



P F Formation
1774 Wisemans Ferry Road
MARROTA NSW 2756

NOTICE OF DETERMINATION

APPROVAL

Development Application No: DA/1380/2014

This development consent is issued pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within five years of the date of this notice.

Section 82A of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

Property: Lot 1 DP 732708, Lot 2 DP 732708 No. 97 & 113 Old Telegraph Road,
MARROTA NSW 2756

Development: SANDSTONE EXTRACTIVE INDUSTRY

Effective date of this determination: 13 July 2017

Per:
Manager, Assessments
Planning Division

Contact: Cassandra Williams (9847 6724 – 8.30 am to 5.00 pm)

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

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

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

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

1. Approved Plans and Supporting Documentation

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

Plan No.	Plan Title	Drawn by	Dated
rcglm2.01 sheet 1 Rev. 0.6	Cover Sheet	Footprint Green Pty Ltd	30.07.2015
reslm2.01 sheet 2 Rev. 0.6	Existing site characteristics & context	Footprint Green Pty Ltd	30.07.2015
ruglm 2.01 sheet 3 Rev. 0.6	Existing site land uses	Footprint Green Pty Ltd	30.07.2015
rfglm2.01 sheet 4 Rev. 0.6	Proposed final landform and land uses	Footprint Green Pty Ltd	30.07.2015
ruslm2.01 sheet 5 Rev. 0.6	Quarry cross sections final landform	Footprint Green Pty Ltd	30.07.2015
rsglm2.01 sheet 6 Rev. 0.6	Operational stages & typical extraction & rehabilitation process	Footprint Green Pty Ltd	30.07.2015
rpglm2.01 sheet 7 Rev. 0.6	Extraction and rehabilitation procedures in stage 1 & stage 2 areas	Footprint Green Pty Ltd	30.07.2015
rsglm2.01 sheet 8 Rev. 0.6	Rehabilitation specifications & details	Footprint Green Pty Ltd	30.07.2015
rpglm2.01 sheet 9 Rev. 0.6	Rehabilitation monitoring and reporting	Footprint Green Pty Ltd	30.07.2015

Document Title	Prepared by	Dated
Environmental Impact Statement	Environmental Planning Pty Ltd	November 2014
Traffic Impact Assessment Final Issue A Ref: 2014/168	McLaren Traffic Engineering	4 September 2014
Impact Noise and Vibration Assessment Ref: 2563R20140929mfcOld Telegraph RdMarootav4	Koikas Acoustics Pty Ltd	29 September 2014
Addendum Report Ref: 2563A20150325 mfcLots1-2Old TelegraphRdMarootav3	Koikas Acoustics Pty Ltd	25 March 2015
Air Quality Assessment Job ID. 08915	Pacific Environment Ltd	4 September 2014
Groundwater & Surface Water Assessment Report E2W-0224 R001r	earth2water Pty Ltd	19 September 2014
PF Formation Aquifer Interference Report, Land & Water Impact Statement for Sand Extraction Proposal (Lot 1&2 in DP 732708) Old Telegraph Rd, Maroota, NSW Ref: E2W-0224 R001-Add1	earth2water Pty Ltd	29 March 2016
Aboriginal and non-Aboriginal Archaeological Assessment	Dominic Steele Consulting Archaeology	30 September 2014
Assessment of Flora and Fauna	Aquila Ecological Surveys	September 2014
NSW EPA General Terms of Approval Notice No. 1528023 File No. EF13/2943	Environment Protection Authority	23 April 2015
NSW EPA Letter – modified GTAs Ref: DOC15/173271-02	Environment Protection Authority	2 June 2015
PF Formation Aquifer Interference Report, Land & Water Impact Statement for Sand Extraction Proposal (Lot 1&2 in DP 732708) Old Telegraph Rd, Maroota, NSW Ref: E2W-0224 R001-Add1(V2)	Earth2Water	11 January 2017
DPI Water General Terms of Approval Ref: 10ERM2015/1127	DPI Water	8 May 2017

2. Consent Limited to a Period of 20 Years

Pursuant to Section 80A(1)(d), this consent is limited to a period of 20 years from the endorsed date of this consent. Any disturbed areas on the site, must be rehabilitated in this period.

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

3. Annual Volume of Materials Extracted

The annual volume of material to be extracted shall be in accordance with the details provided in the Environmental Impact Statement and accompanying documentation (i.e. maximum 100,000 tonnes per annum).

4. Depth of Excavation

The maximum depth of allowable excavation shall be restricted to 2 metres above the Wet Weather High Water Table, defined in the *PF Formation Aquifer Interference Report, Land & Water Impact Statement for Sand Extraction Proposal (Lot 1&2 in DP 732708) Old Telegraph Rd, Maroota, NSW* prepared by Earth2Water, dated 11 January 2017, Section 2.1 Project Amendments (Figures 4 and 5).

5. Determination of Weighted Material

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

6. Removal of Existing Trees

This development consent permits the removal of trees within extraction areas identified in Stage 1 and 2 on the site. The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

7. DELETED**8A. Environmental Management Plan**

An Environmental Management Plan must be prepared for construction and operation for the proposed development, to be submitted to Council for approval prior commencement of works.

This information is to detail the management of environmental pollution risks for the proposed activities in accordance with the *Protection of Environmental Operations Act 1997* and is to include, but not be limited to:

- a) Water Quality
- b) Air Quality
- c) Noise
- d) Vegetation Management

- e) Ground Water
- f) Waste Management

8B. Reporting on Environmental Management Plan

To monitor the performance of the Environmental Management Plan (EMP), a report must be submitted to Council annually on the performance of environmental management of the risks identified in the EMP including, but not be limited to:

- a) Water Quality
- b) Air Quality
- c) Noise
- d) Vegetation Management
- e) Ground Water
- f) Waste Management

9. Section 94 Development Contributions – Road Haulage

The monthly payment to Council of a contribution of \$0.93 per tonne for all extracted material transported from the site in accordance with *Hornsby Shire Council Section 94 Development Contributions Plan 2014 – 2024* and the following:

- a) On or before the 14th day of each month that extracted materials are transported from the site, the applicant must submit to Council a certified copy of returns or records showing the true quantities of extracted material transported from the site during the immediately preceding month. Thereafter, Council will issue to the Applicant an invoice for the contribution payable for such material transported from the site. Payment of the amount of the invoice must be made by the applicant within 14 days of the invoice date. If the party carrying out the extraction work fails to deliver such returns to the Council in accordance with this clause by the 14th day of a particular month, the Council is at its absolute discretion, to be entitled but not obliged to estimate the quantity of material transported from the site during the immediately preceding month and is entitled to issue such an invoice on the basis of such estimate.
- b) Council is entitled to inspect and audit the original records relating to any of the extracted material, including locality of destinations, numbers and types of laden trucks and trailers and load quantities, transported from the site.
- c) If the applicant ceases to carry out the approved extraction work or if a party other than the applicant commences to carry out such work without the applicant having started to do so, then the applicant shall forthwith furnish to Council notice of that fact together with the name and address of the party (if any) who has commenced or will thereafter commence to carry on the said work.
- d) Such notice shall be accompanied by an acknowledgment in writing by that party that it is aware of the obligations imposed on it pursuant to this condition.
- e) Until such time as the notice and acknowledgment are furnished to the Council by the applicant, the applicant will remain jointly and severally liable with the party for the time

being carrying out the extraction work for payment of the aforesaid contribution and for compliance with the terms of this condition. The terms of this paragraph apply mutatis mutandis to any future operator of the extraction work in the event of his ceasing to carry out the work.

Note: The value of contribution is current as at 28 June 2017. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.

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

10. Noise Limits – Land Shaping/ Bund Establishment

- a) The noise limits provided in the recommended conditions of consent should not apply to the land shaping/ softening and bund/ barrier establishment activities on both lots, provided these are completed within 2 months of the commencement of any activities on the premises.
- b) The bund/ barrier establishment activities must result in a bund/ barrier of minimum height 4m above existing ground level as detailed in the Addendum Report Ref: 2563A20150325, prepared by Koikas Acoustics Pty Ltd dated 25 March 2015 and all feasible and reasonable noise mitigation and management measures must be implemented by the proponent to minimise noise emissions during these activities.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

11. Licences

The proponent is to obtain all necessary operating licenses, approvals and/or permits from all relevant public authorities including, but not limited to the Environment Protection Authority and Department of Primary Industry - Water, details of which are to be submitted to Council prior to the issue of a Construction Certificate.

12. Dam

Design and construction of the dam shall be in accordance with the requirements of the Hornsby Development Control Plan 2013. The design and construction supervision shall be undertaken by a Chartered Professional Engineer of the Institution of Engineers, Australia (IEA).

13. Internal Driveway/Vehicular Areas

The internal service roads, weighbridge approaches and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2*, and the following requirements:

- a) The roadways be designed by a suitably qualified engineer with an all weather surface to prevent creation of airborne dust;
- b) Retaining walls required to support roads and the compaction of all fill batters to be in accordance with the requirements of a chartered engineer.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**14. Erection of Construction Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work,
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c) Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

15. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a) be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- b) have an on-site effluent disposal system approved under the *Local Government Act, 1993*.

16. Erosion and Sediment Control

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

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

17. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

- a) Design levels at the front boundary must be obtained from Council;
- b) The road shoulder adjacent to the crossing must be constructed 3 metres wide, splayed at 45 degrees with a minimum pavement thickness appropriate for the anticipated ESA loadings per pavement design provided by the engineer;

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

18. Rehabilitation Bond

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

19. Tree Protection Barriers

Tree protection fencing must be erected around trees located at the Eastern boundary of the site in accordance with Natural Resources Condition No. 40 of the consent.

REQUIREMENTS DURING CONSTRUCTION OF DAM, BUILDING MODIFICATION WORKS AND ROAD WORKS

20. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 6pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

21. Demolition

All demolition work must be carried out in accordance with "Australian Standard 2601-2001 – The Demolition of Structures" and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by WorkCover NSW in accordance with Chapter 10 of the Occupational Health and Safety Regulation 2001 and Clause 29 of the Protection of the Environment Operations (Waste) Regulation 2005 ;and
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

22. Asbestos and Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the principal certifying authority and Council.

23. Environmental Management

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

24. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) outside of the extraction area must not be altered unless otherwise nominated on the approved plans.

25. Importation of Fill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material approved under the Department of Environment and Climate Change's general resource recovery exemption.
- b) All excavation and filling works associated with extraction shall be carried out in accordance with the recommendations of a Chartered Geotechnical Engineer of the Institution of Engineers, Australia (also known as Engineers Australia) ensuring stability of the surrounding areas and certified.

26. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility.

27. Works Near Trees

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) All works, including driveways and retaining walls within 4 metres of any trees to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an '*AQF Level 5 Arborist*'.
- c) A certificate must be submitted to the principal certifying authority detailing the method(s) used to preserve these tree(s) during the course of construction..

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants occurs within 4 metres of any tree to be retained.

28. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works and the life of the extraction, no building materials, waste, machinery or related matter is to be stored in the road reserve verge.

29. Bushland Protection During Construction

To ensure the protection of bushland in the Eastern portion of the site during construction, the applicant must install a 1.2 metre high chain wire fencing (or similar) 4 metres from the bushland.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

30. Environmental Protection Works

In accordance with the approved Quarry Rehabilitation Plan prepared by Footprint Green Pty Ltd (dated 30 July 2015) the following environmental protection works are to be undertaken:

- a) On-going weed removal works are to be undertaken particularly including weeds listed under the *Noxious Weeds Act 1993*;
- b) Bund walls are to be stabilised with a temporary cover crop;
- c) All areas within 20m upslope of the dam shall be hydromulched;
- d) Temporary erosion and sediment control measures are to be implemented such as sediment traps, fences and check weirs;
- e) Regular monitoring of the rehabilitation cells are to be undertaken.

31. Certification from Ecologist

At the completion of rehabilitation works within each cell, a concise works summary report shall be prepared by a qualified and experienced ecologist to ensure the rehabilitation works are satisfactorily completed in accordance with the approved rehabilitation plan. The works summary reports shall be provided to Council's Natural Resources Unit.

OPERATIONAL CONDITIONS**32. Access to the site**

There will be no access to/from Lot 2 DP 732708, No. 113 Old Telegraph Road for extractive industry purposes.

33. Keeping of weighbridge docket and Log Book

Certified weighbridge docket and a log book to verify the frequency and timing of vehicle movements are to be maintained and presented to Council when requested.

34. Damage to Council Assets

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

35. Internal Access Roads

Internal access roads are to comply with Hornsby Development Control Plan 2013 (HDCCP), in particular the internal access roads are to comply with Table 2.5.1(a) of the HDCCP.

36. Parking

On-site parking spaces are to be provided for all employees and visitors to the site.

37. Noise

All noise generated by the proposed development must be managed in accordance with the recommendations of the Impact Noise and Vibration Assessment (and Addendum Report dated 25 March 2015) prepared by Koikas Acoustics Pty Ltd dated 29 September 2014.

38. Storage of Flammable and Combustible Goods

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

Self bunded above ground fuel storage tanks which comply with *AS 1940* or an alternative storage method acceptable to Council may be used.

39. Maintenance of Wastewater Device

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

40. Ongoing Protection of Bushland

The natural bushland area of the site identified on the approved plans must remain undisturbed and be protected in perpetuity in accordance with the following requirements:

- a) The bushland area is to be fenced off with post and wire (or similar) fencing to prevent vehicular access;
- b) The bushland area is to be kept free of noxious weeds using recognised bush regeneration methods in accordance with *'Recovering bushland on the Cumberland Plain: Best practice*

guidelines for the management and restoration of bushland – Department of Conservation 2005; and

- c) Machinery and fertilizer must not be used in the bushland area for maintenance purposes.

41. DELETED

GENERAL TERMS OF APPROVAL - NSW ENVIRONMENT PROTECTION AUTHORITY

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

42. Information Supplied to the EPA (A1)

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained within:

- a) The development application DA/1380/2014
- b) the environmental impact statement for *Sand Extraction at Lots 1 and 2 DP 732708*, dated November 2014 prepared for PF Formation by Environmental Planning Pty Ltd relating to the development; and
- c) Additional documents supplied to the EPA in relation to the development, including:
- i) *Air Quality Assessment, Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Pacific Environment Ltd.*
 - ii) *Groundwater & Surface Water Assessment for Sand Extraction Proposal Lots 1 & 2 in DP 732708), Old Telegraph Road Maroota, September 2014, earth2water.*
 - iii) *Sand Extraction at Lots 1 & 2 DP 732708 Traffic Impact Assessment Old Telegraph Road, Maroota, September 2014, McLaren Traffic Engineering Pty Ltd.*
 - iv) *Impact Noise and Vibration Assessment, Proposed Sand Quarry Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Koikas Acoustics Pty Ltd (Ref: 2563R20140929mfcOld Telegraph RdMaroota4)*
 - v) *Quarry Rehabilitation Plan Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota, September 2014, Footprint Green Pty Ltd*
 - vi) *Addendum to Noise and Vibration Assessment Report, provided by Koikas Acoustics Pty Ltd dated 25 March 2015 (Ref: 2563A20150325mfcLots1-2OldTelegraphRdMarootav3).*

43. Fit and Proper Person (A2)

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

44. Pollution of waters (L1)

Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997*, in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997*, must be complied with in and in connection with the carrying out of the development.

45. Waste - L2.1

The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal of waste at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

46. Waste - L2.2

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

Note: Condition L2.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

47. Noise limits - L3.1

Noise generated at the premises must not exceed the noise limits in the Table below. The location numbers in this table are taken from Appendix A and Table 5 of the report Impact Noise and Vibration Assessment - Proposed Sand Quarry, Lots 1 & 2 DP 732708 Old Telegraph Road, Maroota (INVA) prepared by Koikas Acoustics dated 29 September 2014 (Ref 2563R20140929mfcOldTelegraphRdMaroatav4).

Location	NOISE LIMITS dB(A) ¹
	Day LA _{eq} (15 minute)
R2	39
R3 R4	38
R5	37
R6 R7	35

Note 1: The noise limits provided in L3.1 do not apply to any land shaping/ softening and bund/ barrier establishment activities on both lots, provided these are completed within two months of the commencement of any activities on the premises.

48. Noise limits - L3.2

For the purpose of condition L3.1,;

- a) Day is defined as the period from 7am to 6pm Monday to Saturday.

49. Noise limits - L3.3

The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.
- b) Deleted;
- c) Deleted

50. Noise limits - L3.4

For the purposes of condition L3.3:

- a) Data recorded by a meteorological station installed on site must be used to determine meteorological conditions; and Notice No: 1528023

The EPA considers that in this instance, the weather station already in operation at Lot 198 DP 752025 (1774 Wisemans Ferry Road Maroota) is in reasonable proximity to the subject site and may be used to record and determine meteorological conditions for the proposed project. EPA recommends 3m/s wind speed condition of L3.3 (a) can be applied at that point, if acceptable to the proponent.

- b) Deleted

51. Noise limits - L3.5

To determine compliance:

- a) With the Leq(15 minute) noise limits in condition L3.1. the noise measurement equipment must be located:
 - i) Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) Within 30 metres of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - iii) Within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) Deleted
- c) With the noise limits in condition L3.1, the noise measurement equipment must be located:
 - i) At the most affected point at a location where there is no dwelling at the location; or
 - ii) At the most affected point within an area at a location prescribed by conditions L3.5(a) or L3.5(b).

52. Noise limits - L3.6

A non-compliance of condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- a) At a location other than an area prescribed by conditions L3.5(a) and L3.5(b); and/ or
- b) At a point other than the most affected point at a location.

53. Noise limits - L3.7

For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

54. Hours of operation - L4.1

Activities at the premises may only be carried on between 7am and 6pm Monday to Saturday excluding Sundays and public holidays.

55. Hours of operation - L4.2

A maximum of 10 truck movements each day, entering and exiting the site, between 6am and 7am will be allowed.

56. Hours of operation - L4.3

This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

57. Hours of operation - L4.4

The hours of operation specified in conditions L4.1 and L4.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

58. Odour - O1

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in Consultation with Air Policy.

59. Dust - O2.1

The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

60. Dust - O2.2

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

61. Dust - O2.3

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

62. Air quality management plan - O3.1

The proponent shall prepare an air quality management plan addressing all air emission sources at the site. The air quality management plan shall be implemented prior to the commencement of earth moving activities at the site. The air quality management plan must contain, as a minimum:

- a) Key performance indicator(s)
- b) Monitoring method(s)
- c) Location, frequency and duration of monitoring
- d) Record keeping
- e) Response mechanisms and
- f) Compliance reporting.

63. Stormwater/sediment control- Construction Phase - O4.1

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

64. Stormwater/sediment control - Operation Phase – O5.1

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Monitoring and recording conditions**65. Monitoring records - M1.1**

The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development

or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

66. Monitoring records - M1.2

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

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

67. Monitoring records - M1.3

The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken:

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

68. Requirement to monitor noise - M2.1

[This condition can be varied and must be negotiated with the proponent before being finalised in any project approval]

To assess compliance with Condition L3.1, attended noise monitoring must be undertaken in accordance with Conditions L3.5 and:

- a) At each one of the locations listed in Condition L3.1;
- b) Occur annually in a reporting period;
- c) Occur for a minimum of 1.5 hours during the day period as defined in the NSW Industrial Noise Policy.

Reporting conditions

69. Annual return - R1.1

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

70. Noise monitoring report – R2.1

[This condition can be varied and must be negotiated with the proponent before being finalised in any project approval]

A noise compliance assessment report must be submitted to the EPA within 60 days of the completion of the yearly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) An assessment of compliance with noise limits presented in Condition L3.1; and
- b) An outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.

71. Negotiated agreement - S1.1

The proponent must provide evidence to the satisfaction of Council and the EPA that they have entered into a negotiated agreement with the owners of residential receiver location R1 in accordance with Chapter 8 of the NSW Industrial Noise Policy.

Operating conditions**72. Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner. This includes:

- a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

73. Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) Must be maintained in a proper and efficient condition; and
- b) Must be operated in a proper and efficient manner.

74. Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- a) The record must include details of the following:
 - i) The date and time of the complaint;
 - ii) The method by which the complaint was made;
 - iii) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - iv) The nature of the complaint;

- v) The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- vi) If no action was taken by the licensee, the reasons why no action was taken.
- b) The record of a complaint must be kept for at least 4 years after the complaint was made.
- c) The record must be produced to any authorised officer of the EPA who asks to see them.

75. Telephone complaints line

- a) The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- b) The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- c) This condition does not apply until 3 months after this condition takes effect.

76. Annual Return documents

What documents must an Annual Return contain?

- a) The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - i) A Statement of Compliance; and
 - ii) A Monitoring and Complaints Summary.
- b) At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

77. Period covered by Annual Return

- a) An Annual Return must be prepared in respect of each reporting, except as provided below.
- b) Where this licence is transferred from the licensee to a new licensee:
 - i) The transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - ii) The new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- c) Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
 - i) In relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

- ii) In relation to the revocation of the licence - the date from which notice revoking the licence operates.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

78. Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

79. Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

80. Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) The licence holder; or
- b) By a person approved in writing by the EPA to sign on behalf of the licence holder.

81. Notification of environmental harm

- a) Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- b) The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

82. Written report

- a) Where an authorised officer of the EPA suspects on reasonable grounds that:
 - i) Where this licence applies to premises, an event has occurred at the premises; or
 - ii) Where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- b) The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- c) The request may require a report which includes any or all of the following information:

- i) The cause, time and duration of the event;
 - ii) The type, volume and concentration of every pollutant discharged as a result of the event;
 - iii) The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - iv) The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - v) Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - vi) Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - vii) Any other relevant matters.
- d) The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

83. Copy of licence kept at the premises or on the vehicle or mobile plant

- a) A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- b) The licence must be produced to any authorised officer of the EPA who asks to see it.
- c) The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

GENERAL TERMS OF APPROVAL - DEPARTMENT OF PRIMARY INDUSTRY WATER

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

84. Water GTA 1

The combined estimated of average annual usage of 10 ML/year needs to be proportioned between the two groundwater sources:

- Sydney Basin Central Groundwater Source, and
- Maroota Tertiary Sands Groundwater Source,

in the Water Sharing Plan for Greater Metropolitan Region Groundwater Sources 2011.

85. Water GTA 2

The monitoring and mitigation strategy must be enhanced to ensure compliance with the proposed minimum 2m buffer above the wet weather "inferred" regional groundwater table, defined in the *PF*

Formation Aquifer Interference Report, Land & Water Impact Statement for Sand Extraction Proposal (Lot 1&2 in DP 732708) Old Telegraph Rd, Maroota, NSW, prepared by Earth2Water dated 11 January 2017, Section 2.1 Project Amendments (Figures 4 and 5).

86. Water GTA 3

Should extraction of groundwater be undertaken for quarrying activities from the eastern dam, which is inferred to be into the regional water table, an additional groundwater licence will be required from the Sydney Basin Central Groundwater Source.

87. Water GTA 4

The proponent must acquire a suitable water access licence to account for the volume greater than the maximum harvestable right for the dam to be built on site. Council must not sign off final rehabilitation approval unless the proponent holds a water access licence with the appropriate share entitlement.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the Building and *Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

Rural Lands Incentive Program

The subject property may be eligible to participate in the *Hornsby Shire Council Rural Lands Incentive Program*, which provides assistance to landowners in the management conservation and restoration of remnant vegetation communities through the provision of technical advice and incentives. For further information, contact Council's Bushland and Biodiversity Team on 9847 6832.