

---

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*issued under the Environmental Planning and Assessment Act, 1979  
Section 4.18 (1) (a)*

---

**Applicant Details:**

Regional Group Australia

C/o Groundwork Plus  
PO Box 1779  
MILTON BC QLD 4064

---

**Development Consent No:**

DA027/2020

**Description of Development:**

Extractive Industry – Ralston Quarry

**Subject Land:**

Lot 82 DP 820705

**Property Address:**

4948 Tooraweenah Road, Mount Tendandra

**Date of Determination:**

10 August 2021

**Date of Determination Notice:**

20 August 2021

**Date Development Consent to operate from:**

20 September 2021

**Consent to Lapse on:**

20 September 2026

---

**Determination:**

Consent granted subject to conditions described below:

---

**Conditions:**

**A. Approved Plans and Documentation**

1. The development shall be carried out in accordance with:

- a) The development application DA027/2020 submitted to Coonamble Shire Council on 24 August 2020.
- b) The approved stamped Environmental Impact Statement prepared by Groundwork Plus, dated August 2020.
- c) The approved stamped Aboriginal Due Diligence and Historic Heritage Assessment Report prepared by OzArk Environment and Heritage, dated December 2019.
- d) The approved stamped Ralston Quarry, Mount Tenandra Road Transport Assessment prepared by The Transport Planning Partnership, dated 22 July 2020.
- e) The approved stamped Ralston Quarry Air Quality Impact Assessment prepared by Northstar Air Quality, dated 16 December 2019.
- f) The approved stamped Ralston Quarry Noise Impact Assessment prepared by Muller Acoustic Consulting, dated November 2019.

- g) The approved Ralston Quarry Surface Water Assessment prepared by Groundwork Plus, dated December 2019.
- h) The approved stamped Site Office Plan No. MS-200108-101 and M/F Toilet Plan No. MS-200305-B20-101, prepared by MBS Modular Building Systems.
- i) The approved stamped letters from Groundwork Plus letter dated 16 February 2021 and 8 March 2021.
- j) The approved stamped Biodiversity Development Assessment Report prepared by OzArk Environment and Heritage, dated March 2021.

except as varied by the conditions listed herein or as marked in red on the plans. A current and approved copy of the approved stamped by Coonamble Shire Council is to be maintained on site for constructional and reference purposes.

## **B. Approved Hours of Operation**

2. The hours of operation are:

- **Extraction and processing:** 6am to 6pm Monday to Friday and 7am to 1pm Saturdays.
- **Truck loading and dispatch:** 6am to 6pm Monday to Friday and 7am to 1pm Saturdays.
- **Blasting:** 9am to 3pm Monday to Friday.

No operations are permitted on Sundays or Public Holidays.

## **C. General Terms of Approval – Environment Protection Authority**

3. Except as expressly provided by any conditions of approval issued by the Coonamble Shire Council, these General Terms of Approval (GTAs) or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities must be carried out in accordance with the proposal contained in:

- a) The development application DA027/2020 submitted to Coonamble Shire Council on 24 August 2020.
- b) The Environmental Assessment titled “Ralston Quarry - Environmental Impact Statement” prepared by Groundwork Plus Pty Ltd dated August 2020 relating to the Development Application identified above; and
- c) The specialist assessments accompanying the Environmental Assessment identified above.

The EPA licence conditions for the above Proposal are included in Attachment A to this consent. The licence conditions must be read in conjunction with the GTA's listed in conditions 4 to 14 below. In the event that the Proposal is modified either by the Proponent prior to the granting of any approval or as a result of the conditions proposed to be attached to any approvals, it will be necessary to consult with EPA about the changes before approval is issued. This will enable EPA to determine whether its GTAs need to be modified in light of the proposed changes.

- 4. Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.
- 5. The proponent, or any subsequent proponent, must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to and while undertaking any scheduled activity listed under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

6. The proponent, or any subsequent proponent, must comply with any additional requirements imposed by an in-force environment protection licence issued by the Environment Protection Authority, as varied from time to time.
7. Stage 1 extraction and processing activities, as defined by the Ralston Quarry Environmental Impact Statement prepared by Groundwork Plus Pty Ltd dated August 2020, are limited to no more than 490,000 tonnes extracted or processed per annum for supply to the Inland Rail Project (Narromine to Narrabri Section) and associated road upgrade projects.
8. Stage 2 extraction and processing activities, as defined by the Ralston Quarry Environmental Impact Statement prepared by Groundwork Plus Pty Ltd dated August 2020, are limited to no more than 100,000 tonnes extracted or processed per annum once Stage 1 is completed. Stage 2 is not permitted to operate at the same time as Stage 1 except for Stage 1 rehabilitation works. Prior to commencing Stage 2, the proponent must provide written evidence to Coonamble Shire Council that Stage 1 has been completed and Stage 1 rehabilitation works have commenced.
9. The maximum disturbance area due to the approved operations (including extraction, processing, stockpiling and water management areas) must not exceed 30 hectares (ha).
10. The maximum daily number of truck movements must not exceed 264 truck movements (total in and out of the premises), not limited to conditions 6 or 7 above.
11. The Proponent must install a meteorology station on-site in accordance with AS3580.14.
12. The Proponent, or any subsequent proponent, must operate the meteorology station on-site that measures and records air temperature at 2 metres, air temperature at 10 metres, wind direction at 10 metres, wind speed at 10 metres, sigma theta, rainfall and relative humidity.
13. The Proponent must keep a record of the amount of material extracted, processed and sold to consumers, in tonnes, on a per day or per week basis, or both.
14. Any record required to be kept in accordance with any conditions of approval issued by Coonamble Shire Council, these General Terms of Approval or the conditions of an in-force environment protection licence issued by the Environment Protection Authority must be retained for a minimum of four (4) years.

#### **D. Prior to Commencement**

15. The following management plans specific to the Ralston Quarry site and surrounds must be prepared and finalised prior to commencement of any surface disturbance:
  - a) Environmental Management Plan.
  - b) Bushfire Management Plan.
  - c) Traffic Management Plan.
  - d) Stormwater Management Plan.
  - e) Erosion and Sediment Control Plan.
  - f) Waste Management Plan.
  - g) Final Landform Plan.
  - h) Rehabilitation Management Plan, including rehabilitation timeframes.

The required management plans must adequately deal with all mitigation measures documented in the Ralston Quarry Environmental Impact Statement prepared by Groundwork Plus Pty Ltd, dated August 2020 and other conditions in this consent and submitted to Coonamble Shire Council for approval. The management plans must be implemented during operation of the quarry and haulage operations. All personnel are to be inducted to be aware of all management plans in place for the site, with current copies to be maintained on site for reference purposes.

16. Prior to commencement of any surface disturbance, the Aboriginal artefacts site (Mt Tenandra OS1) will be properly demarcated with perimeter fencing and warning signage to ensure artefacts remain in place and unharmed by the proposal, and in accordance with the OzArk Aboriginal Due Diligence and Historic Heritage Assessment Report, dated December 2019.
17. Prior to commencement of any surface disturbance:
- a) an Unanticipated Finds Protocol shall be prepared and finalised in accordance with the recommendations of the OzArk Aboriginal Due Diligence and Historic Heritage Assessment Report, dated December 2019; and
  - b) a licensed surveyor must survey and mark the boundaries of the Environmental Exclusion Zone as shown on the Conceptual Site Layout Plan (Drawing 2523 DRG 003 prepared by Groundwork Plus dated 17 July 2020; and
  - c) the proponent must erect high visibility flagging and signs around the Environmental Exclusion Zone prohibiting entry into the area; and
  - d) evidence of completion of items a), b) and c) above must be provided to Coonamble Shire Council prior to commencement of any surface disturbance.
18. Prior to the commencement of any haulage operations, the Proponent is to prepare and implement a Traffic Management Plan and Driver Code of Conduct for the task of transporting materials on public roads. The Traffic Management Plan and Driver Code of Conduct shall include, among other things, the avoidance and / or limitation of haulage operations coinciding with wet weather and flooding events for both Stage 1 and 2 Quarry operations, including provision for extended road closures of quarry-related trucks over 15 tonne capacity to allow gravel roads sufficient time to dry out. Contingencies must also be developed to avoid and / or limit haulage operations for Stage 1 works coinciding with local student school bus pick-up and drop-off times and locations as well as livestock being moved on public roads as advised by landholders. The Traffic Management Plan and The Driver Code of Conduct is required to be approved by Coonamble Shire Council prior to implementation and implemented for the life of the development.
19. Prior to the commencement of any haulage operations, the Proponent is to upgrade the existing Northwood property access to Weenya Road to form a Basic Auxiliary Left (BAL) and Basic Auxiliary Right (BAR) to the satisfaction of Coonamble Shire Council, including the provision / maintenance of Safe Intersection Sight Distance in accordance with Part 4A of the Austroads Guide to Road Design prior to the commencement of any haulage operations on the local road network.
20. Prior to the commencement of any haulage operations on the local road network, the following sections of local roads shall be upgraded:
- a) **Weenya Road** to a rural unsealed standard as per the Austroads Guide to Road Design 2017 and the Austroads Guide to Pavement Technology Part 6, and to the satisfaction of Coonamble Shire Council.
  - b) **Tooraweenah Road** to a rural unsealed standard 50 metres east and west of its intersection with Weenya Road as per the Austroads Guide to Road Design 2017 and the Austroads Guide to Pavement Technology Part 6, and to the satisfaction of Coonamble Shire Council.
  - c) **National Park Road** to a rural unsealed standard 50 metres east and west of its intersection with Weenya Road as per the Austroads Guide to Road Design 2017 and the Austroads Guide to Pavement Technology Part 6, and to the satisfaction of Coonamble Shire Council.
21. Prior to the commencement of any haulage operations on the local road network, detailed engineering drawing(s) shall be prepared for the road works required to be undertaken in accordance with Condition 20, for approval by Coonamble Shire Council.

22. Prior to locating any prefabricated buildings onto the site, the person having the benefit of this consent:
- Shall appoint a Principal Certifying Authority (PCA).
  - Shall ensure a Construction Certificate is issued by the PCA.
  - Shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
23. Prior to the commencement of any work on the site, a Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed footings for prefabricated buildings are in accordance with this consent and the applicable standards.
24. In accordance with the Biodiversity Development Assessment Report (BDAR) prepared by OzArk for the development, the class and number of species credits must be retired to offset the residual biodiversity impacts of the development. The retirement of the credits shall be in stages as outlined in the BDAR Figures 7.1, 7.2 and 7.4. The staged retirement of the credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits as calculated by the BAM Credit Calculator (BAMC) in the BDAR or by purchasing and retiring credits on the open market. Evidence of the retirement of credits (either by payment to the Biodiversity Conservation Fund or securing the Biodiversity Offset Management Plan) must be provided to Council prior to the commencement of disturbance for each stage of the development.

Table 24: Staged credit retirement for ecosystem credits and species credits

| Development Stage            | Plant Community Type (PCT)   | Staged credit retirement |  |                 |
|------------------------------|--|--------------------------|--|-----------------|
|                              |  | Ecosystem credits        | Species  | Species credits |
| Stage 1 – Southern Pit       | PCT244 - Poplar Box grassy woodland on alluvial clay-loam soils mainly in the temperate (hot summer) climate zone of central NSW (wheatbelt) | 0                        | Australian Bustard ( <i>Ardeotis australis</i> )           | 5               |
|                              |  |                          | Finger Panic Grass ( <i>Digitaria porrecta</i> )           | 5               |
|                              |  |                          | White-bellied Sea Eagle ( <i>Haliaeetus leucogaster</i> )  | 1               |
|                              |  |                          | Little Eagle ( <i>Hieraaetus morphnoides</i> )             | 1               |
|                              |  |                          | Pale-headed Snake ( <i>Hoplocephalus bitorquatus</i> )     | 5               |
|                              |  |                          | Square-tailed Kite ( <i>Lophocitinia isura</i> )           | 1               |
|                              |  |                          | Brush-tailed Rock Wallaby ( <i>Petrogale penicillata</i> ) | 7               |
|                              |  |                          | Koala ( <i>Phascolarctos cinerus</i> )                     | 6               |
|                              |  |                          | Greenhood Orchid ( <i>Pterostylis cobraensis</i> )         | 5               |
|                              |  |                          | Slender Darling Pea ( <i>Swainsona murrayana</i> )         | 5               |
|                              |  |                          | Silky Swainson-pea ( <i>Swainsona sericea</i> )            | 5               |
| Stage 1 SUB-TOTAL            | Ecosystem credits  | 0                        | Species credits (various types)                            | 45              |
| Stage 2 – Northern Pit       | PCT98 – Poplar Box – White Cypress Pine – Wilga – Ironwood shrubby woodland on red sandy loam soils in the Darling Riverine Plains           | 54                       | Silky Swainson-pea ( <i>Swainsona sericea</i> )            | 78              |
|                              |  |                          | Little Eagle ( <i>Hieraaetus morphnoides</i> )             | 59              |
|                              |  |                          | Square-tailed Kite ( <i>Lophocitinia isura</i> )           | 59              |
|                              |  |                          | Koala ( <i>Phascolarctos cinerus</i> )                     | 78              |
|                              |  |                          | White-bellied Sea Eagle ( <i>Haliaeetus leucogaster</i> )  | 78              |
|                              |  |                          | Bush-stone Curlew ( <i>Burhinus grallarius</i> )           | 72              |
|                              |  |                          | Black-breasted Buzzard ( <i>Hamirostra melanosternom</i> ) | 59              |
| Stage 2 SUB-TOTAL            | Ecosystem credit (PCT98)   | 54                       | Species credits (various types)                            | 483             |
| <b>TOTAL for both stages</b> |  | <b>54</b>                |  | <b>528</b>      |

## **E. During Works**

25. All loading, unloading and storage of hard rock materials, plant, and equipment, building materials and the like, or the carrying out of building operations related to the development proposal, shall be carried out within the confines of the quarry site. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the balance of the Northwood property or public roadway system.
26. All internal access roads shall comply with the following requirements of section 4.1.3 (2) of Planning for Bush Fire Protection 2006 including as follows:
  - a) A minimum carriageway width of 4 metres.
  - b) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
  - c) A turning circle with a minimum 12 metre outer radius.
  - d) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - e) The minimum distance between the inner and outer curves is 6 metres.
  - f) The crossfall does not to exceed 10 degrees.
  - g) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
27. Any damage caused to public roadways, table drains, utility installations and the like by reason of construction / quarry operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Proponent.
28. No lighting is permitted to be installed at the quarry site, including no security lighting, without prior written approval from Coonamble Shire Council.

## **F. Prior to Commencement of Use and Operational Conditions**

29. The Proponent is to obtain an Occupation Certificate in accordance with the *Environmental Planning and Assessment Act 1979*, from the Principal Certifying Authority prior to occupation of prefabricated buildings.
30. Prior to the issue of an Occupation Certificate, a rural address marker must be clearly displayed at the entrance to the property in accordance with Coonamble Shire Council's Engineering Specifications and Australian Standard 4819:2003.
31. The Proponent shall pay a quarterly monetary contribution to Coonamble Shire Council for local road maintenance, as per the following agreed road maintenance contributions rate:

| <b>Contribution Agreement Subject</b> | <b>Per annum rate</b>  |
|---------------------------------------|------------------------|
| Road maintenance                      | \$0.58 cents per tonne |

The quarterly contribution will be accompanied by a report from the Proponent verifying the actual tonnages of material transported from the quarry site via public roads. The quarterly contribution and report shall be provided within one month of the anniversary of the commencement of haulage on the local road network. The agreed road maintenance contributions rate set out above will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS).

The process for calculating and collecting the contribution will generally be as follows:

- i) Identify the quantity of material extracted / processed as at the end of the reporting quarter.
  - ii) Identify the quantity of material (tonnes) transported from the site onto the public road network as at the end of the reporting quarter.
  - iii) Identify the quantity of material (tonnes) transported from the site via any new rail corridor as at the end of the reporting quarter.
  - iv) Subtract 3 from 2 to calculate the actual annual contribution, as adjusted by Sydney CPI.
32. Unless otherwise agreed to by Warrumbungle Shire Council through a Formal Contract Agreement between the Proponent and Warrumbungle Shire Council, haulage trucks (laden or unladen from the Ralston Quarry) are not permitted to local roads within the Warrumbungle Local Government Area.
33. Unless otherwise agreed to by Gilgandra Shire Council through a Formal Contract Agreement between the Proponent and Gilgandra Shire Council, haulage trucks (laden or unladen from the Ralston Quarry) are not permitted to use National Park Road in its entirety for the life of the Ralston Quarry.

#### **G. Prescribed Conditions**

34. The work must be carried out in accordance with the requirements of the Building Code of Australia.
35. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the site is prohibited.

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

36. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.

#### **H. At Completion of Quarry Stages**

37. The Applicant is to implement all actions identified in the required Rehabilitation Management Plan, during or within three (3) months upon the cessation of each stage of quarry operations and substantially completed within 12 months of the cessation of each stage.

**Attachment A – EPA Conditions to be included on the issued Environment Protection Licence, should approval be granted**

**Administrative Conditions**

**A1 What the licence authorises and regulates.**

- A1.1)** This environment protection licence authorises the carrying out of the following activities at the premises specified in condition A2 below. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation (as per the *Protection of the Environment Operations Act 1997*).

Unless otherwise further restricted by a condition of this Development Approval or an environment protection licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

| Scheduled Activity               | Fee Based Activity    | Scale         |
|----------------------------------|-----------------------|---------------|
| Extractive activities            | Extractive activities | 100000-500000 |
| Crushing, grinding or separating | Extractive activities | 100000-500000 |

- A1.2)** Notwithstanding condition A1.1 above, extractive activity and crushing, grinding or separating production rates at the premises must not exceed:

- 490,000 tonnes per annum during Stage 1 activities as defined by the Environmental Assessment titled “Ralston Quarry - Environmental Impact Statement” prepared by Groundwork Plus Pty Ltd dated August 2020; and
- 100,000 tonnes per annum during Stage 2 activities as defined by the Environmental Assessment titled “Ralston Quarry - Environmental Impact Statement” prepared by Groundwork Plus Pty Ltd dated August 2020.

**A2 Premises or plant to which this licence applies.**

- A2.1)** This environment protection licence applies to the following premises:

- Ralston Quarry at 4948 Tooraweenah Road, Mount Tenandra, NSW being Lot 82; DP 820705.

**A3 Information supplied to the EPA**

- A3.1)** Works and activities must be carried out in accordance with the proposal contained in the environment protection licence application, except as expressly provided by a condition of this licence. In this condition the reference to “the licence application” includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the *Protection of the Environment Operations (Savings and Transitional) Regulation 1998*; and
- the licence information form provided by the Proponent to the Environment Protection Authority to assist the Environment Protection Authority in connection with the issuing of the licence.

- A3.2)** Any other document and/or management plan is not to be taken as part of the documentation in condition A3.1 above, other than those documents and/or management plans specifically referenced in this environment protection licence.



## Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

**P1.1)** The following points referred to in the table below are identified in this environment protection licence for the purposes of weather monitoring, or as otherwise stipulated in this licence.

| EPA identification no. | Type of monitoring point          | Location description   |
|------------------------|-----------------------------------|--|
| 1                      | Meteorological weather monitoring | Meteorological weather station installed in accordance with AS3580.14 which the exact location to be negotiated with Coonamble Shire Council and the Environment Protection Authority if approval is granted and prior to undertaking any site activities. |

**P1.2)** The following points referred to in the table are identified in this environment protection licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

| EPA identification no. | Type of monitoring point                            | Location description  |
|------------------------|---|---|
| 2                      | Discharge to waters<br>Discharge quality monitoring | Discharge from sediment basin SB1 marked and shown as SB1 in drawing 2418.DRG.007, Revision 1 titled "Figure 1 - Stormwater Management Plan". |
| 3                      | Discharge to waters<br>Discharge quality monitoring | Discharge from sediment basin SB2 marked and shown as SB2 in drawing 2418.DRG.007, Revision 1 titled "Figure 1 - Stormwater Management Plan". |

### Limit Conditions

#### L1 Noise limits - Construction

**L1.1)** Unless otherwise further restricted or otherwise stipulated by a condition of this environment protection licence, construction activities at the premises must only occur during the following time periods:

- a) 7am to 6pm Monday to Friday;
- b) 8am to 1pm Saturdays; and
- c) at no time on Sundays or Public Holidays.

**L1.2)** Condition L1.1 above does not apply to the delivery of material outside the hours of the permitted timeframes if that delivery is required by police or other authorities for safety reasons and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as

soon as possible, or within 24 hours in the case of emergency.

- L1.3)** The licensee must implement all reasonable and feasible noise and vibration mitigation measures to minimise construction noise and vibration impacts in accordance with the “Interim Construction Noise Guidelines” (DECC, 2009) and “Assessing Vibration: a technical guideline” (DEC, 2006).

## **L2 Noise limits - Operation**

- L2.1)** Unless otherwise further restricted or otherwise stipulated by a condition of this environment protection licence, operational activities (including extraction and processing and truck loading and despatch) at the premises must only occur during the following time periods:

- a) 6am to 6pm Monday to Friday;
- b) 7am to 1pm Saturdays; and
- c) at no time on Sundays or Public Holidays.

- L2.2)** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

| Location                         | Noise Limits in dB(A)        |                   |                              |
|----------------------------------|------------------------------|-------------------|------------------------------|
|                                  | Morning Shoulder             |                   | Day                          |
|                                  | L <sub>Aeq</sub> (15 minute) | L <sub>Amax</sub> | L <sub>Aeq</sub> (15 minute) |
| <b>All Residential Receivers</b> | 35                           | 52                | 40                           |

- L2.3)** For the purposes of condition L2.2 above:

- a) Morning Shoulder means the period from 6am to 7am Monday to Saturday; and
- b) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

- L2.4)** The noise limits set out in condition L2.2 of this environment protection licence apply under the following meteorological conditions:

| Assessment Period | Meteorological Conditions   |
|-------------------|---|
| <b>Day</b>        | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.   |
| <b>Evening</b>    | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.   |
| <b>Night</b>      | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or<br>Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level. |

- L2.5)** For those meteorological conditions not referred to in condition L2.4 above, the noise limits that apply are the noise limits in condition L2.2 of this environment protection licence plus 5dB.

- L2.6)** For the purposes of condition L2.4 of this environment protection licence:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Coonamble; and
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017): Pasquill-Gifford stability classification scheme (section D1.3.1).

**L2.7) To assess compliance:**

- a) with the LAeq(15 minutes) or the LMax noise limits in conditions L2.2 and L2.4 of this environment protection licence, the noise measurement equipment must be located:
  - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - iv. at any other location identified in condition L2.2 of this environment protection licence.
- b) with the LAeq(15 minutes) or the LMax noise limits in conditions L2.2 and L2.4 of this environment protection licence, the noise measurement equipment must be located:
  - i. at the reasonably most affected point at a location where there is no residence at the location; or,
  - ii. at the reasonably most affected point within an area at a location prescribed by condition L2.7 (a) above.

**L2.8)** A non-compliance of conditions L2.2 and L2.4 of this environment protection licence will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L2.6 (a) or L2.6 (b) of this environment protection licence.

**Note:** to conditions L2.7 and L2.8: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L2.9)** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L2.10)** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

### **L3 Blast limits**

**L3.1)** The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

- L3.2)** The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.3)** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.4)** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.5)** Blasting at the premises may only take place between 9:00am-3:00pm Monday to Friday. Blasting is not permitted on Saturday, Sundays or public holidays.
- L3.6)** Blasting outside of the hours specified in condition L3.5 above can only take place with the written approval of the EPA.
- L3.7)** The airblast overpressure and ground vibration levels in conditions L3.1 to L3.4 of this environment protection licence do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and landowner.
- L3.8)** Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

#### **L4 Pollution of waters**

- L4.1)** Except as may be expressly provided in any other condition of this environment protection licence, the licensee must comply with section 120 of the *Protection of the Environment Operations Act 1997*.

#### **L5 Concentration limits**

- L5.1)** For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
- L5.2)** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
- L5.3)** To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.
- L5.4)** Water and/or land concentration limits.

**Point(s) 2, 3**

| Pollutant              | Unit of measure | 50 percentile concentration limit | 90 percentile concentration limit | 97 percentile concentration limit | 100 percentile concentration limit |
|------------------------|-----------------|-----------------------------------|-----------------------------------|-----------------------------------|------------------------------------|
| Oil and Grease         | mg/L            |                                   |                                   |                                   | 10                                 |
| pH                     | pH              |                                   |                                   |                                   | 6.5-8.5                            |
| Total suspended solids | mg/L            |                                   |                                   |                                   | 50                                 |

**L5.5)** The total suspended solids concentration limits stipulated by condition L5.4 above for EPA Identification Points 2 and 3 are deemed not to apply when:

- a) the discharge from the stormwater control structures (sediment basins) occurs solely as a result of rainfall measured at the premises which exceeds a total of 50.7 millimetres of rainfall over any consecutive 5 day period; and
- b) all other conditions of this environment protection licence are complied with.

**Note:** A 50.7mm rainfall event is defined by the EPA endorsed publication "Managing urban stormwater: soils and construction" (Landcom, 2004) as the rainfall depth in millimetres for a 95th percentile, 5 day rainfall event for Dubbo which is also consistent with the storage capacity (recommended minimum design criteria) for Type D sediment basins for mines and quarries (see "Managing urban stormwater: soils and construction, Volume 2E, mines and quarries" (DECC, 2008)).

**L6 Waste**

**L6.1)** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by an environment protection licence under the *Protection of the Environment Operations Act 1997*.

**L7 Odour**

**L7.1)** No condition of this environment protection licence identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997*.

**Note:** Section 129 of the *Protection of the Environment Operations Act 1997*, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of that licence directed at minimising odour.

**Operating Conditions****O1 Activities must be carried out in a competent manner**

**O1.1)** Licensed activities must be carried out in a competent manner. This includes:

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

generated by the activity.

## **O2 Maintenance of plant and equipment**

**O2.1)** All plant and equipment installed at the premises or used in connection with the licensed activity:

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

## **O3 Dust**

**O3.1)** The premises must be maintained in a condition which prevents or minimises the emission of dust from the premises.

**O3.2)** All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of dust from the premises.

**O3.3)** Trucks entering and leaving the premises that are carrying loads of materials which have the potential to cause emissions dust must have their loads covered at all times, except during loading and unloading.

## **O4 Emergency response**

**Note:** The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises in accordance with Part 5.7A of the *Protection of the Environment Operations Act 1997* and Part 3A of the *Protection of the Environment Operations (General) Regulation 2009*.

## **O5 Processes and management**

**O5.1)** The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

**O5.2)** The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

**O5.3)** The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.

**O5.4)** Unless otherwise approved in writing by the environment protection authority, where stormwater control structures (sediment basins) are necessary or are designed, sediment basins and associated drainage must be installed and commissioned prior to the commencement of any grubbing or clearing works within the catchment area of the sediment basin that may cause sediment to leave the site (excluding that work required for the sediment basins and associated drainage).

**O5.5)** The stormwater control structures (sediment basins) identified as EPA Identification Points 1 and 2 must be drained or pumped out as necessary to maintain each basins design storage capacity within 5 days following rainfall.

**O5.4)** The licensee must undertake maintenance as necessary to desilt any stormwater control structures (sediment basins) identified as EPA Identification Points 1 and 2 in order to retain each basins design storage capacity.

## **O6 Waste management**

- O6.1)** The licensee must, as far as possible, follow the waste hierarchy principals contained within the *Waste Avoidance and Resource Recovery Act 2001* when dealing with any waste generated at the premises.
- O6.2)** The licensee must assess and classify any waste generated at the premises in accordance with the "Waste Classification Guidelines – Part 1: Classifying waste", as in force from time to time, and manage this waste in a lawful manner.
- O6.3)** The licensee must maintain a waste register that tracks any waste received at or transported from the premises that clearly identifies each entity and vehicle involved in the waste transaction and the premises from which or to which the waste originated or was transported to.

## **O7 Other operating conditions**

- O7.1)** The licensee must store and handle all liquid chemicals and hazardous materials used at the premises within bunded areas that are constructed and maintained in accordance with the following:
- a) any relevant Australian Standards for the liquids being stored;
  - b) within a bunded area with a minimum bund capacity of 110% of the volume of the largest single stored vessel within the bund;
  - c) the Storing and Handling Liquids: Environmental Protection Participant's Manual (DECC, 2007); and where any conflict exists between these requirements, the most stringent requirements apply.
- O7.2)** For the purpose of this condition, any tanks or other storage vessels that are interconnected and may distribute their contents either by gravity or automated pumps must be considered a single vessel.
- O7.3)** Prior to the commencement of any surface disturbance and/or construction activities, the licensee must install and maintain appropriate erosion and sediment control measures at the premises in accordance with the publication *Managing Urban Stormwater: Soils and construction – Volume 1* (Landcom, 2004) and *Managing Urban Stormwater: Soils and construction – Volume 2E, Mines and Quarries* (DECC, 2008).

## **Monitoring and Recording Conditions**

### **M1 Monitoring records**

- M1.1)** The results of any monitoring required to be conducted by this environment protection or a load calculation protocol must be recorded and retained as set out in these conditions.
- M1.2)** All records required to be kept by this environment protection licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
  - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
  - c) produced in a legible form to any authorised officer of the Environment Protection Authority who asks to see them.
- M1.3)** The following records must be kept in respect of any samples required to be collected

for the purposes of this environment protection licence:

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

## **M2 Requirement to monitor concentration of pollutants discharged Weather Monitoring**

**M2.1)** The licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding units of measure, frequency, averaging period and sampling method, specified opposite in the Columns 2, 3, 4 and 5 respectively.

**M2.2)** The licensee must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications and keep relevant records associated with this calibration in accordance with condition M1.2 of this environment protection licence.

**M2.3)** The licensee must develop and implement a quality assurance/quality control procedure for the data collected from the meteorological monitoring station. Outcomes from the procedure must kept in accordance with condition M1.2 of this environment protection licence.

## **Noise monitoring**

**M2.4)** The licensee, following the receipt of a noise related complaint and if required by the environment protection authority, must undertake noise monitoring as required in writing by the environment protection authority.

## **Blast monitoring**

**M2.5)** The licensee must undertake blast monitoring as outlined below to determine compliance with Conditions L3.1 to L3.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded in accordance with the ANZECC guidelines for all production blasts carried out in or on the premises; and
- b) The written record must include:
  - i. the time and date of each blast;
  - ii. the station(s) at which the noise was measured;
  - iii. the ground vibration for each blast;
  - iv. the airblast overpressure for each blast;
  - v. evidence that during the past 12 month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
  - vi. the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).
- c) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 2006.



## Water and land monitoring

**M2.6)** For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

### M2.7) Water and/ or Land Monitoring Requirements

#### Point(s) 2 and 3

| Parameter              | Sampling method       | Unit of measure | Averaging period | Frequency                  |
|------------------------|-----------------------|-----------------|------------------|----------------------------|
| Oil and grease         | Representative sample | mg/L            |                  | Daily during any discharge |
| pH                     | Representative sample | pH              |                  | Daily during any discharge |
| Total suspended solids | Representative sample | mg/L            |                  | Daily during any discharge |

### M3 Testing methods – concentration limits

**M3.1)** Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

### M4 Recording of pollution complaints.

**M4.1)** The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

**M4.2)** The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

**M4.3)** The record of a complaint must be kept for at least 4 years after the complaint was made.

**M4.4)** The record must be produced to any authorised officer of the environment protection who asks to see them.

## **M5 Telephone complaints line**

- M5.1)** The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in this environment protection licence.
- M5.2)** The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M5.3)** The preceding two conditions do not apply until 1 month from: the date of the issue of this environment protection licence.

## **Reporting Conditions**

### **R1 Annual return documents**

- R1.1)** The licensee must complete and supply to the environment protection authority an Annual Return in the approved form comprising:
1. a Statement of Compliance,
  2. a Monitoring and Complaints Summary,
  3. a Statement of Compliance - Licence Conditions,
  4. a Statement of Compliance - Load based Fee,
  5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
  6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
  7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the environment protection authority will provide to the licensee notification that the Annual Return is due.

- R1.2)** An Annual Return must be prepared in respect of each reporting period, except as provided below.

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

- R1.3)** Where this environment protection licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

**Note:** An application to transfer an environment protection licence must be made in the approved form for this purpose.

- R1.4)** Where this environment protection licence is surrendered by the licensee or revoked by the environment protection authority or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5)** The Annual Return for the reporting period must be supplied to the environment protection authority via eConnect environment protection authority or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6)** The licensee must retain a copy of the Annual Return supplied to the environment protection authority for a period of at least 4 years after the Annual Return was due to be supplied to the environment protection authority.
- R1.7)** Within the Annual Return, the Statements of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the environment protection authority to sign on behalf of the licence holder.
- R1.8)** Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the environment protection authority in writing as soon as practicable, and in any event not later than the due date. The notification must specify:
- a) the assessable pollutants for which the actual load could not be calculated; and
  - b) the relevant circumstances that were beyond the control of the licensee.

## **R2 Notification of environmental harm**

**Note:** The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the *Protection of the Environment Operations Act 1997*.

- R2.1)** Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2)** The licensee must provide written details of the notification to the environment protection authority within 7 days of the date on which the incident occurred.

## **R3 Written report:**

- R3.1)** Where an authorised officer of the environment protection authority suspects on reasonable grounds that:
- a) where this environment protection licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised

officer may request a written report of the event.

**R3.2)** The licensee must make all reasonable inquiries in relation to the event and supply the report to the environment protection authority within such time as may be specified in the request.

**R3.3)** The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

**R3.4)** The environment protection authority may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the environment protection authority within the time specified in the request.

#### **R4 Other reporting conditions**

**R4.1)** The licensee must notify the environment protection authority of any exceedances of any emission limit, concentration limit, noise limit or blast limit included as a condition of this environment protection licence at [central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au) in accordance with condition R2.1 of this licence as soon as practicable after becoming aware of the exceedance.

#### **General Conditions**

##### **G1 Copy of environment protection licence kept at the premises or plant**

**G1.1)** A copy of this environment protection licence must be kept at the premises to which the licence applies.

**G1.2)** The environment protection licence must be produced to any authorised officer of the environment protection authority who asks to see it.

**G1.3)** The environment protection licence must be available for inspection by any employee or agent of the licensee working at the premises.

##### **G2 Contact number for incidents and responsible employees**

**G2.1)** The licensee must operate 24-hour telephone contact lines for the purpose of enabling the environment protection authority to directly contact one or more representatives of the licensee who can:

- a) respond at all times to incidents relating to the premises; and

- b) contact the licensee's senior employees or agents authorised at all times to:
  - i) speak on behalf of the licensee; and
  - ii) provide any information or document required under this condition.

**G2.1)** The licensee is to inform the environment protection authority in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

### **G3 Signage**

**G3.1)** Each monitoring, and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

---

#### **Reasons for Conditions:**

- The Western Regional Planning Panel determined to approve Development Application No: DA027/2020 for the reasons outlined in the Council Assessment Report and Addendum Reports.
  - Coonamble Shire Council prepared its assessment report using current procedures developed by the Coonamble Shire Council and other resource information.
  - The proposed development was assessed to be permissible with consent in the RU1 Primary Production Zone under *Coonamble Local Environmental Plan 2011* and is not inconsistent with the zone objectives.
  - The proposed development was assessed to meet the criteria for determination as *Regionally Significant Development* in accordance with Clause 20 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*.
  - The potential environmental impacts of the development were assessed to be able to be mitigated / managed through the measures proposed in the environmental impact statement and the recommended conditions of consent, as amended by the Panel.
- 

#### **Other Approvals:**

**Local Government Act, 1993 approvals granted under Section 4.12:**

N/A

**Approval bodies who have Given General Terms of Approval in relation to the Development:**

NSW Environment Protection Authority

---

#### **Applicants Right of Appeal:**

Pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979, an applicant who is dissatisfied with the Western Regional Planning Panel's determination may appeal to the Land and Environment Court within six months after the date of this Notice or the date the decision is registered on the NSW planning portal.

---

**Applicant's right to seek review of this determination:**

Pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, as this determination relates to an application to carry out designated development, the

determination is not subject to review under Division 8.2 of Part 8 of that Act.

---

**Objector's Right of Appeal:** Pursuant to Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of the Western Regional Planning Panel to grant consent to a development application for designated development may appeal to the Land and Environment Court within 28 days after the date on which notice of the determination was given to an objector.

---

**Planning Assessment Commission:** The Planning Assessment Commission did not conduct a public hearing in respect of the application the subject of this determination.

---

**Signed:** On behalf of the consent authority:

**Signature:** 

**Name:** Noreen Vu  
**Executive Leader - Environment, Strategic Planning and Community**

For the Western Regional Planning Panel

**Date:** 20 August 2021

---