

REGIONAL ▶ QUARRIES

RALSTON QUARRY

Modification Report



JULY 31, 2024
REGIONAL GROUP
20L Sheraton Road Dubbo

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1 Introduction

1.1 Application for modification of a consent

Reference is made to the Development Consent No. DA027/2020 (the development consent) issued to Regional Group Australia by Coonamble Shire Council on 20th August 2021 for the Ralston Quarry, located at 4948 Tooraweenah Road, Mount Tendandra, 2828 NSW (**Quarry**) being described as Lot 82 DP820705 (refer **Appendix C – Development Consent DA027/2020**) (the Site).

This modification application is made pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (the Act) seeking amendment to the approved plans and make several administrative clarifications. The landowner of the site is Milton Ralston. Landowners consent for the application is attached in Appendix A of this application.

On 20th of August 2021 Regional Group Australia Pty Limited (ACN 602 653 029) (RGA) (the applicant) obtained Development Consent for Extractive Industry as per DA027/2020 including the following stages of works;

- Stage 1 495,000 tpa - 5 years – Inland Rail and associated road projects
- Stage 2 100,000 tpa - 20 years – General market

This also included the issuing of the Environmental Protection License (EPL 21662) by the Environmental Protection Authority to manage the environmental aspects of the site.

1.2 Context to proposed modification

Ahead of the Inland Rail Project, Coonamble Shire Council has been granted funding to complete road works that would enable the upgrade of Tooraweenah Road. To facilitate provision of construction materials to efficiently and cost effectively complete this project an initial stage of the quarry is proposed on a campaign basis for the Tooraweenah Road upgrade only. This initial stage would see the quarry operate at a reduced capacity of 150,000 tpa rather than the approved 495,000 tpa that would result in reduced levels of impact than already approved. The proposed duration of the initial stage would last approximately 12 months from the quarry becoming operational or as required by Coonamble Shire to complete the upgrade works.

2 Description of Modification

The proposed modification to the approval (DA027/2020) would remain substantially the same development, the main change being the proposal of a new stage (proposed stage 1) to the development that would result in the quarry opening at a reduced capacity than currently approved. This initial operational period would be Stage 1, and the approved Stages 1 and 2 would become Stages 2 and 3 respectively as summarised below. The overall lifecycle would remain unaffected as shown in the duration of each stage in table 1 below.

Stage	Capacity	Duration	Approval Status
Stage 1	150,000 tpa	1 year	Proposed under this modification
Stage 2	495,000 tpa	5 years	Approved (DA027/2020)
Stage 3	100,000 tpa	19 years	Approved (DA027/2020)

Table 1. Proposed Staging.

The existing consent anticipates the quarry initially opening and operating at its highest capacity (495,000 tpa), which is reflected in several of the conditions required to be satisfied prior to commencement that are designed to mitigate impacts experienced at this initial level of impact. With the proposed stage 1 at the reduced production rate the modification seeks to defer conditions 19 and 20 until the commencement of stage 2, when the level of impact relevant to these conditions would be triggered. Other conditions that reference approved stages would be required in accordance with the table above.

Extraction and processing under proposed stage 1 would occur within the areas already approved as the stage 1 infrastructure. Therefore Stages 1 and 2 are proposed to occur in the same area with the same approved infrastructure whereas Stage 3 would occur in the approved stage 2 area as per the plan included below.

Tooraweenah Road (the project) bounds the quarry site to the North, meaning that the haulage on the local road network to complete deliveries would be drastically reduced. The commissioning of the quarry would occur under the existing approval

and the initial stage would see the quarry open in the approved extraction and processing areas of stage 1. Based on the proposal to include the proposed Stage 1 Quarry at a reduced capacity within the approved areas that would operate under largely the same conditions of development consent the proposal is considered substantially the same development.

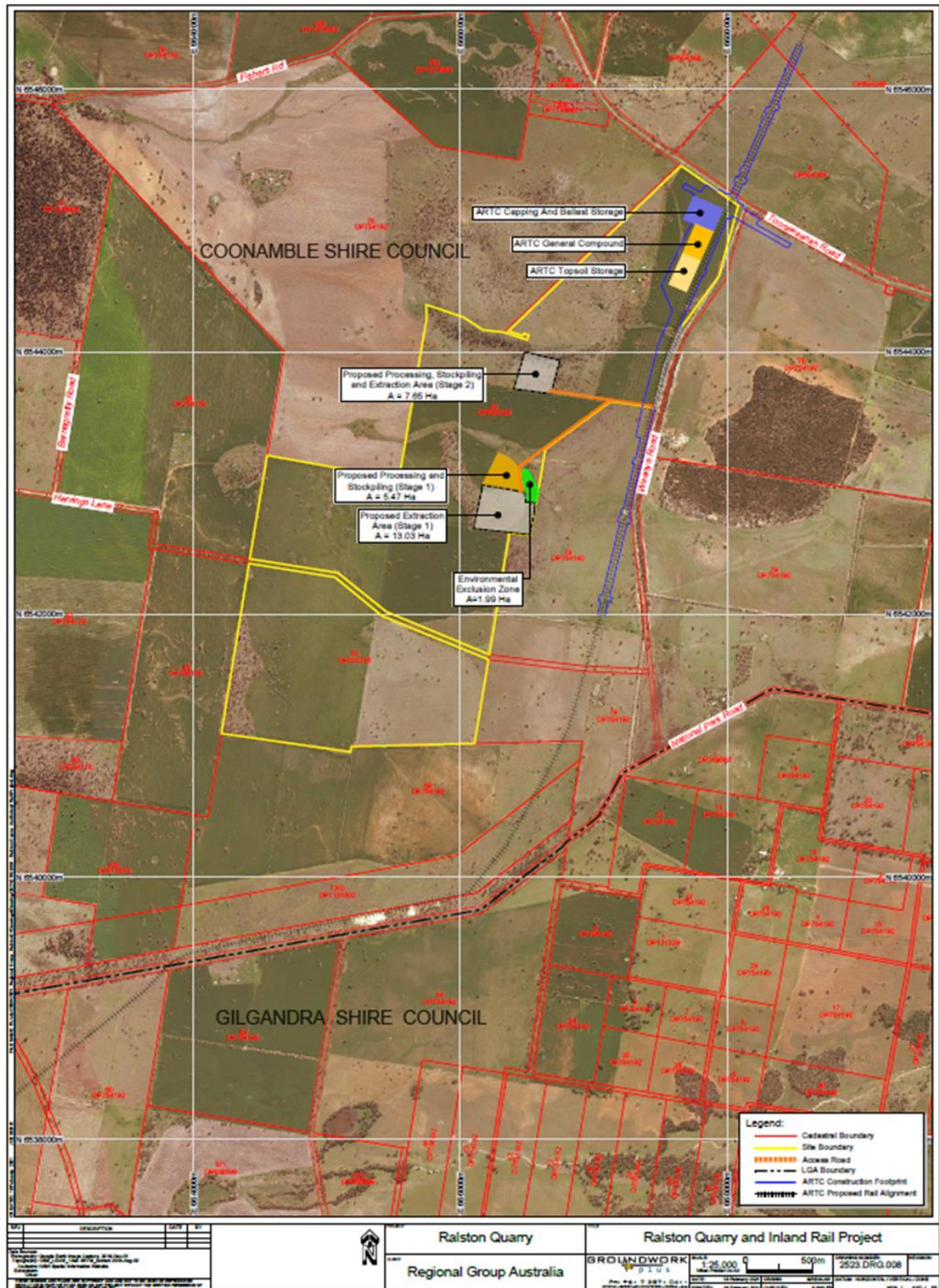


Figure 1. Approved Quarry Layout.

3 Proposed changes to conditions

The main conditions to change include the following;

Existing Condition 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.

Proposed Condition 19.

*Prior to the commencement of ~~any~~ **Stage 2** 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.*

Existing Condition 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.

Proposed condition 20.

*Prior to the commencement of ~~any~~ **Stage 2** 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.*

A full review of all conditions of DA027/2020 and proposed changes is provided in Appendix B of this report.

Table 2 below provides a summary of the proposed changes sought under this modification.

Item	Currently approved	Proposed stage to be added by modification
Land	82 on DP820705	No change
Quarry life	25-year life cycle	No change
Production	Stage 1 495,000 tpa Stage 2 100,000 tpa	Stage 1 150,000 tpa (proposed stage) Stage 2 495,000 tpa (as approved) Stage 3 100,000 tpa (as approved)
Disturbance area	Stage 1 Extraction - 13.03 Ha Stage 1 Processing stockpiling – 5.47 Ha Stage 2 Extraction / Processing - 7.65 Ha Environmental Exclusion - 1.99 Ha Total approved 28.14 Ha	No change
Transport	Delivery of up to 5,000 t / day 264 movements / day Average of 16 to 22 movements / hour	Delivery of up to 1500t / day 88 movements / day Average of between 3 and 8 movements / hour (including light vehicles)
Site Access	From Weenya Road	No change
Hours of operation	Extraction and processing: 6am to 6pm Monday to Friday 7am to 1pm Saturdays Truck loading and dispatch: 6am to 6pm Monday to Friday 7am to 1pm Saturdays Blasting: 9am to 3pm Monday to Friday.	No change
Rehabilitation	Return to rural land use activities	No change

Table 2. Elements of modification.

4 Statutory Context

This assessment report has been prepared with consideration of the Section 4.55 of the Environmental Planning and Assessment Act in order to assist Coonamble Shire Council in the assessment of the application. A detailed justification of the proposed modification against relevant criteria is provided in Section 5 of this report which is made pursuant to s4.55(1A) of the Act demonstrating the proposed modification has minimal environmental impact.

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

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

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.
Subsections (1), (2) and (5) do not apply to such a modification

Also pursuant to s4.55(1A) the proposed modification is deemed to be substantially the same development based on the following;

- Proposed stage 1 is within approved areas of the site however would operate with less impacts
- No change to hours of operation
- No change to the footprint of the site
- Proposal occurs in existing approved areas of the site that support the operation
- The timing of activating and satisfying conditions is deferred to the appropriate level of impact

Overall, the proposed introduction of an initial stage within the existing operational footprints enables the Quarry to open under a lower production rate having less dramatic impact on the environmental impact and transition of the rural locality than if it was to open under the approved stage 1.

5 Assessment of Impacts

Environmental Aspects	Summary of impact
Noise and vibration	The quarry would operate at a reduced capacity to what is currently approved. Noise and blasting would be monitored as per the requirements of the EPL
Air Quality and odour	The quarry would operate at a reduced capacity to what is currently approved. Noise and blasting would be monitored as per the requirements of the EPL
Soil and water	The quarry would operate at a reduced capacity to what is currently approved. Water quality would be monitored as per the requirements of the EPL
Biodiversity	Proposed Stage 1 is located within the approved areas of the site. The biodiversity credits for this area have been previously retired. This has previously been acknowledged by Coonamble Council
Heritage	Proposed Stage 1 is located within the approved areas of the site. The environmentally sensitive areas are to be demarked as an exclusion zone as required.
Traffic and Transport	The quarry would operate at a reduced capacity to what is currently approved therefore the truck movements proposed under stage 1 are considerably less than approved. See detailed assessment in section below.
Hazards and risks	The quarry would operate at a reduced capacity to what is currently approved. The same environmental management measures would be adopted as approved.
Visual	The proposed modification would not result in any changes to the approved visual impacts over the site.
Social	The quarry would operate at a reduced capacity to what is currently approved. Therefore, this would result in a more gradual transition of the rural locality to establishing this land use.
Cumulative	The cumulative impacts of the development and others have been previously assessed when operating at greatest outputs. The reduced capacity of the quarry would initially reduce cumulative impact experienced in the locality.
Rehabilitation	The operational areas of the quarry would be rehabilitated in accordance with the approval. Being the same areas approved for disturbance and operations continuing in the same area for the first 2 stages no changes are necessary.

Table 3. Summary of Environmental Impact.

5.1 Discussion of Traffic Impacts.

The main administrative changes to conditions are the deferred commencement of conditions 19 and 20. Accordingly Regional Group has engaged TTPP traffic specialists to advise on these proposed changes based on their prior assessment of the local road network and access as part of the original assessment of this project.

The full Traffic Impact Assessment completed by TTPP is attached in Appendix A.

The following Table 4 presents a comparison of traffic generation from the proposed stages of the quarry. Conditions 19 and 20 of the consent are based on traffic generation impacts relevant to Stage 2 (495,000 tpa) being the initial stage of the

quarry operation. However, as traffic generation under proposed stage 1 is one third of this impact and have been assessed to be appropriate to defer the requirement of condition 19 and 20 until the commencement of Stage 2 when relevant to the level of traffic generation.

	Average Weekday (vehicle trips per day)			Peak Day (vehicle trips per day)			Maximum Haulage Trips per Hour
	Light Vehicles	Heavy Vehicles	Total Vehicles	Light Vehicles	Heavy Vehicles	Total Vehicles	
ApprovedA							
Stage 1 – 490,000 tpa	20	92	112	20	264	284	24
Stage 2 – 100,000 tpa	8	20	28	8	40	48	-
Modification							
Stage 1 – 150,000 tpa	8	28	36	8	80	88	8
Stage 2 – 490,000 tpa	20	92	112	20	264	284	24
Stage 3 – 100,000 tpa	8	20	28	8	40	48	-

A Source TTPP, 2020

Table 4. Comparison of Traffic generation.

In terms of the changes proposed to Condition 19 the findings of TTPP's assessment are summarised as follows in regard to the proposed Stage 1;

- Overall traffic generation does not trigger the access upgrades for
- Haulage from the quarry to the project would require left out right in turning movements only
- Sight distances are suitable to meet the SISD requirements
- Swept path analysis demonstrates the access can function appropriately without upgrade.

Overall, the traffic impact assessment has found that the proposed modification to Quarry operations to permit a maximum of 150,000 tpa of material to be extracted and transported to service local road projects, principally the Tooraweenah Road Upgrade project, would have acceptable impacts on the road network.

Due to the lower Quarry-generated transport demands, the modified Stage 1 operations would not require formal upgrading of the Quarry access intersection with Weenya Road to BAL and BAR treatments. Sight distances at existing site access exceed Austroads SISD requirements, and the existing intersection layout is suitable for the largest vehicle that would access the Quarry during the modified Stage 1 activities.

Due to the lower transport demands, the modified Stage 1 operations would not trigger a need for the upgrades to local roads required by Condition 20 of DA0027/2020. The upgrades to Weenya Road and National Park Road (Condition 20 (a) and (c)) can reasonably be delayed until prior to commencement of the modified Stage 2 activities (equivalent to approved Stage 1). The upgrade to Tooraweenah Road (Condition 20 (b)) would no longer be relevant as a result of the Tooraweenah Road Upgrade program.

6 Justification – Substantially the Same

Section 4.55(1A) of the Act outlines that a consent authority may modify the development consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

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

(c) it has notified the application in accordance with—
(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In a number of recent Land and Environment Court (LEC) proceedings the determination of 'substantially the same' involves an appreciation, qualitative, as well as quantitative, of the development being compared in their proper context including the circumstances in which the development consent was granted.

With respect to the definition of 'substantially', the LEC has previously determined, that substantially means, 'essentially or materially or having the same essence'. With respect to the definition of 'materially', the Macquarie Concise Dictionary defines material to mean, amongst other things, 'of such significance to be likely to influence the determination of a cause.'

In other words, the principles identified in earlier case law, while instructive, do not replace the plain meaning of the statutory test, which is that the consent authority considering a proposed modification must be satisfied that the original and modified developments are 'substantially the same' having regard to all relevant planning and environmental considerations.

Department of Planning, Housing and Infrastructure provide the following guidance about demonstrating whether a proposal is 'substantially the same development' in 'Modifying an Approved Project, Draft Environmental Impact Assessment Guidance Series, Department of Planning and Environment June 2017':

"Substantially" means "essentially or materially" or "having the same essence."

- *A development can still be substantially the same even if the development as modified involves land that was not the subject of the original consent (provided that the consent authority is satisfied that the proposal is substantially the same).*
- *If the development as modified, involves an "additional and distinct land use", it is not substantially the same development. Notwithstanding the above, development as modified would not necessarily be substantially the same solely because it was for precisely the same use as that for which consent was originally granted.*
- *To determine whether something is "substantially the same" requires a comparative task between the whole development as originally approved and the development as proposed to be modified.*
- *In order for the proposal to be "substantially the same", the comparative task must:*
 - *result in a finding that the modified development is "essentially or materially" the same appreciate the qualitative and quantitative differences in their proper context in addition to the physical difference, consider the environmental impacts of proposed Modification Applications to approved developments.*
- *The results of the comparative task "does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that feature is found to be important, material or essential."*

DPE provide guidance on undertaking the 'comparative task':

'A proponent should consider the following elements of the proposed project change when undertaking a comparison:

- *development size, scale and footprint*
- *intensity including rates of production*
- *primary, secondary and ancillary use*
- *project life and hours of operation*
- *extent, duration and severity of impacts.*

The updated project description will assist in carrying out a comparative analysis because it highlights any changes in key elements of the development.'

Having considered the above, the following comparative assessment is provided.

6.1 Development size, scale and footprint

The size and scale would be limited to the approved stage 1 area. All internal infrastructure required by the current approval to commission stage 1 would be established prior to commencement. There are no proposed changes to the proposed stage 2 area.

6.2 Intensity including rates of production

Where stage 1 is approved to operate at a scale of 495,000 tonnes per annum the initial proposed stage would operate at the reduced scale required for the road works at 150,000 tonnes per annum for a duration of 1 year or unless extensions are required to complete the works i.e. delayed start date or wet weather delays etc.

6.3 Primary, secondary and ancillary use

Nil

6.4 Project life and hours of operation

The initial proposed stage would operate at the reduced scale required for the road works at 150,000 tonnes per annum for a duration of 1 year or unless extensions are required to complete the works i.e. delayed start date or wet weather delays etc. There would be no changes the currently approved operational hours of the site or the overall lifecycle of the quarry.

6.5 Extent, duration and severity of impacts

The Quarry is subject to an EPL administered by the EPA. This EPL regulates the operation of the Quarry to ensure environmental harm and nuisance is avoided and risks are appropriately managed. As all the environmental impacts associated with the Quarry operation will remain unchanged, the proposed modification is of minimal environmental impact. Therefore, as the operation will comply with the EPL issues for the site there will be no additional impact to public amenity or proposed changes to the EPL or any conditions issues by the EPA.

6.6 Substantially the same

Having considered the above comparative assessment and the guidance provided by case law and other documents, the proposed modification remains substantially the same as the original development on the basis that the development size, scale and footprint, intensity (including rates of production), the primary, secondary and ancillary use, the project life and hours of operation and extent, duration and severity of impacts do not substantially change.

7 Assessment – Section 4.55(3) of the Act

Clause 3 of s4.55 of the Act states that:

“In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified”.

Section 4.15(1) of the Act states that:

“Matters for consideration”—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iii a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)
- that apply to the land to which the development application relates,
- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- c) the suitability of the site for the development,
- d) any submissions made in accordance with this Act or the regulations,
- e) the public interest."

This section of the Statement of Environmental Effects considers the proposal assessed against the relevant provisions identified in s4.15(1) of the Act.

7.1 Section 4.15(1)(b) of the Act

Section 4.15(1)(b) of the Act states that in determining a development application, a consent authority is to take into consideration, '*the likely impacts of that development, including impacts on both the natural and built environments, and social and economic impacts in the locality*'. As outlined above, the proposal would not significantly increase the impact of the development on the natural and built environment and social and economic impacts in the locality.

7.2 Section 4.15(1)(c) of the Act

Section 4.15(1)(c) of the Act states that in determining a development application, a consent authority is to take into consideration, '*the suitability of the site for the development*'. It is evident by the long-term operation of the Quarry that the Site is suitable for the continued operation of an extractive industry and achieving the use for the approved duration.

7.3 Section 4.15(1)(d) of the Act

Section 4.15(1)(d) of the Act states that in determining a development application, a consent authority is to take into consideration, '*any submissions made in accordance with this Act or the regulations*'. This is a matter for Council to consider during the assessment of this application.

7.4 Section 4.15(1)(e) of the Act

Section 4.15 (1)(e) of the Act states that in determining a development application, a consent authority is to take into consideration, '*the public interest*'. The Tooraweenha Road upgrade project borders the quarry to the north. Given the proximity of the site to the project it can provide the Council works with high quality resources with the most efficiently compared to other sites in the Region. Ultimately this enables the public project to be delivered cost-effectively, timely and with high-quality materials which has a number of outcomes that are within the public interest. The operation of the approved Quarry removes the impacts of obtaining the required construction materials from a new greenfield site within the region.

7.5 Section 4.15(1)(a)(iv) of the Act

Clause s4.15(1)(a)(iv) of the Act states that in determining a development application, a consent authority is to take into consideration the following, '*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)*'.

The Quarry was originally assessed as 'designated development' under the Act. At that time the *Environmental Planning and Assessment Regulation 2000* (**2000 Regulation**) was in force and effect. The 2000 Regulation was subsequently repealed and has been replaced by the *Environmental Planning and Assessment Regulation 2021* (**2021 Regulation**).

The modification application proposes changes to a development approved as designated development. However, the Council is not considering a development application, which might attract the operation of clause 48 in Schedule 3 to the 2021 SEPP. Clause 48 regulates development applications proposing alterations or additions to an approved development. In the present case, the Council is considering a modification application. Having regard to the decision of the Land and Environment Court in *Concrite Quarries Pty Ltd v Wingecarribee Shire Council* [2000] NSWLEC 97 (4 May 2000), Lloyd J, Schedule 3 to the 2021 Regulation has no application.

Notwithstanding the matters above, RQA notes that the Quarry is approved and is only seeking a modification that would result in the suitable staging of extraction and satisfying the relevant conditions of consent. The potential environmental impacts can be predicted with reasonable certainty based on the long-term operation of the Quarry. No additional environmental impacts are anticipated because of the modification and therefore it is anticipated that the receiving environment has sufficient capacity to accommodate the ongoing operation of the Quarry. The EPL includes conditions that regulate environmental performance of the Quarry that includes noise, air quality, waste, water quality and blasting impacts.

8 Other Relevant Legislation, Regulations and Planning Instruments

8.1 Protection of the Environment Operations Act 1997

The Site is operated pursuant to an EPL. Conditions of the EPL regulate noise, vibration, air and water emissions. It is understood that the EPA will be consulted as part of the assessment of the proposed modification which may result in changes to the conditions of the EPL. It is also noted that the EPL currently authorises the Site to operate at up to 500,000 tpa, however has been placed in care and maintenance based on delays to major project in the region. The re-activation of the EPL would occur separately to the assessment of this modification.

8.2 Biodiversity Conservation Act 2016

The biodiversity credits generated for the approved stage 1 have previously been retired. The proposed stage 1 would also occur within these approved areas and therefore the requirement of the BC Act have been satisfied in accordance with condition 24.

8.3 State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2 of the 2021 SEPP deals with mining, petroleum production and extractive industries. Section 2.1 identifies the aims of the Chapter, which may be summarised as the provision, facilitation and promotion of the development of significant mineral, petroleum and extractive material resources.

The proposed modification is unlikely to have any impact on the surrounding land uses based on the comparative assessment above. Therefore, the proposed modification is unlikely to result in the development becoming incompatible with the surrounding land uses. Therefore, the proposal is unlikely to have a significant impact on the surrounding land uses and is unlikely to result in the Quarry becoming incompatible with those land uses. The proposed modification would enable the quarry to open with a more gradual transition of this activity in the rural locality.

8.4 Local Environmental Plan

The Coonamble Local Environmental Plan 2011 is the relevant Local Environmental Plan (**LEP**). The Quarry is located within the RU1 land zone of the LEP. The objectives of the RU1 Primary Production Zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

As the proposed modification does not change the approved land use or increase the associated impacts to the community, it remains consistent with the aims of the LEP and the objectives of the RU1 land zone.

9 Conclusion

This application for modification is pursuant to clause s4.55(1A) of the Act seeks to amend the conditions of development consent to facilitate the quarry's opening under a reduced capacity and scale. The proposed modification does not alter the approved land-use or any change in the hours of operation of the Quarry. The proposed modification does not alter the previously identified land use, amenity or environmental management measures employed at the Site to manage and mitigate those potential impacts have been improved. The Quarry will continue to comply with the operating conditions specified in the EPL and therefore will not result in additional impacts to public amenity or the environment.

The proposed modification has been assessed against the relevant environmental instruments and is considered to remain consistent with the intent, purpose and aim of the documents forming the approval and that the modified development would remain substantially the same as the original development.

The following table in Appendix A confirms the proposed changes to the approved consent for the site (DA0027/2020).

Appendix A. Traffic Impact Assessment (TTPP)

Appendix B - Updates to conditions Condition requirement	Level of completion and modification requirement
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.	Add reference to this modification report.
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.	No change
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.	No change

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.	No change
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.	No change
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.	No change
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.	Updated to read prior to the commencement of Stage 2 Haulage.

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.	Updated to read prior to the commencement of Stage 2 Haulage.
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.	Update to read prior to commencement of Stage 2 haulage.
22. Prior to locating any prefabricated buildings onto the site, the person having the benefit of this consent: a) Shall appoint a Principal Certifying Authority (PCA). b) Shall ensure a Construction Certificate is issued by the PCA. c) Shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.	No change
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.	No change
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.	No change
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.	No change
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.	No change
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.	No change
28. No lighting is permitted to be installed at the quarry site, including no security lighting, without prior written approval from Coonamble Shire Council.	No change
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.	No change
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.	No change
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: Contribution Agreement Subject Per annum rate	No change

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.	No change
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.	No change
G. Prescribed Conditions 34. The work must be carried out in accordance with the requirements of the Building Code of Australia.	No change
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.	No change
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,	No change

b) where necessary, underpin the adjoining premises to prevent any such damage.	
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.	No change

Appendix C. Development Consent