details insufficient - Water runoff from the site
3	45 Carinya Road Picnic Point	5/10/2020	<ul style="list-style-type: none"> - Quarry operating late at night resulting in noise impacts - General noise impacts - Concerns regarding silica dust
4	29 Carinya Road Picnic Point	6/10/2020	<ul style="list-style-type: none"> - Noise - Silica dust impacts

Our Reference: SYD20/00978/03

Council's Reference: DA20/0278

10 November 2020

Ms Manjeet Grewal
Chief Executive Officer
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

Attention: Slavco Bujaroski

Dear Ms. Grewal,

**IMPORT, STOCKPILE AND BLEND UP TO 100,000 TPA
SANDY POINT QUARRY
14309 HEATHCOTE ROAD, MENAI**

Thank you for your email dated 10 October 2020, regarding DA20/0278 and the follow-up with the meeting between the proponent, Sutherland Shire Council (**Council**), and Transport for NSW (**TfNSW**) on 5 November 2020 regarding the abovementioned application, which was referred to TfNSW in accordance with Clauses 101 and 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW previous response dated 16 October 2020, indicated that to ensure a safe systems approach, due to the existing access arrangement not conforming to Australian Standards, an acceleration and deceleration lane at the entrance of the site would be necessary and should be provided before any consent is issued granting intensified operations on the site. This TfNSW position remains unchanged and consistent with correspondence provided for previous applications for the subject site (refer to **Attachment A**).

It is noted that the proponent suggested at the meeting held on 5 November 2020 and via a subsequent email to both via email to TfNSW and Council, that the proposed development could be approved to operate with the increased traffic generation under the existing access arrangements and that the required infrastructure upgrades could be undertaken at a later stage.

TfNSW has considered this option. Given that the site's current access and egress arrangements are non-compliant with Australian Standards and TfNSW is required to ensure that the road safety of current and future users of Heathcote Road is paramount, TfNSW recommends that prior to permitting an increase in traffic generation on site, that the proponent undertake the required infrastructure upgrades works to bring the access and egress arrangement in line with Australian Standards.

Transport for NSW

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta NSW 2150

P (02) 8265 6962 | W transport.nsw.gov.au | ABN 18 804 239 602

As such, TfNSW would provide concurrence to the proposed works on Heathcote Road under Section 138 of the *Roads Act 1993*, subject to the Consent Authority approval, associated road works being undertaken prior to the increase in the site's traffic generation and the following requirements being included in the development consent as a deferred commencement condition:

1. An acceleration and deceleration lane along Heathcote Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

2. Any changes to the access will be required to be constructed as a sealed all weather access driveway. The sealed driveway shall be designed and constructed in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
3. Sight distances from the vehicular crossings to vehicles on Heathcote Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
4. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Heathcote Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

If you have any further inquiries in relation to this development application please contact Charlotte Brogan, A/Development Assessment Officer, via email at development.sydney@rms.nsw.gov.au.

Yours sincerely,



Brendan Pegg
Senior Land Use Planner
Planning and Programs, Greater Sydney Division

Transport for NSW

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DOC20/367014-15

Sutherland Shire Council
 (Attention: Mr Slavco Bujaroski)
 Locked Bay 17
 SUTHERLAND NSW 1499

Email: sbujaroski@ssc.nsw.gov.au

Dear Mr Bujaroski

**Request for comment on Development Application No: DA20/0278
 Import Waste Material - Sandy Point Quarry -14309 Heathcote Road Menai**

Thank you for the request for advice from Public Authority Consultation (Referral No A-9054), requesting the review by the NSW Environment Protection Authority (EPA) of the Statement of Environment Effects (SEE) by Benedict Industries Pty Ltd (the proponent) to import, stockpile and blend up to 100,000 tonnes per annum (tpa) of waste material at the Sandy Point Quarry (the premises). The premises is located at 14309 Heathcote Road Menai and holds an Environment Protection Licence No. 1924 (the licence). A list of documents provided by the proponent and reviewed by the EPA are included in Attachment A.

Proposed development

Based on the information provided to date, the EPA understands that the development application seeks to:

- Import up to 100,000tpa of imported material to blend with existing site-won quarry material and market as a recycled product;
- The total amount of material exported from the quarry will not exceed the current amount permitted under the licence (400,000tpa). To ensure this limit isn't exceeded, the proponent states that the amount of quarried material excavated per annum will be reduced.
- Imported materials will include Virgin Excavated Natural Material (VENM), and other materials with applicable Resource Recovery Orders and Exemptions (RRO/E) for on-site processing and site rehabilitation;
- Up to 1,500tpa of soil amendments will be imported, including pH, coir fibre, perlite, peat, and fertilizer.
- The blending area will be on the existing quarry surface within the current quarry footprint.

The EPA notes that details of the proposed RRO/E material brought onto the premises has changed since the application was first lodged.

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 (from outside NSW)

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The licence currently does not permit waste material to be imported to the premises. The applicant will require a licence variation under Section 58 of the Protection of the Environment Operations Act 1997 if the Development Application is approved.

The EPA has also reviewed public submissions provided by Sutherland Shire Council (Council) on 4 June 2020. The EPA notes that the community raised concerns about noise and dust. The EPA has provided comments, or recommended actions in this letter to address these comments and concerns.

1. Matters being dealt with under the licence

The EPA reviewed the Air Quality and Noise assessment reports provided by the applicant. The EPA provides comments, listed below. The EPA provides these comments to assist Council in determining the consent, and if approved, preparing Development Consent conditions.

Air

The proponent provided an updated air quality assessment and air quality management plan. The EPA does not generally comment on mitigation measures proposed in management plans, as the expectation is to do whatever is necessary for the proponent to comply with relevant legislation and regulations to ensure that surrounding receptors are not impacted.

The EPA had previously reviewed the 2019 Air Quality Impact Assessment and subsequently put a condition on the licence to update the Air Quality Impact Assessment as well as undertaking a site-specific Best Management Practice (BMP) assessment to identify the most practical means to reduce particle emissions from site activities and minimise off-site impacts of particulate matter.

The requirement to provide this information has been added to EPL 1924 in the form of a new '*Special Condition U2 Particulate Matter Control & Air Quality Management Plan*'. The revised AQIA and BMP will need to reflect all site operations being undertaken or proposed to be undertaken (such as the importation and blending of RRO and VENM, if approved).

The EPA reviewed information provided by the proponent regarding silica dust emissions. The EPA notes that the concentration of silica dust is much lower than the adopted Victorian EPA criteria. The EPA recommends that Council also seek comment from NSW Health regarding silica dust impacts.

Noise

The SEE states that there will be no increased noise from the addition of importation and that there will be no increased noise from the addition of importation and blending of material to operations as the proposal will use the same equipment, during the same hours and in the same locations as current quarry operations. The SEE states that as a worst case, there may be an increase of 1 truck per two hours. This is not likely to significantly affect noise emissions from the premises.

The EPA had previously reviewed the 2019 noise report and requested that the proponent undertake additional assessment in accordance with the Noise Policy for Industry (EPA, 2017). The requirement to provide this information has been added to EPL 1924 in the form of a new '*U3 Special Condition – Revised Noise Assessment – Modifying Factors*'.

With regards to noise from truck movements on public main roads, the EPA notes that this is the responsibility of TfNSW (the former Roads and Maritime Service) to provide comment.

Waste

If approved, the EPA will add specific conditions to the EPL describing the 'Authorised Amount' and any other requirements under the '*Protection of the Environment Operations (Waste)*'

Regulation 2014' and the accompanying waste levy guidelines. The applicant is familiar with these requirements as they apply to their premises 'Menangle Sand and Soil – Environment Protection Licence 3991.

This will include but not be limited to:

- A waste table, specifying waste codes, type of waste, waste description, activity and any other limits.
- information on the source of the waste, waste validation procedures, waste processing, waste quantities and
- specific requirements relating to the 'Authorised Amount'.

2. Matters to be addressed with conditions

The EPA has provided recommended conditions for Councils' consideration below.

Resource Recovery Orders/Exemptions

It appears that the applicant is seeking a blanket development approval which covers all current and future RRO/E. The EPA does not support this request as assessment of the intended purpose of the individual materials and the suitability of the use of those materials for the proposed use at the Premises will need to be undertaken. In addition, the EPA will individually list each approved material on the EPL. The use of the material must be genuine, fit-for-purpose and cause no harm to the environment or human health. Therefore, the EPA recommends that the Development Consent be specific for the RRO/E materials, and the quantities listed in this letter (based on the latest information provided by the applicant).

The EPA recommends that the Development Consent state the type of materials proposed to be imported to the premises. If the Development Consent is granted to permit the receipt and use of the exempt material, the applicant can apply to the EPA to vary the EPL to add the RRO/E; please note that some specific RRO/Es limit the receipt and application of exempt material to specific premises. The EPA requests that if the development application is approved, that a condition of consent be included requiring the proponent to apply for any appropriate resource recovery exemption and vary the EPL.

Scheduled Activity

As identified by the applicant, the proposal triggers two scheduled activities:

- CI 34: Resource Recovery, triggered by the proposal to receiving and processing waste from offsite above the threshold amount of 6,000tpa.
- CI 42: Waste Storage, triggered by the proposal to receiving waste from offsite above the threshold amount of 6,000tpa.

If the development is approved, the proponent will need to apply for a licence variation and will not be able to undertake the activity until the application for variation is approved. The EPA will aim to determine licence variation applications within 60 days.

Volume and location of waste material

The EPA recommends that the authorised amount of waste permitted on the premises cannot exceed 100,000tonnes per year. Also, the EPA recommends that a condition is included that requires the applicant to nominate an area where each imported material is to be stored prior to blending, and provides a surveyed plan showing this area, and that all waste activities, including unloading, loading, processing and stockpiling of wastes, is only permitted within this designated area.

Once this designated area is known, the EPA would place a limit of imported material that can be stored at the premises at any given time as a condition on the licence.

Stockpile storage area

Best practice requires the storage of fines on hardstanding within covered bays to minimise the risks of cross contamination of the subsurface, should a 'batch' of 'contaminated' material be brought onto the premises. Given the diverse origin of fines and leaching from mulch and recycled glass, the risk of contamination of this product is greater than for VENM. Therefore, the EPA recommends that Council require the fines, mulch and glass, as well as the fertilizer and pH amendment to be stored in a covered area with hardstanding and stormwater controls, or that the proponent undertake routine soil and groundwater contamination testing to ensure that leaching isn't occurring into the substrate and off-site into the national park.

The EPA has provided recommended conditions of consent for pre-stockpiling contamination assessment in Attachment B.

Stormwater management

The SEE and subsequent documents do not provide enough information as to how run-off from the new stockpile areas will be managed. Noting that the proponent has stated that stockpile importation will be ceased prior to wet weather, the EPA does not believe this is practical given the variability of rainfall patterns across Sydney, and the dynamic nature of this market as described by the applicant. Sediment run-off from stockpile areas, and associated environmental risks would increase if these areas are not covered.

There are existing ponds on the premises, and a water discharge point on the licence, however the run-off from mulch, fines, glass and soil amendments would have a range of chemicals and pollutants unlikely to be present in current site runoff.

Segregation of stormwater from the stockpile/blending area will be necessary, and if the proponent intends to integrate run-off from the stockpile/blending area into the existing quarry ponds, the EPA would require a water characterisation study to understand the nature and pollutant loads in the runoff.

'*Special Condition U1 Water Balance Model*' is currently on EPL 1924 with a completion date of 05.02.2021. When EPA issued S58 notice 1588554 on 30.10.2020, we advised Benedict that a 'Water Characterisation Pollution Study' was required, however the scope of such a study will be influenced by the determination of the current Development Application. The EPA stated the requirement to complete the study would be would occur following development application determination.

The EPA has provided recommended conditions for a water characterisations study in Attachment C.

Other recommended conditions

Should the application be granted, the EPA intends on adding the following conditions on the licence. These conditions are standard across waste storage and resource recovery EPLs. The EPA recommends that Council also add these conditions to the consent.

- No asbestos waste is to accept or stored at the premises
- The authorised amount of waste on site cannot exceed 100,000tonnes per annum.
- The licensee must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted in consent and the Environment Protection Licence.
- The Licensee must install, always maintain and operate a calibrated weighbridge to record the volume of all waste brought into the premises.

- The Licensee must ensure that all waste stored or processed at the premises is assessed, classified, and validated in accordance with the EPA Waste Classification Guidelines and any applicable Resource Recovery Orders and Exemptions as in force from at the time
- All vehicles entering and exiting the premises must be recorded as they pass across the weighbridges or pass through a dedicated vehicle access point to enable vehicles transported waste to be identified.
- The height of waste stockpiles cannot exceed the height of bunded walls that surround the premises.

If you have questions about this advice, please contact James Boyle on (02) 4221 6998 or via email at james.boyle@epa.nsw.gov.au.

Yours sincerely

William Dove 03.11.2020

WILLIAM DOVE
Unit Head Regulation
Regulatory Operations Metro South

Attachment A: List of documents reviewed by the EPA

The EPA has reviewed the following documents provided in support of the proposal:

- *Statement of Environment Effects (SEE) – Sandy Point Quarry Blending Project* – Benedict Industries, 30 January 2020. The SEE had the following attachments:
 - *Air Quality Impact Assessment, Sandy Point Quarry EPL Variation* – Todoroski Air Sciences, Job Number 11100038G, dated 22 August 2019.
 - *Sandy Point Quarry-Revised noise assessment*. EMM Consulting, 27 August 2019.
- *RFI – DA20/0278 Sandy Point Quarry, 14309 Heathcote Road Menai* – Benedict Industries, 18 August 2020. The RFI had the following attachments:
 - *Response to Council RFI regarding EMM 2019 Noise Assessment*. EMM Consulting, 18 August 2020
 - *Air Quality Management Plan, Sandy Point Quarry*. Benedict Industries - August 2020
 - *Air Quality Impact Assessment, Sandy Point Quarry*– Todoroski Air Sciences, Job Number 11100038I, dated 24 August 2020.
 - *Sandy Point Quarry Blending Project – Silica Assessment*. Todoroski Air Sciences dated 24 August 2020.
- *Response to EPA RFI – DA20/0278 Sandy Point Quarry*, Benedict Industries, 13 October 2020.

Attachment B: Recommended Conditions for pre stockpiling contamination assessment

If the stockpile of RRO is to be undertaken on the quarry floor, without hardstanding or other suitable management procedures to minimise contamination, the EPA recommends the following conditions:

General

- Ground water and soil sample locations beneath/adjacent to the designated stockpile area, and downgradient, and a control location (generally upgradient of processing areas) be identified.
- The proponent must engage a suitably qualified consultant to conduct soil sampling and groundwater monitoring at the agreed locations.
- The soil and groundwater well installation and sampling must be undertaken in accordance with Schedule B2 of National Environment Protection (Assessment of Site Contamination Measure 1999 (NEPC 2013) and any other relevant guidance material endorsed by the NSW EPA. This includes collecting appropriate quality control samples.

Soil Sampling

- Soil samples must be collected:
 - If each RRO stockpile area is less than 500m², a minimum of two samples per RRO stockpiled area.
 - If an individual RRO stockpile area is more than 500m², the frequency of samples must be in accordance with NSW EPA Sample Design Guidelines (1995, or as updated), assuming a 95% confidence level of hotspot detection.
 - Soil samples need to be collected at the ground surface, and at 0.5m below the ground surface.
 - A background sample must be collected in an undisturbed area of the premises, or from the adjacent national park (assuming the proponent is first able to obtain appropriate permissions from National Parks and Wildlife Service).
 - Samples must be analysed, as a minimum, for heavy metals (arsenic, cadmium, chromium, copper, zinc, mercury, lead, nickel), pH and asbestos (presence/absence). The applicant must also analyse each sample for any other contaminant which may be present in the soil at the site. Contaminants should be chosen based on the history of the site and its surrounds. The applicant must provide an explanation for why certain analytes have been chosen for testing.
- The initial sampling event must be conducted before the RRO importation and blending activity occurs.
- A second sampling event must be completed between 12 months and 24 months following the receipt of waste at the premises.
- Any ongoing sampling, including frequency, and analytes, will be determined based on the results obtained

Groundwater Sampling

- At least three groundwater wells need to be installed hydraulically downgradient of the stockpile, fertilizer storage and blending areas.
- Further groundwater wells may be required to provide adequate coverage and any potential groundwater seepage plumes.
- The wells must be installed to at least 15m below the base of the stockpile storage area.

- At least one groundwater well must be installed hydraulically upgradient of the stockpile area.
- The wells must not be installed closer than 5m from the edge of the designated RRO stockpile area and blending area.
- Groundwater samples must be analysed for heavy metals (arsenic, cadmium, chromium, copper, zinc, mercury, lead, nickel), pH, conductivity, BOD and nutrients (including ammonia, TKN, reactive phosphorus, total nitrogen, total phosphorous, nitrate and nitrite).
- A second sampling event must be completed within 12months following the initial sampling event.
- Any ongoing sampling, including frequency, and analytes, will be determined based on the results obtained

Reporting

- The sampling reports must be prepared in accordance with the EPA's most recent publication of the document titled 'Guidelines for Consultants Reporting on Contaminated Sites', to the extent that those guidelines relate to soil sampling, groundwater monitoring and reporting. This includes, but is not limited to:
 - The date, locations and identification of each groundwater monitoring well sampled;
 - Detailed groundwater well installation logs showing screening intervals and top of well casing (surveyed to mAHD).
 - Details of the analytes sampled, and sampling methodologies used;
 - The results of laboratory analysis and comparison to relevant criteria (e.g. ANZECC);
 - Data gaps;
 - Conceptual Site Model showing known and potential sources of contamination, human and ecological receptors, and potential and complete exposure pathways.
 - Recommendations for further investigation/management.

Attachment C – Recommended Conditions of Consent for Water Characterisation Study

The proponent must complete a water characterisation of the water containment basins at the Premises including at least Basins 2 and 3, and any additional basins that are constructed to capture run-off from the RRO stockpile and blending area, and soil amendment storage area.

The water characterisation study must include, at a minimum:

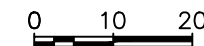
- a. Water sampling as per the agreed sampling plan (3 wet weather and 3 dry weather events) over a six-month period,
- b. Sampling to include pollutants as outlined in Appendix A of Revised Stormwater Management Plan dated May 2019, prepared by Tooker and Associates ("the SMP"), or as requested by EPA.
- c. Sampling and analysis must be in accordance with the Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2004). As a minimum, the analytical suite must include pH, conductivity, heavy metals (arsenic, cadmium, chromium, copper, zinc, mercury, lead, nickel), total suspended solids and nutrients (including ammonia, TKN, reactive phosphorus, total nitrogen, total phosphorous, nitrate and nitrite).
- d. Specify the analytical limits of reporting used for any data that is being assessed:
 - i. compare that limit of reporting to the relevant ANZECC (2000) and/or Australian & New Zealand Guidelines assessment criteria, where the limit of reporting does not provide a suitable basis for assessing risk of water pollution,
 - ii. propose alternative options to characterise the risk including more sensitive laboratory testing or risk mitigation options,
 - iii. the limit of reporting for concentrations of pollutants should be sensitive enough to detect pollutants at levels related to their environmental risk and ANZECC (2000) toxicant trigger value (where available), and
 - iv. Compare results to the relevant ANZECC (2000) and/or Australian & New Zealand Guidelines and assessment criteria for each pollutant.

The proponent must prevent stormwater from the RRO stockpile/blending area and soil amendment storage area from discharging off-site or mixing with existing basins, unless otherwise approved by the EPA.

Prior to this approval being sought, the proponent must (as a minimum) provide the water characterisation report to the EPA for review.



PLAN



- NOTES:
1. The right turn bay, deceleration lane and acceleration lanes have been designed based on and in accordance with Austroads guides to traffic engineering practice.
 2. Design speed is 80km/h and lanes typically 3.5m wide.
 3. The right turn bay provides for storage of five vehicles.
 4. The deceleration lane is 112m long including a 50m taper.
 5. The acceleration lane is 260m long including 80m taper.



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 SSPP (Sydney South) Report Appendices (PPSSSH-30) - 16 December 2020
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REV	DATE	COMMENT	DRAWN	REVIEWED	REV	DATE	COMMENT	DRAWN	REVIEWED
1	2/11/20	CONCEPT	C.J.	A.U.					



PROJECT:
 SANDY POINT QUARRY. MENAI.

DRAWING TITLE:
 CONCEPT - HEATHCOTE ROAD - ACCESS,
 DECELERATION AND ACCELERATION
 LANES

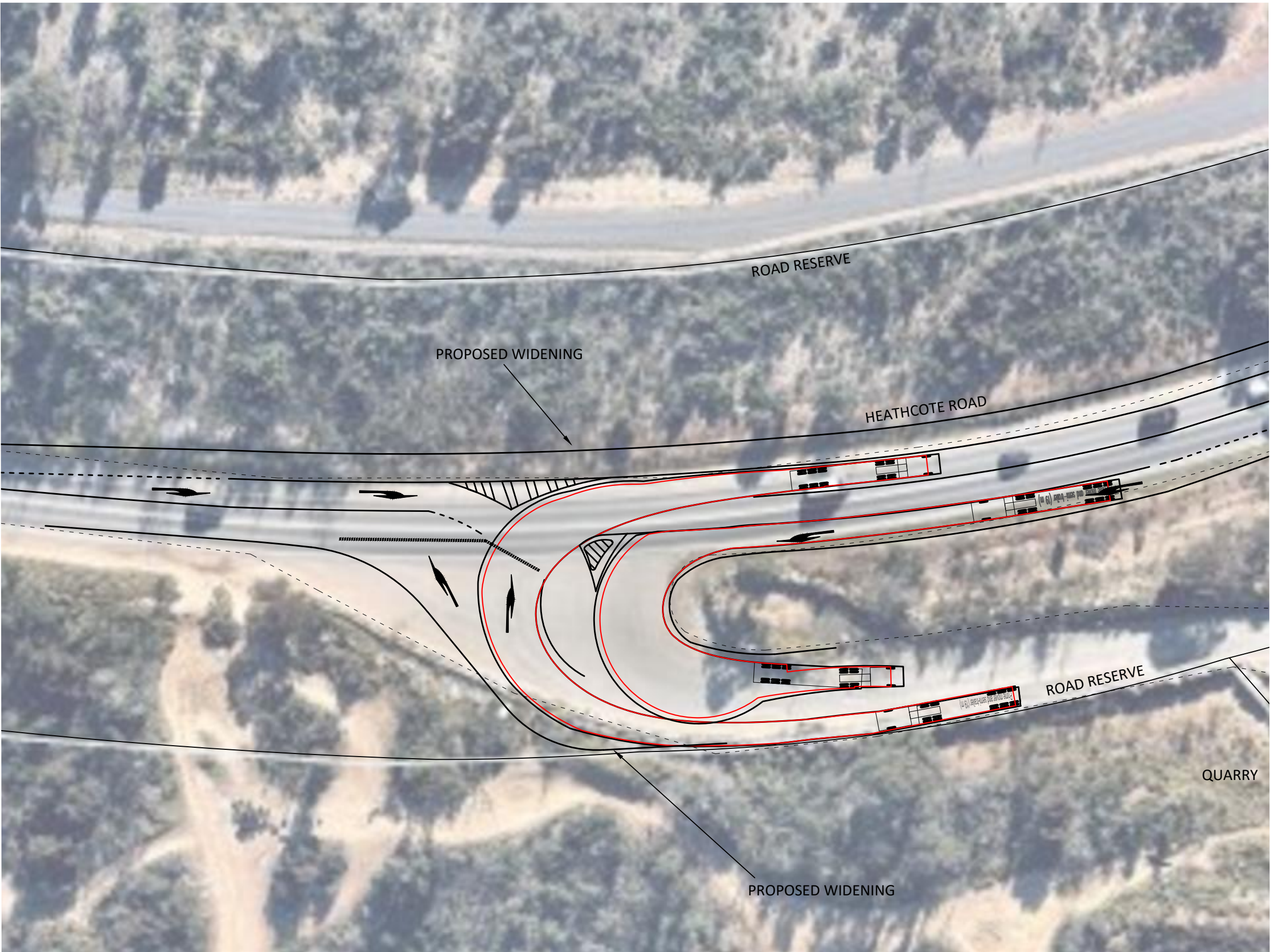
CLIENT: BENEDICT INDUSTRIES Pty Ltd

DRG. #: EMM-001

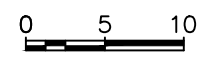
PROJECT #: J190010

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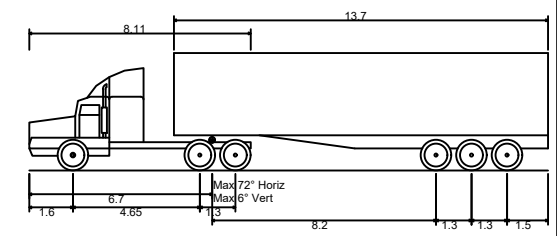
REV: 1
 Page 38 of 41



PLAN



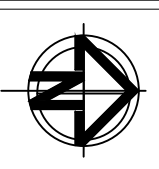
The turning paths illustrated in this drawing have been prepared using the Autotrack vehicle modelling software in conjunction with AutoCAD. The vehicle model was prepared by Analytico Pty Ltd based upon vehicle data provided by Austroads. While this modelling represents a conservative assessment of the vehicles ability, it is not possible to account for all vehicle types/characteristics or driver ability.



Prime mover and semi-trailer (19 m)	
Overall Length	19.000m
Overall Width	2.500m
Overall Body Height	4.300m
Min Body Ground Clearance	0.540m
Track Width	2.500m
Lock-to-lock time	6.00s
Curb to Curb Turning Radius	12.500m


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REV	DATE	COMMENT	DRAWN	REVIEWED	REV	DATE	COMMENT	DRAWN	REVIEWED
1	3/11/20	CONCEPT	C.J.	A.U.					



PROJECT:
 SANDY POINT QUARRY. MENAI.

DRAWING TITLE:
 CONCEPT - HEATHCOTE ROAD - ACCESS,
 DECELERATION AND ACCELERATION
 LANES, SWEEPED PATHS 19.5m SEMI
 TRAILER AND PRIME MOVER.

CLIENT:	BENEDICT INDUSTRIES PTY LTD	
DRG. #:	EMM-002	REV: 1 Page 39 of 41
PROJECT #:	J190010	
SCALE:	1:250	

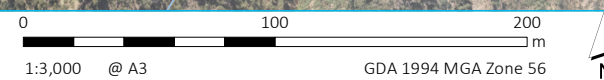


- KEY
- Proposed blending area (approximate 5000 m²)
 - Cadastral boundary
 - Watercourse / drainage line

Sandy Point Quarry layout plan

Quarry blending proposal - to receive, stockpile and blend up to 100,000 Tpa of either, EPA exempted recycled products, VENM sands or virgin quarried products, with extracted quarried products from the Sandy Point quarry

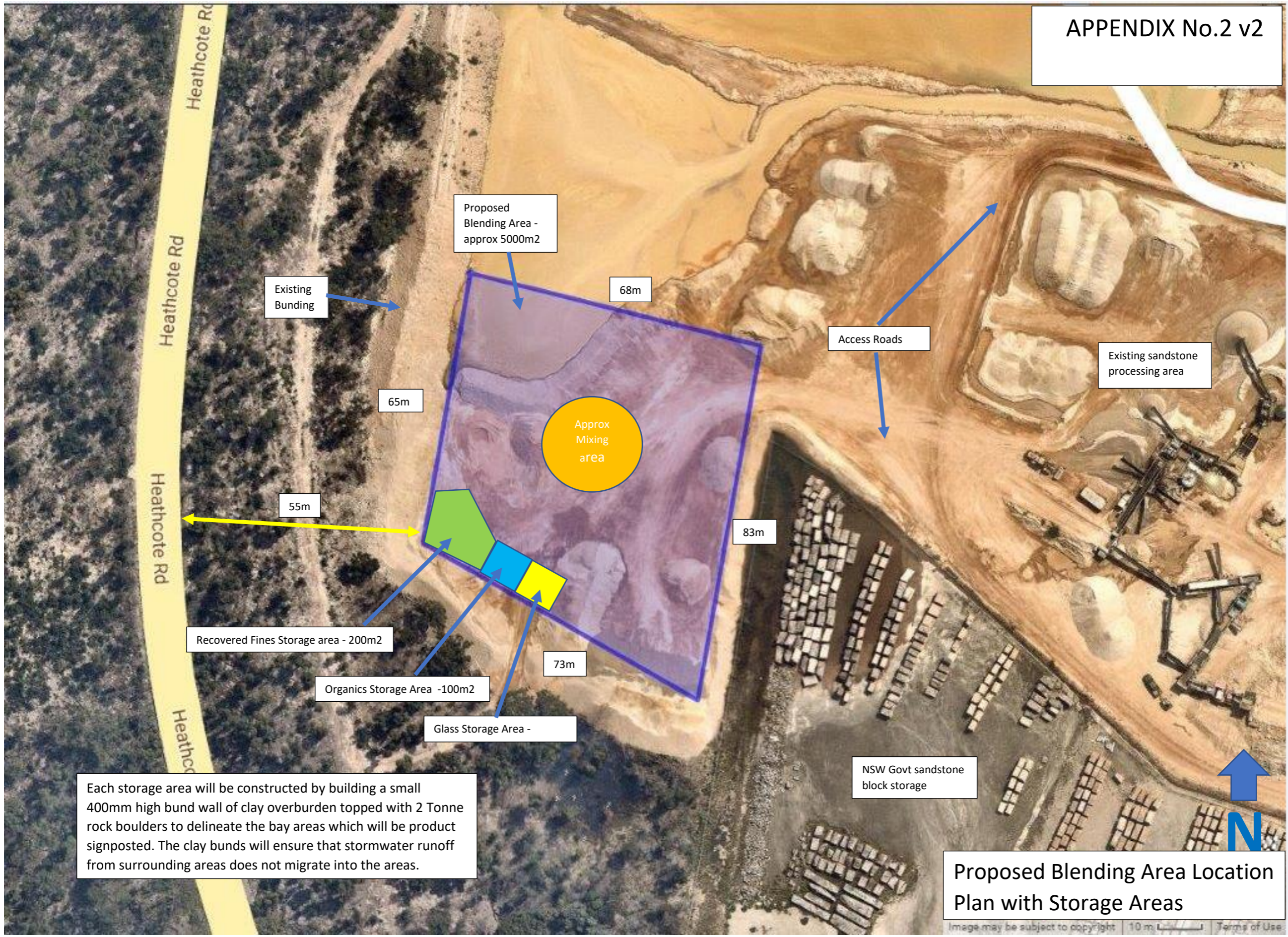
14309 Heathcote Road, Menai 2234 (Lots 1&2 DP 1176153)



\\emmsvr1\emms\2019\190010 - Sandy Point Quarry EPL amendment\GIS\02_Maps\G002_SandyPointLayoutPlan_20200430_03.mxd 1/05/2020

Source: EMM (2020); DFSI (2017); Nearmap (2018); GA (2011)





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.

Proposed Blending Area Location Plan with Storage Areas

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