



ASSESSMENT REPORT

PROPOSED MODIFICATION TO EXISTING SAND QUARRY OLD NORTHERN ROAD, MAROOTA

1. BACKGROUND

Dixon Sand (Penrith) Pty Limited (the Applicant) owns and operates a sand quarry off Old Northern Road, Maroota, in the Baulkham Hills LGA (see Figure 1).

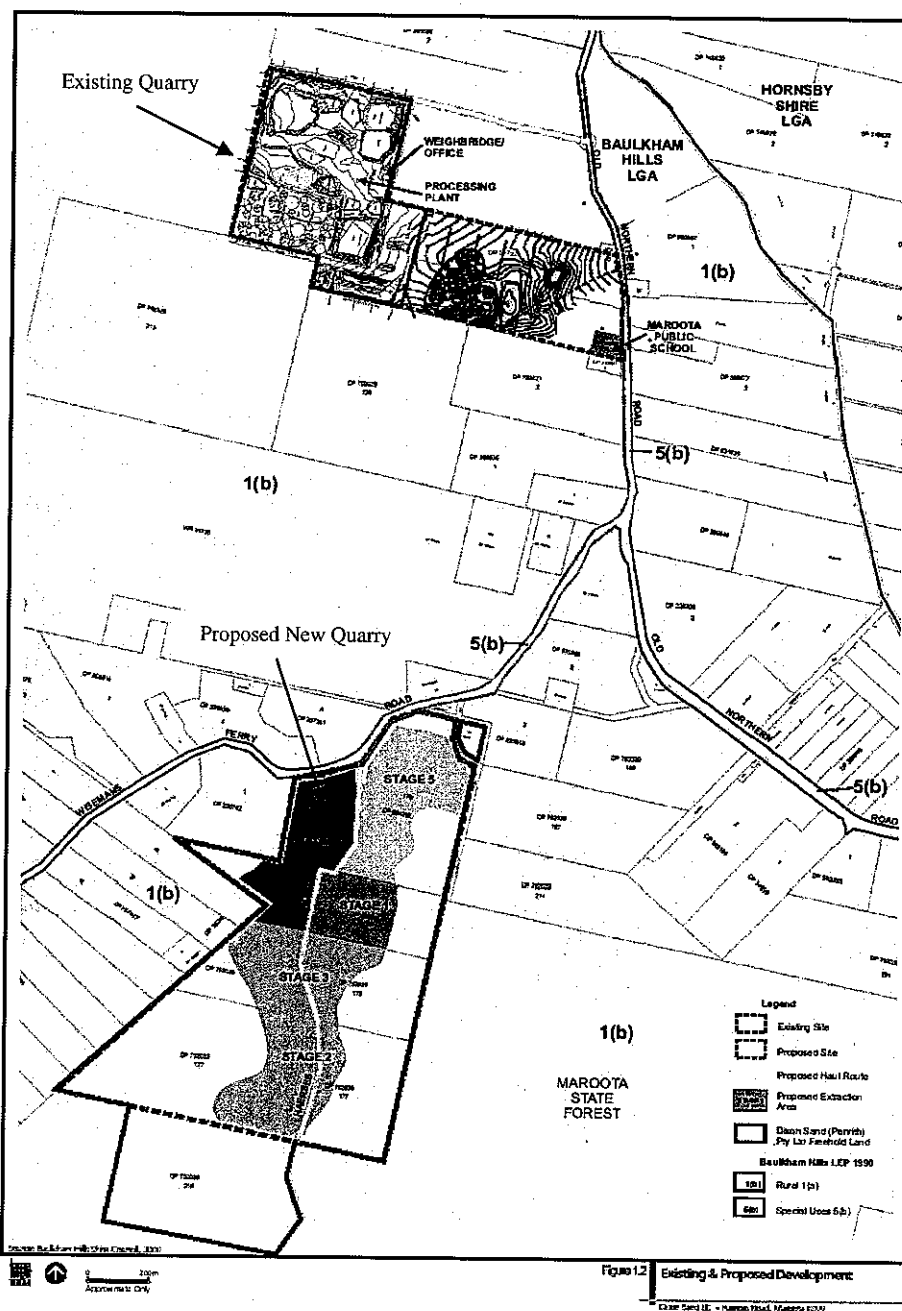


Figure 1 Existing and Proposed Quarry

The quarry operates under two Court-granted consents. The initial consent (development application 796/00/HE, originally lodged with Baulkham Hills Shire Council) allows sand extraction and associated activities on two parcels of land (Lots 196 and 29). The subsequent Court-granted consent (DA 250-09-01, originally lodged with the Department) allows sand extraction from two adjacent Lots (Lots 1 & 2), and the continued use of existing facilities/ land on Lots 196 and 29 for sand processing, water management, tailings disposal and rehabilitation.

The consent for DA 250 -09-01 also provided:

- that extraction on Lots 196 and 29 should not proceed beyond the time frame specified under the consent to DA 796/00/HE (i.e. 2010);
- that the combined production of sand from all four land parcels shall not exceed 495,000 tonnes of quarry product per annum; and
- that the total number of truck movements generated by the combined operation shall not exceed 120 truck movements per day, of which only 60 movements are to be laden.

Extraction on Lots 29 and 196 is nearing completion, with the consent to DA 796/00/HE anticipated to lapse in early 2010. Extraction at Lots 1 and 2 has only recently commenced under consent DA 250-9-2001 (which provides approval until 2022). Under the existing consents, the Applicant has approval to haul sand products to local and regional markets via Old Northern Road and/or Wiseman's Ferry Road.

The Applicant now proposes to develop a new sand quarry off Wiseman's Ferry Road, approximately 1.5km south of the existing quarry (see Figure 1). A DA for the proposal (known as the Haerses Road quarry) was lodged with the Department on 25 July 2005 and seeks approval to:

- extract up to 7 million tonnes of sand over 25 years;
- use empty trucks returning to the existing quarry via Wiseman's Ferry Road to haul sand from the Haerses Road quarry to the existing quarry (for processing) or direct to local and regional markets;
- use the existing facilities on Lot 196, to process the sand extracted from the Haerses Road quarry; and
- use land within the existing quarry to dispose of tailings generated from the processing of sand extracted from the Haerses Road quarry.

2. THE PROPOSED MODIFICATION

To accommodate the requirements of the proposed new quarry, the Applicant lodged a modification application to DA 250-9-01 under section 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act), seeking approval to:

- receive and process the sand extracted from the new quarry using the existing quarry facilities, over a period of 25 years from the date of commencement of the Haerses Road quarry;
- increase the approved limit of *laden* truck movements into the existing quarry by 28 movements per day (with no change to total approved truck movements); and
- modify the approved final landform of the existing quarry to accommodate the storage of additional volumes of tailings.

The Applicant anticipates that extraction operations at the new quarry would gradually replace the extraction operations at Lots 29 and 196. As such, no change is sought to the approved maximum rate of production on site. Similarly, no change to the aerial extent, scale or form of the existing processing facilities or infrastructure at the existing quarry is sought.

3. STATUTORY CONTEXT

3.1 Permissibility

The existing quarry is located on land zoned 1(b) Rural under the *Baulkham Hills Local Environmental Plan 2005*. Extractive industries or industries directly associated with or dependent upon extractive industries are permissible with development consent within this zone.

3.2 Section 96AA

Under section 96AA of the EP&A Act a consent authority may modify a development consent granted by the Court if:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

The Department is satisfied that the proposed modification is substantially the same development for which consent was originally granted as the modification essentially involves an alteration to the duration of approval rather than a modification of the scale, nature or extent of operations at the quarry.

3.3 Consent Authority

The Minister is the consent authority for the modification application as it constitutes a modification to a State significant development (DA 250-09-01).

4. CONSULTATION

On 25 July 2005, the Applicant lodged a modification application and Statement of Environmental Effects (SEE) with the Department for the proposal. A DA and Environmental Impact Statement (EIS) for the proposed Haerses Road quarry were lodged with the Department at the same time. Consequently, the Department notified and exhibited the two applications (and accompanying documentation) simultaneously.

The Department:

- notified Baulkham Shire Council, Hornsby Shire Council, relevant State government agencies, all residents in the vicinity of the site who would be affected by the proposal, and all submitters to the original development application (DA 250-09-01);
- advertised the exhibition of both applications and their accompanying documentation in the Hills Shire Times; and
- exhibited both applications and their accompanying documentation, from 2 August 2005 until 2 September 2005.

This satisfies the requirements for public participation in the EP&A Regulation.

During the exhibition period, the Department received 11 submissions on the modification application. Of these, 6 were from agencies, 2 were from the public and 3 were from special interest groups (Eastbend Rural Communications Incorporated and Hawkesbury River Environment Centre). No objections were raised by any of the agency or public submissions. Two special interest submissions objected to the modification.

Public Authorities

The **Department of Primary Industries (DPI)** did not object to the proposal but recommended that the Department assess the additional noise impacts that may arise from additional laden truck movements along Old Northern Road. The Department has assessed the noise impacts of the proposal in section 5.2.1 of this report and is satisfied that the proposal would not substantially increase noise levels at the existing quarry or along public roads beyond existing approved levels.

The **NSW Roads and Traffic Authority (RTA)** did not object to the proposal but raised a number of issues which all related to the development application for the proposed Haerses Road quarry. The Department has addressed these issues in its assessment of the development application.

The **NSW Heritage Office** required that the proposal be implemented so as to be sympathetic to the existing 'cultural landscape' of the site. Based on its assessment (see section 5.2.2) the Department is satisfied that the changes to final landform proposed are relatively minor and that the proposed modification would not substantially alter the existing scale, form or extent of existing operations on site. As such the Department is satisfied that the development as modified would remain consistent with the existing land use and landscape of the site and surrounding area.

Baulkham Hills Shire Council (Council) did not object to the proposal but raised concerns that the proposal had not been assessed against the requirements of *Baulkham Hills Local Environmental Plan 2005*. The Department has assessed the proposal against relevant statutory provisions in Appendix A and is satisfied that the proposal is generally consistent with the objectives and requirements of the LEP.

The **Department of Natural Resources (DNR)** did not object to the proposal but raised the following issues for the Department's consideration:

- potential groundwater impacts of additional tailings disposal at the existing quarry; and
- increased duration of truck movements past the Maroota Public School.

The Department has assessed the potential groundwater and traffic and transport impacts of the proposal in sections 5.2.1 and 5.2.2 of this report and is satisfied that the proposal would not substantially increase the impacts of the proposal beyond existing approved levels.

The **Department of Environment and Conservation (DEC)** raised no objections to the proposal but required that the Applicant implement appropriate site water management measures and comply with any conditions imposed by the Department in relation to rehabilitation and final landform. The DEC also required that the Department consider potential land use conflicts in its assessment of the proposal. As the proposal would not change the existing approved disturbance footprint of the site, and will continue to be rehabilitated to the final land use originally approved, the Department is satisfied that the modified final landform of the site would not conflict with future land use in adjacent areas.

Public and Special Interest Groups

The key issues of concerns raised by the public and special interest groups were:

- the increase of laden truck movements along public roads and its potential noise and dust impacts on nearby receivers, particularly the Maroota Public School, which located just south of the existing quarry's access to the Old Northern Road (see Figure 1);
- the increased duration of truck movements along public roads; and
- the validity of tailings volume calculations.

Tailings management and transport impacts are considered to be the key issues associated with the proposal and have been assessed in sections 5.2.1 and 5.2.2 of this report.

In addition to the above issues, one of the specialist interest groups objected to the proposal on the grounds:

- that section 96 provisions of the EP&A Act do not apply to the proposal; and
- that water use on Lot 196 was negligently approved by the consent to DA 250-09-01.

The Department is satisfied that the proposal can be processed under section 96 of the EP&A Act (see section 3.2). Furthermore, the Department is satisfied that water use is adequately addressed in the existing consent, and that these conditions would be adequate for the proposed modification.

5. SECTION 79C ASSESSMENT

Section 96 of the EP&A Act requires a consent authority to consider the matters under section 79C when it determines a modification application. The Department's consideration of these matters is presented below.

5.1 Environmental Planning Instruments

The following environmental planning instruments apply to the proposal:

- *State Environmental Planning Policy No. 11 – Traffic Generating Development* (SEPP 11);
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 - 1995)* (SREP 9);
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)* (SREP 20);
- *Baulkham Hills Local Environmental Plan 2005*;
- *Baulkham Hills Development Control Plan No. 1 – Rural 1(a), 1(b) and 1(c) Zones* (DCP 1); and
- *Baulkham Hills Development Control Plan No. 16 – Extractive Industries* (DCP 16).

The Department has assessed proposal against the objectives and requirements of the above planning instruments in Appendix A of this report, and is satisfied that the proposal complies with, or is consistent with, the requirements of these planning instruments.

5.2 Environmental impacts

The Department believes that the key environmental issues associated with the proposal are:

- traffic and transport (and associated dust and noise impacts); and
- tailings disposal (and associated groundwater and final landform impacts).

The Department's assessment of these key issues, as well as other issues associated with the proposal, is presented in the following sections.

5.2.1 Traffic and Transport

Issue:

The proposal would generate additional laden truck movements on public roads, and extend the duration of sand haulage on public roads, and therefore may contribute to additional noise, dust and wear and tear impacts on public roads.

Consideration:

The proposed Haerses Road quarry would generate an additional 28 *laden* truck movements a day to the existing quarry and/ or directly to local and regional markets (see Figure 2). As the new quarry would only use empty trucks returning to the existing quarry for all of its sand haulage requirements, no change is proposed to the *total* truck movements (120 per day) approved under the existing DA 250-09-01 consent.

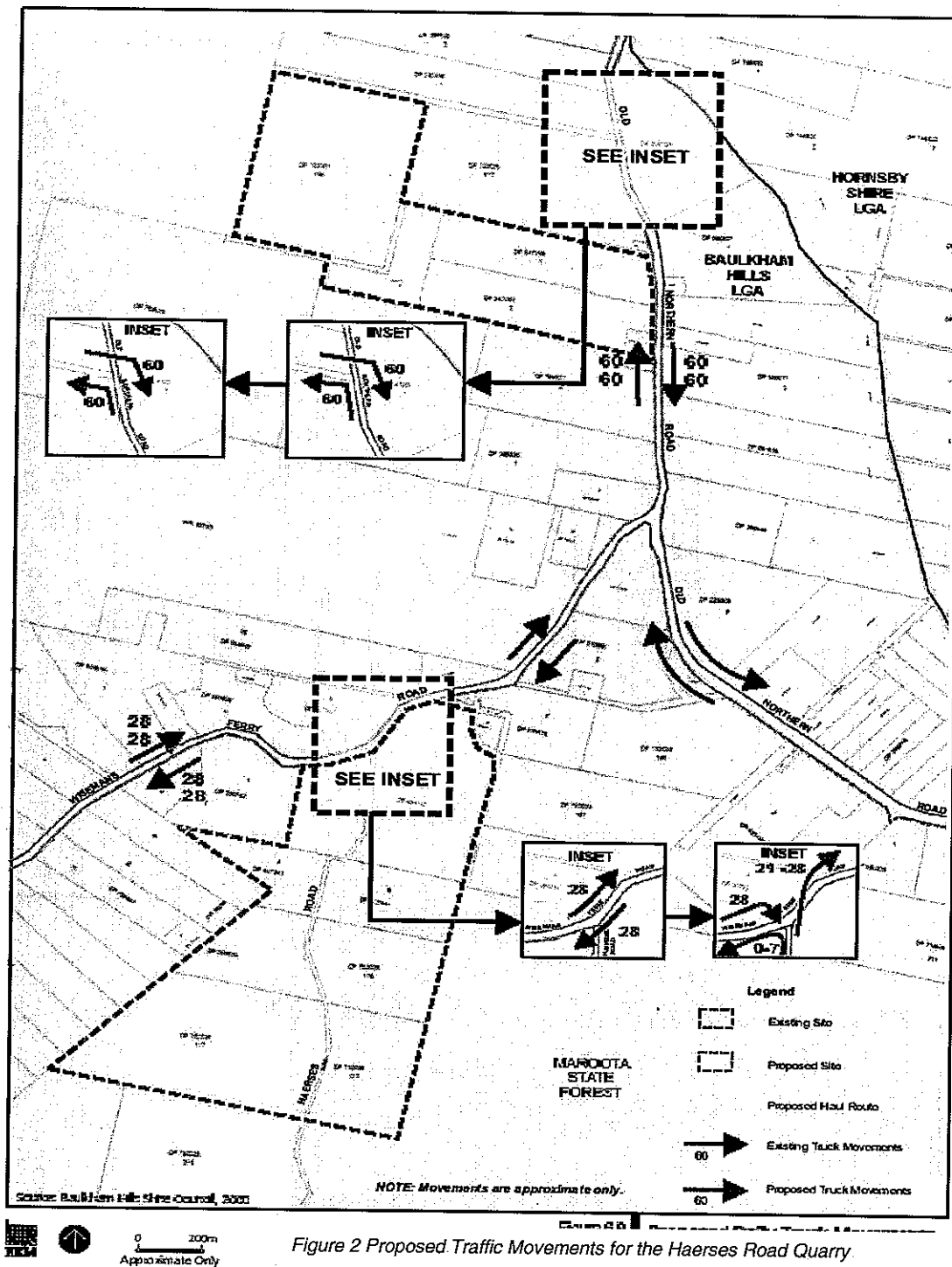


Figure 2 Proposed Traffic Movements for the Haerses Road Quarry

Dust/ Noise

Two of the agency submissions and the public submissions raised concerns regarding the potential dust and noise impacts generated by additional laden truck movements on public roads. The Maroota Public School was seen as a particularly sensitive receptor and it was suggested by one public submission that truck movements past the school should be stopped entirely and diverted via the PF Formation internal haul road which connects to Wiseman's Ferry Road.

The Applicant has advised that all truck movements carrying loads from the Haerses Road quarry to the existing quarry would be covered. Furthermore, the Applicant's acoustic consultant has advised that the additional laden truck movements proposed would not substantially increase existing road traffic noise levels at Old Northern Road and Wiseman's Ferry Road as there is no significant difference between the noise generated by laden versus empty trucks on sealed roads. Based on the Applicant's assessment the Department is satisfied that the proposal is unlikely to appreciably increase noise and dust impacts beyond existing approved levels to receivers

along public roads, including the Maroota Public School. Nevertheless, the Department has incorporated the requirement for covered loads on public roads into its recommended conditions of consent for the Haerses Road quarry development application.

Furthermore, the Department does not believe that truck movements should be diverted via the PF Formation haul road, as this road is unsealed and likely to generate substantial dust and noise impacts to surrounding receivers (including the School) if the Applicant's 120 truck movements are re-routed along this road. It should also be noted that neither the Applicant nor the Department has the power to force PF Formation to allow Dixon's to use its private road. Therefore, the Department believes that the Applicant should be required to continue to comply with its existing approved traffic arrangements, which restricts sand haulage to sealed public roads and accessways only.

Road Safety and Maintenance

While not changing the total number of truck movements on the road, the proposal would increase the number of laden truck movements on the road (by 28), and extend the duration of sand haulage along public roads. Under the development consent to DA 250-09-01, the Applicant has approval to haul sand (via 120 truck movements) until May 2022. The Applicant seeks approval to extend that haulage for 25 years from the date of commencement of the Haerses Road quarry. As the existing quarry and the new quarry would operate concurrently, this in effect would mean that sand haulage is extended for another nine years beyond the time originally approved by the DA 250-09-01 consent, rather than a further 25 years (i.e. until approximately 2032).

The proposed changes to laden truck movements and the duration of sand haulage have some potential to increase wear and tear impacts on Old Northern Road and Wiseman's Ferry Road. To ensure that any impacts are adequately compensated for, the Department has (as part of its recommended conditions of consent for the new quarry) required the Applicant to pay maintenance contributions to cover the 28 additional laden movements proposed out of the new quarry. In addition, the Department believes that the Applicant should be required to continue to pay maintenance contributions to Council in accordance with the requirements of its existing consent (DA 250-09-01), to cover the extended period of sand haulage proposed out of the existing quarry.

The Department is satisfied that these additional payments would be sufficient to ensure the ongoing upkeep of the public roads. Furthermore, as the proposal would not change existing approved *total truck numbers* on the road, the Department is satisfied that the proposal is unlikely to materially change the level of service or road safety of the two roads beyond existing approved levels.

Conclusion:

As the proposal would not change the total number of daily truck movements approved under the existing consent, the Department is satisfied that the proposal would not substantially change the traffic and transport impacts of the proposal beyond existing approved levels.

5.2.2 Tailings Disposal and Management

Issue:

The proposal has the potential to reduce infiltration rates across tailings disposal areas and would change the final landform of a small proportion of the existing quarry site.

Consideration:

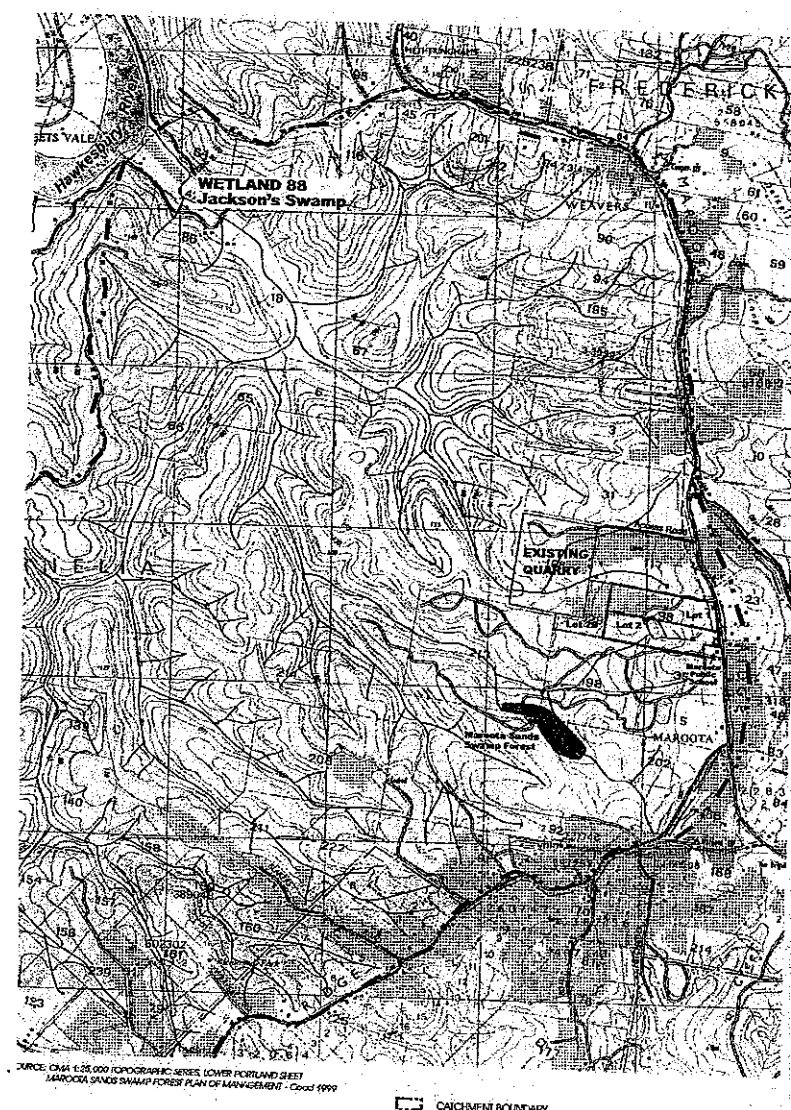
Tailings comprise silt and clay fines left behind after extracted sand is washed. The Applicant proposes to use the tailings generated by the Haerses Road quarry (approximately 1,425,000 cubic metres in total) to backfill an existing void in the north west corner of Lot 196 of the existing quarry. The void currently receives tailings generated by the Lot 1 & 2 operations, through direct piping from the wash plant. The Applicant advised that, once dewatered and rehabilitated, the final landform in this area would rise by approximately 15 metres as a result of the additional emplacement of tailings associated with the proposal. This change is not expected to create a visual feature on site but rather enable a more consistent topography to be achieved across the quarry's final landform.

The SEE states that the void on Lot 196 has sufficient capacity to receive tailings until the final 4 years of extraction at the Haerses Road site. At this time it is proposed that the tailings resulting from the washing process (approximately 235,000 cubic metres in total) is dewatered using a belt press filter (or similar) to enable its use in batter creation in Lots 1 and 2 and for the capping of tailings ponds in Lots 29 and 196.

The Applicant has advised that the technology used for the dewatering of tailings in these final 4 years is unlikely to significantly change existing operations at the site in terms of noise generation, water use/ disposal, or waste management, and would be managed through existing, best practice operational measures.

Two public submissions questioned the validity of the tailings calculations presented in the SEE and raised concerns that inadequate details were provided in the documentation of how tailings would be managed on site.

The Department has reviewed the information provided in the SEE and the response to submissions and is satisfied that the Applicant has provided adequate information on tailings management.



DNR raised a concern that the additional volumes of tailings proposed to be placed in existing voids could further decrease infiltration rates at these locations due to the high proportion of silt and clay fines contained within tailings.

However, the Applicant argued that the disposal of tailings in this manner is an already approved activity under the existing consent, and that the disposal of additional tailings in a void which is already being used for this purpose, would not substantially exacerbate the infiltration impacts of the proposal as currently approved.

Furthermore, it was considered that as the quarry comprise such a small proportion of the available catchment areas for surrounding water bodies (see Figure 3), any reduction in ground infiltration would not significantly affect surrounding groundwater dependent ecosystems or water bodies.

The Department is satisfied that that the disposal of additional tailings would not substantially increase the groundwater impacts of the existing quarry as originally approved, and that the existing groundwater monitoring and management conditions would be adequate for the modification.

Figure 3 Catchment Area

Conclusion

Based on its assessment the Department is satisfied that the proposed tailings management measures would not substantially change the approved operations, final landform or infiltration rates of the existing quarry.

5.2.3 Other Issues

The proposed modification would not change the existing approved disturbance footprint, or scale and intensity of operations at the site. As such no additional impacts on flora and fauna and heritage are anticipated. Similarly, as substantial changes are not proposed to existing facilities and landform, it is considered that the modification proposal would not appreciably increase noise, air quality, surface & groundwater, or visual impacts beyond existing approved levels. The existing quarry is complying with the requirements of its development consent (DA 250-09-01) and with applicable environmental criteria. The Department is satisfied that the operation would continue to comply.

5.3 Suitability of the Site

The existing quarry is located on land zoned 1(b) Rural under the *Baulkham Hills Shire Local Environmental Plan 2005*, wherein extractive industry is permissible with development consent. Furthermore, the subject land has been identified as being suitable for extractive industry by State Government policy (SREP 9). The existing development is therefore considered to be consistent with the strategic land use objectives and existing land use of the Maroota area.

The proposed modification would not change the function, intensity or aerial scale of operations at the existing quarry. The proposal would enable the processing of sand from another SREP 9 identified sand resource of significance (the Haerses Road site), without substantially increasing the environmental impacts of the existing quarry. Consequently, the Department is satisfied that the site is suitable for the development.

5.4 Submissions on the Proposal and the Public Interest

During the exhibition period the Department received 5 public submissions. Of these, 2 submissions from specialist interest groups objected to the development. No government authorities objected to the proposal.

In consideration of the range of the submissions, the Department believes there is minor local opposition to the proposed modification, particularly to the proposed extension of heavy vehicle haulage on public roads beyond the timeframe originally approved by the consent to DA 250-09-01.

While the Department is satisfied that the proposed modification would not substantially increase the existing environmental impacts associated with the existing quarry or create any new impacts, the Department is cognisant that the modification would nevertheless increase the length of time during which existing impacts would be experienced by surrounding receivers. Assuming concurrent operation of the Haerses Road site and the existing quarry, it is expected that existing impacts would continue to be experienced by surrounding receivers for at least an additional 9-10 years (i.e. until approximately 2032 instead of 2022).

However, the Department believes that this increased *duration* of impact is justified given that the modification would:

- facilitate the development of the Haerses Road sand quarry, a regionally significant sand resource identified under SREP 9;
- remove the need for processing facilities to be duplicated at the Haerses Road quarry site, which would result in additional environmental impacts in terms of dust, noise and vegetation clearance;
- facilitate the continued employment of up to 17 personnel at the exiting quarry, and generate employment for 2 new personnel at the new quarry site;
- not substantially increase the environmental impacts associated with the existing quarry; and
- comply with applicable environmental criteria.

Consequently the Department is satisfied that the proposed modification is in the public's interest.

6. RECOMMENDED CONDITIONS OF CONSENT

The Department has drafted recommended conditions of consent for the modification (see Tag B). These conditions are required to ensure that the proposal is carried out generally in accordance with the SEE.

The Applicant does not object to these conditions.

7. CONCLUSION

The Department has assessed the proposed modification and submissions on the proposal in accordance with the requirements in section 79C of the EP&A Act, and concludes that the proposed modification would not change the existing approved disturbance footprint, function or scale/intensity of operations at the existing quarry, or substantially increase the environmental impacts of its existing operations.

Therefore the Department is satisfied that the existing quarry as modified would be substantially the same development for which consent was originally granted and that the quarry can be operated in an environmentally sustainable manner.


The proposed modification would facilitate the development of a new sand quarry at Hearses Road, which is a sand resource identified in State government policy as a regionally significant resource. As such, the proposal would facilitate significant socio-economic benefits, including the provision of 7 million tonnes of sand to the local and Sydney construction industry and the continuation of up to 17 jobs.


Consequently the Department believes that the proposed modification should be approved, subject to conditions.

8. RECOMMENDATION

It is RECOMMENDED that the Minister:

- consider the findings and recommendations of this report;
- approve the proposed modification under section 96AA of the EP&A Act subject to the conditions set out in the attached instrument of consent; and
- sign the attached notice of modification (Tag B).

 10/2/06
Mike Young
Manager, Mining and Extractive Industries

 10/2/06
David Kitto
A/Director, MDA

Chris Wilson
A/Executive Director, OSDAA

APPENDIX A

ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

A.1 State Environmental Planning Plan No. 11 – Traffic Generating Development (SEPP 11)

SEPP 11 applies to the proposed modification as it constitutes a class of development ('extractive industry') listed under Schedule 1 of SEPP 11. The RTA was provided the opportunity to comment on the modification but did not raise any concerns or objections to the proposal.

A.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

The Department has assessed the environmental impacts of the proposed modification (see section 5.2 of this report) and is satisfied that the proposed modification would not substantially increase the environmental impacts or hazards associated with the existing quarry, which is already subject to an Environmental Protection Licence.

A.3 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The proposed modification would not involve any activities that are not already being undertaken on site, and would not increase the existing disturbance footprint of the site. Therefore the Department is satisfied that the existing site does not require land remediation to accommodate the proposed modification.

A.4 Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 - 1995) (SREP 9)

The site is identified within in schedule 2 as an area 'designated for extractive industry'. Clause 7(2) of the SREP provides that development for the purpose of extractive industries is permissible with consent on land to which the plan applies.

Clause 7(3) requires that a consent authority shall not consent to the carrying out of such development unless:

Provision	Consideration / Reference in Report
(a) it has considered the effect of the development on flood behaviour, the water quality, quantity and hydrodynamics of any watercourse or underground waters and also the effect of flood behaviour	The Department has considered the proposal's effects on groundwater in Section 5.2.2 and is satisfied that the proposed modification would not substantially increase the hydrogeological impacts of the existing approved quarry.
(b) it has considered a rehabilitation plan	The Department is satisfied that the proposed modification would not change the rehabilitation objectives of the rehabilitation plan for the existing quarry.
(c) it is satisfied that noise and vibration levels will generally be in accordance with the guidelines	The Department is satisfied that the proposed modification would not substantially increase the noise impacts of the existing approved quarry.
(d) it is satisfied that rehabilitation measures will be carried out in accordance with the guidelines in the <i>Urban Erosion and Sediment Control Handbook</i> (1992)	The Department is satisfied that the proposed modification can be conducted in accordance with current erosion and sediment control standards.

Clause 8 of the SREP requires the consent authority to forward a copy of the application to the DPI, and to have regard for any comments made by the Director-General of that Department. The Department received a submission from the DPI, and has had regard for the DPI's comments (see Section 4).

Clause 9 of the SREP requires a consent authority to consider the recommendations for future extraction outlined in the Extractive Industry Report (Department of Planning, 1994). The Report recommends that continued extraction at Maroota would be necessary to meet the long-term sand requirements of the Sydney Region.

Clause 11 requires that a consent authority shall not consent to the carrying out of an extractive industry in Maroota (as identified in Schedule 2) unless it is satisfied that the development:

Provision	Consideration / Reference in Report
(a) is unlikely to have a significant adverse impact on the Maroota groundwater resource or on other groundwater users in the region, and	The Department has considered the proposed modification's effects on groundwater in Section 5.2.2.
(b) will conserve the environmentally sensitive and significant areas and features of the Maroota	The Department is satisfied that the proposed modification would have no additional impacts on flora

	locality, including the environment of threatened species, populations and ecological communities, and	and fauna beyond those associated with the existing approved quarry.
(c)	will involve controlled and limited access points to main roads, and	The proposed modification would not change the access arrangements to the existing quarry.
(d)	will result in a final landform capable of supporting sustainable agricultural production or other post-extraction land uses compatible with the established character and the landscape and natural quality of the Maroota locality.	The proposed modification would change the final landform height of a small portion of the existing quarry site. This would not change the approved final land use (agriculture and native vegetation) of the site.

Clause 19(2) of the SREP requires that a consent authority shall not consent to the carrying out of an extractive industry unless it is satisfied that the extraction will be carried out in such a way as maximises the quality of the material extracted and minimises the creation of waste. The proposed modification would not change the existing approved extraction operations on site.

A.5 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20)

Clause 11(5) of SREP 20 prohibits the development of extractive industries in certain locations identified in schedule 2 to the plan. The site is not identified in schedule 2.

The Department is satisfied that the proposed modification is able to be conducted in a manner that is consistent with the General Planning Principles listed in clause 5 of the SREP, and the Specific Planning Policies and Recommended Strategies listed in clause 6 of the SREP.

A.6 Baulkham Hills Local Environmental Plan 2005 (LEP 2005)

At the time of lodgement of the modification application, the existing quarry site was covered by the 1(b) Rural zoning under the then *Baulkham Hills Local Environmental Plan 1991* (LEP 1991). The SEE (section 2.2 r) included an assessment of the proposed modification under the provisions of LEP 1991 and the *Draft Baulkham Hills Local Environmental Plan 200X*. The draft LEP was subsequently gazetted on 26 August 2005, superseding the provisions of the 1991 LEP. Following concerns raised by Council, the Applicant reassessed the proposed modification against the relevant provisions of LEP 2005, in its response to submissions.

Under LEP 2005, the existing quarry site would continue to be zoned as 1(b) Rural and 'extractive industries' remains permissible with consent under this zone. The stated objectives of this zone almost entirely mirror those previously stated under LEP 1991 and the Draft LEP (see below).

Stated objectives of 1 (b) Rural Zone under LEP 2005	Previously stated objectives of 1 (b) Rural Zone under LEP 1991 and/or the Draft LEP
(a) to ensure that existing or potentially productive agricultural land is not withdrawn unnecessarily from agricultural production, and	same as objective (a) of LEP 1991 and Draft LEP
(b) to maintain the rural character of the locality without adversely affecting the carrying out of agricultural activities, and	same as objective (e) of LEP 1991 and Draft LEP
(c) to ensure that development is carried out in a manner that minimises risks from natural hazards and does not unreasonably increase demand for public services and public facilities, and	same as objective (b) of LEP 1991 and Draft LEP
(d) to provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas and appropriate locations for tourist facilities, and	Similar in intent to objective(s): <ul style="list-style-type: none"> (c) of the Draft LEP and LEP 1991: "to provide for urban support functions"; and (f) of LEP 1991: "to make provision for tourist facilities in appropriate locations".
(e) to protect and enhance those areas of particular scenic and environmental value, and	same as objective (d) of LEP 1991 and Draft LEP
(f) to ensure that development is designed and carried out having regard to the rural and heritage character of surrounding land, and	same as objective (f) of Draft LEP
(g) to ensure that development is designed and carried out having regard to adjoining land uses and the natural environment.	same as objective (g) of Draft LEP

Clause 32 of LEP 2005 requires that the consent authority consider the additional matters listed under that clause for development involving extractive industries. The matters listed under clause 32 are identical to those previously listed under clause 40 of the Draft LEP and have been addressed in section 2.2 of the SEE.

Based on the Department's assessment of the environmental impacts of the proposed modification and its review of the Applicant's assessment of statutory matters, the Department is satisfied that the proposed modification is generally consistent with the stated objectives of Council's 2005 LEP.

A.7 Baulkham Hills Development Control Plan No. 1 – Rural 1(a), 1(b) and 1(c) Zones (DCP 1)

The objectives of DCP 1 are:

- to provide guidelines for the development of rural areas in the Shire;
- to ensure that development in rural areas has regard to the agricultural and environmental quality of the land; and
- to accommodate development which is compatible with the rural environment, that does not unreasonably increase the demand for services and minimises risks from natural hazards.

The proposed modification would not prevent the existing quarry being rehabilitated to its approved land use of native vegetation and agricultural land. Consequently the Department is satisfied that the existing quarry as modified would remain consistent with the objectives of DCP 1.

A.8 Baulkham Hills Development Control Plan No. 16 – Extractive Industries (DCP 16)

DCP 16 contains a range of provisions which control the manner in which extractive industries are established and operated in general and in the Maroota area in particular. The existing quarry has been developed to comply with the setback and performance requirements of DCP 16. The proposed modification would not change the existing quarry's compliance with the requirements of DCP 16.