

GILGANDRA SHIRE COUNCIL

DA 2021/379 ASSESSMENT REPORT

APPENDIX 4

Agency Submissions



Our ref: DOC21/146858

Your ref: 2021/379

Lindsay Mathieson
Director Planning and Environment
Gilgandra Shire Council
lmathieson@gilgandra.nsw.gov.au

Dear Lindsay,

DA 2021/379 – Berakee Quarry Extension 2697 Oxley Highway, Collie (Lot 1 DP1265657)

Thank you for your e-mail dated 10 February 2021 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning, Industry and Environment seeking advice on the proposed extension to Berakee Quarry.

BCS has reviewed the Berakee Quarry Extension Environmental Impact Statement (EIS) and understands the project includes:

- an increase of the disturbance footprint of the quarry area (inclusive of extraction areas, stockpiling and processing facilities) from 2 hectares (ha) to 17 ha;
- an extension to the quarry operational lifetime from 8-12 years to 30 years; and
- an increase in the annual production rate of hard rock materials up to 490,000 tonnes per annum over 5 years

Consultation with Gilgandra Shire Council

On 18 February 2021, BCS sought confirmation through a telephone conversation between Ben Ellis (BCS) and Lindsay Mathieson (Gilgandra Shire Council) of the planning approval pathway for the project. BCS was advised that the proposed extension has triggered the requirement for assessment under a designated development pathway. Council will consider the project separately and not as a modification to the project's current development consent (approved as a non-designated development in January 2018 by Gilgandra Shire Council (DA 2017/218)).

Entry Requirements for the Biodiversity Offsets Scheme

It should be noted that BCS believes the proponent has not yet adequately demonstrated that the proposal does not trigger the Biodiversity Offset Scheme (BOS). Evidence that the previous clearing of native vegetation with the extension footprint has been undertaken lawfully and for a purpose detailed within Schedule 5A of the *Local Land Services Act 2013* (LLS Act) is required to determine whether the current assessment is adequate and whether the BOS will apply.

If it cannot be adequately demonstrated that the clearing undertaken was lawful and not for the purposes of the project, the requirements of the *Biodiversity Conservation Act 2016* should be applied retrospectively prior to any development consent being granted.

BCS's detailed comments and recommendations on the EIS are provided in **Attachments A and B**.



If you require any further information regarding this matter, please contact Ben Ellis, Senior Conservation Planning Officer, via ben.ellis@environment.nsw.gov.au or (02) 8275 1838.

Yours sincerely

Samantha Wynn
Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

4 March 2021

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

BCS's recommendations

Berakee Quarry Extension – Development Application

Recommendations

- 1.1. Note the advice provided regarding the differences in how the BOS entry requirements are considered for a new development application versus an application to modify an existing consent.
- 2.1. Request further clarification on the extent and likely assemblage attributes of the vegetation which was cleared by the previous landholder.
- 2.2. Require the proponent to provide evidence to demonstrate that the subject land was lawfully cleared.
- 2.3. If the proponent cannot adequately demonstrate lawful clearing:
 - a.) The extent and biodiversity value of the native vegetation on the site prior to the clearing having been undertaken be considered in determining whether the BOS clearing threshold is exceeded.
 - b.) Any application of the BAM must account for the biodiversity value of the original native vegetation on the site prior to the clearing.
 - c.) Any test of significance completed for the purpose of determining whether the BOS applies must account for the likely condition of the vegetation/habitat on the subject land prior to the previous clearing having been undertaken.
- 2.4. If Gilgandra Shire Council suspects that the clearing of native vegetation occurred unlawfully or pre-emptively in anticipation of the grant of any such approval or other authority, the matter be referred to Environment Line for investigation.

BCS's detailed comments

Berakee Quarry Extension – Development Application

1. The status of the application as an independent development versus a 'modification' influences how the BOS clearing threshold is calculated

BCS understand that the proposal to extend the existing quarry has been submitted as a new development application (designated development) rather than an application to modify the previous development consent (Correspondence via telephone between Ben Ellis (BCS) and Lindsay Mathieson (Gilgandra Shire Council) on 18 February 2021). Gilgandra Shire Council should be aware that an application for a new development consent rather than a modification influences how the Biodiversity Offset Scheme (BOS) thresholds are assessed.

For new applications, the BOS entry requirements are considered based on the impacts of that application alone. However, for modification applications, the *Biodiversity Conservation Act 2016* (BC Act) requires the BOS entry requirements to be applied based on the 'as modified' project. The cumulative effect of the original project and all approved and proposed modifications are therefore considered when deciding whether the BOS applies. This requirement applies to a modification irrespective of whether the original project was assessed with a BDAR under Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) or under former planning provisions.

Where the original development was assessed and approved under former planning provisions, then the original development as proposed to be modified is to be used to determine whether or not the BOS applies (refer to section 7.17(2)(b) of the BC Act and clause 30A of the *Biodiversity Conservation Savings and Transitional Regulation 2017*). The cumulative footprint (and other impacts on threatened species, ecological communities and their habitats) of the original development and all prior approved modifications to the original development are to be considered when applying the BOS threshold and the test of significance.

If a consent authority is satisfied that the modification will not increase the impact on biodiversity values, no further biodiversity assessment is required with respect to the modification. This applies irrespective of whether the original project was approved under the BC Act or the former planning provisions.

Recommendation

- 1.1 Note the advice provided regarding the differences in how the BOS entry requirements are considered for a new development application versus an application to modify an existing consent.

2. The application has not adequately demonstrated that the proposal does not exceed the Biodiversity Offsets Scheme threshold

The Biodiversity Offsets Scheme (BOS) applies to local development (assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*) that exceeds the BOS threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the BC Act (i.e. the BOS entry requirements).

The *Biodiversity Conservation Regulation 2017* sets out the following thresholds for triggering the BOS:

- a.) whether the impacts occur on an area mapped on the Biodiversity Values (BV) Map published by the Environment Agency Head.
- b.) whether the amount of native vegetation being cleared exceeds an area threshold

As the approval authority Gilgandra Shire Council must be satisfied that the BOS clearing threshold has not been exceeded. Proponents are expected to supply adequate evidence supporting their assessment against these thresholds. If the proposed development does not exceed the BOS thresholds listed above, the test of significance must be applied to determine whether the BOS will apply.

BCS confirms that the proposal does not impact on an area mapped on the current version of the BV Map (threshold (a) above). However, given the uncertain nature of vegetation clearing previously undertaken within the subject site and its purpose, it remains unclear whether the area threshold for native vegetation clearing (in this case 1 hectare) has been exceeded (threshold (b) above).

The EIS for the project states that *“The project is proposing the removal of 0.8 ha of native vegetation. Therefore, the Biodiversity Offset Scheme (BOS) is not triggered, as the minimum area for triggering the BOS is 1 ha of native vegetation removal, in an area with a minimum lot size of 500 ha”*. This is clarified by the following statement *“A site inspection was completed by Umwelt Ecologist Joe Brennan on 27 February 2020. Both prior to and following the site inspection, vegetation clearing on site undertaken by the previous landowner (as allowable clearing activities under Schedule 5A LLS Act), has greatly reduced the occurrence and condition of native vegetation on the subject site”*.

No further information has been supplied on the extent of the clearing undertaken by the previous landholder or under what allowable activity within Schedule 5A the clearing was undertaken.

As noted above it is estimated that approximately 0.8 hectares of native vegetation will be impacted by the proposed extension. However, this area calculation only considers the vegetation remaining post clearing and concludes that because the subject land was cleared by the previous landholder only the vegetation remaining should be considered.

Section 60Q of the LLS Act states that *“Schedule 5A does not permit clearing or any other activity without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority)”*.

BCS recommends that the proponent provide further evidence to support the conclusion that the vegetation was cleared lawfully and for a purpose detailed within Schedule 5A of the LLS Act, rather than pre-emptively in anticipation of the proposed quarry extension approval. Evidence could include an assessment confirming the mechanism within Schedule 5A of the LLS Act by which the clearing was undertaken, a signed statutory declaration by the previous landholder confirming the purposes of the vegetation clearance and a written copy of any collaborating correspondence and advice sought from LLS.

Evidence should also be provided concerning the extent and likely assemblage attributes of the vegetation which was cleared by the previous landholder. This could include reference to before and after aerial imagery comparison and previous ecological assessments conducted within or adjacent to the subject site i.e. the previous assessment of the quarry site undertaken by OzArk Environmental and Heritage Management Pty Ltd (OzArk 2017).

In the situation that the proponent cannot adequately demonstrate lawful clearing, the Biodiversity Assessment Method (BAM) should be applied such that it takes into account the likely biodiversity value of the original native vegetation on the site prior to the clearing having been undertaken.

Should this be the situation, BCS can provide Gilgandra Shire Council with further advice on how to approach any retrospective application of the BAM.

Clearing of native vegetation that is alleged to have occurred unlawfully or pre-emptively in anticipation of the grant of any such approval or other authority should be reported to the Department for investigation via Environment Line on 13 15 55 or by emailing relevant details to info@environment.nsw.gov.au.

Recommendations

- 2.1. Request further clarification on the extent and likely assemblage attributes of the vegetation which was cleared by the previous landholder.
- 2.2. Require the proponent to provide evidence to demonstrate that the subject land was lawfully cleared.
- 2.3. If the proponent cannot adequately demonstrate lawful clearing:
 - a.) The extent and biodiversity value of the native vegetation on the site prior to the clearing having been undertaken be considered in determining whether the BOS clearing threshold is exceeded.
 - b.) Application of the BAM must account for the biodiversity value of the original native vegetation on the site prior to the clearing.
 - c.) Any test of significance completed for the purpose of determining whether the BOS applies must account for the likely condition of the vegetation/habitat on the subject land prior to the previous clearing having been undertaken.
- 2.4. If Gilgandra Shire Council suspects that the clearing of native vegetation may have occurred unlawfully or pre-emptively in anticipation of the grant of any such approval or other authority, the matter be referred to Environment Line for investigation.

8 March 2021

SF2020/163837; WST20/00313/02

General Manager
Gilgandra Shire Council
PO Box 23
Gilgandra NSW 2827

Attn: Lindsay Mathieson, Director Planning & Environment

Dear Sir

**DA 2021/379: Lots 52 DP 43558, 1 & 2 DP 1265657; 2661-2697 Oxley Hwy, Collie
Extractive industry (Berakee Quarry) production increase to 490ktpa**

Thank you for referring DA2021/379 via the NSW Planning Portal on 9 February 2021, inviting comment from Transport for NSW (TfNSW) pursuant to *Section 16 of the SEPP (Mining, Petroleum Production and Extractive Industries) 2007*.

From review of the information available, TfNSW notes:

- The existing quarry (on Lot 1) operates under development consent DA2017/218A (as modified) for production of up to 30,000 cubic metres per annum of quarry products. The private haul road from the quarry (via Right of Carriageway over Lots 2 and 52) and the intersection joining the Oxley Highway (State HW11) were constructed under that DA, with the intersection partially constructed under a Works Authorisation Deed (WAD) with TfNSW in mid-2020.
- The proposal would consist of two stages. Stage 1 is to increase annual production and haulage to up to 490,000 tonnes per annum (tpa) for a period of 5 years (up to 2.3 million tonnes), corresponding with potential demand from the Inland Rail project. After expiry of Stage 1, Stage 2 would have a limit of 120,000 tpa for a further 25 years.
- Proposed hours of haulage operations are 5am to 10pm Monday to Saturday.
- The traffic report (Cardno, Jan 2021) submits that during Stage 1, up to 24 staff may be required onsite, and an average of 35 truck-and-dog loads (70 truck movements) per day would be generated based on a 38t load capacity. Peak haulage is proposed to be limited to up to 10 loads per hour (20 movements).

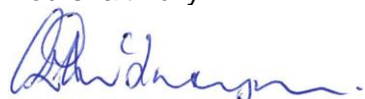
TfNSW provides the following comments for consideration by the consent authority pursuant to clause 16 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*:

- Prior to operation of the quarry a Traffic Management Plan including a Driver Code of Conduct must be prepared in consultation with Council, the principal contractor(s) and TfNSW. The TMP is to cover the matters referenced within the TMP Annexure (attached).
- The TMP is to be implemented for the life of the development and is to be reviewed and updated in response to any changes in operating conditions. Copies of relevant sections of the TMP and Driver Code of Conduct shall be provided to contractors and employees as part of the site induction.
- The maximum extraction is restricted to 490,000 tpa of products for Stage 1 operations and 120,000 tpa for Stage 2.
- A maximum of 10 trucks shall be dispatched or received (up to 20 movements total) at the quarry within any hourly period.
- The design vehicle is restricted to a 26m B-doubles or PBS Level 2B vehicles.
- Prior to commencing haulage the intersection of the private haul road and the Oxley Highway is to be upgraded to provide a rural Basic Left (BAL) turn treatment in accordance with Figure 8.2 of *Austroads AGRD04A* and relevant *RMS Supplements to Austroads*, to the satisfaction of TfNSW.
- The developer will be required to undertake private financing and construction of works on a State classified road in which TfNSW has a statutory interest. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and TfNSW prior to works commencing.
- A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of a State classified road, or work that has potential to impact traffic flow such as the use of traffic control devices or signage to protect workers. Please contact 1300 656 371 for further information regarding a ROL. A Traffic Control Plan prepared by a SafeWork NSW accredited person is to be submitted as part of the ROL application.

Please be advised that under the provisions of the *Environmental Planning & Assessment Act 1979* it is the responsibility of the consent authority to assess the environmental implications, and notify potentially affected persons, of any referral agency conditions.

Please forward a copy of Council's determination of DA 2021/379 to TfNSW at the same time it is sent to the applicant. If you wish to discuss this matter further, please contact Bevan Crofts, Case Officer on (02) 6861 1449.

Yours faithfully



Andrew McIntyre
A/Manager Development Services
West

Enc. TMP Annexure
Austroads Rural BAL diagram

TMP Annexure: Traffic Management Plan and Driver Code of Conduct

The Traffic Management Plan (TMP) and Driver Code of Conduct is to outline measures to manage traffic related issues associated with all phases of the development (e.g. deliveries, construction, operation, maintenance, decommissioning), any construction or excavated materials, machinery and personnel involved. The TMP is to detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. The TMP is to address (but not be limited to):

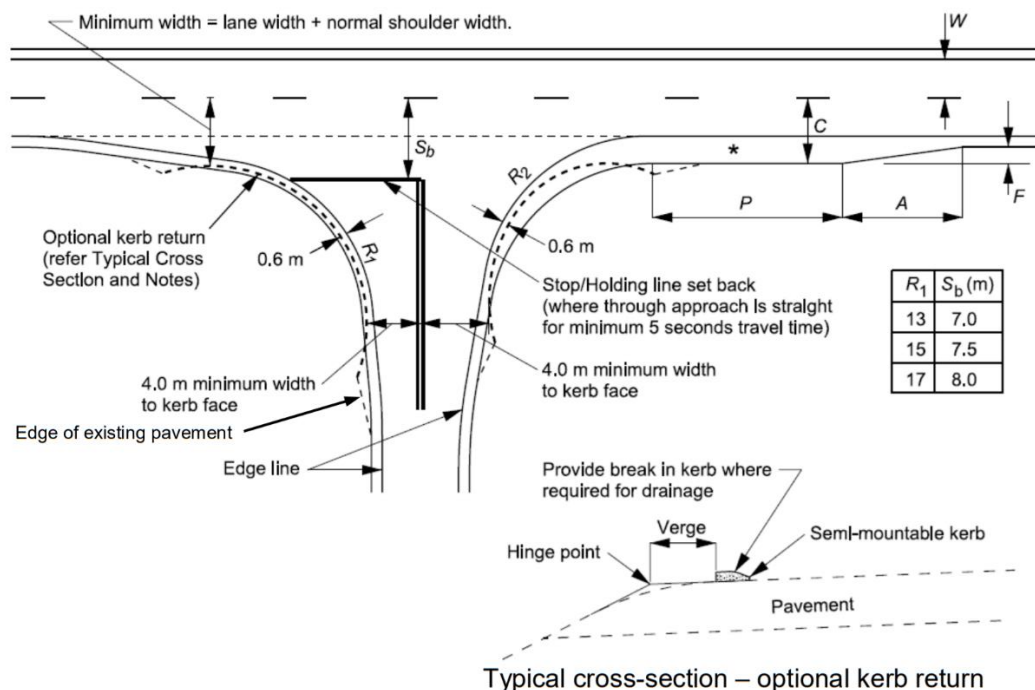
- a. Details of origin, destination, quantity, size and frequency of vehicle movements associated with the development including those accessing and egressing the site.
- b. Timings and staging of operation of the development.
- c. Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.
- d. Loads, weights, lengths and number of movements of haulage and construction related vehicles including Over Size Over Mass (OSOM) loads.
- e. The management and coordination of construction and staff vehicle movements to the site and measures to limit disruption to other motorists, including special OSOM management measures.
- f. Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours.
- g. Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
- h. Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
- i. Consideration to minimise the route length for road transport, particularly for OSOM loads.
- j. Any OSOM movements will be the subject of separate permits through the National Heavy Vehicle Regulator.
- k. Mitigation of local climate conditions that may affect road safety for vehicles used during construction, operation and decommissioning of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).
- l. Transport of hazardous materials in accordance with the relevant transport codes.
- m. Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of haulage under this DA unless specifically approved otherwise in the conditions of consent.
- n. Consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- o. Policies and procedures for addressing concerns raised by the community on project related matters.
- p. Dust suppression and mitigation measures on public roads and within the site boundaries.
- q. Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
- r. Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
- s. Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

(End of TMP Annexure)

Austrroads Rural BAL diagram

Figure 8.2: Rural basic left-turn treatment (BAL)

* It is preferred that the widened shoulder is sealed, unless the shoulder can be maintained with a sound and even surface.



Notes:

- R_1 and R_2 are determined by the swept path of the design vehicle.
- The dimensions of the treatment are defined thus:
 - W = Nominal through lane width (m) (including widening for curves).
 - C = On straights – 6.0 m minimum.
On curves – 6.0 m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).
 - $A = \frac{0.5VF}{3.6}$
 - V = Design speed of major road approach (km/h).
 - F = Formation/carriageway widening (m).
 - P = Minimum length of parallel widened shoulder (Table 8.1).
 - S_b = Setback distance between the centre of the major road and the give way or stop line in the minor road.

Source: Department of Main Roads (2006)³⁵.

35 Department of Main Roads (2006) has been superseded and Figure 8.2 has not been carried forward into Queensland Department of Transport and Main Roads (2016).



DOC21/190982

Gilgandra Shire Council
Returned via the Concurrence & Referral Portal

Attention: Mr Lindsay Mathieson

15 March 2021

Dear Mr Mathieson

**Environmental Impact Statement Exhibition
Berakee Quarry Extension (DA 2021/379)
Stop The Clock Letter**

I refer to the emails to the Environment Protection Authority (EPA) via the Concurrence & Referral Portal seeking comment on the Environmental Impact Statement (EIS) for the proposed Berakee Quarry Extension Proposal at 2697 Oxley Highway, Collie, NSW, 2827 (DA 2021/379). The Integrated Development Application fee was paid on 18 February 2021.

The Proponent, Regional Hardrock Pty Ltd, is proposing to:

- Extract tertiary-aged basalt (up to 4.7 million tonnes (Mt)) using drill and blast methods over two stages:
 - Stage 1 – 2.3 Mt over 5 years at a production rate of up to 490,000 tonnes per annum (tpa) to supply hard rock materials to the Inland Rail Project.
 - Stage 2 – 2.4 Mt over 20 years at a production rate of between 80,000 to 120,000 tpa to supply hard rock products to local markets.

The extraction area would increase from 1.5 to 8.4 hectares.

- Campaign crushing and screening to produce basalt aggregates and construction materials for rail ballast, road base, road sheeting, infrastructure construction and concrete manufacture.

The processing/stockpiling area would increase from 0.5 to 7.8 hectares.

- Transportation of materials to customer sites.
- The Proposal requires an increase in the total disturbance footprint from 2 to 17 ha.

The Proposal, as nominated by the Proponents consultant, will require a variation to environment protection licence 21093 (Licence) issued under Chapter 3 of the *Protection of the Environment Operations Act 1997* (POEO Act) for the scheduled activity of “extractive activities” (Clause 19 of Schedule 1 of the POEO Act) and crushing, grinding or separating (Clause 16 of Schedule 1 of the POEO Act) given the extraction and processing rates proposed, should approval be granted.

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DUBBO NSW 2830 **www.epa.nsw.gov.au**
Australia

The EPA has reviewed the EIS and relevant specialist reports and has determined that it requires additional information to properly assess the Proposal. The EPA's additional information requirements are provided below.

Proponent Details

The EPA can only issue environment protection licences to individuals or legal entities such as registered companies, body corporates or body politics. The EIS states that the Proponent is the Regional Hardrock Gilgandra Unit Trust. The ABN provided with the Development Application is for Regional Hardrock Pty Ltd. The Licence is currently issued to Regional Hardrock (Gilgandra) Pty Limited. It is currently unclear who the specific Proponent is in terms of the legal entity.

- The Proponent must clarify who the specific legal entity is that is applying for the Development Application and what specific legal entity will hold the Licence, should approval be granted.

Noise/Vibration

The EPA has reviewed the Noise and Vibration Impact Assessment - Berakee Quarry Extension prepared by Muller Acoustic Consulting Pty Ltd dated 14 January 2021, Report No. MAC201046-01RP1V1 (NVIA). Given the Proposals isolated relationship to sensitive receivers, the NVIA has predicted minimal impacts however there are some areas of the NIVA that require clarification and potentially additional assessment following this review as outlined below.

- The Proponent must provide or undertake and detail a quantitative assessment of potentially annoying noise characteristics in accordance with the NSW Noise Policy for Industry (NPfI), Fact Sheet C.

The current assessment of these characteristic within the NVIA is limited to the following statement: "Where relevant, modifying factors in general accordance with Fact Sheet C of the NPfI have been applied to calculations" and therefore it is not clear if a full and proper assessment has been undertaken. The proponent should note that EPA has provided additional guidance on the assessment of low frequency noise in Acoustics Australia (2020), Volume 48: 149-180 – Forum Article – 'An example approach to consider low frequency noise in the context of NPfI'.

- The Proponent, following on from above, would then need to reassess and detail whether there would be likely noise criterion exceedances, and outline any changes required or mitigation measures.

Table 21 of the NVIA predicts a level of <LAeq,15min 30dB for receiver R1 for the morning shoulder period however the noise contour plots for the morning shoulder period in Figure C1 of the NIVA interpolate a level of between LAeq,15min 34-35 dB for R1 with an applicable PNTL of LAeq,15min 35dB i.e. marginal compliance. Receiver R2 is predicted to have a level of LAeq,15min 33 dB in the morning shoulder period.

- The Proponent must assess the full extent of the potential noise impacts of the private haul road.

The NIVA showed that the full extent of the predicted noise impacts of the private haul road on sensitive receivers has not been considered.

Water Balance

The surface water assessment in the EIS indicated that the Proposal would require the importation of water to site for processing activities and dust suppression operations, even in wetter than average years. The Licence currently includes a number of conditions that will remain on the Licence, should

approval be granted and therefore it is imperative that appropriate dust suppression are appropriately resourced or alternative dust suppression controls considered.

- The Proponent must demonstrate that enough water is available through appropriately licenced sources (where applicable) to ensure that dust suppression measures operate properly and efficiently at all times and where it is not, must propose suitability alternative dust suppression measures.

In accordance with clause 110 of the *Environmental Planning and Assessment Regulation 2000*, any day between this request for information and the information being provided will not count towards the assessment period allowed for the EPA to consider the Proposal. It is requested that Council “stop the clock” from the date of this letter until the additional information detailed above has been provided by the Proponent.

If you have any questions about this matter, please contact Joshua Loxley on (02) 6883 5326 or by email at central.west@epa.nsw.gov.au.

Yours sincerely

MATTHEW CORRADIN
Unit Head
Regulatory Operations Regional



Regional
NSW

General Manager
Gilgandra Shire Council
GPO Box 23
Gilgandra NSW 2827

Our ref: DOC21/151031

Your ref: DA2021/379

Emailed: via Planning Portal

8 March 2021

Dear Sir / Madam

Subject: Berakee Quarry Extension – DA2021/379 - EIS

Thank you for the opportunity to provide advice on the above matter. This is a response from the Department of Regional NSW – Mining, Exploration & Geoscience (MEG).

MEG has reviewed the Environmental Impact Statement for the Berakee Quarry Extension particularly the resource assessment and is satisfied that the proponent has adequately assessed the resource to be extracted. MEG has no concerns with the proposed expansion.

The Division collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

MEG requests that the proponent be required to provide this annual production data for the site as a condition of any new development consent.

Queries regarding the above information should be directed to the GSNSW - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Palmer'.

Steven Palmer
Manager, Land Use Assessment
Geological Survey of NSW – Mining, Exploration & Geoscience.

From: ConveyancingTeam
Sent: Thursday, 25 February 2021 11:29 AM
To: 'lmathieson@gilgandra.nsw.gov.au'
Subject: Re: CNR-18023 / DA2021/379 - 2697 Oxley Highway, Collie (Lot 1 DP1265657)
Extension of existing extraction & crushing quarry operations, continued use of private road & installation of small demountable site office

Dear Sir/Madam,

We refer to the above matter and to your correspondence via the NSW Planning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Thursday, 25 February 2021 11:15 AM

To: Fiona Duncan <fiona.duncan@essentialenergy.com.au>

Cc: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Subject: Update: NSW Government concurrence and referral request CNR-18023(GILGANDRA SHIRE COUNCIL)

WARNING: Do not click links or open attachments unless you recognise the source of the email and know the contents are safe.

Online Concurrence and Referral Service

planningportal.nsw.gov.au

The NSW Government consideration of an application DA2021/379 at 2697 OXLEY HIGHWAY COLLIE 2827 has been assigned to you for assessment.

Please log into the [NSW Planning Portal](http://planningportal.nsw.gov.au) and use reference number CNR-18023 to action this request.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

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