

SUBMISSION TO DEPT OF PLANNING

AMENDED PRELIMINARY ENVIRONMENTAL ASSESSMENT



LOT 7 DP 2229156
WILTON QUARRY
155 WILTON ROAD, WILTON

JULY 2009

PREPARED BY



WALKER CORPORATION PTY LIMITED
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1.0 INTRODUCTION

- 1.1 This amended preliminary assessment and scoping report is submitted to the Department of Planning ('the Department'), to assist the Director General in determining the level and scope of the environmental assessment required to accompany the proposed Project Application as amended.
- 1.2 Walker Corporation Pty Ltd (Walker Corporation) submitted a preliminary assessment report in relation to the Wilton Quarry project in February 2008. In May 2008, Walker Corporation was advised that the Minister had declared that the proposed development is of a kind described in Schedule 1, Group 2(7) State Environmental Planning Policy (Major Projects) and authorisation was given to Walker Corporation to lodge a Project Application.
- 1.3 Director General Requirement's (DGRs) of the matters that needed to be considered as part of the Environmental Assessment of the project were also issued. A copy of the DGRs dated 8 May 2008 is included as **Annexure 1**.
- 1.4 In the course of confirming the extent of the resource, it became apparent that the total amount sandstone available as well as the amount within the approved work area was less than originally estimated and that the work area would need to be expanded. This had not been originally contemplated and the implication is that the project application now proposes to expand the work area of the quarry over a greater part of the site, including into the riparian corridor of Clements Creek.
- 1.5 The preliminary assessment includes the following information relevant to the project:
 - Site description;
 - Description of the project;
 - Capital investment value;
 - Planning provisions applying to the site;
 - Identification of the environmental issues associated with the project; and
 - Other approvals required.

2.0 SITE DESCRIPTION

2.1 Site Location

2.1.1 Wilton Quarry is located at 155 Wilton Rd, Wilton. The location of the site is identified in the Figure 1 below.



Figure 1 – Site location

2.2 Site Context

2.2.1 The site is located approximately 3 kilometres from the village of Wilton. The property is accessed off Wilton Road, approximately 200 metres west of Mount Keira Road. The surrounding land has been subdivided for rural residential use.

2.2.2 The site is bound by:

- Clements Creek to the west with bushland and paddock areas beyond;
- Bushland to the north and rural residential areas to the north east;
- Bushland and rural residential areas to the east; and
- Wilton Road to the south and rural residential areas to the south east.



Figure 2 – Rural residential subdivision surrounding the site.

2.3 Site Details

- 2.3.1 The land is legally described as Lot 7 DP 2229156. The total site area is 8.617 hectares. Approximately 4 hectares has been disturbed by current operations. The western edge of the site boundary is formed by Clements Creek. A site survey is included as **Annexure 2**.



Figure 3 – Aerial photo of the site showing existing condition

3.0 EXISTING CONSENT

- 3.1 We understand the quarry was lawfully operated prior to 1970, and continues to be lawfully operated. On 25 August 1970, the Shire Clerk, Wollondilly Shire Council wrote to Centre Plan Pty Ltd, granting permission *'to continue the operation on the basis of existing useage'*. The existing use is described as sandstone block extraction. The letter further advises *'that Council may in the future adopt the conditions pertaining to quarrying and extractive industries generally as per the information attached. In this regard further correspondence will be forwarded in due course, if Council desires to apply the conditions.'*
- 3.2 Wollondilly Council has not been able to identify any subsequent correspondence identifying conditions on the operation of the quarry referred to in the letter dated 25 August 1970. Copies of relevant documents from Wollondilly Council pertaining to the existing consent are included in **Annexure 3**.
- 3.3 In the light of the above and the apparent absence of limitations on the consent, Walker Corporation has sought legal opinion as to the statutory status of the quarry operations and any further consent(s) required to undertake the proposed intensification of quarry operations. To this effect advice from Lindsay Taylor Lawyers was sought and is attached for information. The advice concludes that based on certain assumptions made as a result of missing documents or unavailable documents, any intensification of the existing operations of the quarry requires the lodgement of a development application seeking consent to alter the existing operation

of the quarry under the provisions of section 109(2) of the Environmental Planning and Assessment Act. See **Annexure 4**.

- 3.4 The proposal to increase the volume of extraction would entail extending the approved work area and would result in encroachment into the riparian zone of Clements Creek. In addition, the depth of the quarry will be increased, possibly to below the level of Clements Creek. The figures included in **Annexure 5** shows the site constraints and the extent of the proposed new work area superimposed on the approved work, including sections.

4.0 CAPITAL INVESTMENT VALUE

- 4.1 The proposed cost of development is \$2 million. This will be confirmed by a Quantity Surveyor and submitted with the Project Application.

5.0 SIZE OF RESOURCE

- 5.1 The size of the resource is now estimated to be 555,555m³ or 1,500,000 tonnes. A final confirmation will be submitted with the Project Application. Based on the proposed rate of extraction proposed, it is estimated by the quarry operators that the resource will be exhausted in 6 years if extracted to the maximum rate annually.

6.0 PROJECT DESCRIPTION

- 6.1 The project application will seek to:
- increase the amount of material extracted from the quarry from 3,000m³ to a maximum amount of 100,000m³ (equivalent to 270,000 tonnes) per year;
 - extend the work area into the riparian zone;
 - increase the depth of excavation to possibly below the level of Clements Creek;
 - crush overburden for road base on site; and
 - rehabilitate the site.

The Figure 4 below describes the site constraints. The possible extent and depth of excavation is identified in the figures included in **Annexure 5**.

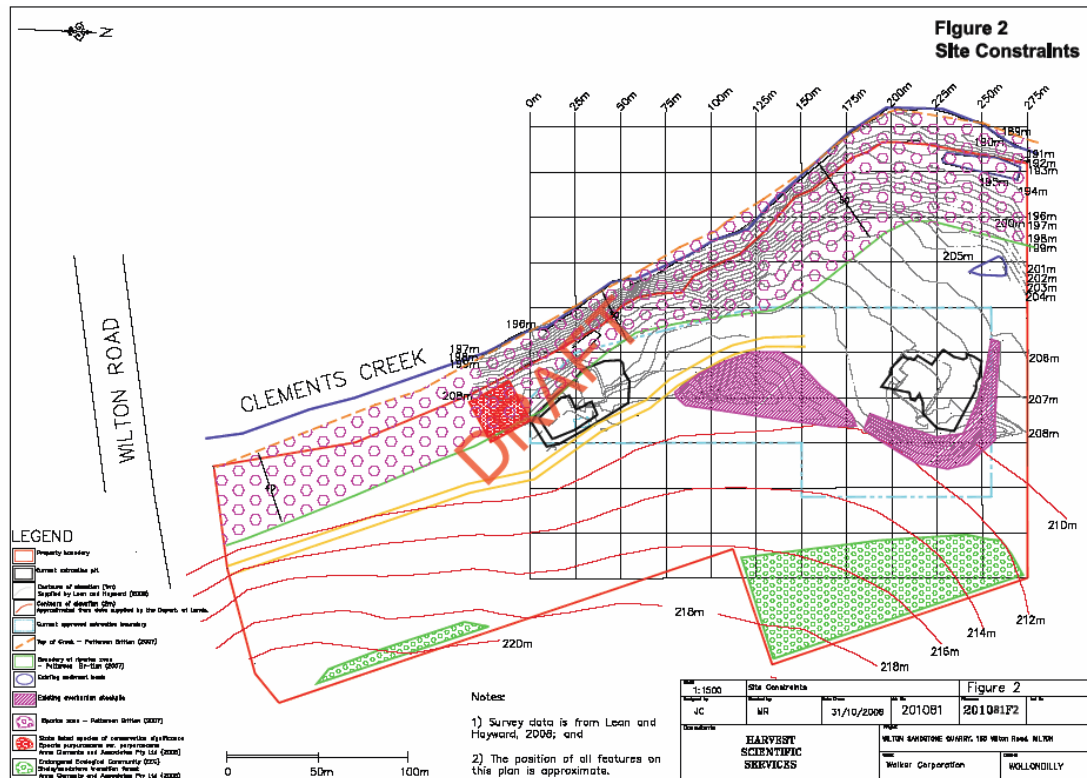


Figure 4 – Site constraints

6.2 The proximity of extraction adjoining Clements Creek is shown as being generally to the boundary ranging in extent as follows:

<i>Section measured</i>	<i>Proximity to Clements Creek</i>
25m	17m
75m	16m
125m	11m
175m	25m
225m	20m
250m	35m

6.3 Wilton Quarry sandstone is in high demand for heritage restoration works. In particular Appin stone from Wilton Quarry has been identified by Ron Powell, Manager, Centenary Stonework and Public Buildings Programs, Office of Public Works and Services, as having unique properties for the repair of sea walls and current requirements are not able to be met.

6.4 The accelerated rate of extraction will allow the Stratti family to fulfil pressing orders for the supply of high quality sandstone. However, in order to access the high quality stone, a significant amount of overburden needs to be removed.

6.5 The proposed use and grade of material extracted:

- Highest grade stone for heritage restoration works.
- Second grade quality stone for sea walls and retaining landscaping walls; and
- Overburden to be used as road base.

6.6 Over burden generated in reaching high grade stone is proposed to be crushed for road base to be used in the projects such as the Delfin/Lend Lease project at Bingara Gorge. In addition, road base will be required for Walker Corporation's development at the North Appin, and by developers of the nearby release areas in Camden Shire and the South West Growth Centre. A preliminary plan showing the location of likely projects that will need road base is included in **Annexure 6**.

6.7 A summary description of the proposed intensification of operations at the quarry required to achieve an extraction rate of 100,000m³ is as follows:

Total employees and hours of operation

Existing	Proposed
2 employees	10 employees (maximum)
6:00 am to 6:00 pm, 6 days a week, 52 weeks a year	6:00 am to 6:00 pm, 6 days a week, 52 weeks a year

Machinery on site

Existing	Proposed
N/A	4 x 40 tonne excavators
1 x 30 tonne excavator, with a rock saw	2 x 30 tonne excavators, with a rock saw
N/A	2 x crusher
1 x loader	2 x loader
N/A	1 x weighbridge

Traffic

Existing	Proposed
15 semi-trailers per day – each with a capacity of 28 tonnes (or 10.4 m ³)	40 - 50 semi-trailers per day – each with a capacity of 28 tonnes (or 10.4m ³)
5 cars/day	10 cars/day

7.0 PLANNING CONTROLS

- 7.1 The following relevant state and local planning instruments, development control plans and policies have been identified as applying to the site.

State Regional Environmental Plans

- 7.2 State Regional Environmental Plans (SREPs) relevant to the proposal are identified in Table 1.

Table 1 - State Regional Environmental Plans

Instrument	Purpose
<ul style="list-style-type: none">Sydney Regional Environmental Plan No. 9 – Extractive Industry	Identifies regionally significant extractive resources within the Sydney Region. The plan ensures extraction is carried out in an environmentally acceptable manner and prohibits extraction from certain environmentally sensitive areas. It ensures that decisions on future urban expansion take into account the ability to realise the full potential of important deposits.
<ul style="list-style-type: none">Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River	Integrates planning with catchment management to protect the river system. The impact of future land use is to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, rivers scenic quality, agriculture, and urban and rural residential development. It controls development that has the potential to impact on the river environment. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

State Environmental Planning Policies

7.3 State Environmental Planning Policies (SEPPs) relevant to the proposal are identified in Table 2.

Table 2 - State Environmental Planning Policies

Instrument	Purpose
<ul style="list-style-type: none"> State Environmental Planning Policy No. 33 – Hazardous and Offensive Developments 	Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal.
<ul style="list-style-type: none"> State Environmental Planning Policy No. 44 – Koala Habitat Protection 	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.
<ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land 	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State.
<ul style="list-style-type: none"> State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 	This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

Local Statutory Planning Framework

- 7.4 The principal local planning instrument affecting the site is Wollondilly Local Environmental Plan 1991.
- 7.5 The site is zoned Rural 1(a2) under Wollondilly Local Environmental Plan 1991 (WLEP 1991). Within the zone, extractive uses are permissible with consent. The objectives of the zone are identified in Table 3.

Table 3 – Rural 1(a2) - Zone Objectives

Objective	Purpose
<i>'(a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings, and</i>	No further subdivision is proposed.
<i>'(b) to prevent inappropriate, premature and sporadic subdivisions and to ensure consolidation of urban areas so as to enhance the prospect of economic provision of services, and</i>	No further subdivision is proposed.
<i>'(c) to prevent, on the fringe of urban areas, the subdivision of land into small lots which would prejudice the proper layout of additional urban areas as a result of natural growth, and</i>	No further subdivision is proposed.
<i>'(d) to retain the scenic quality and overall character of the land,</i>	The land is currently used as a quarry and is generally well screened from the road by existing vegetation. The proposed increased rate of extraction will not increase the existing work area. The driveway entrance at Wilton Road to the quarry may require upgrading and would be the only externally visible change to the existing conditions at the quarry.
<i>'(e) to encourage agricultural activities that are within the rural capability of the land.'</i>	The site is unlikely to have rural capability other than potentially low grade activities due to the character of its soil and geological structure.

Development Control Plans

7.6 The following local development control plans and policy documents are applicable to the site:

- Wollondilly DCP No. 7 – Off Street Car parking
- Wollondilly DCP No. 22 – Bushfire Mitigation
- Wollondilly DCP No. 21 – Earth Dams
- Wollondilly DCP 36 – Development in Rural Area
- Wollondilly DCP - Notification and Advertising of Development Proposals

Strategies and Policies

7.7 The following strategies and policies are applicable to the site:

- Wollondilly Vision 2025
- Wollondilly Development Contributions Plan 2005 (adopted December 2005)

8.0 PRELIMINARY ENVIRONMENTAL CONSIDERATIONS

8.1 It is requested that the Director General issue amended requirements for an environmental assessment to accompany the proposal for the Wilton Quarry for the lodgement of a Project Application.

8.2 The information below has been prepared to assist the Director General in identifying the general requirements and key environmental project specific issues to be addressed in the future Environmental Assessment.

8.3 A range of technical studies will be commissioned to inform the Project Application and to identify any key site constraints. The following matters being identified as key environmental considerations associated with the proposed development. These are as follows:

- Site Suitability
- Acoustic impacts
- Water Management (including surface and ground water)
- Bushfire Hazard
- Air Quality
- Transport and Access
- Environmental Sustainability (particularly critical habitats; threatened species; populations or ecological communities or their habitats)
- Geology and sub-surface conditions
- Heritage (both Aboriginal and non-Aboriginal)
- Waste Management

- Hazards
- Infrastructure and Services
- Environmental Monitoring and Management
- Rehabilitation and Final Land Use

Site Suitability

- 8.4 The site is situated within an area zoned Rural 1(a2) pursuant to WLEP 1991. The proposal seeks to intensify the existing extractive industry (sandstone) which is a permissible use (with the consent of Council) in accordance with the current land use provisions in the WLEP 1991.
- 8.5 The suitability of the site for the proposed development will be further tested and demonstrated by a range of technical assessments undertaken to inform the final development.
- 8.6 The key built form environmental issue associated with site suitability will be visibility. It is envisaged that the only new structure required to be constructed as a result of the proposal is a new amenities building.

Noise/Acoustic Issues

- 8.7 A report assessing noise and vibration impacts on the acoustic amenity of the proposed development on adjoining rural residential sites will need to be undertaken as part of the Project Application.
- 8.8 No blasting is proposed as part of the extraction process. The extraction of sandstone is not suited to blasting which would result in the damage and fracture high grade stone blocks.
- 8.9 The current method of extraction applied is an excavator and rock saw. It is proposed to continue this method of extraction with increased capacity. The likely effect of the introduction of crushing operations on site on adjoining residential properties and fauna will be fully assessed as part of future technical studies proposed to be undertaken.

Compliance with Statutory Plans

- 8.10 Tables of Compliance will be prepared with a future application and will provide a detailed assessment of the proposed development against the provisions of the controls identified in Section 5.0 above.

Water Management Issues

- 8.11 Water management has been introduced as part of the existing operations. These have been monitored as a requirement under the provisions of the Rivers and Foreshores Improvement Act. Current management practices will need to be augmented in the light of the proposed Project Application. A detailed water management plan will need to be submitted with any future application.

Bushfire Hazard

- 8.12 The site is identified as Bush Fire Prone Land – Vegetation Category 1. An investigation of the bush fire hazard and any constraints will be investigated and submitted with Project Application. Mitigation measures will be identified if and as required.

Air Quality

- 8.13 The proposed introduction of on site crushing and increased rate of extraction will increase dust and soil disturbance. A full investigation of the impact of the proposed activities and their effect on air quality will be investigated and submitted with the Project Application.

Transport and Access Issues

- 8.14 It is proposed to use the existing site access and egress arrangement as well as existing vehicular tracks within the site. The key issues to be considered include traffic generation and the route of trucks delivering extracted material. A detailed a traffic and transport study will be submitted with the application.

Environmental Sustainability

- 8.15 A preliminary report has been prepared for the site to scope out key issues in relation to the likely impact on flora and fauna. Threatened Flora and Fauna species have been identified within the site. A more detailed report will be prepared to accompany a project application for the site.
- 8.16 In addition, opportunities for environmentally sustainable practices for the operation will be investigated.

Geology and Sub Surface Conditions

- 8.17 The site is located with the Mine Subsidence Area.
- 8.18 Data from limited on site investigations undertaken to date have been combined with regional mapping data and historical investigations of site uses.
- 8.19 The existing geological conditions consist of Hawkesbury Sandstone throughout most of the property. The Hawkesbury Sandstone is likely to be some 170 metres thick at the quarry site and generally is massive sandstone with occasional shale lenses. A narrow margin of Wianamatta Shale may occur along the higher part of the eastern boundary.
- 8.20 The riparian zone of Clements Creek consists of sandstone that is largely covered by fairly shallow alluvial material. Although minor perched water tables may occur in the district, no sign of water flow, apart from minor seepage in to the gully has been observed. A horizontal joint below the site shed dips eastward, i.e. drainage is away from the creek.
- 8.21 The existing site conditions will be validated as part of further geotechnical investigations designed to support the proposed development and confirmation of the size of the resource with full site drilling.

Heritage and Archaeology Issues

- 8.22 Preliminary studies undertaken indicate that no items of aboriginal or archaeological heritage exist within the site.

Waste Management

- 8.23 A detailed investigation into waste management arising from the operations of the quarry will be undertaken, and a waste management plan prepared and submitted with the Project Application.

Hazards

- 8.24 No known hazards exist on the site. Any potential hazards that may arise as result of further investigations into the intensification of quarry operations will be identified and submitted with mitigation measures as part of the Project Application.

Infrastructure

- 8.25 The site has limited existing infrastructure. If any augmentation is required, this will be identified as part of more detailed investigations into the intensification of site operations.

Environmental Monitoring and Management

- 8.26 A Site Management and Rehabilitation Plan¹ was prepared at the time consent was sought for the level of quarry operations from the then Department of Natural Resources. The recommendations contained in the management plan have formed the basis of site monitoring of the current operations. An updated site management and rehabilitation plan will be prepared to accompany the Project Application.

Site Rehabilitation and Ultimate Land Use

- 8.27 As mentioned above, an updated site management and rehabilitation plan will be prepared to accompany the Project Application. As part of the application, the likely timing and staging of the quarry rehabilitation will be investigated.
- 8.28 The staging of the rehabilitation of the site will need to have regard to:
- Final/Interim uses;
 - Site access; and
 - Financial considerations;

9.0 OTHER MATTERS

- 9.1 Arising from the proposal, approvals and/or permits may be required under the following Acts:
- National Parks and Wildlife Act 1974
 - Mining Act 1992
 - Mine Subsidence and Compensation Act 1961
 - Mines Inspection Act 1901
 - Rivers and Foreshores Improvement Act 1971
 - Heritage Act 1977
 - Native Vegetation Conservation Act 1997
 - Protection of the Environment Operations Act 1997
 - The Commonwealth Environment Protection and Biodiversity Act 1999.

¹ Thomas. D 'Site Management and Rehabilitation Plan for Sandstone Quarry at Clement's Creek, Wilton' 1995
Unpublished

- 9.2 Necessary approvals and permits required for the proposed intensification of extraction rates site will be identified as part of the Project Application. In addition, consultation with stakeholders will also need to be undertaken.
- 9.3 The various authorities and stakeholders likely to be involved are:
- Wollondilly Shire Council
 - Adjoining land owners
 - RTA
 - Department of Water and Energy
 - Department of Environment and Climate Change
 - Department of Planning
 - Mine Subsidence Board
 - Catchment Management Authorities
 - Department of Primary Industries (Minerals)
 - Department of Commerce
 - Federal Department of Environment and Conservation

10.0 CONCLUSION

- 10.1 The Minister declared that the proposed development is of a kind described in Schedule 1, Group 2 (7) State Environmental Planning Policy (Major Projects) and authorisation was given to Walker Corporation to lodge a Project Application.
- 10.2 The amended preliminary assessment considers the effect of the amendment to the project to the project description, relevant planning provisions and the likely environmental issues associated with the proposed intensification of the rate of extraction at the site.
- 10.3 Having regard to the above and in accordance with provisions in Part 3A of the Act, we request that the Director General issue amended requirements for the environmental assessment of the amended project proposal.



NSW GOVERNMENT
Department of Planning

Contact: Michael Young
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Fax: 02 9228 6466
Email: michael.young@planning.nsw.gov.au

Our ref: S07/01712

Ms Krystyna Luczak
Consultant Town Planner
Walker Corporation Pty Ltd
GPO Box 4073
SYDNEY NSW 2001

Dear Ms Luczak

**Director-General's Requirements
Wilton Quarry Project
Project Application No: 08_0076**

The Department has received your application for the Wilton Quarry Project.

I have attached a copy of the Director-General's requirements for the project. These requirements have been prepared in consultation with relevant public authorities, and are based on the information that you have provided to date. I have also attached a copy of the public authorities' comments for your information.

Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General may alter these requirements at any time.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Department of the Environment, Water, Heritage and the Arts in Canberra ((02) 6274 1111 or <http://www.environment.gov.au>) to determine if your proposal requires an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements may need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment of the project to determine the:

- fees applicable (see Division 1A, Part 15 of the *Environmental Planning & Assessment Regulation 2000*);
- consultation and public exhibition arrangements that will apply; and
- number of copies (hard-copy or CD-ROM) of the Environmental Assessment for exhibition purposes.

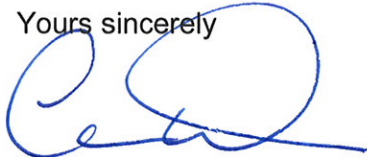
As you may know, the Department will review the Environmental Assessment in consultation with the relevant authorities to determine if it adequately addresses the Director-General's

requirements. If the Director-General considers the Environmental Assessment to be inadequate, you will be required to revise it prior to public exhibition.

The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, I would appreciate it if the documents submitted to the Department in the future are in a suitable format for the web, and if you would arrange for an electronic version of the Environmental Assessment for the project to be hosted on a suitable website with a link to the Department's website.

If you have any enquiries about these requirements, please contact Michael Young on (02) 9228 6437.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'C. Wilson', written over the words 'Yours sincerely'.

2.5.08

Chris Wilson
Executive Director
Major Project Assessment

As delegate of the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	08_0076
Project	The expansion of the quarry, which includes: <ul style="list-style-type: none"> • increasing the extraction rate from 3000m² to 100,000m² per year; • increasing the depth of extraction by 2-4m; • crushing road base material; and • progressively rehabilitating the site
Site	155 Wilton Road, Wilton (Lot 7 DP 2229156)
Proponent	Walker Corporation Pty Ltd
Date of Issue	2 May 2008
Date of Expiration	2 May 2010
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of all components of the project including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered; and – various components and stages of the project; • consideration of any relevant statutory provisions, including whether the project is consistent with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; • a general overview of all the environmental impacts of the project, identifying the key issues for further assessment, and taking into consideration the issues raised during consultation; • a detailed assessment of the key issues specified below and any other significant issues identified in the general overview of environmental impacts of the project (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment; – an assessment of the potential impacts of the project, taking into account the strategic land use planning proposals for the area and the potential for any future land use conflicts between the proposal and any urban development; – a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts of the project; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; • a conclusion justifying the project, taking into consideration the environmental impacts of the project, the suitability of the site, and the benefits of the project; • a table indicating where each of the Director-General's requirements have been addressed in the Environmental Assessment; and • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • Noise and Vibration – including construction and operational noise and off-site road noise impacts; • Air Quality – including dust, odour and greenhouse gases; • Surface and Groundwater – including a site water balance; a detailed description of the proposed water management system, including any creek diversions/crossings and sediment/water supply dams; consideration of the proposal against the relevant provisions of <i>Drinking Water Catchments Regional Environmental Plan No 1</i>;, and a contingency strategy setting out the measures that would be implemented

	<p>to minimise any potential impacts associated with the project;</p> <ul style="list-style-type: none"> • Flora and Fauna – including impacts on threatened species, populations or endangered ecological communities or their habitats; and details of vegetation offsets to ensure that there is no net loss to the flora and fauna values of the area in the medium to long term; • Traffic and Transport – including a detailed traffic impact study in accordance with the relevant guidelines that includes details of the traffic volumes likely to be generated by the project and an assessment of the capacity and safety of the intersection of the quarry access road with Wilton Road and the proposed transport route; • Heritage – including Aboriginal and non-Aboriginal heritage; • Visual; • Waste; and • Rehabilitation and Final Land Form - including a justification for the proposed final land form and use in relation to any strategic land use objectives (including the draft South West Subregional Strategy); a detailed description of how the site would be progressively rehabilitated and integrated into the surrounding landscape; the measures that would be put in place to ensure sufficient financial resources are available to implement the proposed rehabilitation measures.
References	<p>The Environmental Assessment must take into account relevant State Government technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in Attachments A and B.</p>
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, including the:</p> <ul style="list-style-type: none"> • Commonwealth Department of the Environment, Water, Heritage and the Arts; • Department of Environment and Climate Change; • Department of Primary Industries; • Department of Water and Energy; • Roads and Traffic Authority; • Sydney Catchment Authority; and • Wollondilly Shire Council. <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed refusal period	<p>60 days</p>

State Government Technical and Policy Guidelines - Assessment

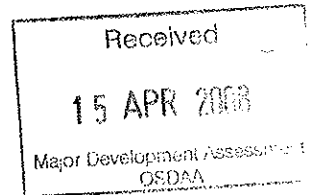
Aspect	Policy/Methodology
Noise	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (DECC – EPA)
	Environmental Noise Control Manual (DECC)
Vibration	
	Assessing Vibration: A Technical Guideline (DECC)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DECC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DECC)
Greenhouse Gas	
	AGO Factors and Methods Workbook (AGO)
Soil and Waters	
<i>Erosion and Sediment Control</i>	Managing Urban Stormwater: Soils & Construction (Landcom)
	Design Manual for Soil Conservation Works - Technical Handbook No. 5 (DWE)
	Soil and Landscape Issues in Environmental Impact Assessment (DWE)
	Wind Erosion - 2nd Edition (DIPNR)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DWE)
	NSW State Groundwater Quality Protection Policy (DWE)
	NSW State Groundwater Quantity Management Policy (DWE) Draft
	The NSW State Groundwater Dependent Ecosystem Policy (DWE)
<i>Salinity</i>	NSW Salinity Strategy (DWE)
<i>Water Quality</i>	National Water Quality Management Strategy: Policies and Principles - a Reference Document (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Implementation Guidelines (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian drinking water guidelines (NHMRC/NRMMC)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Bunding and Spill Management (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DECC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DECC)
<i>Land Classification</i>	Agricultural Land Classification. Agfact AC.25. (DPI)
Flora and Fauna	
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (DPI Fisheries)
	Policy & Guidelines for Fish Friendly Waterway Crossings (DPI Fisheries)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI Fisheries)

	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DECC)
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DECC)
	Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 - Guide to implementation in NSW (DOP)
	Environment Protection and Biodiversity Conservation Regulations 2000 (Schedule 4)
Traffic and Transport	
	Guide to Traffic Generating Development (RTA)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DECC)
	Aboriginal Cultural Heritage Standards and Guidelines Kit (DECC - EPA)
<i>Non-Indigenous</i>	NSW Heritage Manual (NSW Heritage Office)
	The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance)
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
Waste	
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (DECC - EPA)
Consultation	
	Guidelines for Major Project Community Consultation (DOP)

State Government Technical and Policy Guidelines - Industry

EIS Guideline – Extractive Industries Quarries (DOP)

Our reference : FIL08/4534:DOC08/15046:CP
Contact : Craig Patterson, (02) 4224 4100



Director
Department of Planning
(Attention: Michael Young)
GPO Box 39
SYDNEY NSW 2001

Dear Sir

**DIRECTOR-GENERAL REQUIREMENTS
PROPOSED EXTRACTION OF SANDSTONE FROM AN
EXISTING QUARRY, 155 WILTON ROAD, WILTON**

We refer to your request for the Department of Environment and Climate Change (DECC) to identify key requirements for the preparation of an Environmental Assessment (EA) in regard to the proposed expansion of the above quarry operations to permit the extraction of up to a maximum amount of 100,000m³ per year.

Based on the presented information received by the DECC, there are a number of environmental issues that warrant close investigation as part of the EA process. A summary of these issues is as follows with more detailed information specified in Attachment A:

- Licensing requirements
- Noise and vibration
- Water quantity and quality
- Air quality
- Threatened species
- Aboriginal cultural heritage

Should you require any further information, please contact the officer above:

Yours sincerely

10/4/08

PETER BLOEM
Acting Manager Illawarra
Environment Protection and Regulation

(N:\EPRD\CP\2008\DOC08-15046 - PART 3A - WALKER QUARRY WILTON V2.DOC)

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 513, Wollongong NSW 2520
Level 3, 84 Crown Street, Wollongong NSW
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW



ATTACHMENT A

The following are Department of Environment and Climate Change's (DECC) key environmental requirements to be addressed in the development of an Environmental Assessment (EA) for the proposed development.

Environmental Impacts of the Project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Licensing requirements
 - Noise and vibration
 - Water quantity and quality
 - Air quality
 - Threatened species
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Details are required on the location of the proposed development including the affected environment to place the proposal in its local and regional environmental context including surrounding landuses, planning zonings, potential sensitive receptors, surface and sub-surface area/features of conservation significance and environmental sensitivity. These should include areas containing natural and cultural heritage values.
4. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Licensing Requirements

On the basis of the information submitted to date it appears the proposed development will require an Environment Protection Licence (EPL) under the Protection of the Environment Operations Act, 1997 (POEO). The scheduled activity being *Extractive Industries*. Additional information is available through the DECC Guide to Licensing document which can be found at <http://www.environment.nsw.gov.au/licensing/licenceguide.htm>. Should development consent be granted, the proponent will need to make a separate application to DECC for an EPL for the proposed facility prior to undertaking any works on site relating to the proposal.

Impacts of Noise and Vibration

The development should be designed in accordance with the NSW Government's *Industrial Noise Policy* with the identification and assessment of all potential noise sources associated with the development. This assessment should include, but is not limited to: the location of sensitive receptors; assessment of the background noise; project specific noise limits; the potential impact of any transport noise; and the proposed hours of operation.

Impacts on Water Quantity and Quality

The goal of the project should ensure:

- there is no pollution of waters (including surface and groundwater)
- polluted water is captured on the site and directed to reticulated sewer where available or else collected, treated and beneficially reused, where this is safe and practicable to do so
- there is consistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission
- it contributes to the protection or achievement over time of River Flow Objectives and Water Quality Objectives.

An assessment needs to be provided in the EA demonstrating how the above objectives will be achieved. The proponent should confirm in the EA the catchment that the development occurs in to determine the requirements that should apply. The EA should clearly identify any sensitive areas nearby and provide details on any potential impact this proposal may have on these areas including any associated mitigation measures. The EA also needs to address stormwater issues. The EA should also address erosion and sediment controls applicable to construction of the site.

Impacts on Air Quality

The environmental outcome for the project in relation to air quality is to ensure sensitive receptors are protected from any adverse impacts from dust and odour. Dust is the primary concern with potential emissions occurring mainly as a result of operational activities and vehicular movements. In addition, the development should ensure:

- emissions should not cause adverse impact upon human health or the environment, and there must be no offensive odour beyond the boundary of the premises
- visible dust emissions from material handling, storage, processing, haul roads, transport and material transfer systems are minimised and
- vehicular kilometres travelled are minimised.

Threatened Species

A field survey of the site should be conducted and documented in accordance with the draft "Guideline for Threatened Species Assessment".

Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.

Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

The assessment should also assess any impacts including measures to avoid and mitigate impacts on any threatened species associated with the siting and construction of any access roads and infrastructure provision.

Native Vegetation Conservation Act (1997)

The DECC advises that proponents will need to consider the provisions of the Native Vegetation Act 2003 if the proposal involves the clearing of native vegetation as consent for the clearing maybe required. Further advice should be sought from the appropriate Catchment Management Authority.

Aboriginal Cultural Heritage

The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.

Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

ATTACHMENT B

Guidance Material

Noise and Vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC 1990)
- Environmental Noise Control Manual, (EPA, 1994)
 - Section 171 Construction Noise Guideline
 - Section 19.3 Sleep Arousal Criteria
- Assessing Vibration: A Technical Guideline (DEC, 2006)

Water Quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- NSW Government Interim Water Quality and River Flow Environmental Objectives See <http://www.environment.nsw.gov.au/ieo/>
- State Environmental Planning Policy No 58 - Protecting Sydney's Water Supply and other relevant Government policies
- Sustaining the Catchment Regional Plan, REP
- The relevant targets within the State Water Management Outcomes Plan
- EPA technical guidelines '*Bunding and Spill Management*'

Stormwater

(Note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998)

Groundwater

- State Groundwater Policy Framework Document (DLWC 1997)
- The NSW State Groundwater Quality Protection Policy (DLWC 1998)
- (Draft) NSW State Groundwater Quantity Management Policy
- NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
- National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book)

Air Quality

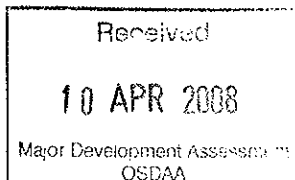
- Legislative requirements under the Protection of the Environment Operations Act 1997 and its associated Regulation
- Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales (August 2001)
- Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (July 2001)

Threatened Species

Draft Guidelines For Threatened Species Assessment - Available from Department of Planning. Additional information on these guidelines can also be obtained found on the DECC website.

Aboriginal Cultural Heritage

- DECC's Aboriginal Cultural Heritage and The Integrated Development Assessment Process February 2005
- Aboriginal Cultural Heritage Standards and Guidelines Kit – available on DECC's website http://www.nationalparks.nsw.gov.au/PDFs/aboriginal_heritage_guidelines_kit_final.pdf
- Interim Community Consultation Requirements for Applicants. <http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>



NSW Government

DEPARTMENT OF WATER AND ENERGY

Your Ref: No:S07/01712
Our Ref: ERM07/7525 z
File no : 029992

8 April 2008

Director
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Michael Young

Dear Sir

**Director-General's Requirements for the Preparation of an EIS.
Proposed Sandstone Extraction of 100,000m³ / year from an Existing Quarry
Lot 7, DP 229156 155, WILTON ROAD, WILTON**

I refer to your letter of 2 April 2008 seeking the requirements for the preparation of an Environmental Impact Statement (EIS) for this extractive industry proposal. Under its water legislation, the Department of Water and Energy (DWE) requires the following to be addressed:

Rivers and Riparian Corridor Protection

The EIS will need to demonstrate that the proposed development will not detrimentally affect *Waterfront Land*, as defined under the Water Management Act 2000 (WMA) by addressing the following:

- Any approval requirements under the WMA
- Preservation of the riparian buffer area (*waterfront land*)
- Effects on riparian flora and fauna
- Impacts on flooding and resultant effects on stream bed and bank stability
- Any Asset Protection Zones (APZ) required under the *Rural Fires Act 1997* must be located outside this riparian buffer (*waterfront land*)
- Any necessity to remove vegetation from *protected land* to be offset by approved compensatory revegetation works
- Maintenance of environmental flows and inundation patterns so that post-development flow behaviour matches pre-development streamflows
- Details on the location and ecological quality of any waterbody such as lake or wetland areas in relation to the watercourses and riparian corridors
- The impacts on flow regime of any affected rivers or watercourses
- The bed and bank stability of any affected rivers or watercourses during and after completion of the operations and any need for recurrent maintenance or dredging
- Assessment of potential impact on fluvial geomorphology including any erosion and sedimentation locally and downstream that may be caused by the proposal.
- Measures to be implemented to guard against actual and potential environmental disturbances during the extractive operation

Groundwater Protection

Works that intercept groundwater including excavations, bores or wells, even for dewatering and monitoring purposes will require approval under Part 5 of the *Water Act (1912)*. The EIS is required to provide details on the following:

- The predicted highest groundwater table at the development site.
- Works likely to intercept groundwater.
- Groundwater extraction, including purpose, location and construction details of all relevant works / bores
- Measurement and method of 'disposal' of extracted water and, if necessary, approval from the relevant approval authority.
- Description of different aquifer systems including their extent and inter-relationships (including inter-relationships with surface water bodies and dependent ecosystems)
- Details of existing groundwater users (including environment) within the area of the proposal and any potential impacts on these users.
- Protective measures for groundwater dependent ecosystems.
- Measures to prevent any potential contamination of groundwater.

Surface Water Extraction / Water Storage Structures

If it is proposed to extract water from a surface water source or to change the course of a river (permanently flowing, third or higher order) or harvest runoff in a dam, the EIS will need to address approval requirements under Part 2 of the *Water Act (1912)*. The EIS to include, as required:

- Details of stream order (using the Strahler System).
- Identification of sources and volumes of any surface water proposed to be used.
- Details of existing and proposed water storage structures/ water extraction, including size, purpose, location, design specifications for pumps, dams, cuttings and diversions.
- Calculation of the Maximum Harvestable Right Dam Capacity (MHRDC).

Note: If the development lies within a gazetted Water Sharing Plan (WSP) under the *Water Management Act 2000* the EIS will need to demonstrate that the proposed development satisfies the rules of that WSP.

Operational Information

The EIS to include the following operational details:

- Plan detailing any proposed staging / sequencing of the operation.
- Stormwater Management Plan (*Note: On-river structures (weirs, dams) are not supported. Such works to be located outside the riparian corridors*).
- Identification of any APZ.
- Vegetation Management Plan that details the conservation/ rehabilitation of riparian buffer zones on site including the removal of exotic species, revegetation with native species and the stabilisation of erosion hazards
- Acid Sulfate Soil Management Plan prepared in accordance with ASSMAC guidelines
- Rehabilitation Plan that details the progressive and final restoration/ rehabilitation of the landform, revegetation and maintenance.
- Monitoring program for assessment on surface water and groundwater
- Contingency plans linked to the monitoring programs

Statutory Framework

The EIS is to satisfy the statutory requirements of legislation administered by the DWE, as applicable, namely:

- *Water Act (1912)*; and
- *Water Management Act (2000)*.

Note: Please note that the Rivers and Foreshores Improvement Act 1948 (RFIA) has been repealed and has been replaced by the Controlled Activity provisions under Part 3 of the Water Management Act 2000 (WMA), effective from 4 February 2008.

Further information on Controlled Activity Approvals can be obtained from the Department's website: www.dwe.nsw.gov.au (select Water, select Access, Licences & Trade).

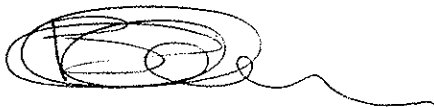
State Policies

The EIS is to address the following NSW State Government's policies, as applicable:

- NSW State Rivers and Estuaries Policy
- NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers
- NSW Groundwater Policy Framework Document - General
- NSW Groundwater Quantity Management Policy
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy
- NSW Wetlands Management Policy
- NSW Weirs Policy
- Farm Dams Policy

Should you have any further enquiries about this matter please contact Mr Mohammed Ismail in the first instance, direct on (02) 9895 7978.

Yours sincerely

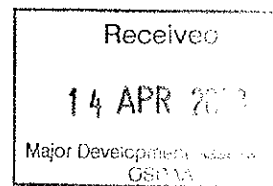


Brian Graham
Licensing Manager (Parramatta)
Water Management Division

Our Ref: 496DA77 (08/463)

Contact: Nicole Stevenson (4221 2523)

Your Ref: S07/0712



10 APR 2008

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY 2001
Attention: Michael Young

**WOLLONDILLY SHIRE – PART 3A PROJECT APPLICATION – 155 WILTON ROAD,
EXPANSION TO EXISTING WILTON QUARRY, WILTON**

Dear Sir

I refer to your letter dated 2 April 2008 regarding the request for input into the Director-General's requirements for the preparation of an Environmental Impact Statement for the subject Part 3A Project Application.

The RTA has reviewed the submitted information and recommends that following matters be considered in the preparation of the EIS:

- A detailed traffic impact study (TIS) should be prepared in accordance with Table 2.1 of the *RTA Guide to Traffic Generating Developments*. In preparing this study the developer should provide specific details regarding the following:
 1. The current and expected increase in traffic generation associated with the site. This information should include specific comment regarding the increase in heavy and light vehicle movements. The applicant should provide details regarding the daily and weekly splits in vehicle movements.
 2. Details regarding the existing and proposed heavy vehicle route.
 3. The suitability of the existing junctions along the heavy vehicle route to accommodate an increase in vehicle/truck movements.
 4. Details regarding the maximum length of vehicles accessing the site for haulage purposes.

In preparing the above study, the applicant should identify suitable treatments required to ameliorate any traffic and safety impacts associated with the expansion to the existing quarry.

Should you require any clarification on this matter please contact Nicole Stevenson on 4221 2523.

Yours faithfully

N. Stevenson

For Trish McClure
Manager, Road Safety and Traffic Management
Southern Operations and Engineering Services





16 APR 2008

Major Development Assessment
OSDAA

11 April 2008

Mr Howard Reed
A/Manager
Mining And Extractive Industries
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Your ref: S070/01712

Howard
Dear Mr Reed,

**Director General's Requirements
Wilton Quarry Project**

I refer to your letter of 2 April 2008 seeking advice on key issues that should be addressed in the Environmental Assessment to be prepared for the above project. This is a coordinated response incorporating advice from the Mineral Resources, Fisheries and Agricultural divisions of the Department of Primary Industries. Comments on key issues that should be addressed in the environmental assessment (EA) for the proposed development are provided below. There are no specific key issues relating to agriculture.

MINERAL RESOURCE ISSUES

- The key issues that need to be addressed in the EA are the size and quality of the resource. The proponent must be able to demonstrate that the size and quality of the resource have been adequately assessed and provide details of methods used to assess the resource and its suitability for the intended applications.

FISHERIES ISSUES

- Potential impacts on the creek, including sedimentation and water quality should be assessed and mitigated.
- The existing "Site Management and Rehabilitation Plan" should be updated.

If you have any further queries concerning this project please contact Iain Paterson on 4931 6704 or iain.paterson@dpi.nsw.gov.au. Any queries relating specifically to fisheries issues may be directed to Carla Ganassin on 9527 8552 or carla.ganassin@dpi.nsw.gov.au.

Yours sincerely

Iain Paterson
A/Chief Geoscientist, Land Use



Our Reference: DLWilton quarry

Michael Young
C/- Department of Planning
DX 10181 SYDNEY STOCK EXCHANGE

15 April 2008

Dear Mr Young,

WILTON QUARRY PROJECT, 155 WILTON ROAD, WILTON

I refer to your letter received by Council on 2 April 2008 with regard to the expansion of the existing quarrying operations at the above property and apologise for the delay in my reply.

With regard to the proposed expansion of the quarrying operations, I would like to raise the following issues:

- There are a number of dwelling houses located within 500 metres of the subject site. The expansion of the facility would more than likely have an impact on the ability of residents to use their land by the way of noise, dust and the like. There are approximately 10 dwelling houses within 250 metres of the site and approximately 47 dwelling houses between 250 metres to 500 metres of the site.
- Clements Creek, an intermittent stream, borders the subject site. The proposed expansion could have an impact on the creek and suitable buffers and protections would need to be in place to ensure that health of the aquatic environment and riparian vegetation is maintained.
- As stated in the submission, there would be a substantial increase in the number of vehicles that would enter and leave the subject site on a daily basis. The current access from the site onto Wilton Road is considered inadequate due to the topography, speed environment (in this case 80km/h), roadside vegetation and rock formations. An intersection upgrade in accordance with the Roads and Traffic Authority Guidelines would be required to ensure the safety of motorists in both directions.
- There are currently no drainage controls or sedimentation control devices at the site's access onto Wilton Road. Suitable drainage and sedimentation controls would need to be in place to prevent any materials from the site from entering Clements Creek (which appears to be occurring).

Development Services Fax: 02 4677 1831
Development Services Email: devenv@wollondilly.nsw.gov.au

62-64 Menangle Street Picton NSW 2571
PO Box 21 Picton DX: 26052 Picton Phone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au ABN: 93 723 245 808

- It must be highlighted that the bridge over Clements Creek is located less than 60 metres west of the site and an intersection improvement would more than likely require an upgrade to the crossing.

Further, an overtaking lane begins immediately out front of the subject site. The Traffic Impact Study would need to take the above into consideration and provide suitable design solutions.

- The capacity of the road system surrounding the site would need to be considered as part of the assessment process. Upon inspection, the road edge in front of the site is breaking up as a result of the current level of operations. The proposed number of semi-trailers to service the proposed expansion is likely to further degrade the road standard.
- Upgrades to the existing site facilities (parking areas, wastewater, waste management and the like) would be required to accommodate the proposed increase in staff. The erection of any new buildings and associated structures would need to be compatible with the surrounding environment to ensure the rural character is maintained.

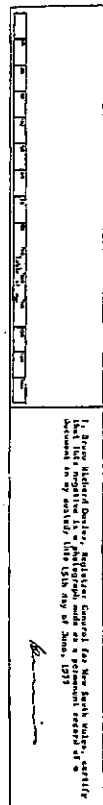
I trust this satisfies your enquiry.

If you have any further questions with regard to this matter, please contact me directly on 02 4677 8257 or via email at daniel.lukic@wollondilly.nsw.gov.au.

Regards

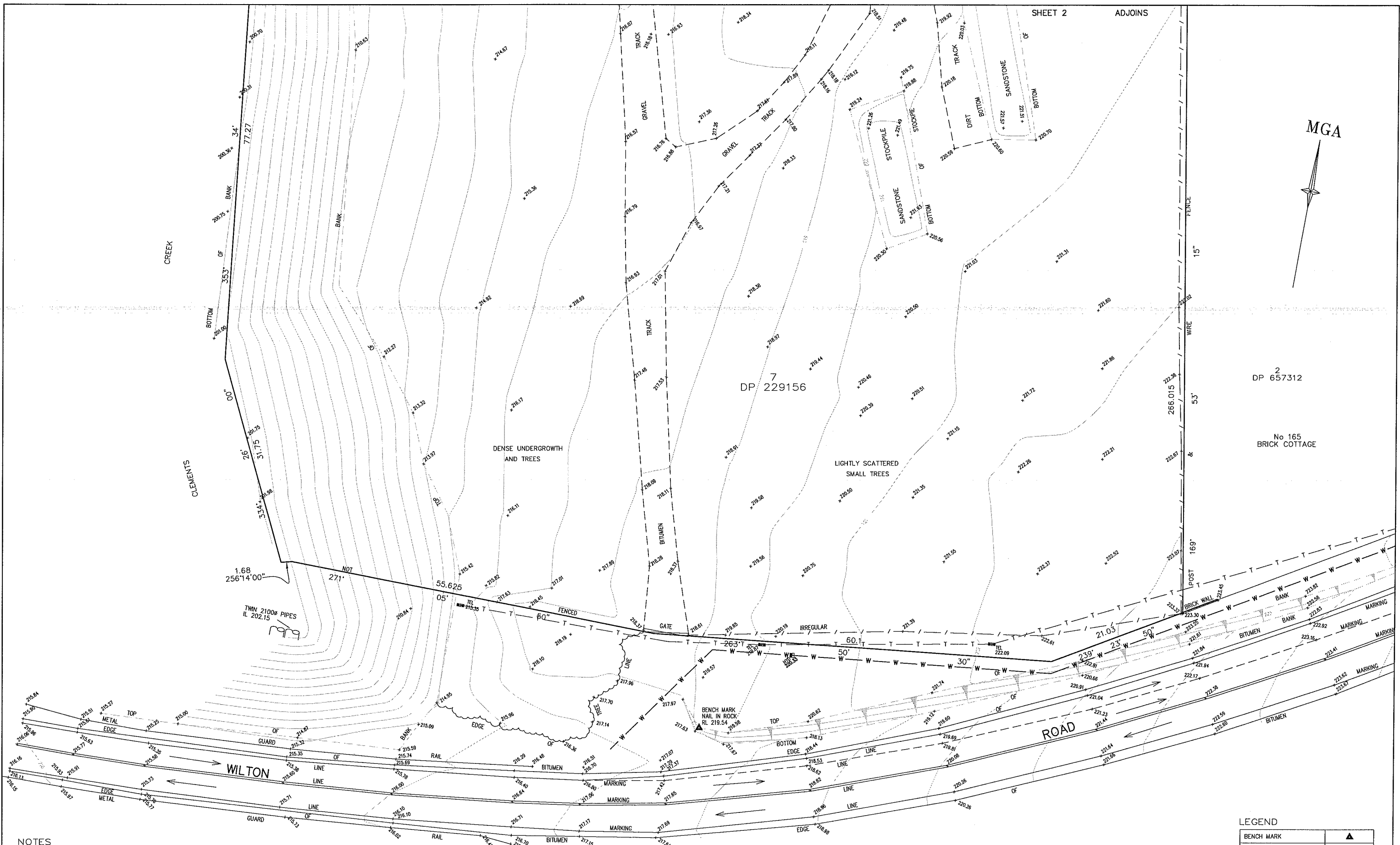


Dan Lukic
Development Assessment Planner
DEVELOPMENT SERVICES

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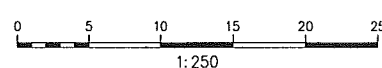
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1 1/2	1 1/2	0.381			
1 3/4	1 3/4	0.443			
2	2	0.508			
2 1/4	2 1/4	0.572			
2 1/2	2 1/2	0.635			
2 3/4	2 3/4	0.698			
3	3	0.762			
3 1/4	3 1/4	0.825			
3 1/2	3 1/2	0.889			
3 3/4	3 3/4	0.952			
4	4	1.016			
4 1/4	4 1/4	1.079			
4 1/2	4 1/2	1.143			
4 3/4	4 3/4	1.206			
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5 1/4	5 1/4	1.333			
5 1/2	5 1/2	1.397			
5 3/4	5 3/4	1.460			
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6 3/4	6 3/4	1.715			
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7 1/4	7 1/4	1.841			
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19 1/2	19 1/2	4.952			
19 3/4	19 3/4	5.016			
20	20	5.080			

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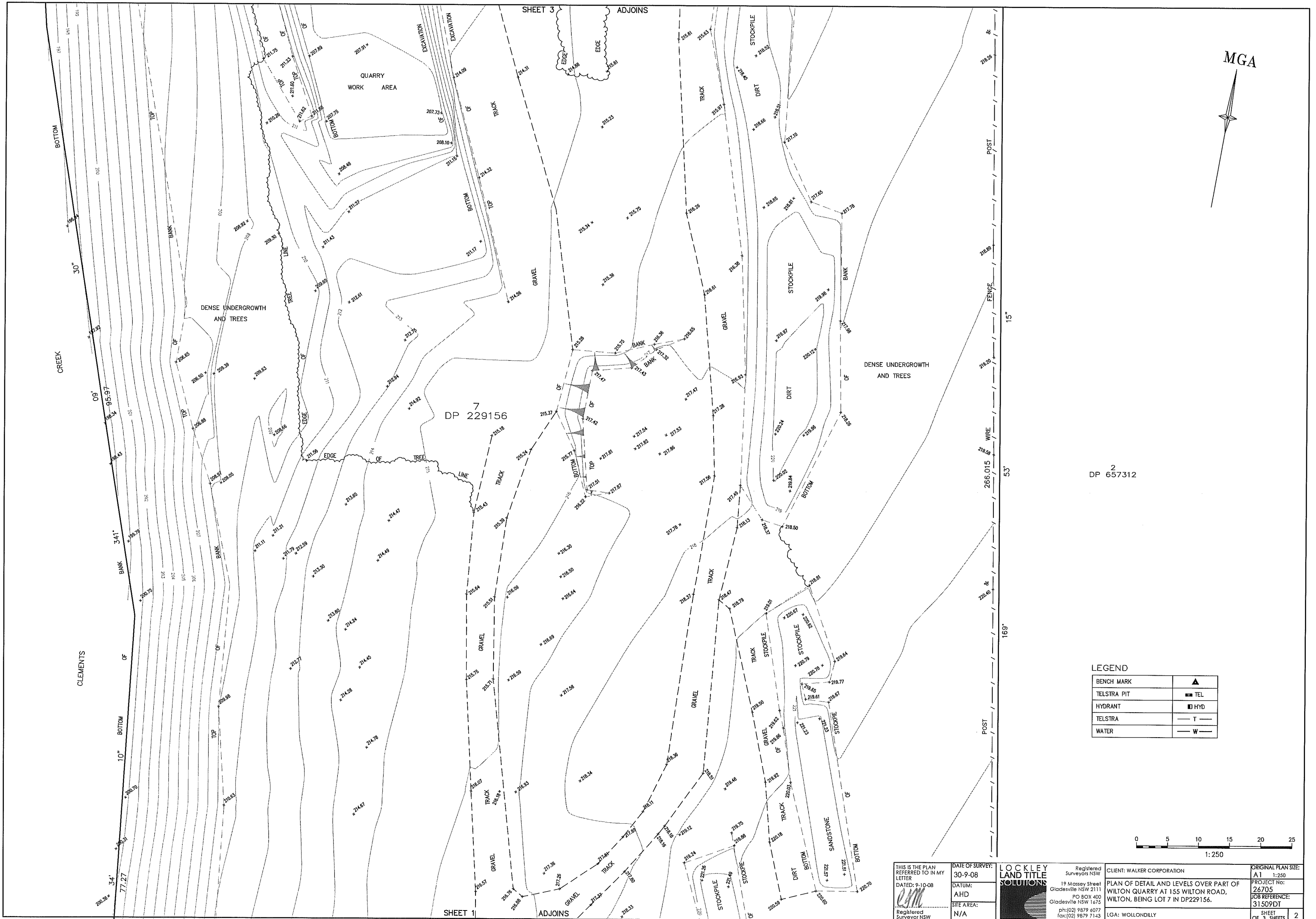


- NOTES
- 1) THE BOUNDARIES HAVE NOT BEEN MARKED
 - 2) ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY
 - 3) ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM PM25154 R.L. 226.45 (A.H.D.) IN DOUGLAS PARK DRIVE.
 - 4) CONTOUR INTERVAL 1.0m
 - 5) NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. SERVICES HAVE BEEN PLOTTED FROM RELEVANT AUTHORITIES INFORMATION AND HAVE NOT BEEN SURVEYED. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE
 - 6) APPROXIMATE POSITION OF ROAD LINEMARKING SHOWN AND IS INDICATIVE ONLY
 - 7) BEARINGS SHOWN ARE MGA.

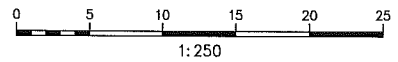
LEGEND	
BENCH MARK	▲
TELSTRA PIT	■ TEL
HYDRANT	■ HYD
TELSTRA	— T —
WATER	— W —



THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: 9-10-08 <i>LM</i> Registered Surveyor NSW	DATE OF SURVEY: 30-9-08	LOCKLEY LAND TITLE SOLUTIONS 19 Macquarie Street Gladesville NSW 2111 P.O. Box 420 Gladesville NSW 1675 ph: (02) 9879 4077 fax: (02) 9879 7143	CLIENT: WALKER CORPORATION PLAN OF DETAIL AND LEVELS OVER PART OF WILTON QUARRY AT 155 WILTON ROAD, WILTON, BEING LOT 7 IN DP229156. LGA: WOLLONDILLY	ORIGINAL PLAN SIZE: A1 1:250
	DATUM: AHD			PROJECT No: 26705
			JOB REFERENCE: 31509DT	SHEET OF 3 SHEETS
				1



LEGEND	
BENCH MARK	▲
TELSTRA PIT	■ TEL
HYDRANT	■ HYD
TELSTRA	— T —
WATER	— W —



THIS IS THE PLAN REFERRED TO IN MY LETTER

DATED: 9-10-08

[Signature]

Registered Surveyor NSW

DATE OF SURVEY: 30-9-08

DATUM: AHD

SITE AREA: N/A

LOCKLEY LAND TITLE SOLUTIONS

19 Massey Street
Gladesville NSW 2111
PO BOX 400
Gladesville NSW 1675
ph: (02) 9879 6077
fax: (02) 9879 7143

CLIENT: WALKER CORPORATION

PLAN OF DETAIL AND LEVELS OVER PART OF WILTON QUARRY AT 155 WILTON ROAD, WILTON, BEING LOT 7 IN DP229156.

LGA: WOLLONDILLY

ORIGINAL PLAN SIZE: A1 1:250

PROJECT No: 26705

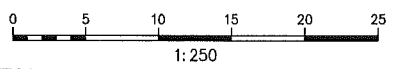
JOB REFERENCE: 31509DT

SHEET OF 3 SHEETS 2



MGA

LEGEND	
BENCH MARK	▲
TELSTRA PIT	■ TEL
HYDRANT	■ HYD
TELSTRA	— T —
WATER	— W —



THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: 9-10-08

LM

Registered Surveyor NSW

DATE OF SURVEY: 30-9-08

DATUM: AHD

SITE AREA: N/A

LOCKLEY LAND TITLE SOLUTIONS

19 Massey Street
Gladesville NSW 2111
PO BOX 400
Gladesville NSW 1675
ph: (02) 9879 6077
fax: (02) 9879 7143

CLIENT: WALKER CORPORATION

PLAN OF DETAIL AND LEVELS OVER PART OF WILTON QUARRY AT 155 WILTON ROAD, WILTON, BEING LOT 7 IN DP229156.

LGA: WOLLONDILLY

ORIGINAL PLAN SIZE: A1 1:250

PROJECT No: 26705

JOB REFERENCE: 31509DT

SHEET OF 3 SHEETS 3

THIS PLAN IS PREPARED FROM FIELD SURVEY ONLY

THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT BY FIELD SURVEY.

PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR LOCATION OF UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

CAUTION: CONTOURS SHOWN HEREON ARE INDICATIVE ONLY

THIS PLAN IS AN ACCURATE RECORD OF SURFACE FEATURES AS SURVEYED 11TH. SEPT. 2000

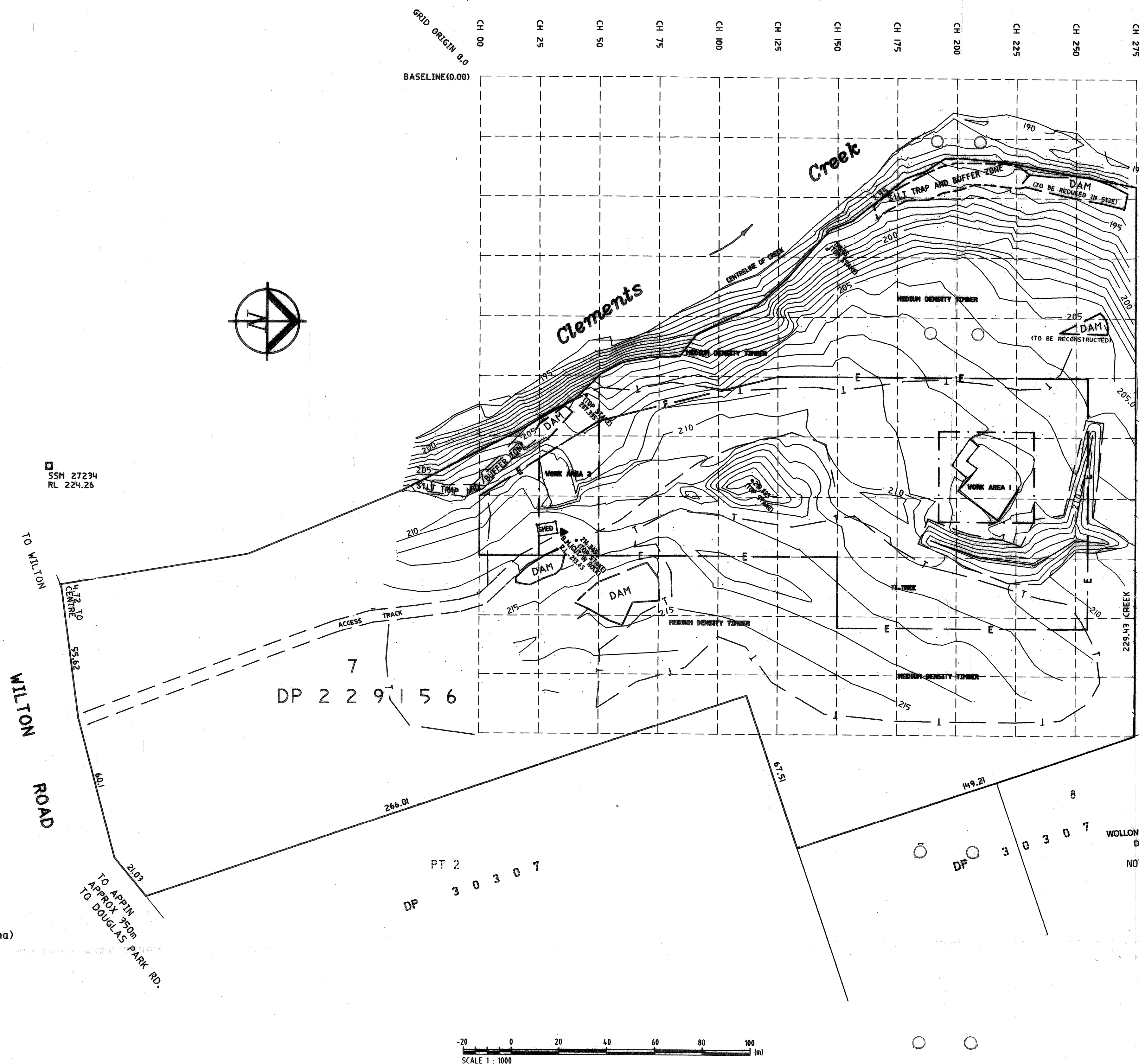
LARRY DEAN WARD
REGISTERED SURVEYOR.

NOTES

- ONLY 2 WORKING AREAS OF APPROXIMATELY 1000m² EACH ARE TO BE OPERATING AT ANY ONE TIME.
- ANNUAL EXTRACTION IS NOT TO EXCEED 500 CUBIC METERS IN TOTAL.
VERTICAL EXTRACTION LIMIT IS R.L. 203.5(AHD)
- WORK AREAS ARE TO BE OPERATED AND RESTORED SEQUENTIALLY.
- RESTORATION SHALL CONSIST OF BACKFILLING WITH ROCK AND SILT, DRESSED WITH 50mm OF TOPSOIL AND REVEGETATED WITH NATIVE TREES, SHRUBS AND GROUND COVERS

LEGEND

— E —	— E —	LIMIT OF EXTRACTION BOUNDARY (2.00 ha)
— . . . —	— . . . —	WORK AREA BOUNDARY
— T —	— T —	TREE LINE-LIMIT OF VEGETATION
— — — —	— — — —	TITLE BOUNDARY



DP 3 0 3 0 7

PT 2
DP 3 0 3 0 7

WOLLONDILLY SHIRE COUNCIL
DEVELOPMENT

NOTE: SEE CONDITIONS
OF CONSENT

2613107

LEAN & HAYWARD PTY LTD
Incorporating the Practices of
W D Kimber & Associates Pty. Ltd.
John Naughton & Associates Pty. Ltd.
Development Consultants
Surveying, Engineering, Planning & Project Management
5 CHAMBERLAIN ST. PO BOX 232
CAMPELTON NSW 2560 DX 595
Ph: 065 933 Fax: 065 935
lean@hoyard.com.au
17 MORRIS LANE PO BOX 2753
CARLINGFORD COURT NSW 2108
Ph: 958 4222 Fax: 958 4600
ACN 067 492 755



benchmark
IN QUALITY
AS/NZS ISO 9001
ACN 067 492 755

NO.	AMENDMENT	DATE	DRAWN	CHECK'D	AUTH'D

CLIENT/PROJECT	
MR TROY STRATTI	
SURV'D/DES'G'D	CHECKED
DM	D. MORISON
AUTHORISED	L. WARD
10 20 30 40 50 60 70 80 90 100 110 120 130 140 150	TABLE OF mm

AUTHORITY	SCALE
DEPT. OF LAND AND WATER CONSERVATION WOLLONDILLY COUNCIL	1:1000
PROPERTY DESCRIPTION	ORIGIN OF LEVELS
LOT 7 DP 229156	SSM 27234 RL 224.26 WILTON RD.
LOCALITY	DATUM
WILTON	A.H.D.

WILTON ROAD

DETAIL
OF QUARRY SITE.

DATE	DRAWN	SHEET	OF	AMENDMENT	DRAWING NO.
12.09.00	DM	1	4		70260100

4336/174
RRS:JAD

25th August, 1970.

The Managing Director,
Centre Plan Pty. Ltd.,
Post Office Box 2213,
SYDNEY. N.S.W. 2001

Reference: Interim Development Application - Continuation
of quarrying of Sandstone in vicinity of Clement's
Creek, Parish of Wilton.

Dear Sir,

I acknowledge receipt of your letter dated 30th July, 1970
in which you indicate your Company's proposal to continue in
the quarrying of sandstone from the land in the vicinity of
Stonequarry Creek and T.R. 95, Parish of Wilton.

Permission is granted to continue the operation on the
basis of existing useage and it is further advised that Council
may in the future adopt the conditions pertaining to quarrying
and extractive industries generally as per the information
attached. In this regard further correspondence will be
forwarded in due course, if Council desires to apply the
conditions.

Yours faithfully,

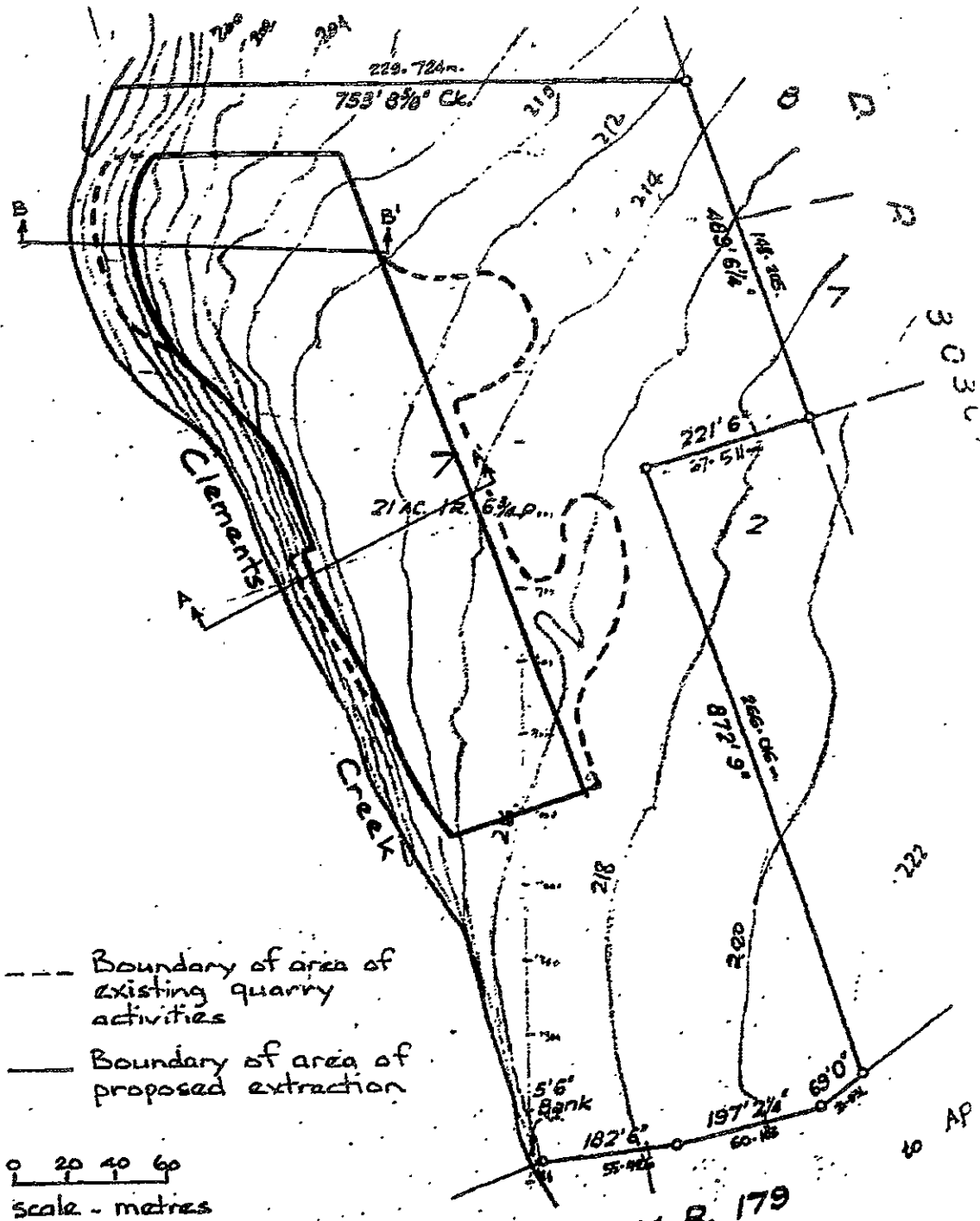
*Shirley Spence Clerk for Planning
& Land Use - 18/1*

R. J. Love,
Shirley Clark.

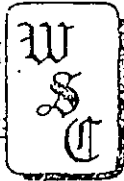
Encl.

Map 2 Location of Proposed & Existing Quarry

Lot 7, in D.P. 229156
C.T. Vol. 10518 Fol. 159
(Previously part Lot 1 in D.P. 30307)
Shire of Wollondilly Parish of Wilton County of Camden



771 326
TELEPHONE PICTON 71 326



Wollondilly Shire Council

SEPARATE COMMUNICATIONS
SHOULD BE FORWARDED
RELATIVE TO EACH SUBJECT

COUNCIL CHAMBERS, PICTON 2571

25th August, 1970.

The Managing Director,
Centre Plan Pty. Ltd.,
Post Office Box 2213,
SYDNEY, N.S.W. 2001

Reference: Interim Development Application - Continuation
of Quarrying of Sandstone in vicinity of Clement's
Creek, Parish of Wilton.

Dear Sir,

I acknowledge receipt of your letter dated 30th July, 1970
in which you indicate your Company's proposal to continue in
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Stonequarry Creek and T.R. 95, Parish of Wilton.

Permission is granted to continue the operation on the
basis of existing useage and it is further advised that Council
may in the future adopt the conditions pertaining to quarrying
and extractive industries generally as per the information
attached. In this regard further correspondence will be
forwarded in due course, if Council desires to apply the
conditions.

Yours faithfully,

R. I. Lane,
Shire Clerk.

Encl.

Confidential

21 December 2007

Our ref: WAL003/07

Ms Larissa Brennan
Walker Corporation Pty Ltd
L50, Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

E-mail

Dear Larissa

Advice re Wilton Quarry - Intensification of Use - 155 Wilton Road Wilton

- 1 I refer to Sally Lewis' letter dated 19 October 2007 (**Letter**).
- 2 I also refer to Stuart Simington preliminary advice by email dated 26 October 2007 (**Preliminary Advice**) and telephone conversation with Larissa Brennan on 13 December.

Background

- 3 The Wilton Quarry is located at 155 Wilton Road, Wilton (**Site**).
- 4 The Site has an area of 8.617 hectares. I am instructed that it has been used for the purposes of a sandstone quarry for many decades.
- 5 Walker wishes to increase the volume of extraction from 3,000 cubic metres to 50,000 cubic metres. It is not intended to extend the worked area, but merely to work within the existing worked area at a faster rate.
- 6 The Site is zoned Rural 1(a2) under *Wollondilly Local Environmental Plan 1991* (**WLEP 1991**).
- 7 In addition to the factual matters outlined in the Letter, I have reviewed the following material:
 - 7.1 Letter from Wollondilly Shire Council (**Council**) to Centre Plan dated 25 August 1970;

- 7.2 Letter from Environment Protection Authority to Gasa Vukicevic dated 3 May 1995;
- 7.3 Letter from the Department of Land and Water Conservation to Strati Pty Limited dated 9 March 1999;
- 7.4 Letter from Council to SE & TK Strati dated 7 April 1999
- 7.5 Letter from Department of Land and Water Conservation to SE & TK Strati dated 9 August 1999;
- 7.6 Letters from Council to Selby (Anderson dated 13 September 1999 and 15 September 1999;
- 7.7 Letter from Department of Land and Water Conservation to SE & TK Strati dated 12 April 2002;
- 7.8 Part 3A permit issued to Sam Edward and Troy Ken Strati dated 16 September 2004;
- 7.9 Part 3A permit issued to Walker Corporation under the Rivers and Foreshores Improvement Act 1948 dated 22 January 2007 including DWG 75216.01D01 (Sheet 1) approved by the Department of Land and Water Conservation and dated 12 September 2000;
- 7.10 Email from Larissa Brennan to Stuart Simington dated 25 October 2007;
- 7.11 Wollondilly Planning Scheme Ordinance (**Wollondilly PSO**);
- 7.12 Interim Development Order No.17. (**IDO 17**)
- 7.13 WLEP 1991;
- 7.14 Section 149(2) and s149(5) certificate in respect of the Site dated 11 August 2006; and
- 7.15 a copy of the deposited plan for the Site.

Advice required

- 8 You have asked for the following advice:
 - 8.1 Given the current development consent and Part 3A permit, is it necessary to obtain a new development approval (**consent**) to intensify extraction on the Site from 3,000m³ to 50,000m³ per year?
 - 8.2 If not, what approvals from what government authorities are required?

Summary of advice

- 9 Development consent is required for the proposed intensification.

- 10 To provide conclusive advice on the exact status of the approval (para 7.1 above), I would need my instructions clarified in relation to a number of relevant assumptions referred to my advice below.
- 11 A number of approvals will also be required. These appear to include a Part 3A permit under the *Rivers and Foreshores Improvement Act 1948* and a licence under the *Protection of the Environment Operations Act 1991*.

Is development consent required?

- 12 Stuart Simington's preliminary advice was that it was likely that a new consent would be required but, to come to a contrary conclusion, I would need a complete picture of the planning controls which have applied to the Site over time. You requested that we proceed with the analysis and for that purpose provided us with a copy of IDO 17 and the Wollondilly PSO.
- 13 As described below, I still do not have sufficient information to come to a conclusive view, but it seems to be almost inevitable that consent is required for intensification. I set out my reasons for this conclusion.
- 14 On 25 August 1970, Council wrote to Centre Plan Pty Ltd in relation to land 'in the vicinity of Stonequarry Creek and T.R. 95, Parish of Wilton'. I have assumed that the land referred to is the Site. The letter relevantly provided as follows:

'Reference: Interim Development Application – Continuation of Quarrying of Sandstone in vicinity of Clement Creek, Parish of Wilton.

...

Permission is granted to continue the operation [quarrying of sandstone] on the basis of existing useage (sic) and it is further advised that Council may in the future adopt the conditions pertaining to quarrying and extractive industries generally as per the information attached. In this regard further correspondence will be forwarded in due course, if Council desires to apply the conditions' (Consent)

- 15 Prior to 6 August 1971, I am instructed by Ms Brennan (7.10 above) that the *County of Cumberland Planning Scheme* did not apply to the Site.
- 16 I have no instructions in relation to 'existing useage' (sic) of the Site as at 25 August 1970.
- 17 It appears that prior to 6 August 1971, development on the Site was probably regulated by the *Town and Country Planning (General Interim Development Ordinance)* made under Part XIIA of the *Local Government Act 1919* (**Interim Development Ordinance**). I do not have access to a copy of that instrument as in

force at that time (or any zoning maps relating to it), but I make that assumption given that it is supported by:

- 17.1 the Consent itself, which refers to an '*Interim Development Application*';
- 17.2 Council's correspondence of 13 September 1999 (paragraph 7.6 above) which refers to the Consent as a '*development consent*'; and
- 17.3 cl56 of the Wollondilly PSO, which contains a transitional provision in relation to development approved under the Interim Development Ordinance:

Nothing in this Ordinance shall prevent the ... carrying out of a work and the use of such building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission granted under Division 7 of Part XIIA of the Act and under that Ordinance ... if the ... carrying out of work was commenced, but not completed, before the appointed day [28 July 1971]

- 18 On 6 August 1971, the Wollondilly PSO came into effect in respect of the Site. I do not have any instructions in relation to the relevant zoning of the Site under that instrument, but make the following observations:

- 18.1 if the relevant zoning was 'Non-urban 'A'', cl12 provided (subject to Parts IV, V and VI) that *extractive industries* (as defined) were permissible only with the consent of the responsible authority; and
- 18.2 if the relevant zoning was 'Non-urban 'B'', cl12 provided (subject to Parts IV, V and VI) that *extractive industries* (as defined) were prohibited.
- 18.3 nevertheless:

- 18.3.1 cl16 of the Wollondilly PSO relevantly authorized the maintenance of an 'Existing work' and the use of the work for its existing use even if the use was for a purpose for which works could not be erected or used or for which land could not be used under Part III of the Ordinance;

- 18.3.2 cl17 of the Wollondilly PSO further provided that an 'Existing work' could be altered, enlarged or rebuilt with the consent of the responsible authority;

- 18.3.3 cl56 to which I have already referred contained a transitional provision in relation to approvals under the Interim Development Ordinance.

- 18.3.4 cl57 provided that:

Any development which was carried out otherwise than in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of Division 7 of Part XIIA of the Act ... and which does not conform with the provisions of this Ordinance shall be deemed to be in contravention of this Ordinance.

- 19 It seems therefore, that whatever the zoning of the Site under, and the relevant provisions of, the Wollondilly PSO, if the use of the Site for a quarry was being carried out lawfully (presumably under the Consent) as at 28 July 1971, the work was not rendered unlawful by the coming into force of the Wollondilly PSO.
- 20 I am then instructed that Interim Development Order No. 7 (**IDO No. 7**) was gazetted on 27 September, 1974.
- 21 I have not been provided with a copy of the instrument but understand that it replaced the application of Wollondilly PSO in relation to certain land, probably (based on my instructions) including the Site.
- 22 I do not know whether IDO 7 made provision for the continuing validity of previous consents applying to the land to which it applied. If it did not, any previous consents (such as the Consent) would not have survived the coming into force of that instrument. In *Auburn Council v Nehme* (1999) 106 LGERA 19, the NSW Court of Appeal considered whether a consent granted for the use of land survived the repeal of the instrument under which it had been granted. The Court of Appeal held that:

[25] However a consent is not a general licence to carry out development, and in particular is not a general licence to continue to use the land for the authorised purpose. It is a particular licence to carry out development which is conditionally prohibited by a planning instrument. Its function is merely to make lawful development which is prohibited by that instrument without consent.

[26] The use of land which is authorised by a valid consent is lawful while the planning instrument under which it was granted remains in force. In the absence of appropriate transitional provisions, the effect of a consent will not extend beyond the life of the planning instrument under which it was granted. The repeal of that planning instrument, and its replacement by another, will, without more, deprive that consent of further effect.
- 23 While the generality of *Nehme* was clarified in *Lederer & Ors v Sydney City Council* (2001) 119 LGERA 350 (see also *Botany Bay City Council v Workmate Abrasives Pty Ltd & Anor* (No. 2) [2003] NSWLEC 166) in relation to consents in force under the

EPA Act, it is still good law in relation to consents granted under deemed environmental planning instruments (such as interim development orders) prior to the coming into force of the EPA Act.

24 What can be said is that:

24.1 assuming IDO 7 did apply to the Site;

24.2 it prohibited or required consent to be obtained for existing extractive industries; and

24.3 it did not contain any saving of existing consents or existing uses, the use of the Site for a quarry became unlawful at that time. It is not possible to provide any more conclusive view.

25 IDO No. 17 was then gazetted on 28 December 1979. I have been provided with a copy of this instrument. The preamble to the instrument indicates that IDO17 rescinded IDO 7 in respect of certain land to which it applied and made new provision in respect of development of that land.

26 My instructions are that IDO 17 applied to the Site between 21 December 1979 and 23 August 1991 when WLEP 1991 came into force.

27 Assuming IDO 17 did apply to the Site, it seems likely that it did not affect the lawfulness of the use of the Site for the purposes of a quarry if that use was being carried out lawfully at the time that that instrument came into effect.

27.1 Interim development for the purpose of 'extractive industries' was permitted with the consent of Council in each of the five rural zones established by IDO17: see cl4.

27.2 The reference to 'interim development' in IDO 17 is construed as a reference to 'development' as defined under the *Local Government Act 1919* (now repealed). The mere continuing lawful user of land is not caught by that definition: *Vumbaca v Baulkham Hills Shire Council* (1979) 141 CLR 614.

27.3 It follows that, provided that there was no change in the use of the Site in the period during which IDO 17 may have had effect in relation to the Site, consent was not required under IDO 17 for the continuation of the lawful use of the Site as a quarry.

28 However, given that IDO 17 did not contain any provision which preserved the Consent, even if the Consent survived IDO 7, it could not have survived the coming into force of IDO 17 in respect of the Site.

- 29 On 21 December 1979, the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 (MAPRA Act)* came into force.
- 30 Assuming that IDO 17 remained in force to that day, it was continued in force by a transitional provision in the MAPRA Act which gave it full force and effect as a '*deemed environmental planning instrument*' under the EPA Act until it was repealed by WLEP 1991 on 23 August 1991.
- 31 Under WLEP 1991, I have assumed that:
- 31.1 at all relevant times the Site was located in the Rural (a2) zone; and
- 31.2 in that zone (as now), development (including the continuing use of the Site) for the purposes of an extractive industry was development that was permissible with consent: see cl10.
- 32 If that was the case, but given that the Consent was no longer in force (given my instructions that IDO 17 did apply to the Site), the use of the Site for the purposes of a quarry in accordance with the Consent remained lawful only in so far as it was permitted by s109 of the EPA Act.
- 33 Section 109 currently provides as follows:
- (1) *Nothing in an environmental planning instrument operates so as to require consent to be obtained under this Act for the continuance of a use of a building, work or land for a lawful purpose for which it was being used immediately before the coming into force of the instrument or so as to prevent the continuance of that use except with consent under this Act being obtained.*
- (2) *Nothing in subsection (1) authorises:*
- (a) *any alteration or extension to or rebuilding of a building or work, or*
- (b) *any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or*
- (c) *without affecting paragraph (a) or (b), any enlargement or expansion or intensification of the use therein mentioned, or*
- (d) *the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or*

(e) *the continuance of the use therein mentioned where that use is abandoned.*

(3) *Without limiting the generality of subsection (2) (e), a use is presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.*

(4) *The regulations may make provision for or with respect to the conditions on which the use of a building for the purpose of a place of public entertainment may be continued pursuant to this section.*

34 In conclusion, therefore, and based on the assumptions and my instructions, it seems most likely that s109(2) of the EPA Act had the effect from 23 August 1991 of requiring consent for any intensification of the use of the Site for the purposes of a quarry beyond its 'existing useage' (sic) as referred to in the Consent.

35 I have no evidence or any instructions concerning the 'existing useage' as referred to in the Consent. Nevertheless, I understand that you agree that it was clearly much less than the 50,000 cubic metre per year extraction rate now proposed.

36 If the use preserved by s109B(1) was, at any time, abandoned within the meaning of s109(2)(e), my conclusion that consent is required for the intensification still follows but it would have the additional implication that the current use of the site for the purposes of a quarry is unlawful.

37 Even if I were wrong and the Consent did remain in force up until the coming into force of the EPA Act (for example because Wollondilly PSO continued to apply to the site between 6 August 1971 and 23 August 1991), and was conditionally preserved in accordance with s109B(1) of the EPA Act after that, my conclusion would still relevantly be the same. That is, the use of the Site would be constrained by its 'existing useage' as at 25 August 1970 as referred to and in accordance with the terms of the Consent.

38 To provide conclusive advice on the exact status of the Consent, I would need my instructions clarified in relation to the relevant assumptions in this advice as referred to.

Scheduled Activity Licence

39 In my view, it would be necessary to obtain a licence from the Environment Protection Authority in order to intensify the extraction rate for sandstone from the quarry as proposed.

40 A license pursuant to s48 of the *Protection of the Environment Operations Act 1997* (**POEO Act**) is required for premises at which a schedule activity is carried on.

- 41 Schedule 1 of the POEO Act identifies the following as a schedule activity for the purposes of s48:

Extractive industries:

- (1) *that obtain extractive materials by methods including excavating, dredging, blasting, tunnelling or quarrying ..., and*
- (2) *that obtain, process or store for sale or re-use an intended quantity of more than 30,000 cubic metres per year of extractive material.*

- 42 A scheduled activity licence under the POEO Act is an integrated approval within the meaning of the EPA Act.

Part 3A Permit

- 43 Subject to what I say below, a permit also appears to be required under Part 3A of the *Rivers and Foreshores Improvement Act 1948 (RFI Act)*.

- 44 Section 22B of the RFI Act provides that:

- (1) *A person must not:*
 - (a) *make an excavation on, in or under protected land, or*
 - (b) *remove material from protected land, or*
 - (c) *do anything which obstructs, or detrimentally affects, the flow of protected waters, or which is likely to do so,*

unless the person is either authorised to do so by a permit under this Part and does so in accordance with any conditions to which the permit is subject, or is authorised to do so by the regulations.

- 45 'Protected Land' is defined in s22A of the RFI Act:

'protected land means:

- (a) *land that is the bank, shore or bed of protected waters, or*
- (b) *land that is not more than 40 metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore), or*
- (c) *material at any time deposited, naturally or otherwise and whether or not in layers, on or under land referred to in paragraph (a) or (b).*

- 46 It is apparent from drawing 75216.01D01 that 'Work Area 2' is located within 40 metres of Clements Creek. Assuming that it is intended to continue extraction from this work area, the activity would involve activity referred to in s22B of the RFI Act.

- 47 I note that Part IIIA of the RFI Act does not apply to any part of the State to which Part 3 of Chapter 3 of the *Water Management Act 2000* applies in relation to controlled activity approvals within the meaning of that Act: see s22M. A 'controlled activity' is defined in the Dictionary of the *Water Management Act 2000* to mean:
- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
 - (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
 - (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
 - (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*
- 48 Section 88A in Part 3 of Chapter 3 of the *Water Management Act 2000* provides as follows:
- (1) *This Part applies to:*
 - (a) *each part of the State or each water source, and*
 - (b) *each type or kind of approval that relates to that part of the State or that water source,*

that is declared by proclamation to be a part of the State or water source, and type or kind of approval, to which this Part applies.
 - (2) *Despite subsection (1), specified provisions of this Part may be declared by proclamation to apply to the whole of the State, and apply accordingly.*
- 49 The declarations that have been proclaimed under s88A(1) are contained in NSW Government Gazettes as follows: No 110 of 1.7.2004, p 5004; No 120 of 29.9.2006, p 8441; No 127 of 27.10.2006, pp 8906, 8907 and No 83 of 29.6.2007, p 3967. If on enquiry, there is any doubt about whether Part 3 of Chapter 3 applies, these proclamations will need to be checked. If Part 3 of Chapter 3 does apply to the Site, a controlled activity approval would be required under the *Water Management Act 2000*.
- 50 It appears that the relevant approval body is the Water Administration Ministerial Corporation or delegate.
- 51 A Part 3A Permit or a Water Management Act approval is an integrated approval within the meaning of the EPA Act.

- 52 I was also asked whether the existing Part 3A permit issued to Walker Corporation (expiring 9 March 2008) has any impact on my advice whether a new development consent is required?
- 53 In my view it does not. The requirement to obtain a Part 3A (or Water Management Act approval) is an additional requirements to the requirements applicable under the EPA Act.
- 54 The only relevance of the existing Part 3A permit is the existing condition which limits excavation to 3000 cubic metres per year. Clearly in any new permit, that condition would need to be revised. I would also recommend that you review the draft conditions to assessment the reasonableness of conditions in so far as they are unfairly related to 'protected land' or 'protected water' as referred to in s22B.

Clearing of Native Vegetation

- 55 It is unclear whether the intensification will involve the clearing of any native vegetation within the meaning of the *Native Vegetation Act 2003*. However, I note that if development consent is obtained for the clearing of vegetation or the clearing is carried out in accordance with an approval under the *Water Management Act 2000* or the RFI Act, an approval would not be required under the *Native Vegetation Act 2003*: see ss12 and 25.

Threatened species and ecological communities

- 56 It is sufficient to say that if the proposed intensification of the quarry is likely to harm threatened species, populations or ecological communities, and development consent is obtained, and it is done in accordance with the consent as granted, no further approval is required under the *Threatened Species Conservation Act 1991* or the *National Parks and Wildlife Act 1974 (NPW Act)*.

Archaeology

- 57 I am instructed that archaeology will be an issue in relation to the proposed intensification of use of the quarry. Nevertheless, I have no instructions in relation to what archaeological objects may be found at the quarry or what archaeological value the quarry itself may have.
- 58 There are two separate regimes for the preservation of archaeological sites and objects in New South Wales. Part 6 of the NPW Act applies to sites and objects relating to indigenous habitation. The *Heritage Act 1977* makes provision in relation to non-Aboriginal heritage.

- 59 If the quarry contains or is thought to contain aboriginal objects, a permit may be required pursuant to s87 of the NPW Act to authorize something within the meaning of s86 as follows:

A person, other than the Director-General or a person authorised by the Director-General in that behalf, who:

- (a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering an Aboriginal object,*
- (b) disturbs or moves on any land an Aboriginal object that is the property of the Crown, other than an Aboriginal object that is in the custody or under the control of the Australian Museum Trust,*
- (c) takes possession of an Aboriginal object that is in a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area,*
- (d) removes an Aboriginal object from a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area, or*
- (e) erects or maintains, in a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any Aboriginal object,*

except in accordance with the terms and conditions of an unrevoked permit issued to the person under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

- 60 If you are not aware of any Aboriginal objects at the Site but become aware of them as a result of carrying out of the development, there remains an obligation to notify the Director-General of the NPWS pursuant to s91 of the NPW Act unless you believe on reasonable grounds that the Director-General is aware of the location of that Aboriginal object.

- 61 It appears quite unlikely that the *Heritage Act 1977* has any relevance to the proposed intensification of development.

Environmental impact statement and species impact statement

- 62 The proposed intensification will comprise designated development within the meaning of 'extractive industries' in Schedule 3 of the *Environmental Planning and*

Assessment Regulation 2000. It may also be likely to significantly affect threatened species, populations or ecological communities, or their habitats

- 63 Section 78A(8) of the EPA Act provides that a development application
- (a) in respect of designated development, must be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations, or
 - (b) in respect of development on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations or ecological communities, or their habitats must be accompanied by a species impact statement prepared in accordance with Division 2 of Part 6 of the *Threatened Species Conservation Act 1995*.
- 64 You would need to obtain expert advice as to whether the proposal is likely to significantly affect threatened species, populations or ecological communities, or their habitats.

EPBC Act

- 65 An approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) will be required if the proposed intensification of use involves an action that:
- 65.1 has or will have, or is likely to have, a significant impact on a listed threatened ecological community and it is not exempt under s19 of the EPBC Act; or
 - 65.2 has or will have, or is likely to have, a significant impact on a listed threatened species.
- 66 The list of threatened ecological communities on the Commonwealth Department of Environment and Water web-site indicates that the quarry site may contain Cumberland Plain Woodland or Shale-Sandstone Transition Forest- both have been identified as threatened ecological communities pursuant to s18 of the EPBC Act and both are listed as endangered. There may also be listed threatened species on the Site that could be affected by the proposed intensification.
- 67 There are other categories of actions which are controlled by the EPBC Act but these do not appear to be applicable to the proposed intensification.
- 68 In the absence of more detailed instructions, I can only state that it is possible that an approval under Part 9 of the EPBC Act is required.
- 69 I can provide more complete advice on the application of the EPBC Act if you consider there is any likelihood of it being applicable.

70 Under the EPBC Act, there is an obligation to refer the matter to the Commonwealth Minister if you think that the proposal may be or is an action requiring approval: see 68.

Further Advice

71 Should you require further advice please do not hesitate to contact Stuart Simington on 8235 9711.

Yours sincerely



Dr Lindsay Taylor

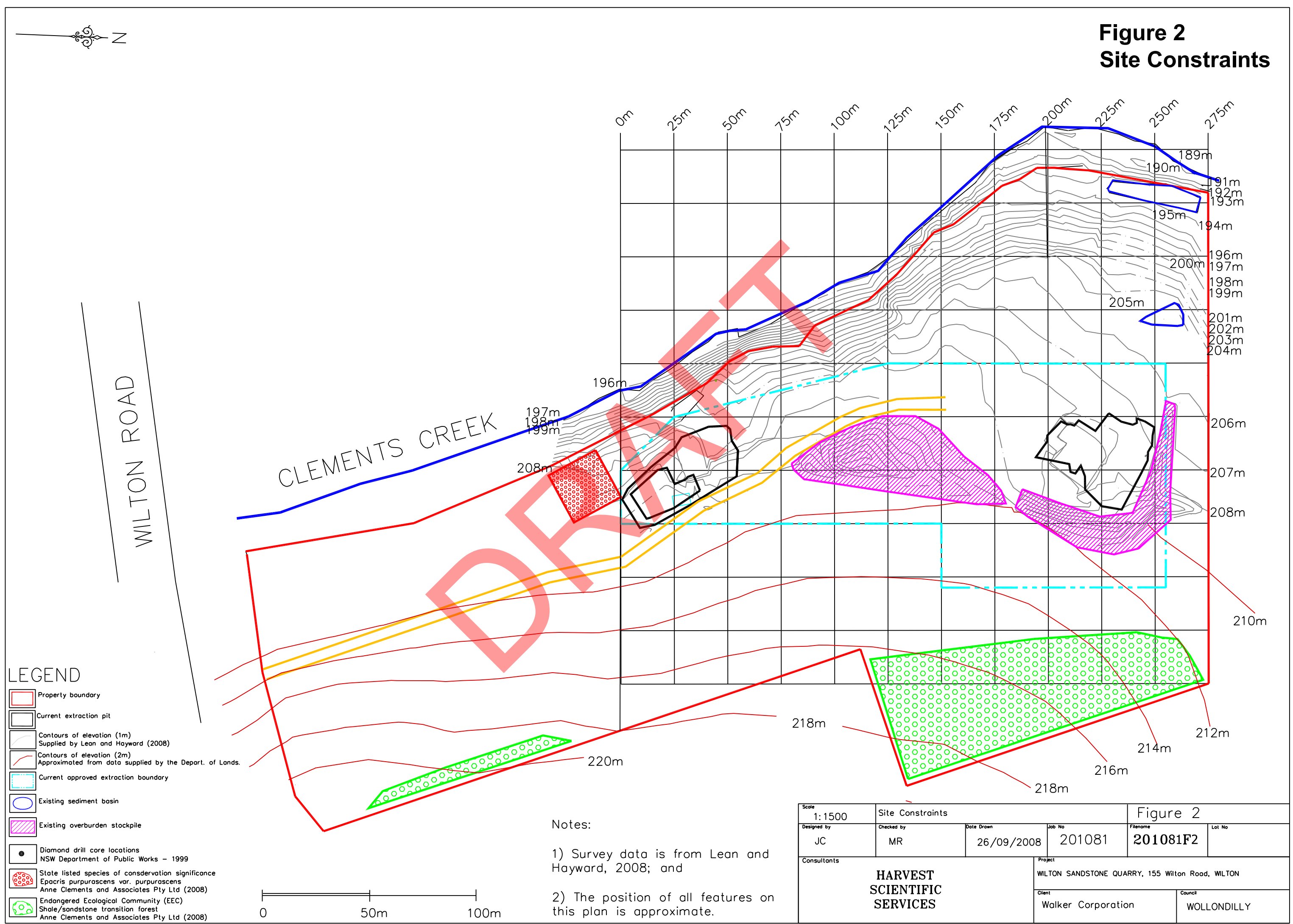
Direct: 8235 9701

Fax: 8235 9799

Mobile: 0417 997 880

Email: lindsay.taylor@lindsaytaylorslawyers.com.au

Figure 2
Site Constraints



LEGEND

- Property boundary
- Current extraction pit
- Contours of elevation (1m)
Supplied by Lean and Hayward (2008)
- Contours of elevation (2m)
Approximated from data supplied by the Depart. of Lands.
- Current approved extraction boundary
- Existing sediment basin
- Existing overburden stockpile
- Diamond drill core locations
NSW Department of Public Works - 1999
- State listed species of conservation significance
Epacris purpurascens var. *purpurascens*
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

Notes:

- 1) Survey data is from Lean and Hayward, 2008; and
- 2) The position of all features on this plan is approximate.

Scale 1:1500	Site Constraints			Figure 2	
Designed by JC	Checked by MR	Date Drawn 26/09/2008	Job No 201081	Filename 201081F2	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation	Council WOLLONDILLY	

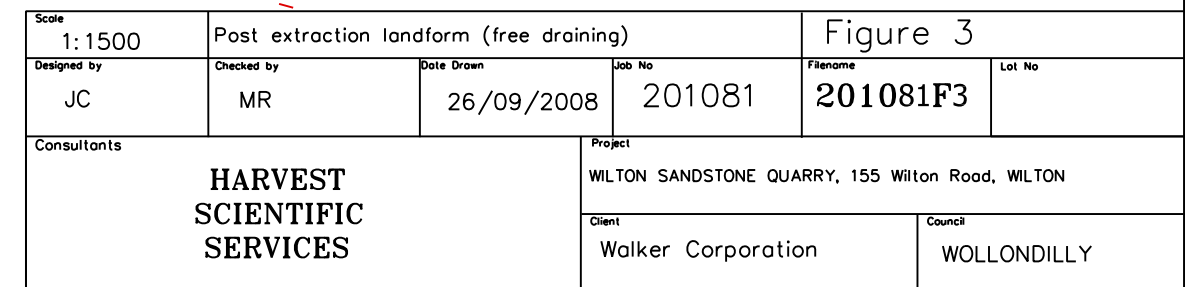


Figure 4
Post extraction landform
(maximum extraction)

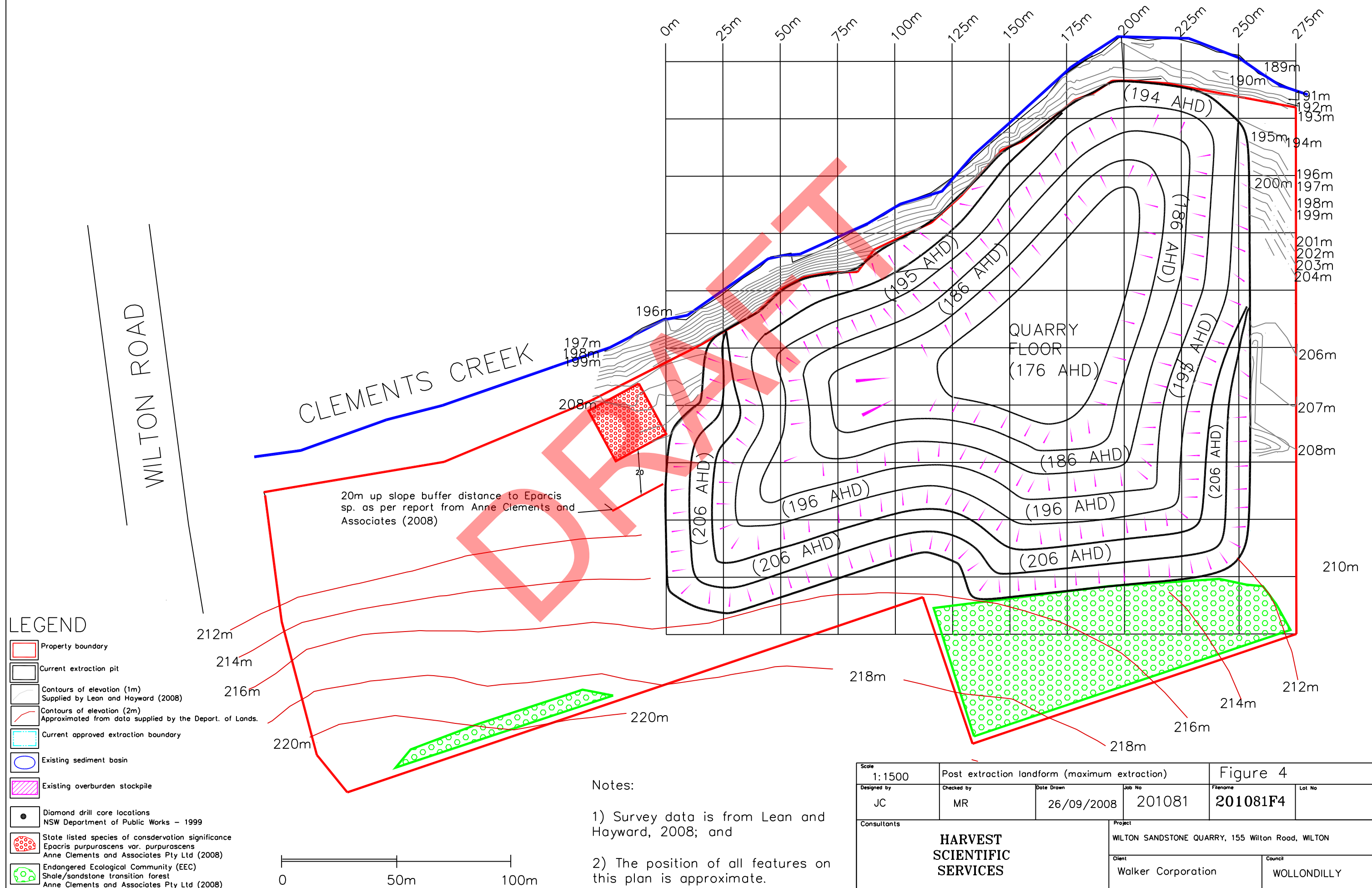
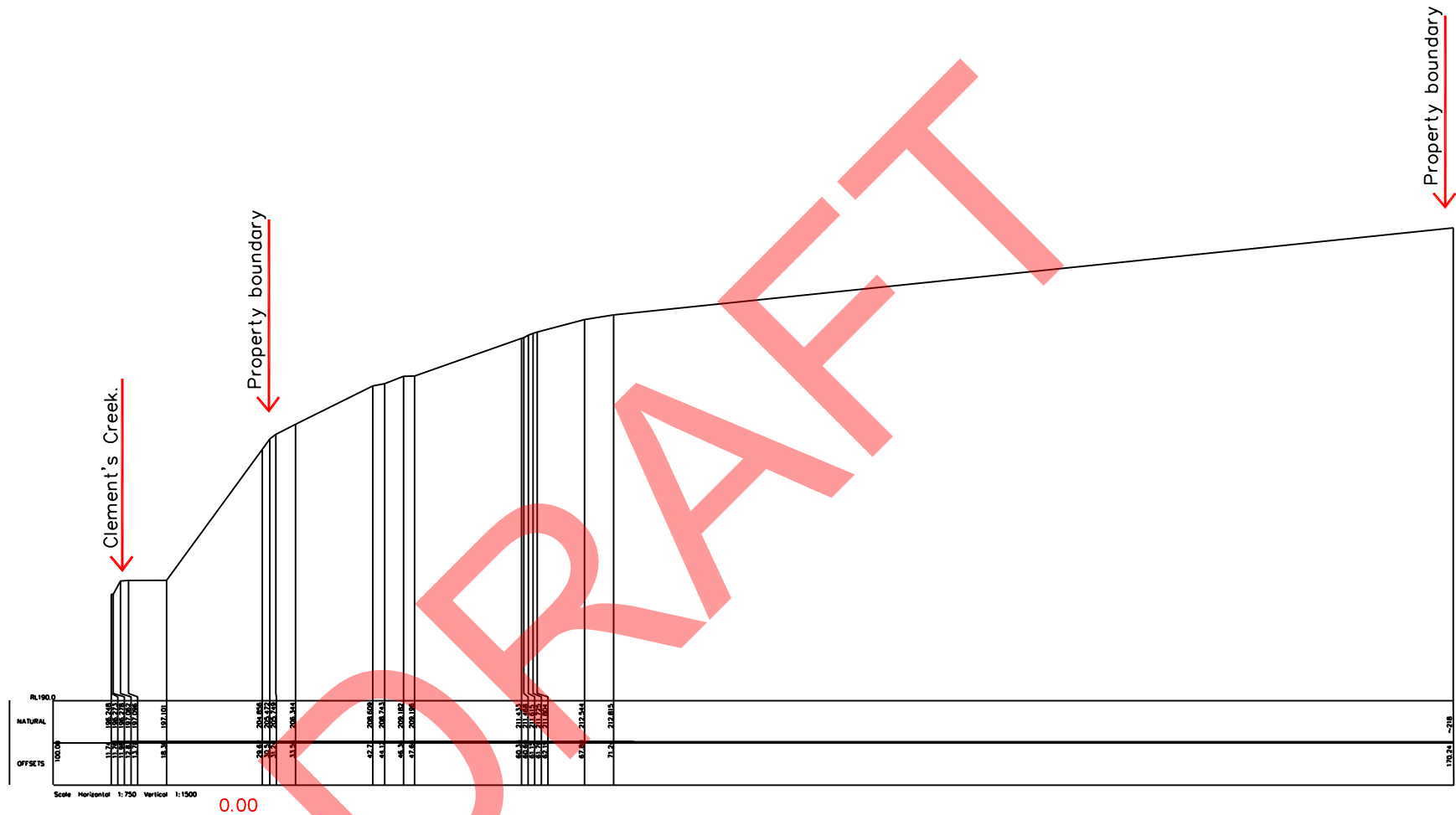







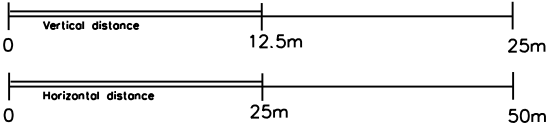
Figure 5
Cross section - 0m



LEGEND

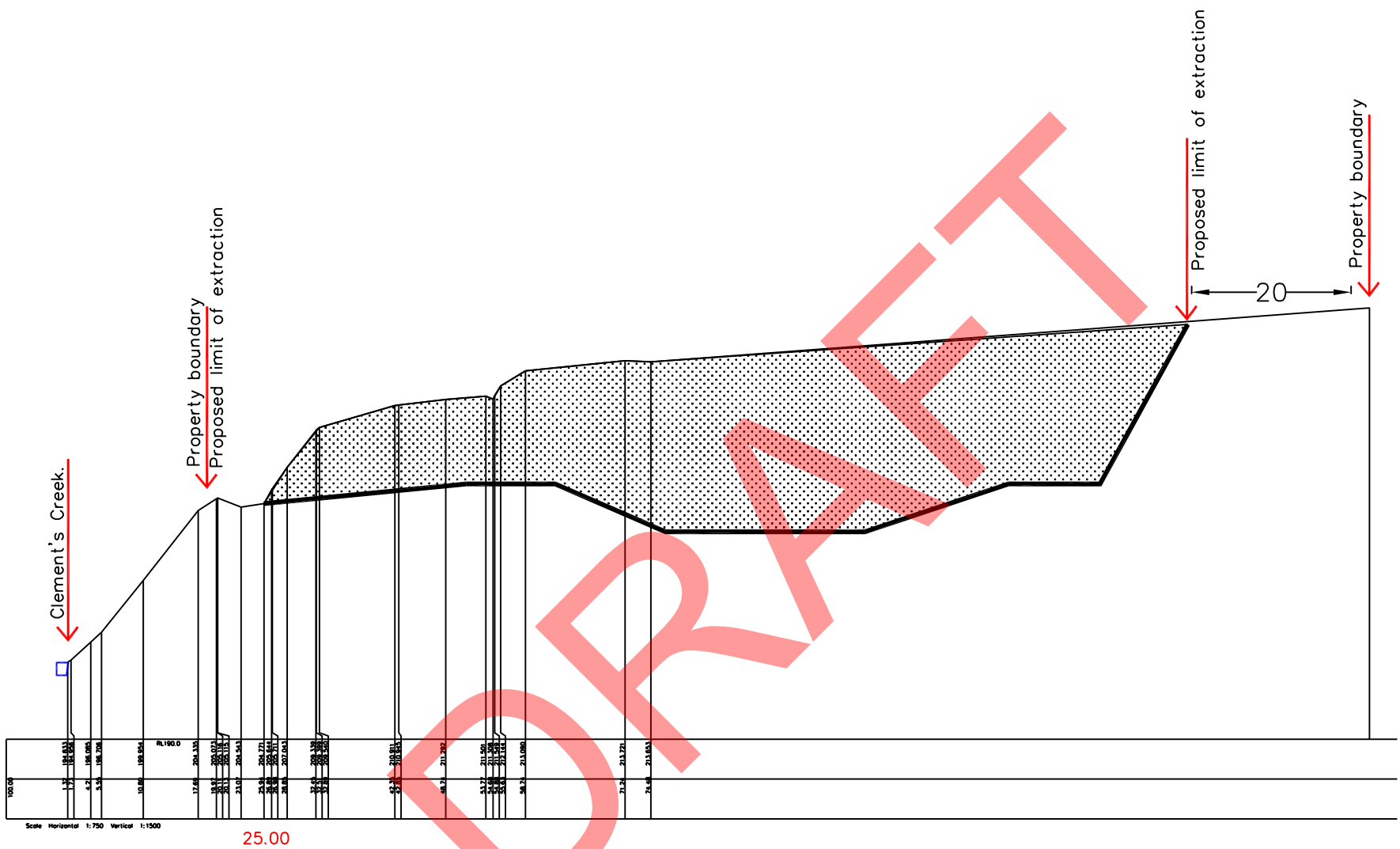
-  Material to be extracted (free draining)
-  Material to be extracted (maximum extraction)
-  Existing overburden stockpile
-  State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
-  Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

- Notes:
- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
 - 2) The position of all features on this plan is approximate.








Scale 1:750 horizontal 1:1500 vertical		Cross section - 0m		Figure 5	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No
JC	MR	29/09/2008	201081	201081F5	
Consultants			Project		
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client	Council	
			Walker Corporation	WOLLONDILLY	

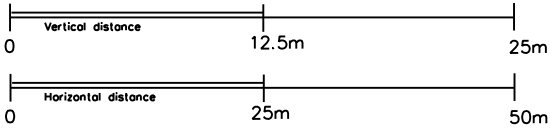
Figure 6
Cross section - 25m



LEGEND

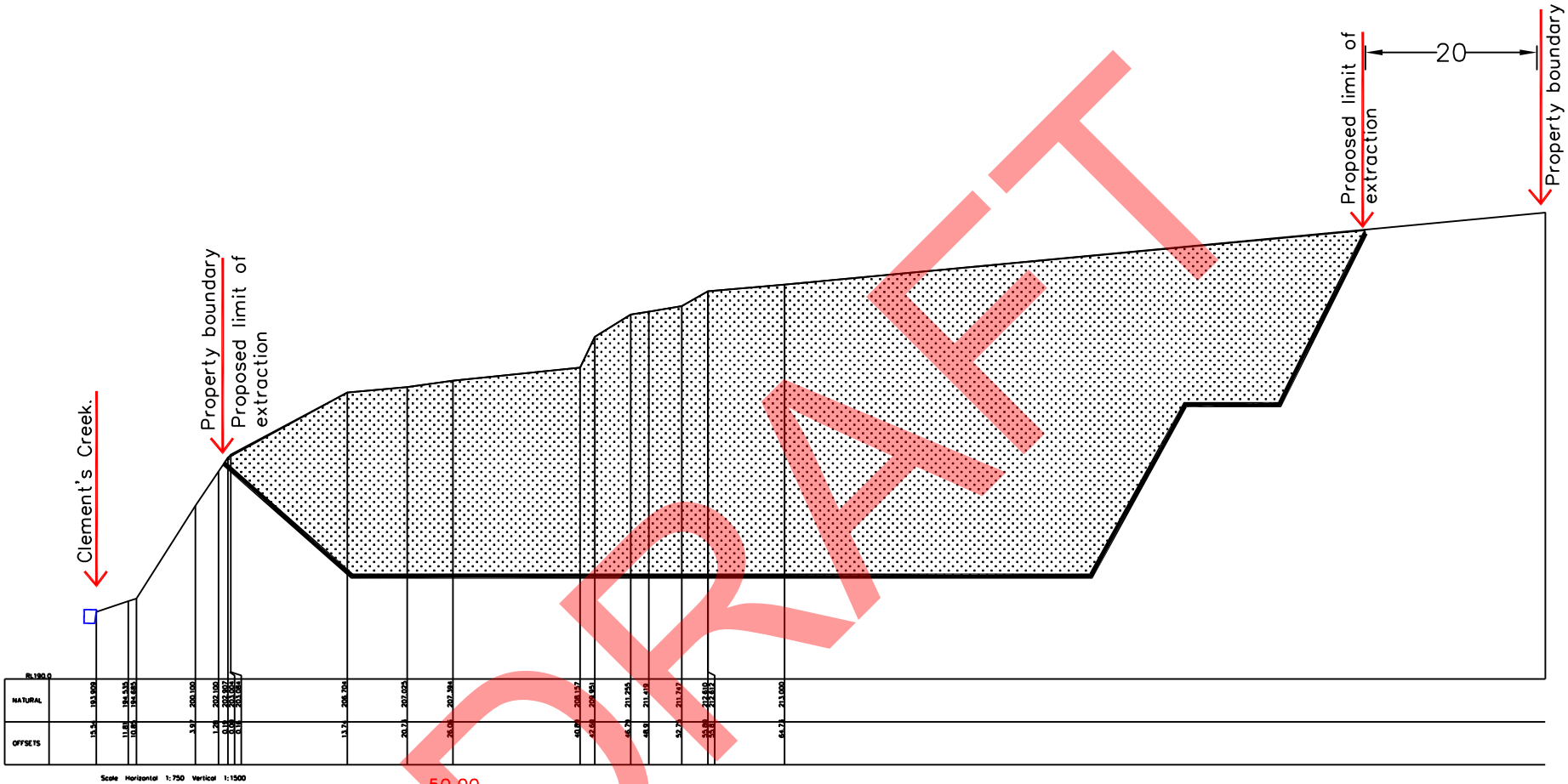
-  Material to be extracted (free draining)
-  Material to be extracted (maximum extraction)
-  Existing overburden stockpile
-  State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
-  Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

- Notes:
- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
 - 2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical		Cross section – 25m		Figure 6	
Designed by JC	Checked by MR	Date Drawn 29/09/2008	Job No 201081	Filename 201081F6	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation	Council WOLLONDILLY	

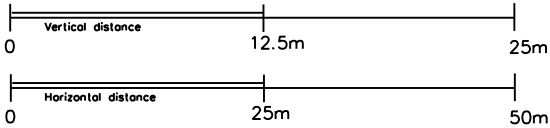
Figure 7
Cross section - 50m



LEGEND

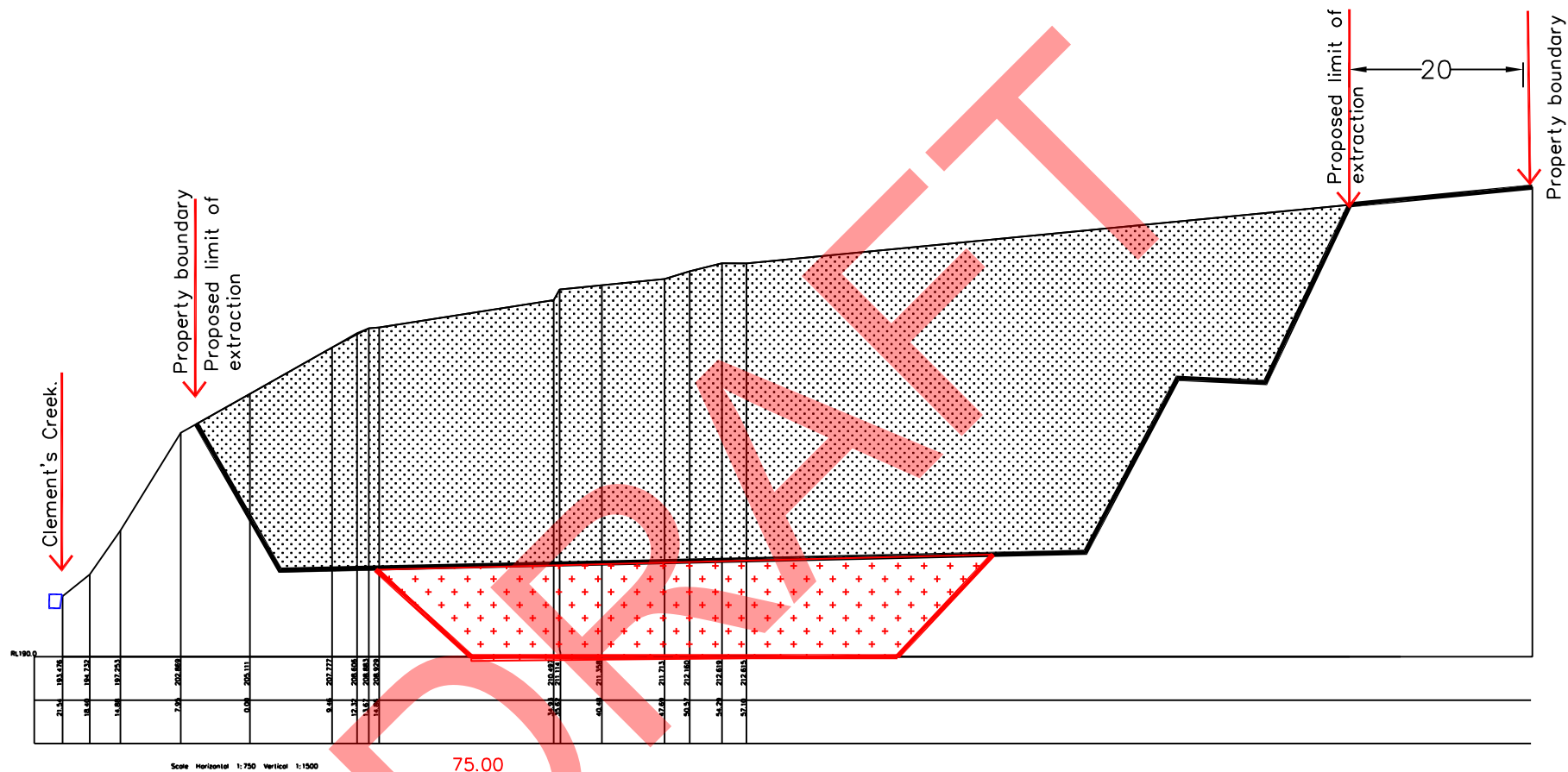
- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

- Notes:
- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
 - 2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical		Cross section - 50m			Figure 7	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No	
JC	MR	29/09/2008	201081	201081F7		
Consultants			Project			
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON			
			Client	Council		
			Walker Corporation	WOLLONDILLY		

Figure 8
Cross section - 75m



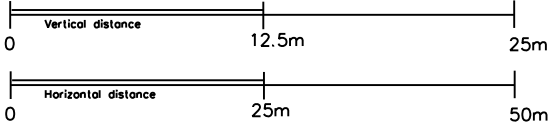
LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

Notes:

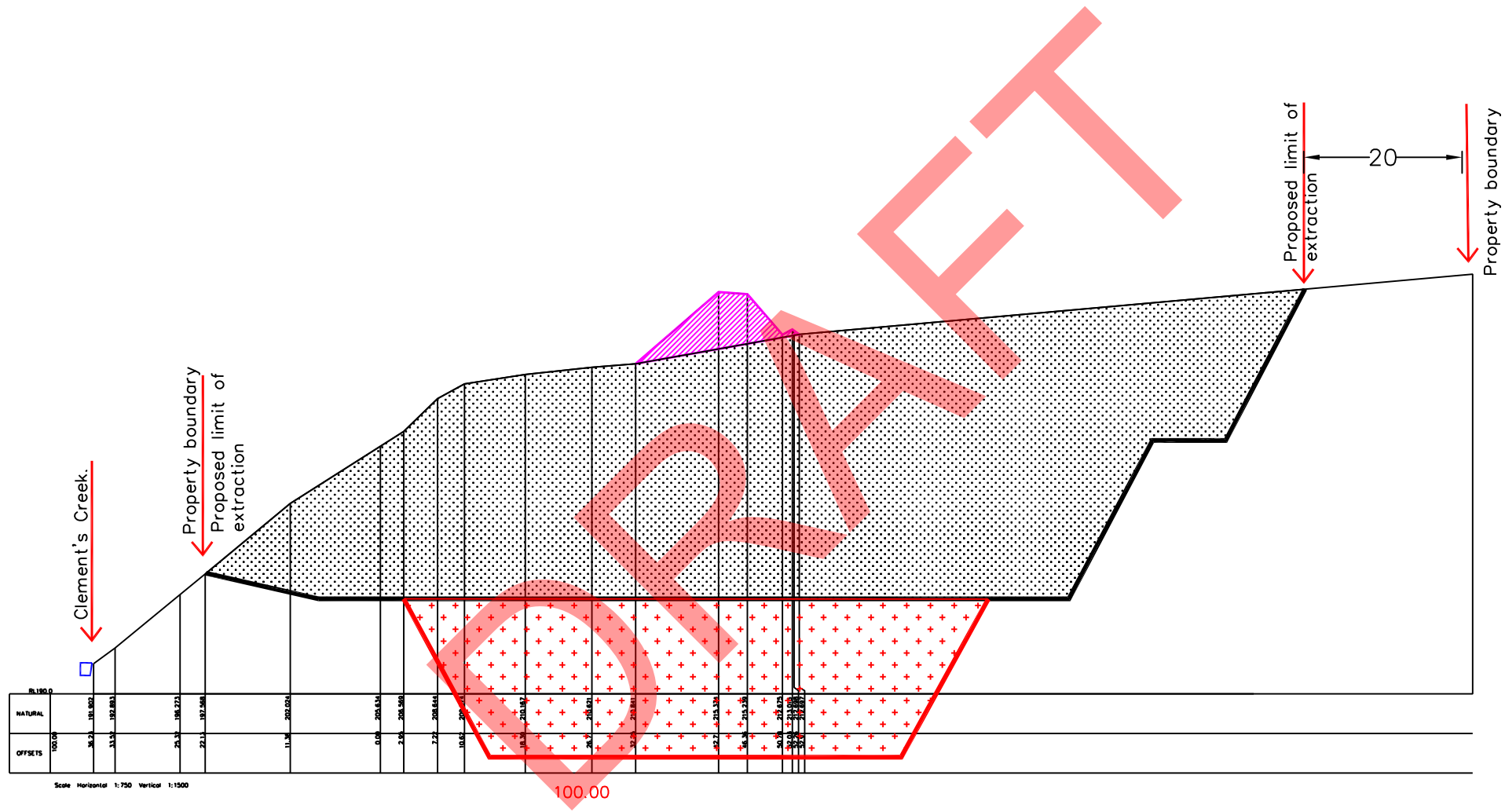
1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical		Cross section - 75m		Figure 8	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No
JC	MR	29/09/2008	201081	201081F8	
Consultants			Project		
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client	Council	
			Walker Corporation	WOLLONDILLY	

Figure 9
Cross section - 100m



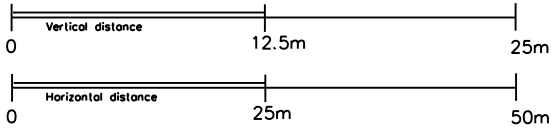
LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

Notes:

1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

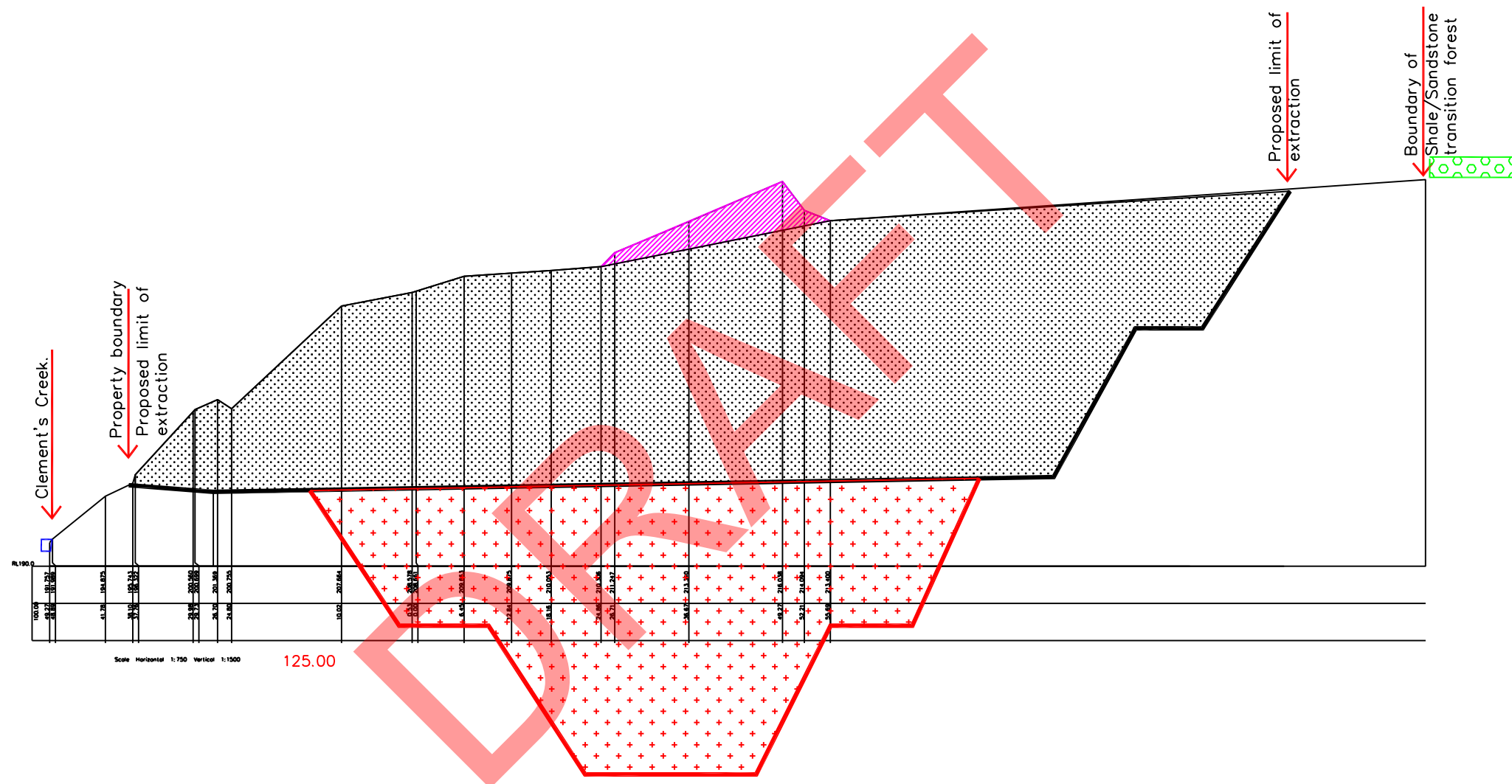
2) The position of all features on this plan is approximate.








Scale 1:750 horizontal 1:1500 vertical		Cross section - 100m			Figure 9	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No	
JC	MR	29/09/2008	201081	201081F9		
Consultants			Project			
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON			
			Client	Council		
			Walker Corporation	WOLLONDILLY		

Figure 10

Cross section - 125m

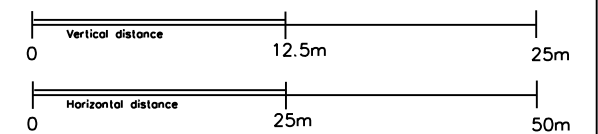


LEGEND

- | | |
|--|--|
|  | Material to be extracted (free draining) |
|  | Material to be extracted (maximum extraction) |
|  | Existing overburden stockpile |
|  | State listed species of conservation significance
<i>Epacris purpurascens</i> var. <i>purpurascens</i>
Anne Clements and Associates Pty Ltd (2008) |
|  | Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008) |

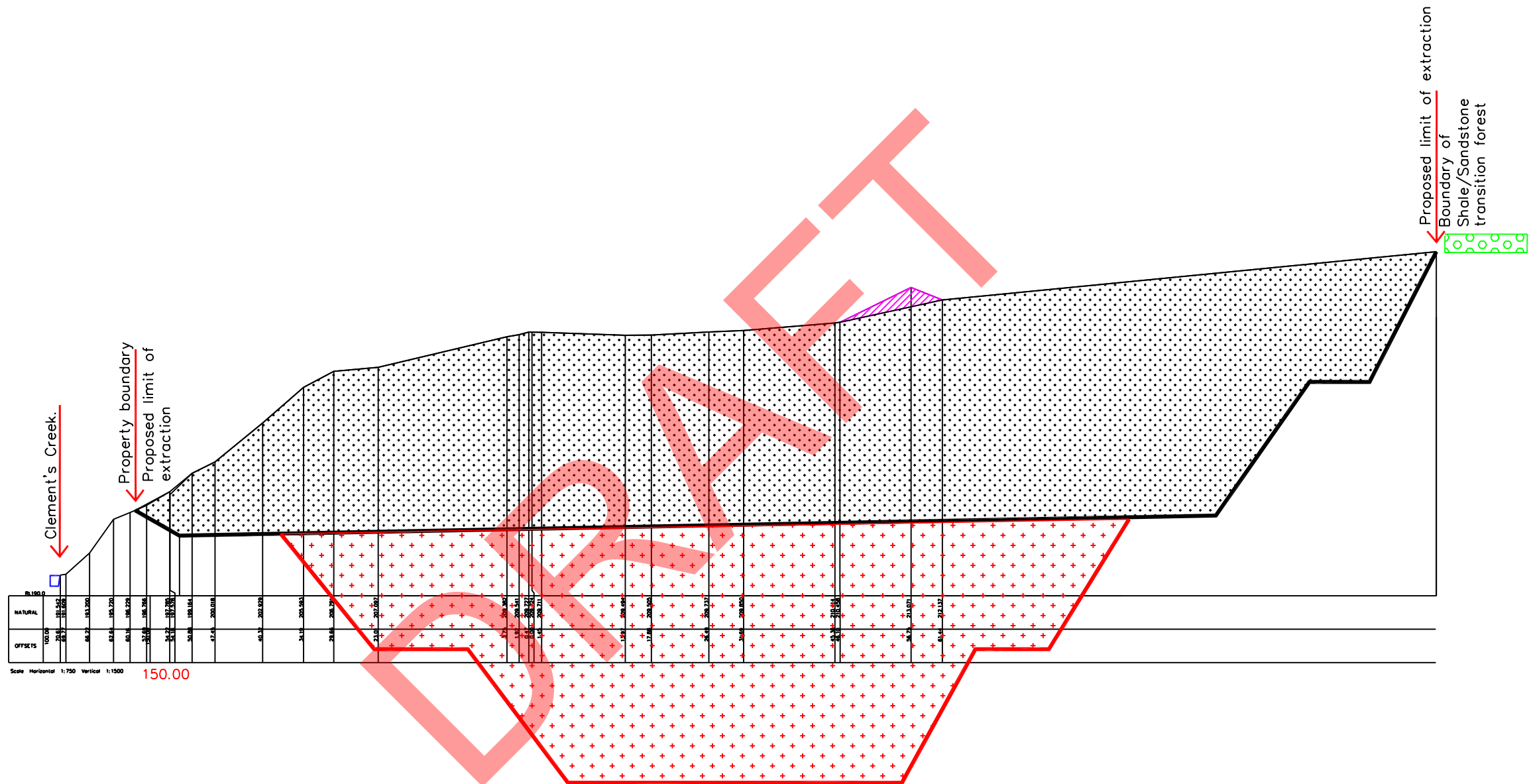
Notes:

- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
- 2) The position of all features on this plan is approximate.








Scale 1:750 horizontal 1:1500 vertical	Cross section – 125m			Figure 10	
Designed by JC	Checked by MR	Date Drawn 29/09/2008	Job No 201081	Filename 201081F10	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation		Council WOLLONDILLY

Figure 11
Cross section - 150m

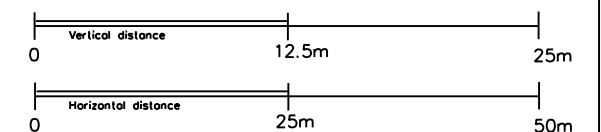


LEGEND

- | | |
|--|--|
|  | Material to be extracted (free draining) |
|  | Material to be extracted (maximum extraction) |
|  | Existing overburden stockpile |
|  | State listed species of conservation significance
<i>Epacris purpurascens</i> var. <i>purpurascens</i>
Anne Clements and Associates Pty Ltd (2008) |
|  | Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008) |

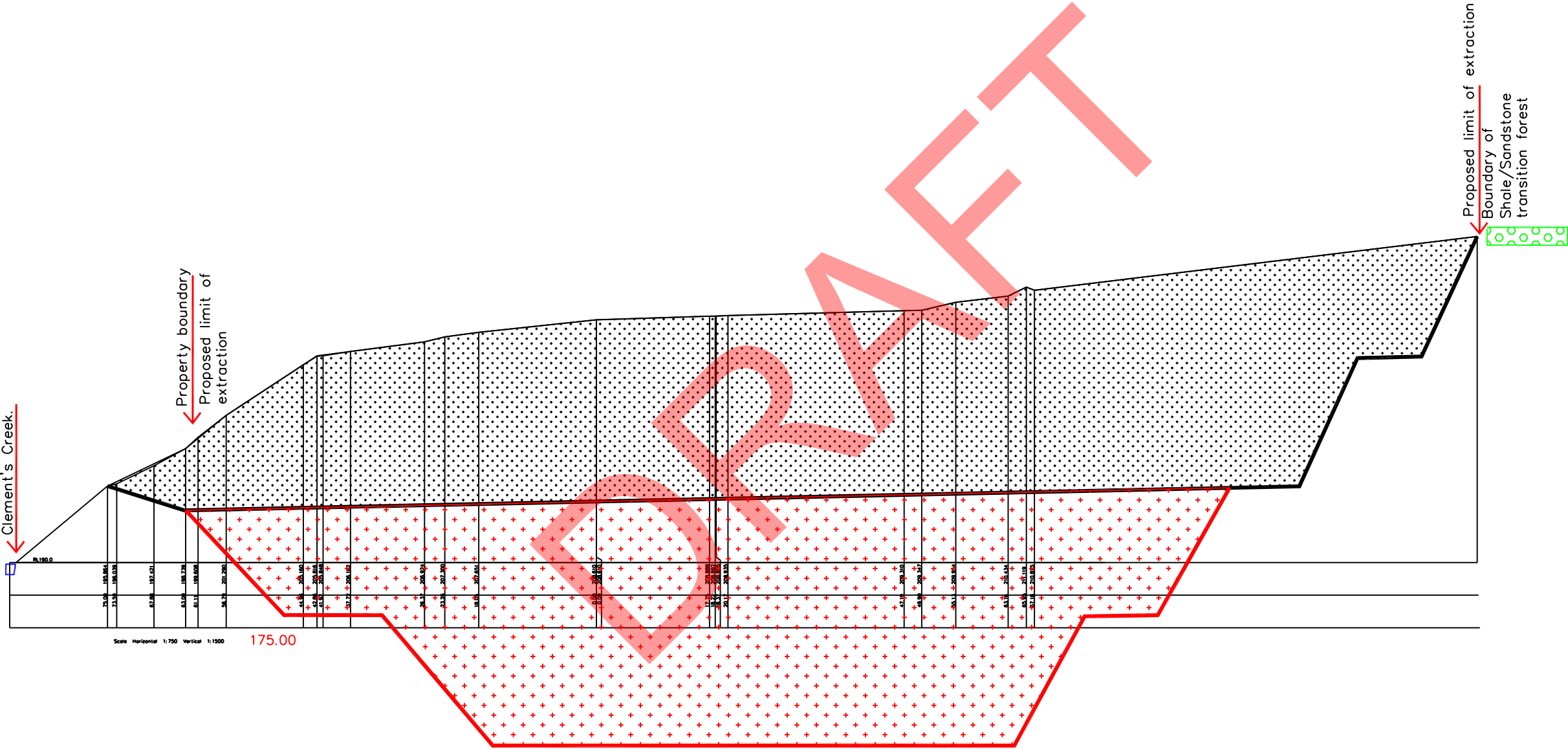
Notes:

- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
- 2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical	Cross section – 150m			Figure 11	
Designed by JC	Checked by MR	Date Drawn 29/09/2008	Job No 201081	Filename 201081F11	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation		Council WOLLONDILLY

Figure 12
Cross section - 175m



LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

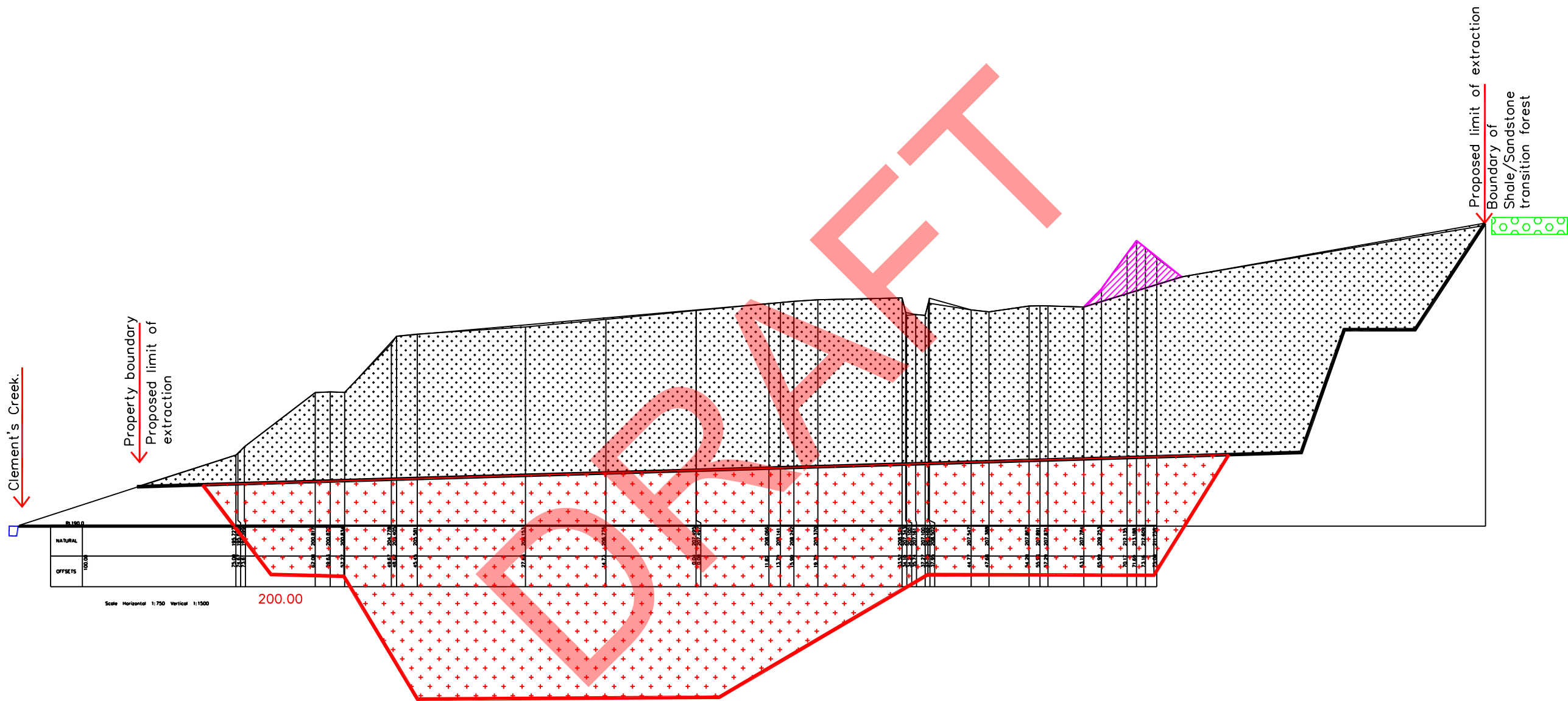
Notes:

1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

2) The position of all features on this plan is approximate.

Scale 1:750 horizontal 1:1500 vertical		Cross section – 175m		Figure 12	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No
JC	MR	29/09/2008	201081	201081F12	
Consultants			Project		
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
Client			Council		
Walker Corporation			WOLLONDILLY		

Figure 13
Cross section - 200m



LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

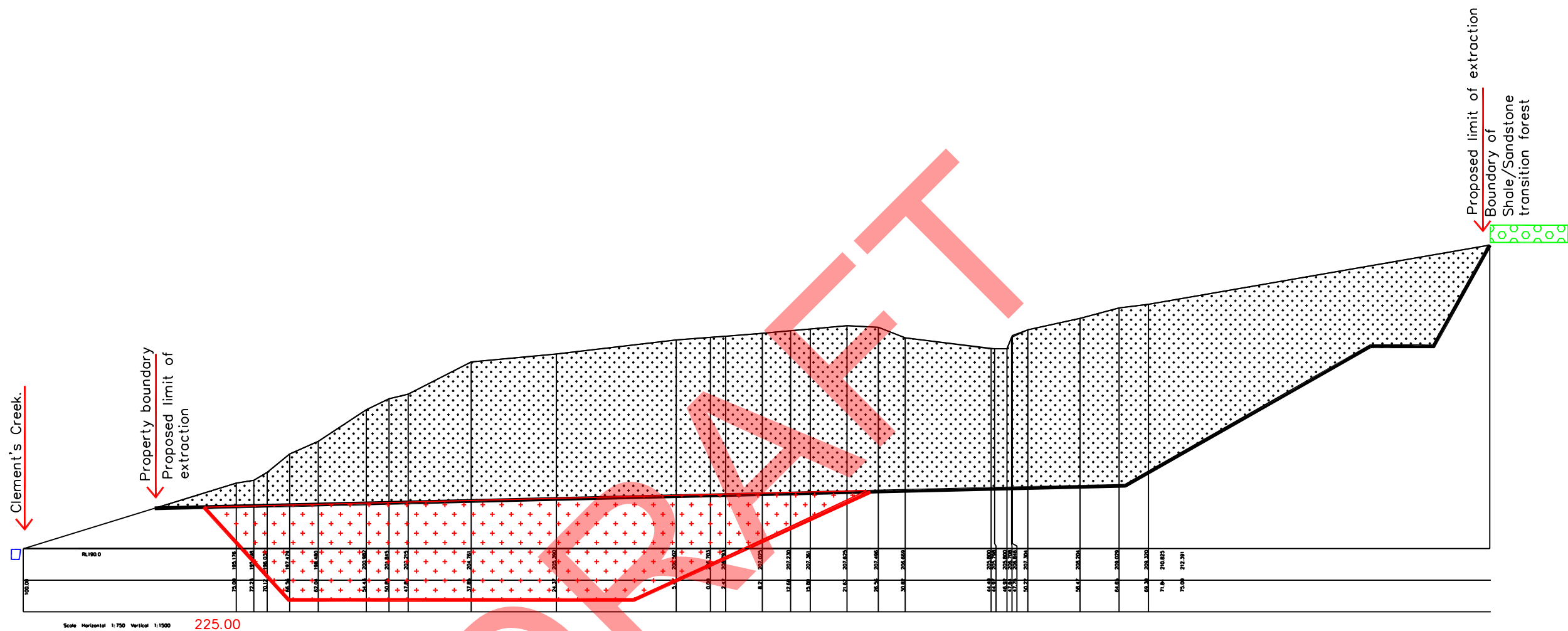
Notes:

1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

2) The position of all features on this plan is approximate.

Scale 1:750 horizontal 1:1500 vertical		Cross section – 200m		Figure 13	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No
JC	MR	29/09/2008	201081	201081F13	
Consultants			Project		
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
Client			Council		
Walker Corporation			WOLLONDILLY		

Figure 14
Cross section - 225m



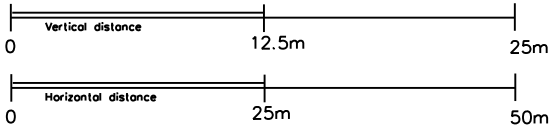
LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

Notes:

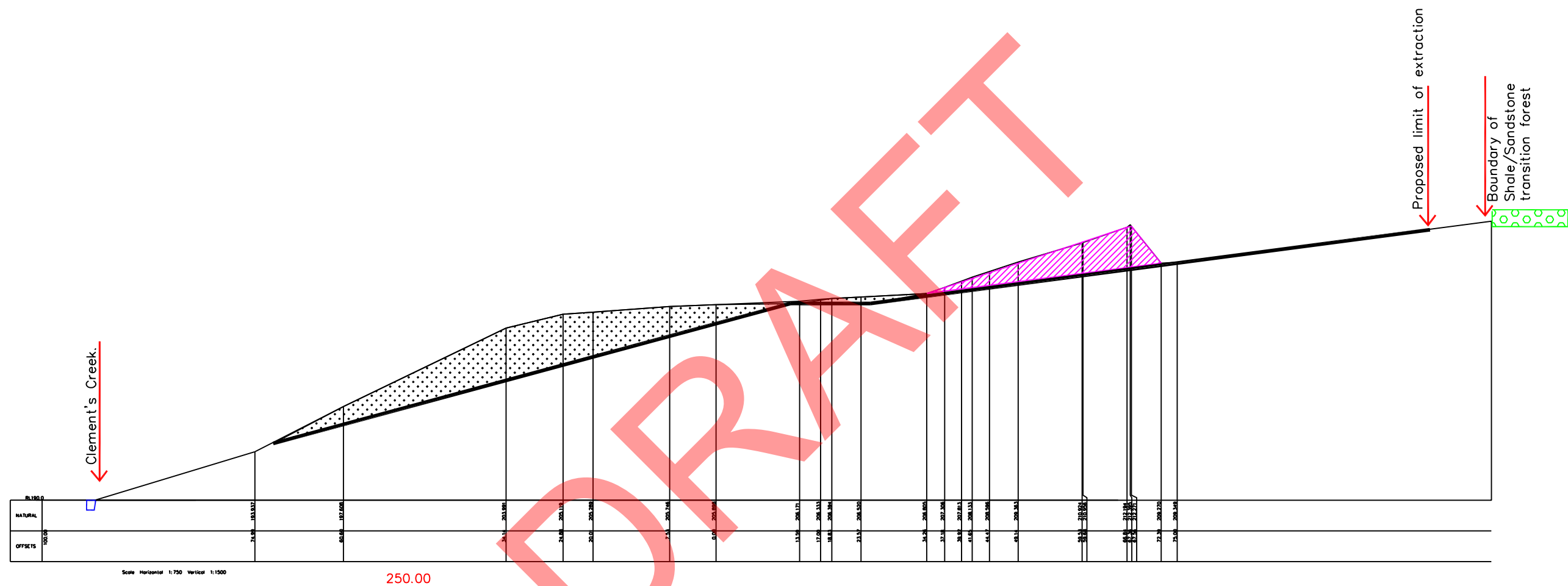
1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical	Cross section - 225m			Figure 14	
Designed by JC	Checked by MR	Date Drawn 29/09/2008	Job No 201081	Filename 201081F14	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation	Council WOLLONDILLY	

Figure 15
Cross section - 250m



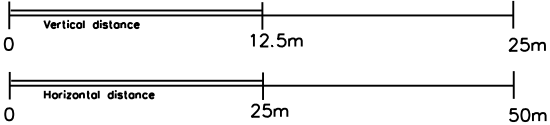
LEGEND

- Material to be extracted (free draining)
- Material to be extracted (maximum extraction)
- Existing overburden stockpile
- State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008)
- Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008)

Notes:

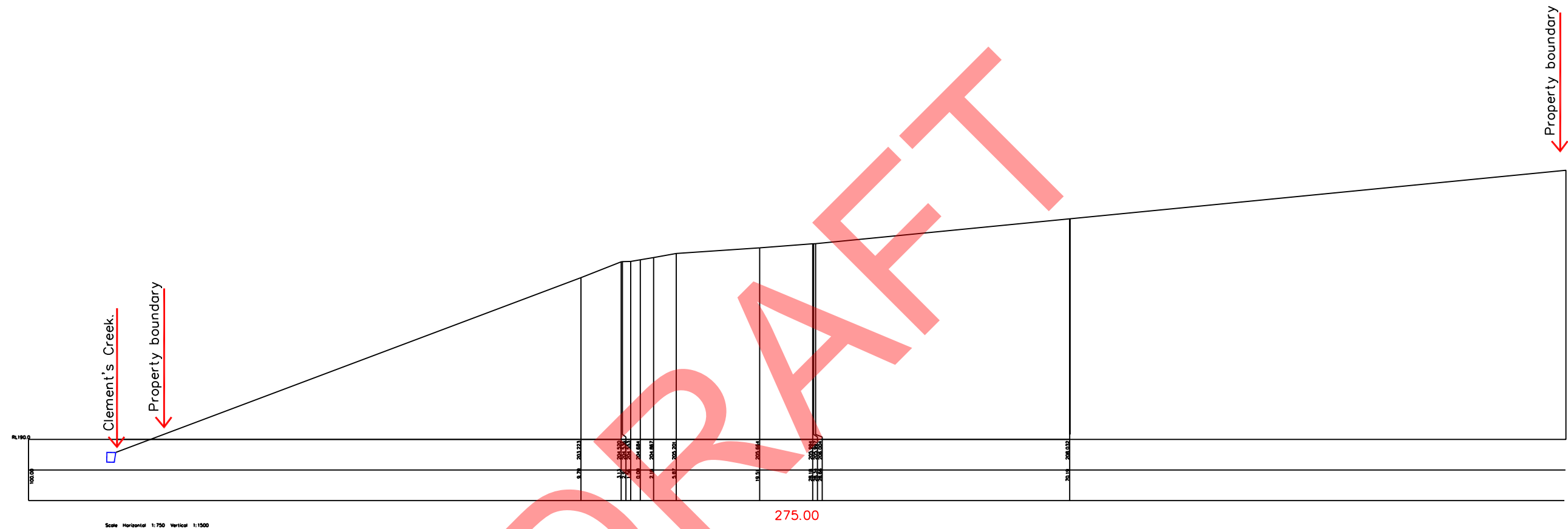
1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and

2) The position of all features on this plan is approximate.








Scale 1:750 horizontal 1:1500 vertical		Cross section - 250m		Figure 15	
Designed by	Checked by	Date Drawn	Job No	Filename	Lot No
JC	MR	29/09/2008	201081	201081F15	
Consultants			Project		
HARVEST SCIENTIFIC SERVICES			WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client	Council	
			Walker Corporation	WOLLONDILLY	

Figure 16
Cross section - 275m

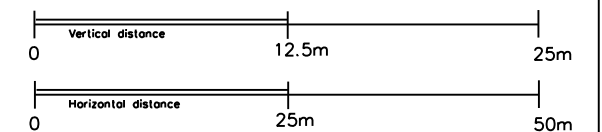


LEGEND

- | | |
|--|--|
|  | Material to be extracted (free draining) |
|  | Material to be extracted (maximum extraction) |
|  | Existing overburden stockpile |
|  | State listed species of conservation significance
Epacris purpurascens var. purpurascens
Anne Clements and Associates Pty Ltd (2008) |
|  | Endangered Ecological Community (EEC)
Shale/sandstone transition forest
Anne Clements and Associates Pty Ltd (2008) |

Notes:

- 1) Survey data is a composite of data from Lean and Hayward, 2008 and approximate elevation data from the Department of Lands; and
- 2) The position of all features on this plan is approximate.



Scale 1:750 horizontal 1:1500 vertical	Cross section – 275m			Figure 16	
Designed by JC	Checked by MR	Date Drawn 29/09/2008	Job No 201081	Filename 201081F16	Lot No
Consultants HARVEST SCIENTIFIC SERVICES			Project WILTON SANDSTONE QUARRY, 155 Wilton Road, WILTON		
			Client Walker Corporation		Council WOLLONDILLY

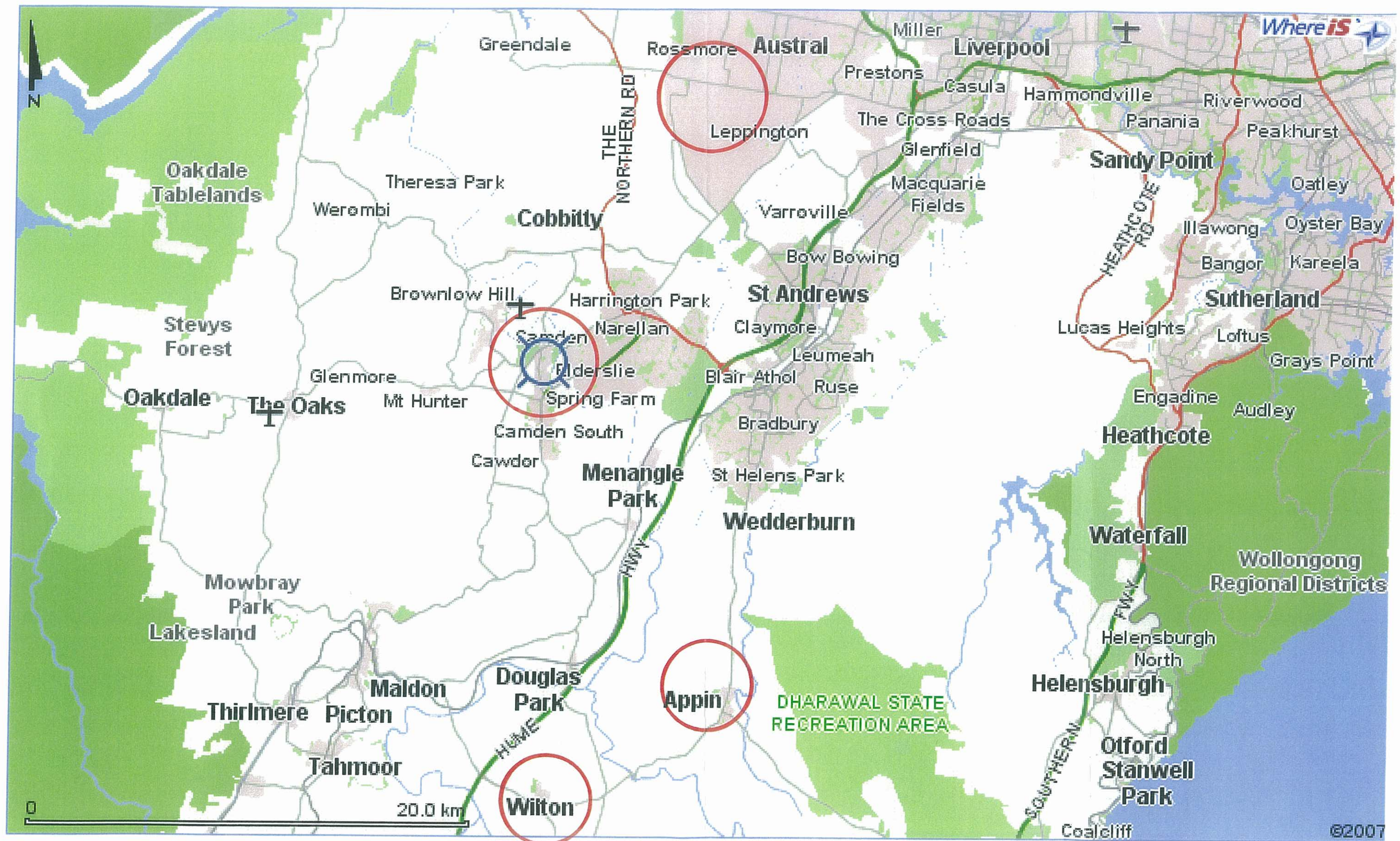


Figure 4. Map showing destination of road base to residential development areas.