

Our Ref: B1929

13 March 2014

The Director-General
NSW Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Consultants in:

Town Planning
Environmental Assessment

Suite 29
103 Majors Bay Road
P.O. Box 212
CONCORD NSW 2137

Tel: (02) 9736 1313
Fax: (02) 9736 1306
Email: kennan@ozemail.com.au

Principal:
NEIL KENNAN
B.A., Dip. Urb. Reg. Plan., MPIA,
Ord 4, Dip. Cart.
Certified Practising Planner

Dear Director-General,

Modification to DA 250-09-01 (Mod 4)
Lots 1 & 2, DP 547255
Old Northern Road, Maroota

With reference to the responses to the exhibition of the Environmental Assessment for the subject modification, we provide the following information for your consideration.

NSW Environment Protection Authority

By letter dated 5 December 2012, the EPA made the following comments:

The EPA has determined that the provisions of the proponent's current Environment Protection Licence (EPL) No.3916 for the premises will be adequate for the proposed modification to the Development Consent if approved by the DoPI.

No further comment is required.

The Hills Shire Council

The Hills Shire Council, by letter dated 11 November 2013, made the following comments:

1. **Flora and Fauna**

With regard to the impact assessment undertaken to determine the significance or otherwise of the flora and fauna within the exclusion area:

Given the varied reports provided for the site, it would be appropriate for the Department to arrange, at the applicant's cost, an independent ecological review to determine the vegetation on site prior to further consideration of the application.

Comment: The flora and fauna assessment undertaken by the applicant as part of the modification has been undertaken by recognised flora and fauna experts. The Office of Environment and Heritage (OEH) has raised concerns with the level of data provided in the Cumberland Ecology report, however, it has not raised any concerns with regard to the need for further independent assessment. Cumberland Ecology has prepared a further report for the consideration of OEH and it is envisaged that this process will be on-going in an endeavour to resolve the issues raised by OEH.

2. Groundwater

The Council states:

The Maroota area has previously been identified as an area containing perched groundwater. The proposal by the applicant to add specific criteria regarding depths of extraction is generally supported as outline on page 2-3 is supported for clarity.

Any increase in depth of extraction is to ensure that the regional water table is not adversely impacted upon. It is noted that Condition 3.26 provides protection should the groundwater be breached.

Comment: No further comment is required.

3. Truck Movements

The Council states:

The Environmental Assessment indicates that there is no change to the approved limits on production or truck movements. You are requested to ensure that all operational matters remain consistent with the original approval or as amended.

Comment: No further comment is required.

4. Air Quality

The Council has raised concerns with regard to Section 3.9 of the Environmental Assessment which states:

A review of the annual environmental monitoring reports for the Dixon Sand extractive industry operations at Maroota reveals that, generally, dust emissions from the extractive industry have been within the criteria referred to in conditions of consent. In this regard, the following information is provided from those environmental monitoring reports.

2003 - 2005

All dust gauges located on the Dixon Sand sites recorded dust emissions below the criteria.

2005-2006	<i>Some minor exceedance of the dust criteria. The environmental monitoring report indicates that the non compliance is as result of new operations in the locality other then those operated by Dixon Sand combined with unusually high winds and temperatures at time of recording the non compliance.</i>
2006-2007	<i>Two non compliant readings were recorded in this period which were stated as minor breaches of the criteria.</i>
2007-2010	<i>During this period, all dust gauges recorded readings below the criteria except for dust gauge D1. This gauge is located close to the front gate of the Site and the high levels have been a result of sand being deposited in the gauge.</i>

Comment: In light of the above, it is considered that the minor non compliance with the air quality criteria have been adequately addressed and that there is no justification for any remedial action as suggested by the Council.

NSW Resources & Energy

By letter dated 11 November 2013, NSW Resources & Energy made the following comments:

MRB has no issues with the modification to the Exhibited Environmental Assessment for Old Northern Road Quarry. MRB has previously provided advice on the subject proposal (OUT12/3079 dated 15th February 2012) stating that sufficient information has been provided to demonstrate the presence of a substantial resource of sand and sandstone.

No further comment is required.

NSW Department of Primary Industries Office of Water

The NSW Office of Water has raised issues with regard to the potential impact of the proposed modification on the groundwater source in the area.

A response to the concerns of the NSW Office of Water has been prepared by Australian Groundwater Technologies Pty Ltd. It is considered that the issues raised by the NSW Office of Water can be resolved during further discussion between the respective hydro geologists.

Heritage Council of New South Wales

By letter dated 14 November 2014, the Heritage Council of New South Wales stated:

- *It is noted that the Environmental Assessment does not provide any information about any potential historic heritage or historic archaeology which may be impacted by the proposed works.*

- *Appendix 8 & 9 of the EA contain two Aboriginal archaeological surveys for the site, dated 1998 and 2013 respectively.*
- *As there is no information in the EA regarding the potential historical values of the site the Heritage Division of the Office of Environment & Heritage is unable to provide any comments on this EA at this time.*
- *It is recommended that if deemed appropriate, a historical archaeological survey is undertaken to determine if the works will have any impact on any historical archaeology which may be present within the site's boundary.*

Comment: The 1998 survey referred to above is that which was prepared as part of the Environmental Impact Statement for the original development application to extract material from Lots 1 and 2. A copy of that assessment is attached as **Attachment 1**.

In light of the conclusions of the 1998 Archaeological Report, it is considered that it would not be appropriate to undertake further assessment of the areas the subject of Modification 4.

Condition 3.52 of the Consent states:

3.52 If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include OEH, the NSW Heritage Office, and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

It is considered that the requirements of Condition 3.52 would ensure that, if any historical or heritage sites were encountered during the extraction of the site, appropriate action would be undertaken to ensure the integrity of that historical find.

We trust the above and attached information is satisfactory. If additional information is required, please contact Mr Neil Kennan of this office.

Yours faithfully,
NEXUS ENVIRONMENTAL PLANNING PTY LTD
per:



Neil Kennan

Attachment 1

No Aboriginal archaeological sites or areas of potential archaeological deposit were identified although an unworked silcrete cobble and other potential artefact source materials were found.

Apart from a recommendation to consider preservation of a typical outcrop of Maroota Sands, Ms Corkhill found that no objection should be raised, on archaeological grounds, to the proposed quarry.

In the event that any archaeological material is found during development, operations in the area should cease immediately and National Parks and Wildlife Service should be contacted to expedite an assessment of the situation.

4.10.2 Historic Archaeology

There are no historical archaeological or heritage items on the proposed development site.

The nearest heritage items listed in Schedule 1 of the Baulkham Hills Shire Council Local Environmental Plan 1991 are at Wisemans Ferry, approximately seven kilometres north of the site. These items include a convict stockade site and the cable ferry. Old Northern Road, adjacent to the development site, is part of the convict constructed main route between Sydney and the Hunter Valley, built during the early 1800's.

The nearest heritage sites listed by the Register of the National Estate (Australian Heritage Commission) and the NSW State Heritage Inventory are at Maroota South (a drain and house sites and the Felton Matthew Marked Tree respectively).

Should any heritage material be found, work should cease in order to assess its significance and determine whether further action is necessary. Historical archaeological finds should be reported to the NSW Heritage Office.

4.11 TRAFFIC AND ACCESS

4.11.1 Existing Road Network And Conditions

The proposed road network to be used by the development included the quarry access road and Crown Reserve Road, Old Northern Road and Wisemans Ferry Road. Trucks will generally travel south from the site along Old Northern Road to the Wisemans Ferry Road intersection. From this intersection, approximately 65 percent continue south along Old Northern Road towards Glenorie and Dural and