



Etra Pty Ltd
Trading as P F Formation
1 Patricia Fay Drive
MARROOTA NSW 2756

NOTICE OF DETERMINATION

Approval

Development Application No: DA/342/1998/F

Pursuant to Section 96 (2) of the *Environmental Planning and Assessment Act 1979* consent is granted to the development, it being noted that Council is satisfied that the development remains substantially the same development as that originally approved.

The development consent is subject to the conditions specified within this notice and will lapse unless the development is physically commenced within five years of the effective date of the original determination.

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

Property:	Lot 2 DP 748820, No. 311 Old Telegraph Road, MARROOTA NSW 2756
Original development:	Sand and clay extractive industry to be developed in two stages with dams and rehabilitation to bushland.
Effective date of original determination:	1 July 1999

Date of 1st modification: 4 August 1999
Details of 1st modification: Correct minor errors in the consent
Conditions Added: 109, 109.1 and 109.2
Conditions Deleted: Nil
Conditions Modified: 106

Date of 2nd modification: 17 November 2004
Details of 2nd modification: Amend the operational areas, internal roads, plant and equipment within the western precinct
Plans Added: Plans dated May 2004 Sheet No. 1 of 3
Conditions Added: Nil
Conditions Deleted: Nil
Conditions Modified: Nil

Date of 3rd modification: 5 September 2007
Details of this modification: Extend the period of extraction
Amended Plans Added: Plans dated May 2004, Sheet No. 1 of 3
Conditions Added: Nil
Conditions Deleted: Nil
Conditions Modified: 30

Date of this modification: 26 May 2016
Details of this modification: Annual groundwater monitoring and modelling; extend the period of extraction/ processing;
Conditions Added: 110
Conditions Deleted: Nil
Conditions Modified: 14, 22, 30, 45



Per:
Manager, Assessments
Planning Division

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

CONDITIONS OF APPROVAL**Modify the following conditions to read:**

14. No more than 35 truck loads shall be removed from the site per day averaged over 1 month.

22. The proponent shall at least annually report all groundwater-related data to a dedicated website in accordance with the Integrated Mining Policy Web-based Reporting Guideline, and separately provide:
 - a) All monitoring and modelling results in accordance with the requirements of the NSW Aquifer Interference Policy to Council and the Department of Primary Industries Water for review on an annual basis.
 - b) An interpreted hydrogeological report describing the ongoing impacts of the operation in accordance with the requirements of the NSW Aquifer Interference Policy to Council and the Department of Primary Industries Water for review on an annual basis.

30. Consent for the staged extraction of material and rehabilitation is permitted while there are approved extraction areas in Maroota, based upon a high level of performance and while quarry material in the Maroota area is available for processing.

45. In order to prevent site contamination, no fill is to be imported onto the site without development approval unless it is for processing on-site and the following requirement:
 - 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*.

Add the following new condition:

110. In order to assist in the collection of construction material production data, the proponent shall provide annual production data for the subject site to the Department of Resources and Energy (DRE) in accordance with their requirements.

Note: For further information with regards to the requirements, please contact the GSNSW Land Use Team at landuse.minerals@industry.nsw.gov.au.

AMENDMENT:

"E" - 5 September 2007

AMENDMENT:

"A" - 4/8/99

AMENDMENT:

"C" - 17/11/04

**THE COUNCIL OF THE
SHIRE OF HORNSBY**

NOTICE TO APPLICANT

DEVELOPMENT CONSENT

(Environmental Planning & Assessment Act, 1979)

To: F & K Vella

of: PO Box 73
DOONSIDE NSW 2767

being the applicant in respect of Development Application No. 342/98.

Pursuant to Section 92 of the Act notice is hereby given of approval by the consent authority of the Development Application No. 342/98 relating to the land described as follows:

Lot 2, DP 748820 Old Telegraph Road, Maroota

The development application has been determined by granting of development consent subject to the conditions specified in this notice for a sand and clay extractive industry to be developed in two stages with dams and rehabilitation to bushland generally in accordance with plans reference CH2677, Nos. MP-01B and MP-02B dated April, 1999 as amended in red together with supporting documentation contained in the Environmental Impact Statement, Volume 1 dated June, 1998.

The conditions of the consent and the reasons therefore are set out as follows:

PRIOR TO COMMENCEMENT OF WORKS

1. The proponent is to obtain all necessary operating licences and permits from all relevant public authorities including the Environment Protection Authority and the Department of Land & Water Conservation and details of which are to be submitted to Council prior to the commencement of on-site works
2. Prior to commencement of the quarry operations the proponent is to undertake the following:-

- 2.1. Construct all internal all weather surfaced access tracks with crossfall and associated table drains and lead out, designed to carry the extraction vehicle loading;
 - 2.2. Provision of headwalls, scour protection and sedimentation traps for all drainage systems and leadouts mentioned in 2.1 above;
 - 2.3. The provision of erosion and sedimentation control. Details to be shown on engineering plans and the devices to be established prior to the commencement of engineering works;
 - 2.4. Provision of safety protection fencing and guard rail where vertical faces are proposed in the quarry area and adjacent to the access track.
3. Prior to the commencement of extraction, the proponent shall:
- 3.1 Prepare and submit to Council for its endorsement, an Environmental Management Plan which addresses performance and management of the operation, including matters of sediment and erosion control, waste, rehabilitation (incorporating staging throughout the life of the consent), air quality and monitoring;
 - 3.2 Lodge with Council a contract for a Rehabilitation Bond based on an amount per tonne of extracted material. The total of this amount will be sufficient to cover the cost rehabilitating the approved extraction area and other likely disturbed areas.
4. A site contamination investigation report is to be submitted prior to the commencement of any works on the site.
- Should evidence of contaminated land be apparent, the Environment Management Plan shall detail how such material is to be remediated and/or disposed of to the satisfaction of Council and the Environment Protection Authority.
5. Fencing is to be provided to separate extraction areas and the internal haul road from habitat areas to reduce potential impacts to native vegetation and the habitat it provides.

OPERATIONAL

ENVIRONMENTAL PROTECTION AUTHORITY

6. Dust deposition monitoring be carried out at the locations specified in Air Quality Impact Assessment by Holmes Air Sciences and the Environmental Management and Rehabilitation Plan.
7. Noise monitoring is to be undertaken during the initial stages of overburden removal and construction activities to ensure compliance with the noise level predictions.

NATIONAL PARKS & WILDLIFE SERVICE

8. Bunding is to be provided on the lower sections of non-perennial drainage lines and to establish emergent aquatic vegetation in and around the dam area to maintain a suitable habitat for the Red-crowned Toadlet and Giant Burrowing Frog.
9. Local, endemic native species are to be used in any rehabilitation works for the development.

PLANNING

10. No encroachment of extraction is to occur into the Environmental Protection B Zone.
11. Establishment of a community committee to Council's satisfaction to monitor the environmental impact through a Memorandum of Understanding to be agreed to prior to commencement of any works.
12. A standard method of determining weighted material be negotiated, being a method that is auditable by Council at six monthly intervals.
- ~~13. Processing of materials shall take place wholly on the site.~~
14. No more than 35 truck loads shall be removed from the site per day.
15. All unsealed haul roads within the site shall be kept damp at all times during transportation to minimise wind-blown or traffic-generated dust.
16. All bunds constructed on site will be rehabilitated with native vegetation to the satisfaction of the Council's Environment Division.

DEPARTMENT OF LAND & WATER CONSERVATION

17. A minimum of a 20m vegetated buffer shall be kept or established on either side of any drainage line in accordance with the Department's requirements.
18. Stockpiles of topsoil material removed from the grassland areas on site (which are dominated by introduced species such as kikuyu) shall not be used to rehabilitate native vegetation in the eastern precinct.
19. Prior to any site disturbance proceeds in the western precinct, provision shall be made for a non-eroding spillway to safely convey water into the nearest existing natural stable waterway.
20. Continuous monitoring be undertaken of the three ground water bores on the site.

21. Groundwater salinity and water levels should be measured and data from the nearest weather station collected every month. The information collected from groundwater monitoring should be used to update the groundwater model every five years to determine if there is significant deviations to the model predictions. The raw data should be kept in hard and digital form and should be readily available when requested by Council or the Department of Land and Water Conservation.
- ~~22. The results of the groundwater monitoring and groundwater modelling be submitted to Council for review on a six monthly basis by Council and the Department of Land and Water Conservation.~~

ENVIRONMENT

23. Prior to the commencement of extraction, the proponent shall lodge with Council a Restoration / Rehabilitation Plan based on ecological principles. This shall include but not be limited to the following:
- succession / progressive planting
 - time frame for planting
 - details/ reasons for much use
 - different soil / nutrient requirements for the different land use end uses.
 - species selection variation bases on end use, aspect etc
 - planting schedule
 - demonstrate structural integrity of walls including hydrostatic pressure and root development
 - grading details including the trapping of onsite water and the allowance for swaling.
24. No operation of machinery on site nor movement of trucks shall be permitted except between the hours of 7.00am and 5.00pm Monday to Friday exclusive, and 8.00am to 12.00 noon Saturday, public holidays excepted, with signs and lockable gates being maintained at the point of access to ensure compliance. The gates are to be kept locked except during authorised hours of operation.
25. Fuel storage areas shall be located to ensure protection from bushfire.
26. Extraction depths may extend to no more than two (2) metres above the wet weather height groundwater level in accordance with bore hole monitoring required by condition No. 20, and shall comply with the requirements of Council's Extractive Industry Development Control Plan (Water Resources). Under no circumstances shall extraction exceed a depth of RL 160 AHD.
27. The proponent is to ensure at all times that ground water is not breached nor contaminated.
- In the event of ground waters being breached or contaminated, operations are to cease and Council together with the Department of Land & Water Conservation are to be immediately consulted to determine the basis upon which extraction may recommence.

28. Annual volume of material (250,000t/ya) to be extracted shall be in accordance with the details provided in the Environmental Impact Statement and accompanying documents.
29. Care is to be taken at all times to ensure that all natural bushland directly adjoining the extraction site is not damaged or disturbed.
30. ~~Consent for the staged extraction of material and rehabilitation is limited to a period of 15 years effective from the endorsed date of this consent, based upon a high level of performance and terminating in the year 2014.~~
31. The area of the land disturbed for the purpose of extraction shall not exceed the overall extraction site as identified in the Environmental Impact Statement and supplementary information accompanying the application.
- In this regard extraction activities are not to encroach within the following setbacks:
- . 30m from Old Telegraph Road, inclusive of the haul road
 - . 50m from National Parks
 - . 10m from all property boundaries not associated with the extraction operation.
32. Strip and stockpiling of topsoil shall be placed at a designated area diverted away by a minimum 10 metre buffer zone from natural streams and overland drainage flow paths. Stabilisation protection such as siltation fencing and impervious covering to be applied. Mulching and seeding may be applied to stockpiles as a protective measure after 14 days exposure.

SEDIMENT & EROSION CONTROL

33. The proponent is to submit every 12 months after the endorsed date of this consent a Water Management Plan (which may be referred to in the Environment Management Plan) in which Council is to be satisfied that adequate means of transferring and / or discharging the build up of ground water and surface waters is continually maintained and monitored particularly in relation to the following:
- 33.1. certified and suitable arrangement for dewatering water pits including contingency arrangements
 - 33.2. means of treating polluted (including sediment laded) waters
 - 33.3. means of maintaining & monitoring current surface and sub surface water quality
 - 33.4. identification and adequacy of existing destination points for waters collected within the extraction area.
 - 33.5. maximum and average water levels experienced and the capacity of the existing water sump to sustain major storm events
 - 33.6. on-site reuse of collected water and other potential uses
 - 33.7. state of the significant site features, ground water recharge areas and natural springs
 - 33.8. achievement of qualitative and quantitative criteria of the approved water management strategy including any improvements and / or adjustments now needed.

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- 33.9. maintenance of log book and recording rainfall
 - 33.10. the protection of water dependent features and ecosystems of the site and adjacent catchments;
 - 33.11. the actual source, quantity and quality of water used by all aspects of the operation;
 - 33.12. the effectiveness of the *Water Management Plan* in providing a framework for a complete balance for both artificial and natural surface and sub-surface waters;
 - 33.13. risks, safeguards and contingency plans for extreme climatic conditions and operational hazards including groundwater breach or contamination;
 - 33.14. the results of monitoring water quality at down stream boundaries relative to the stage of extraction;
 - 33.15. that the advice and licensing requirements of state agencies have been considered including DLWC Dam Safety Committee and the EPA;
 - 33.16. the following condition (34-43) shall be reported on within the Water Management Plan.
34. In order to protect the adjoining land and downstream water quality, the following measures are required: -
- 34.1. Sediment and erosion control measures are to be constructed in accordance with plans prepared by Morse & McVey and shown on Plan No.975038-S1, dated April 1998. and shown on Plan No.985059-01 & 985059-02, dated January 1999.
 - 34.2. No development works are to commence until the approved sediment and erosion control measures are implemented.
 - 34.3. All sediment and erosion control measures once installed are to be maintained in good working order and repair until development and rehabilitation / landscaping works have been completed.
 - 34.4. An amended plan for erosion and sediment control may be submitted for approval if new best practice measures proposed to be incorporated into the proposed development.
35. In order to protect downstream water quality and maintain public roads in a clean condition, sediment control measures (shake-down or other approved methods) are to be implemented and maintained at entry / exit points to ensure the removal of soils and other associated soil pollutants ie. concrete slurry, from vehicles before leaving the site.
36. In order to protect downstream water quality the proposed sediment retention basin is to be maintained in good working order, ensuring that: -
- 36.1. water in the basin must be discharged when it reaches 1/3 of the total capacity, this water must be treated with a flocculating agent prior to discharge;
 - 36.2. water in the basin can only be discharged if an acceptable water quality of 50mg/l non-filterable residues (NFR) has been achieved:

- 36.3. disposed of pollutants removed from the basin to an authorised disposal site is to occur in areas where further pollution to downslope lands and waterways are not approved;
- 36.4. details of water being discharged from the basin are to be recorded by the site supervisor (quantity, quality and time), and
- 36.5. the basin's condition is to be regularly inspected by the site supervisor and recorded.
37. Check dams shall be incorporated with siltation fencing to be provided and constructed across catch drainage flows approximately at 10 metres intervals to facilitate velocity reduction and to further mitigate against sediment and erosion. Maximum height shall not exceed 600mm. A spillway provision shall be incorporated with the check dam, allowing 150mm spillway clearance.
38. The sediment retention basin shall be provided and designed to accommodate a 5 year ARI time of concentration storm event, with a volume capacity of water that will enter in 6 minutes, one hour storm event with an additional 20% capacity provided for storage of sediment.
39. The riser shall be designed to discharge at peak flow a minimum of a 20 year frequency storm, trash collection devices and a geotextile filter shall also be incorporated.
40. All sediment controls shall be maintained and be fully operational until the final stage of the development is completed and all rehabilitation and landscaping has been established to the satisfaction of the consenting authority. All disused and discarded sediment controls shall be removed and disposed of to approved waste disposal depots or to approved landfill use.
41. Excavation or alteration of the natural gradient or flowpath of the watercourse is prohibited.
42. Instream sediment retention devices or excavations within the watercourse are prohibited without Council approval. Sediment retention structures shall be constructed off line and shall not impact or impede the frequency, depth, extent, or volume of the flow within the watercourse.
43. The NSW Department of Housing *Managing Urban Stormwater - Soils & Construction* 1998 manual should be the basic reference used for the correct installation and maintenance of all proposed sediment and erosion control measures.

WASTE

44. An annual Waste Management Plan, may be referred to as a chapter within the Environmental Management Plan, shall be submitted to demonstrate the :-
- 44.1. type, composition and quantity of material proposed to be re-used, recycled and removed;

- 44.2. source and quantity of material imported;
 - 44.3. destination of all material removed from the site;
 - 44.4. the following conditions are adhered to
- ~~45. In order to prevent site contamination, no fill is to be imported onto the site without development approval.~~
46. All chemicals, fuels and compounds used in the proposed development are to be stored so as not to leak, leach or percolate into stormwater systems.
 47. In order to provide for the storage and disposal of garbage / recycling at the proposed development the following must occur:-
 - 47.1. All putrescible waste generated is to be deposited in properly constructed water, fly, and vermin proof approved garbage containers.
 - 47.2. Garbage containers are to be cleaned off-site regularly by an authorised contractor.
 48. In order to ensure adequate treatment and disposal of wastewater, an application to install or construct a sewage management facility is to be submitted for the proposed development prior to works commencing on site.

REHABILITATION

49. To ensure rehabilitation progresses in an orderly and efficient manner the proponent is to submit every 12 months after the endorsed date of this consent a Rehabilitation Management Plan, which may be referred to as a chapter within the Environmental Management Plan, in which Council is to be satisfied of the following:-
 - 49.1. the rate of rehabilitation is similar to the rate of extraction and cleared/disturbed areas are minimised, including a requirement that rehabilitation of the western precinct is to be completed within six (6) months of the commencement of extraction of the Eastern precinct;
 - 49.2. vegetative buffer zones and rehabilitated areas are maintained
 - 49.3. vegetation outside the extraction areas are successfully retained and protected
 - 49.4. progressive rehabilitation integrates with the surrounding terrain and approved final landform
 - 49.5. vegetative covers are established at the earliest possible opportunities
 - 49.6. assessment / comment on the progress of rehabilitation carried out under the direction of the nominated supervisor, and
 - 49.7. method and progress of the rehabilitation of extracted areas are in accordance with current environmental laws standards and practice including guidelines published by the Australian Federal Environment Department and Department of Land and Water Conservation.
 - 49.8. rehabilitation management including results of flora and fauna monitoring programmes -

The program outline shall describe the following monitoring details :

- 49.8.1 the key information that will be monitored, its criteria and the reasons for monitoring (which may be compliance with regulatory requirements)
 - 49.8.2 the monitoring locations, intervals and duration (particularly of threatened species)
 - 49.8.3 procedures to be undertaken if the monitoring indicates a non-compliance or abnormality
 - 49.8.4 internal reporting and link to management practices and action plans
 - 49.8.5 reporting procedures to relevant authorities and, if appropriate, to the consent authority and the community.
- 49.9 the following conditions (50-80) may be reported on within the Rehabilitation Plan
50. Soil stripping, storing, and replacement methods shall include the following criteria:
- 50.1. removal of topsoil removed in two (2) parts by saving the organic layer first, being 100 - 300mm;
 - 50.2. removal of the next layer (300-500mm) shall be stripped and stockpiled separate
 - 50.3. flat and low stockpiles no more than 3m high to ensure survival of organic material and aerobic organisms;
 - 50.4. stockpiles kept free of traffic and away from drainage lines;
 - 50.5. stockpiles stored for as brief a period as possible and no more than twelve (12) months at a time; and that
 - 50.6. stockpiles created for each soil type and which should not be mixed
 - 50.7. stockpiled remaining longer than 14 days shall be seeded with a temporary sterile vegetation cover;
51. Mulch from one vegetation community type shall be kept separate from mulch of another vegetation community.
52. Stockpile sites for mulch will be provided in the Rehabilitation Plan
53. Topsoil from one area of a vegetation community type shall be kept separate from another vegetation type.
54. Appropriate measures for the collection, processing and storage of native seeds shall include :
- 54.1. collection from site by a suitable horticulturist
 - 54.2. portion of the seeds collected shall be used as part of a hydro mulch mix. A sterile cereal seed mix shall be used for the other part;
 - 54.3. remainder of the seeds collected shall be propagated under appropriate nursery conditions and maintained;

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- 54.4. identification of collection areas;
 - 54.5. collect seed only when mature;
 - 54.6. avoid seeds attached by insects or showing signs of fungal infestation;
 - 54.7. consider establishing a seed orchard;
 - 54.8. seeds are cleaned before storage
 - 54.9. use established processing techniques such as drying, threshing, burning;
 - 54.10. treat seeds with insecticide/fungicide, including 1 day exposure to carbon dioxide prior to storage;
 - 54.11. clean seeds stored in dry, insect and vermin free containers at low humidity and low temperatures;
 - 54.12. collection from a range of species and types.
 - 54.13. the type, composition of seed mixes, application rates, adaptation and expected growth of proposed species used in the rehabilitation shall be included in the rehabilitation plan.
55. Weed infestation on rehabilitated areas shall be controlled and prevented through:
- 55.1. the careful use of fertilisers and organic matters such as manure so as not to stimulate weeds;
 - 55.2. promotion of a vigorous cover of appropriate plant species in the agricultural area;
 - 55.3. hand weeding
 - 55.4. selective application of herbicides; and mulching with weed free materials
56. Rehabilitated areas shall be sustained by re-establishing nutrient cycles within the soil to:
- 56.5. store and supply water
 - 56.6. support root growth; and
 - 56.7. improve water infiltration to reduce compaction
57. Rehabilitated and/or disturbed areas shall be regularly maintained including:
- 57.1. replanting of exposed areas and replacing dead plants within six (6) months;
 - 57.2. repairing erosion problems
 - 57.3. pest and weed control
 - 57.4. fertiliser applications where appropriate on land for agricultural use;
 - 57.5. regular watering;
 - 57.6. application of lime or gypsum to control pH and improve soil structure where appropriate on land restored for agricultural use.
58. Topsoil and overburden used as bund walls during extraction shall be stabilised using appropriate native species and rehabilitation techniques under the direction of a qualified Plant Ecologist or Landscape Architect and used as backfill only when not contaminated with exotic grasses or weeds.
59. Direct seeding shall be carried out in soft soil free of leaf litter/weeds and under favourable conditions of water, oxygen, temperature and light.

60. Permanent ground cover shall be established on areas disturbed for more than 14 days and be maintained by regular watering and additional applications of seed and fertiliser.
61. The extraction area is to be backfilled only with earth and rock materials sourced as a result of extraction. No solid waste or putrescible materials should be disposed of within the site.
62. The site is to be progressively rehabilitated in accordance with the rehabilitation provisions of the Environmental Impact Statement and other documents submitted. It is to be regularly reported in the Rehabilitation Management Plan the subject of condition 49 of this consent.
63. Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the name/design specification of the Manager, Parks & Landscape Team, and generally at 4 metres or other specified distance, from the trunk/s of such trees.
64. All tree protection measures so approved and installed, shall be maintained in good working order and repair throughout the course of building or development works.
65. All environmental weeds, noxious and invasive plants are to be removed and continually suppressed using an appropriate method prior to release of the final plan.
66. No works, stockpiles, dams or clearing of bushland to occur in the designated area, as shown in red on attached property map.
67. All natural landscape features including natural rock outcrops, natural vegetation, soil and water courses are to remain undisturbed except where affected by necessary works detailed on approved plans, or with Council's written consent.
68. No clearing of bushland to occur in the designated area, as shown in red on the attached property map,
69. Prior to any construction work a protective barrier mesh fence must be installed along the edge of the internal haul road to protect the restricted bushland areas.
70. The areas within the 'restricted zone' containing threatened species should be fenced prior to any construction or excavation that occurs on the site.
71. All care shall be taken to ensure no areas are disturbed unnecessarily. In this regard, existing vegetation shall be undisturbed by a "no go" boundary constructed by silt fencing to facilitate the filtration and collection of runoff pollution emanating from the works.

72. The riparian buffer along the watercourse, as marked on the attached site plan, must be re-vegetated according to the *Sustainable Water Best Practice Q1.01 (riparian vegetation)*, *Q1.04 (stream rehabilitation)* and in accordance with the rehabilitation plan and EIS submitted.
73. The dam embankment adjacent to bushland is to be re-vegetated using native grass species, as per species list attached. In conjunction with native species the use of a sterile cover crop, as per attached species list, would provide quick growth for initial stabilisation of the embankment without spreading into the adjacent bushland.
74. Acoustic earth bunds and visual screen bunds shall be established and planted with appropriate native vegetation to facilitate screening and noise reduction of extraction works.
75. The north and west facing slopes shall be rehabilitated at a 1:4 grade and the south & east facing slopes shall be rehabilitated to 1:3 grade within the west precinct.
76. All slopes will be rehabilitated to 1:3 grade within the east precinct.
77. The Rehabilitation Management Plan shall include detailed species for each vegetation community type, densities for planting for individual seedlings and cutting stock.
78. The proponent is to ensure the conservation and on-going management of threatened species, populations and ecological communities, in particular those of *Acacia bynoeana* at all times and details of which are to be incorporated within the Rehabilitation Plan subject to condition No 79 of this consent.
79. The rehabilitation of the eastern sector must be undertaken in accordance with the submitted Rehabilitation Plan and undertaken by a suitably qualified person with experience in rehabilitation.
80. Any plans to propagate threatened species will require a licence from National Parks and Wildlife Service.

AIR QUALITY

81. The proponent is to submit to Council every 12 months after the endorsed date of this consent an Air Quality Report (which may be referred to in the Environmental Management Plan) in which Council is to be satisfied that dust and noise levels generated by the extraction operations comply with the established practices and standards, including the EPA manual. The report shall include:

- 81.1 a public complaint register
- 81.2 recording of data from dust deposition gauge
- 81.3 report on the following (82-88) conditions

82. The proponent is to monitor dust generation from the extractive operations and associated activities and the results of which are to be detailed in the Air Quality report referred to in condition No.81.
- In the event of dust nuisance being identified, the proponent shall immediately inform Council and implement any mitigation practice as required.
83. Proponents shall employ wind activated water sprinkler systems or any alternative method, to the satisfaction of Council, to ensure extraction sites minimise dust generation particularly during periods of high wind and when sites are unattended.
84. Proponents shall provide details (this can be included in the annual air quality report) of effective measures proposed to be implemented to suppress dust generated from :-
- 84.1 Blasting;
 - 84.2 Removal of overburden
 - 84.3 Site clearing;
 - 84.4 Extraction and haulage;
 - 84.5 Moving material on to and from stockpiles;
 - 84.6 Mobile earthmoving equipment;
 - 84.7 Blow-off and spillage from truck loads; and
 - 84.8 Crushing and screening procedures.
85. Proponents shall ensure that prior to leaving extraction sites all laden trucks have their payloads fully covered by suitable material to prevent spillage from the trucks on roads and adjoining properties.
86. Proponents shall ensure that any blasting is not undertaken in strong wind and/or prolonged dry weather periods.
87. Stockpiles of material and other sediment laden areas are to be maintained so as to prevent any dust nuisance.
88. Dust suppression equipment is to be fitted to all processing equipment and is to be maintained on a minimum of a six monthly basis and details of which are to be submitted to Council in accordance with condition No. 81 of this consent and to any other relevant authority referred to under section 23 of the Clean Air Act 1961.
89. Upon activities commencing an acoustic report prepared by an acoustic consultant is to be submitted within the first 6 months, detailing the noise levels being emitted to adjacent premises from the new development. If noise levels exceed the background levels by more than 5dB(A). noise attenuation methods are to be installed. Details of all noise attenuation methods are to be submitted for approval prior to installation.

MONITORING & MANAGEMENT

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

The Environmental Management Plan should refer to the objectives and principles of Ecologically Sustainable Development and may use and / or reference as chapters the respective management plans required by condition Nos. 1 to 3, 6, 7 and 23 to 87 of this consent in order to address the following matters:-

- 90.1 Acquisition of all necessary licences and permits and an indication of how compliance with licensing and approval requirements will be achieved and due diligence attained
- 90.2 On site materials Management including management of operational impacts: if appropriate, include such as:
- . management of explosive, chemicals and fuel and their use
 - . maintenance an site security plans
- 90.3 Water Management
- 90.4 Acoustic Management
- 90.5 Air quality Management
- 90.6 Transport routes, access & movements
- 90.7 Soil Conservation including geo-technical appraisal of tailing systems and erosion and sediment controls.
- 90.8 Social impact management including consultation with community groups, nearby residents and monitoring of complaints received
- 90.9 Identification, assessment and evaluation of risks, safeguards and the confidence level of contingency / emergency plans;
- 90.10 Statement of Compliance with the approved EIS documentation, conditions of this consent and the objectives of Councils DCP - Extractive industries.
- 90.11 Advice and recommendations of all relevant state government agencies;
- 90.12 Reference to International Standards (ISO) 14001-14004 relating to Environmental Management Systems, which should address issues such as:-
- . the capacity and support mechanisms necessary to implement and achieve the proponent company's environmental policy, objectives and targets and
 - . the means by which the proponent company measure, monitor and evaluate its environmental performance and
- 90.13 Recommendations to adjust operation procedures to improve the overall performance of the operations.
- 90.14 Strategies to feed information from the monitoring program back into the management practices and action plans to improve the environmental performance and sustainability of all components of the proposal
- 90.15 Training programs for operational staff and incentives for environmentally sound performance
- 90.16 Performance indicators in relation to critical operational issues including :
- Compliance with the conditions of consent;
 - Compliance with the objectives of this DCP;

ENGINEERING

91. Council's public road between the entrance to the extraction site and the northern intersection of Old Northern Road and Old Telegraph Road shall be constructed to the satisfaction of Baulkham Hills and Hornsby Shire Councils.
92. The northern intersection of Old Northern Road and Old Telegraph Road, Maroota, shall be constructed of Type B intersection to the requirements of the Roads and Traffic Authority (RTA), Baulkham Hills Shire Council and Hornsby Shire Council.
93. In the proposed intersection and public road, design and construction of pavement shall cater for both the existing traffic volumes and equivalent standard axle (ESA) loadings, allowing for reasonable growth for a period of 20 years, as well as the maximum permissible number of fully loaded design semi trailer vehicles for the life of the extraction industry.
94. Access from Old Telegraph Road to the site and an internal haul road shall be constructed to Council's standard and the requirements of the Department of Land and Water Conservation.
95. The proposed intersection and Old Telegraph Road design and internal haul road shall incorporate the following design constraints:-
 - 95.1. The intersection, public road, internal road and associated works shall cater for all anticipated classes of vehicle and any turning manoeuvre.
 - 95.2. Roads shall be designed and constructed as generally two-way with lane widths to be at least 3.0 m. Shoulders to be designed and constructed at least 1.0 m wide.
 - 95.3. Verges, batters and table drains to be designed and constructed in accordance with common Austroads and Council design standards. Verge width and lateral clearances for road shoulder, road furniture and trees are to be at least 1.0 m clear of the outer edge of road shoulder. Maximum side slopes of batters to be designed and constructed to prevent vehicles from overturning.
 - 95.4. Sight lines are to be at least the minimum given topographic and geometric considerations, horizontal and vertical alignment and maximum grade considerations in accordance with common Austroads and Council design standards.
 - 95.5. Drainage details to ensure that pre-construction stormwater runoff patterns shall be the same as after construction. Table drains and culverts are to have a capacity of not less than the 20 year average recurrence interval (ARI) storm capacity. Longitudinal slopes of drains shall be designed to prevent scour and siltation.

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- 95.6. All engineering works required by these conditions must be designed and constructed in accordance with:
- (a) Australian Rainfall and Run-Off 1987 and
 - (b) Hornsby Shire Council's Civil Works, Design and Construction Specifications 1999
- 95.7. Embankments where required shall have maximum slope determined by nature of their being cut or fill and the soil used. Creation of batters for support on roadsides as necessary and submission of a copy of the registered document of transfer to Council immediately after construction of such batters.
- 95.8. Accurate discovery and location of all services and marked on the plans and proposals to adjustments to same as required with the written authority of the utility or service provider.
- 95.9. Access into the lot affected by boundary subdivision is to be shown on the Engineering plans and is to be constructed to Council's satisfaction.
- 95.10. In order to incorporate biodiversity issues of roadsides, design and construction of all works are to be in accordance with Council's "Management Plan for Rural Roads".
- 95.11. In order to provide safety, appropriate signage, warning, traffic control and safety measures are to be installed in Old Northern Road and Old Telegraph Road on all approaches prior to work commencement. Such measures shall be signposted and illuminated with flashing beacons between sunset and sunrise for the duration of the roadworks. Signage advising of altered traffic conditions shall be installed for a reasonable time after the completion of works.
- Such measures are to be proposed on Engineering plans for construction in accordance with AS 1742.3 - 1996 and the relevant SAA HB81 Handbooks.
96. In order to ensure adequate safety, a proposal shall be prepared by a suitably qualified Traffic Engineer for agreement by the RTA in respect of maximum speed, safety and advisory signposting and linemarking given the proposed alignment and geometry of the works. Such report is to be lodged with the Construction Certificate. Subsequently, construction of approved signage and linemarking to RTA and Council standards.
97. All truck traffic generated by this Consent shall access Old Northern Road and the extraction site via the northern intersection of Old Northern Road and Old Telegraph Road. No truck vehicles shall access Old Northern Road or the extraction site via Roberts Road.

98. A Construction Certificate with Engineering plans is to be lodged for examination. The plans are to be submitted using Council's Civil Works Specifications. This information shall include the following:-
- 98.1. Design constraints from abovementioned conditions.
 - 98.2. Any Construction Certificate that may be issued in association with this development consent must also ensure that any proposed plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with Development Application plans as already determined.
 - 98.3. Previous written consent from RTA and Baulkham Hills Shire Council, referring to relevant plan numbers, stating there is no objection to commencement of construction and extraction activities.
 - 98.4. Plans of longitudinal sections, cross sections, drainage sections, drainage catchment plans and soil and water management plans.
 - 98.5. Position of all lot boundaries, and all existing and proposed features and structures.
 - 98.6. Chainages, existing and proposed topography, limits of work, bench marks and Datum.
 - 98.7. A check including a report by a suitably qualified Civil Engineer of advisory speed capacities given the final alignment.
 - 98.8. Four sets of A1 or A2 size sheets suitable for black and white copying. Plans to be clearly set out so the works may be understood. Logical collection of information on sheets in order to avoid onerous effort in cross referencing.
99. At least two day's written notice must be given of the commencement of water and soil management, safety signage or engineering works.
100. In order to maintain the amenity of adjoining properties, site works shall be restricted to between 7.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. If inaudible, site works shall be restricted to between 7.00am and 4.00pm on Saturday. No work shall be undertaken on Sundays or public holidays.
101. In order to avoid air contamination and nuisance, frequent watering of internal haul road is to be undertaken by the Applicant when conditions prescribe or anytime at the written direction from Council.
102. Revegetation must be applied to disturbed areas and established. Such revegetation to be applied as soon as practicable after completion of earthworks or anytime at the written direction of Council.

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103. A works-as-executed plan prepared by a suitably qualified and certified Chartered Civil Engineer shall be submitted on the completion of the works showing:-
- 103.1. The levels and datum for all survey marks found or placed
 - 103.2. Where the works-as-executed plans differ from the approved plans, the information shown on the plan is to be neatly crossed out and the new information substituted in such a manner that it can be clearly distinguished on a print taken from microfilm.
104. Construction of proposed intersection, Old Telegraph Rd construction and internal haul road to be completed in accordance with the approved Engineering plans and any consent, and to the satisfaction of Council and the Roads and Traffic Authority prior to commencement of any extraction on the site.
105. Lodgement and approval of a Subdivision Certificate is required to authorise the plan of boundary adjustment. It should be noted that a Subdivision Certificate can only be issued by Council unless an Environmental Planning Instrument identifies that an Accredited Certifier can undertake the work.
106. To obtain a Subdivision Certificate, you must submit a Subdivision Certificate application form, pay the appropriate fee and provide for the following:
- 106.1 A Final Survey Plan together with eight (8) exact copies prepared by a Registered Surveyor.
 - 106.2. An original Section 88B document (if required) together with one additional copy, in accordance with Conveyancing Act, 1919.
 - 106.3. Completion of all works and eligibility for all certificates as required in Development Application No. 342/98. This shall include the completion of works for:-
 - 106.3.1 Construction of proposed northern intersection of Old Northern Rd and Old Telegraph Road, Maroota, to the satisfaction of the appropriate Road Authorities.
 - 106.3.2 Construction of Council road on Old Telegraph Road between the proposed intersection and the entrance to the extracting site at Lot 2 DP 748820, to the satisfaction of Baulkham Hills Shire Council and Hornsby Shire Council.
 - 106.4 "Work-as-Executed" plans prepared by a Chartered Engineer/Registered Surveyor in accordance with the requirements of Development Consent No. 342/98.

Note: The issue of a Subdivision Certificate is not to occur until conditions Nos. 91 to 106 have been satisfactory addressed.

107. Dedication of proposed Lot 11 to Council and the Roads and Traffic Authority. Such land to be free from any taxes, rates and charges owing."

CONTRIBUTIONS

108. Subject to the following paragraphs of this condition, the party carrying on the extraction work shall pay to the Council a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979 at a rate of \$0.63 per tonne for all extracted material transported from the site. The following provisions shall apply to the contribution:

108.1 The contribution will be calculated and paid monthly in respect of all material transported from the site as from the date of this consent.

108.2 The rate of the contribution will be varied annually with the first variation due as at 1 July, 2000. On each variation date, the rate per tonne shall be varied to an amount which bears to \$0.63 the same proportion as the Consumer Price Index (All Groups) for Sydney last published prior to the relevant date of variation bears to the same index last published prior to 1 September, 1998.

108.3 On or before the fourteenth day of each month so long as extracted materials are transported from the site, there shall be delivered to the Council a true certified copy of returns or records acceptable to the Council showing the true quantities of extracted material transported from the site during the immediately preceding month and the Council will then as soon as it can conveniently do so issue to the Applicant or subsequent operator an invoice for the contribution payable for such material transported from the site. Payment of the amount of the invoice shall be made by the Applicant to the Council 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 fourteenth day of a particular month, the Council shall at its absolute discretion be entitled but not obliged to estimate the quantity of material transported from the site during the immediately preceding month and shall be entitled to issue such an invoice on the basis of such estimate PROVIDED HOWEVER that an appropriate adjustment shall be made between the parties when certified copies of the required returns in respect of such immediately preceding month have been provided to the Council as required by this clause.

108.4 The Council shall be entitled to have any person or persons nominated by its internal accountant 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. Nomination of a person or persons to carry out such inspections and/or audit shall be in writing.

- 108.5 Council will pay all of the contributions received by it into a specially identified trust account for payment towards the rehabilitation, restoration, repair and/or maintenance of Old Northern Road and Old Telegraph Road and of the road giving access to the site.
- 108.6 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 the Council notice of that fact together with the name and address of the party (if any) who has commenced or will thereafter commence to carry on the said work. Such notice shall be accompanied by an acknowledgment in writing by that party that it is aware of the obligations imposed on it pursuant to this condition. Until such time as the notice and acknowledgment are furnished to the Council by the Applicant, the Applicant will remain jointly and severally liable with the party for the time being carrying out the extraction work for payment of the aforesaid contribution and for compliance with the terms of this condition. The terms of this paragraph shall apply mutatis mutandis to any future operator of the extraction work in the event of his ceasing to carry out the work.

All conditions of consent must be complied with before land use (including occupancy) takes place. Any consent given shall be void if the development to which it refers is not commenced within five (5) years after the date of approval, provided that the Council may, if good cause be shown, grant an extension of renewal of such consent beyond such period.

Endorsement of date of development consent 1 July, 1999.

NOTES

1. To ascertain the date upon which the consent becomes effective refer to Section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. Failure to comply with any of the above conditions, may result in a maximum penalty of \$100,000 and a further daily penalty not exceeding \$10,000 being imposed pursuant to the provisions of Environmental Planning and Assessment Act, 1979.
5. For failure to install and maintain sediment and erosion devices as shown on the approved plans Council, under the Clean Waters Act, will issue \$600.00 on the spot fines for each and every offence and no further warnings will be issued.
6. House numbering can only be authorised by Council. Before proceeding to number each lot/occupancy in your development, advice must be sought from Council's Planning Division.

SECTION 96(1) AMENDMENT (DA No. 342/98A)

Pursuant to Section 96(1) of the Environmental Planning and Assessment Act, 1979, Development Consent No. 342/98 for a sand and clay extractive industry to be developed in two stages with dams and rehabilitation to bushland is amended as follows:

1. Condition No. 106 is amended to read:

"106. There shall be no commencement of extraction works until all conditions Nos. 91 to 106 inclusive, have been completed to the satisfaction of Council and the Roads and Traffic Authority.

2. The following additional condition applies:

"109. To obtain a Subdivision Certificate (in relation to condition No. 107), you must submit a Subdivision Certificate application form, pay the appropriate fee and provide the following:

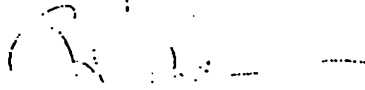
109.1 A Final Survey Plan together with eight (8) exact copies prepared by a Registered Surveyor.

109.2 An original Section 88B document (if required) together with one additional copy, in accordance with the Conveyancing Act, 1919."

RIGHT OF APPEAL

1. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning & Assessment Act, 1979. Such request to Council must be made in writing together with a \$500.00 fee, within 28 days from the date of determination;
2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.
3. Section 96(6) of the Act confers on an applicant who is dissatisfied with the determination of the Council to modify the consent a right of appeal to the Land and Environment Court providing that appeal is lodged **WITHIN 60 DAYS** of the date of this determination.

R J BALL
General Manager

per: 
R PICKLES
Team Co-ordinator
Planning Division
4 August, 1999

SECTION 96(2) AMENDMENT (DA No. 342/98C)

THAT pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, Development Consent No. 342/98 for a sand and clay extractive industry be amended in accordance with plans dated May, 2004 Sheet No. 1 of 3.


RIGHT OF REVIEW

1. For a determination other than designated development, integrated development or complying development certificate, you are entitled to request reconsideration under Section 82A of the Environmental Planning & Assessment Act, 1979. Such request to Council must be made in writing, together with the prescribed fee of 50 per cent of the fee for the original development application (including advertising fee if applicable), within 28 days from the date of receipt of this notice of determination. A decision on a review may not be further reviewed under this section.

RIGHT OF APPEAL

1. Sections 96(6) or 97 of the Act, where applicable, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 60 days or 12 months respectively, from the date of determination.
2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

R J BALL
General Manager

per: 
R PICKLES
Team Co-ordinator
Planning Division

22 November 2004

Attachment: Stamped Approved Plan(s)

SECTION 96(2) AMENDMENT (DA/342/1998/E)

Pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, Development Consent No. DA/342/1998/E for a sand and clay extraction operation is amended as follows:

1. Modification of condition No. 30:

~~"30. Consent for the staged extraction of material and rehabilitation is limited to a period of 30 years effective from the endorsed date of this consent, based upon a high level of performance and terminating in the year 2029."~~


RIGHT OF REVIEW

1. For a determination other than designated development, integrated development or complying development certificate, you are entitled to request reconsideration under Section 82A of the Environmental Planning & Assessment Act, 1979. Such request to Council must be made in writing, together with the prescribed fee of 50 per cent of the fee for the original development application (including advertising fee if applicable), within 28 days from the date of receipt of this notice of determination. A decision on a review may not be further reviewed under this section.

RIGHT OF APPEAL

1. Sections 96(6) or 97 of the Act, where applicable, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 60 days or 12 months respectively, from the date of determination.
2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

R J BALL
General Manager

per: 
Rod Pickles
Assessments
Planning Division

DA/342/1998/E