

Development Assessment Report

APPLICATION DETAILS:

Application No.	DA 0330/2012
Application is for:	Proposed Extension to the Bylong Quarry and Installation of a Concrete Batch Plant
Owner	Mudgee Dolomite and Lime Pty Ltd.
Applicant	Wells Environmental Services
Lodgement Date	7 May 2012
Land/Address:	Lots 53, 55 and 66 DP 755420 8346 Bylong Valley Way Bylong
Land Zoning:	RU1 Primary Production Mid-Western Regional Local Environmental Plan 2012
Capital Investment Value:	\$ 1,000,000
Current Use and development:	Hard Rock Quarry and agricultural land
Report Author/s	Gary Bruce, Manager - Statutory Planning

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel pursuant to Clause 20 of the SEPP (State and Regional Development) 2011 and schedule 4A of the Environmental Planning and Assessment Act 1979 as the proposal relates to development that is an extractive industry which is designated development.

Brief Description of Proposal:

The development application seeks consent to expand and operate an extractive industry for the extraction of basalt and sandstone on the subject site. The extractive industry will extract up to 199,000 tonnes per year (tpa) (generally 30,000 to 50,000 tonnes per year) for 25 years. In addition, the applicant proposes to set up a small concrete batching plant with a capacity of 30,000 tonnes per year.

The application has been assessed pursuant to the requirements of the Environmental Planning and Assessment Act 1979 and associated Regulations. The s.79C evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

Compliance with Planning Controls:

The site is zoned RU1 Primary Production pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposal is defined as an extractive industry as

provided by the LEP. Extractive industries are permissible in the Primary Production Zone.

Consultation:

The application was advertised and notified in accordance with the EP&A Regulations as required for designated development.

The following government agencies made submissions on the proposed development:

- Roads and Maritime Services
- Environment Protection Authority
- Office of Environment and Heritage
- Department of Primary Industries – Catchments and Lands
- Department of Trade and Investment
- NSW Office of Water

No submissions were received from private individuals.

Recommendation:

It is proposed that DA 0330/2012 for the construction of an extractive industry and concrete batching plant at Bylong Valley Way, Bylong be approved in accordance with the Recommendation contained at the end of the report.

1. Proposal

The Western Region Joint Regional Planning Panel has before it for determination an application for an extractive industry and concrete batching plant on a 66 hectare property that is 6 kilometres from the Village of Bylong. The development provides for;

- The extraction of up to 199,000 tonnes per annum (tpa) of basalt and sandstone from the site,
- Expected yield is considered to be 30,000 to 50,000 tpa of basalt and 2,000 tpa of sandstone,
- A small concrete batching plant with capacity of up to 30,000 tpa of ready-mix concrete.

2. Site Description

The location of the site is on the southern side of the Bylong Valley Way approximately 6 kilometres east/north east of Bylong. The land is identified as lots 53, 55 and 66 DP 755420.

The surrounding land uses include working and productive agricultural properties. The character of the area would be described as an open, rural landscape.

Bylong is approximately 80 kilometres north east of Mudgee, 55 kilometres north of Rylstone and 100 kilometres west of Muswellbrook.

There are two proposed coal mines in the vicinity of development that are proposed to be developed by Cockatoo Coal and Cascade Coal; Mt. Penny Coal Mine and Cockatoo Coal Mine.

3. Referrals

The application is integrated development and also designated development as it relates to the expansion of an existing quarry (extractive industry) with a maximum annual capacity of 199,000 tonnes per annum.

The Environmental Planning and Assessment Regulations 2000, Schedule 3 lists those activities that are designated which an extractive industry with an extraction rate of 30,000 cubic metres per year.

Extractive industries

(1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):

- (a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
- (b) that disturb or will disturb a total surface area of more than 2 hectares of land by:*
 - (i) clearing or excavating, or*
 - (ii) constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) storing or depositing overburden, extractive material or tailings, or*
- (c) that are located:*
 - (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
 - (ii) within 200 metres of a coastline, or*
 - (iii) in an area of contaminated soil or acid sulphate soil, or*
 - (iv) on land that slopes at more than 18 degrees to the horizontal, or*
 - (v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

The development application is also integrated development as it requires the issuing of an Environmental Protection Licence by the EPA and the site also contains a prescribed watercourse with an activity requiring approval under the Water Management Act 2000.

The advertising requirement for Integrated Development is covered by the advertising and the notification requirements for designated development.

The application was referred to the following government agencies:

- NSW Office of Environment and Heritage
- Environment Protection Authority
- NSW Office of Water
- Office of Resource and Energy, Department of Trade and Investment, and
- Roads and Maritime Services

The following government agencies made submissions on the proposed development:

- Roads and Maritime Services

- Environment Protection Authority,
- Department of Primary Industries – Catchments and Lands
- Trade and Investment
- Office of Environment and Heritage
- NSW Office of Water

Copies of the submissions from the State Government Agencies are attached at Appendix 3.

ROADS AND MARITIME SERVICES

The Roads and Maritime Service require that conditions for the upgrade of the intersection of the internal haul road and the Bylong Valley Way, widening of Bylong Valley Way, improving sight distance and management of dust, dirt and mud and improved signage be imposed on any approval of the quarry expansion.

Comment:

The conditions recommended by the Roads and Maritime Services are designed to improve the safety of truck and vehicular movements along Bylong Valley Way and the internal haulage road. Council supports the imposition of these conditions on any determination of the development application

ENVIRONMENT PROTECTION AUTHORITY

The EPA has advised that it has determined that an environmental protection licence, subject to conditions may be issued for the proposed quarry extension and concrete batching plant.

Comment:

The conditions covered the pollution of waters, disposal of waste, noise limits including controls on blasting, management of dust generation, water and sediment control and monitoring of the site and operation.

DEPARTMENT OF PRIMARY INDUSTRIES, CATCHMENTS AND LANDS

Catchment and Lands had no objections to the proposed quarry expansion provided the site specific impacts are contained within the quarry site. Included in the impacts was consideration of bushfire protection measures required, and the development not relying on the use of crown land to proceed.

Comment

The concerns of Catchment and Lands to ensure that any impacts from the extension of the quarry are recommended to be added as a condition to any determination of the application.

TRADE AND INVESTMENT

The submission from Trade and Investment incorporated comments from its Mineral Resources, Agriculture and Fisheries branches. From investigations carried out by Mineral Resources there appears to be adequate resource of Basalt to support

extraction of 50,000 tpa for 16 years and sufficient sandstone for 2,000 tpa for the same time period. It was recommended that further drilling be undertaken to determine the resource.

Fisheries had no issues. Agriculture recommended that the determining authority consider the relevant agricultural issues as outlined in its publication *Agricultural Issues for Extractive Industries*

Comment

A determination of the quarry expansion should set an annual limit on material able to be removed. Following advice from Mineral Resources the limit should be set at 50,000 tonnes per annum for Basalt and 2,000 tonnes per annum for Sandstone to ensure the life of the quarry reaches 16 years. Further exploration of the resource is likely to be carried out by the owner/operator of the quarry.

As the quarry has been in existence since the construction of the original Sandy Hollow line in the 1920's and 30's, many of the impacts of the activity on the surrounding agricultural land have already occurred. The expansion of the quarry will be subject to noise and dust controls, limits on the use of water and controls on disposal of waste and waste water minimising any additional adverse impacts on agricultural activity.

OFFICE OF ENVIRONMENT AND HERITAGE

The Office of Environment and Heritage has responsibility for a number of Acts being, *National Parks and Wildlife Acts 1974*, *Threatened Species Conservation Act 1995* and *Native Vegetation Act 2003*.

The OEHL has provided advice based on the information included in the EIS:

- Not clear whether design alternatives were considered to further avoid flora and fauna impacts
- EIS does not indicate whether potential indirect impacts on Goulburn River National Park were considered
- the ecological assessment does not expand on potential impacts from quarrying activities on biodiversity values
- the EIS does not propose an offset for the residual biodiversity impacts.
- Depending on extent of indirect impacts suitable areas for establishment of an offsets may occur on the land currently owned by the proponent
- Encourage council to require provision of suitable offsets which meet the OEHL "Principles for the use of Biodiversity offsets in NSW"
- The fencing of sites of cultural heritage recommended in the EIS should ensure the sites are not disturbed.

Comment

The Office of Environment and Heritage encourages Council or the determining authority to require as a condition of consent the provision of Biodiversity offsets, preferable on the land owned by the proponent, at the quarry site. Another condition should be the fencing off of the culturally sensitive sites to ensure that these sites are not disturbed by activities.

The applicant proposes to revegetate land adjoining the riparian corridor as part of the Vegetation Management Plan and this is considered satisfactory as an offset.

NSW OFFICE OF WATER

The NSW Office of Water required the development application to put on hold whilst more information was submitted in how water was treated on the site and how the proposal complied with the Water Management Act.

Information including a controlled activity approval application and a Vegetation Management Plan was provided back to Council and the other Government bodies in March 2013. This information was referred off to the agencies at that time. Council has received advice from all agencies except the Office of Water.

Council is not in a position to determine whether the information is satisfactory and therefore proposes to condition that an activity approval under the Water Management Act 200 is required.

4. Assessment of the application Section 79 C Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C (1) of the Environmental Planning & Assessment Act 1979 as are of relevance to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

Although this is the current LEP applying to the Mid-Western LGA, the application was not assessed against this LEP as the principle instrument as it was not in force at the time of lodgement of DA 0330/2012 on 7 May 2012. MWRLEP 2012 came into force on 10 August 2012.

Clause 1.8A of the MWRLEP 2012 states that:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The land is zoned RU1 Primary Production in accordance with the LEP 2012 and extractive industries are permitted within the zone. There are no determining factors in the current LEP that would warrant refusal of the application.

Rylstone Local Environmental Plan 1996 (Rylstone LEP)

The Rylstone Local Environmental Plan 1996 was the applicable LEP at the time of lodgement of DA0330/2012. The site was zoned 1 (a) General Rural.

Zone No 1 (a) (General Rural)

1 Objectives of zone

The objectives of this zone are to promote the proper management and utilisation of resources by:

(a) protecting, enhancing and conserving:

- (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
 - (ii) *soil stability by controlling and locating development in accordance with soil capability,*
 - (iii) *forests of existing and potential commercial value for timber production,*
 - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure efficient extraction of those deposits,*
 - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity, recreation or natural wildlife habitat or is likely to control land degradation,*
 - (vi) *water resources for use in the public interest,*
 - (vii) *places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
 - (viii) *the rural character and amenity of the zone,*
- (b) *preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and*
- (c) *facilitating farm adjustments, and*
- (d) *minimising the cost to the community of:*
 - (i) *fragmented and isolated development of rural land, and*
 - (ii) *providing, extending and maintaining public amenities and services, and*
- (e) *providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development, and*
- (f) *encouraging the establishment of rural and rural-related industries.*

The proposed development is considered to be generally consistent with the zone objectives as it seeks to utilise extractive materials whilst carrying out the activity in a manner that is compatible with the surrounding agricultural uses.

The quarry activity is defined as an ‘*Extractive industry*’ under the Environmental Planning and Assessment Model Provision 1980 which were adopted for the Rylstone LEP 1996;

“*extractive industry*” means:

- (a) *the winning of extractive material; or*
- (b) *an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land;*

Therefore DA0330/2012 for the expansion of the existing quarry and the establishment of a concrete batch plant is permissible with consent.

Draft Mid-Western Regional LEP 2012 (Draft LEP 2012)

At the time of the lodgement of the development application with Council the draft Mid-Western Regional Local Environmental Plan 2012 was nearing completion and therefore the provisions of this plan need to be considered when assessing the application.

Lots 53, 56 and 66 DP 755420 were proposed to be zoned RU1 Primary Production under the draft LEP.

Extractive industries are defined in the draft MWRLEP 2012 as;

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

In accordance with the draft LEP 2012 the expansion of the existing quarry is permissible with consent.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The application was assessed against the SEPP and the Department of Planning's document 'Applying SEPP 33 (Consultation Draft) July 2008'. The proposal does not fall under any of the categories identified in Appendix 3 of the consultation draft and is not considered potentially hazardous or offensive.

The SEPP is deemed not to apply to this particular development as the consultation draft states the proposed use must fall within the definition of 'industry' adopted by the planning instrument which applies. The definition of 'industry' within the Mid-Western Regional LEP 2012 specifically excludes mining and extractive industries. Conditions are contained within the Environmental Protection Authority's GTA's which will ensure potential issues such as noise and dust are adequately controlled.

State Environmental Planning Policy No 44 – Koala Habitat Protection

The provisions of this SEPP are applicable as the site is located on land to which this SEPP applies and is over 1ha in area. The applicant employed a suitably qualified consultant to undertake an assessment of the site and potential feed trees were identified on the site. However, no evidence of koalas were identified and as such, further assessment did not take place.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The proposed development is defined as an extractive industry under the SEPP.

Extractive Industries are a land use that is permissible with consent under clause 7 of the SEPP as is ancillary industry such as a concrete batching plant.

Pursuant to the provisions of the SEPP, the consent authority must give consideration to the following matters before determining the development application:

1. *Compatibility of proposed mine, petroleum production or extractive industry with other land uses:*

The site has been used for extractive industry for some period of time. It is considered that the proposed development is compatible with the surrounding land uses.

2. *Compatibility of proposed development with mining, petroleum production or extractive industry:*

The site has been used for extractive industry for some period of time. There are no adjoining uses related to mining, petroleum production or extractive industries and if there were, it is not considered that the development would pose any constraints.

3. *Natural resource management and environmental management:*

This issue has been assessed by both Council and relevant State Government Agencies and it is considered that with the implementation of conditions of consent, the General Terms of Approval, Environmental Protection Licence and compliance with relevant Commonwealth and State legislation, the operation of the proposed extractive industry should be carried out in an appropriate manner.

4. *Resource recovery:*

Topsoil, residual soils and overburden materials are proposed to be retained for rehabilitation purposes.

A rehabilitation plan will be required to be prepared by the applicant.

5. *Transport:*

The proposed development will generate additional heavy vehicle movements in the locality. The road system is of a standard capable of handling the additional vehicle movements subject to the upgrade of the access to the property off the Bylong Valley Way as required by the RMS.

6. *Rehabilitation:*

A rehabilitation plan will be required as a condition of consent.

Section 79C(1)(a)(iia) any planning agreement

None apply.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

Section 79C(1)(b) the likely impacts of the development

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

Access, transport and traffic

Access to the site is from the Bylong Valley Way. The proposal will increase the amount of traffic utilising the road network in the area. A Traffic Study was commissioned by the applicant that recommended that the intersection at the site entrance and Bylong Valley Way would need to be upgraded.

The application was referred to the RTA (now RMS) who recommended that the intersection be upgraded to a BAL/CHR(S) standard.

Heritage

Four sites of Aboriginal heritage were identified within the subject land but are not located within the development footprint.

It is proposed to require these areas to be fenced and signpost these sites to ensure protection and this has been accepted as a suitable practice by the Office of Environment and Heritage.

There are no items of non-Aboriginal heritage located within the vicinity of the development.

Other land resources

The site is surrounded by agricultural land and is unlikely to be affected by the proposed development. The site of the proposed development is unsuitable for agricultural production and therefore is unlikely to reduce agricultural capacity.

Water

There is unlikely to be any impacts on groundwater from the proposed development.

Surface water will be controlled to reduce sediment laden run off and this has been detailed in the Surface water management plan.

All creeks in the proposed extractive industry site are ephemeral in nature and considered to be first and second order streams (three first order and one second order) in accordance with the Strahler system.

Due to the nature of the proposed development, significant areas of land may become highly disturbed which may cause some serious issues regarding surface water runoff. The applicant commissioned a Surface Water Management Plan which was prepared by MineSpex.

The application was referred to the NSW Office of Water and NSW EPA who have issued their General Terms of Approval. The NSW Office of Water have not provided final comment on the additional information supplied and therefore the Recommendation includes a condition requiring an activity approval under the Water Management Act 2000.

It is considered that if the development is carried out in accordance with the GTA's issued by the EPA and conditions of consent; there will be minimal environmental impact on groundwater and surface water.

Soils

The development will disturb a large amount of top soil. This will be managed by the following;

- Erosion and sedimentation control management plan;
- Rehabilitation of the site;
- Installation of pit sumps and sediment retention basins;
- Diversion drains for clean water;
- Stockpiling of top soil;

Air and Microclimate

An air quality assessment was carried out by Todoroski Air Sciences. Quarrying operations have the potential to be a significant source of dust generation from the removal of topsoil and vegetation and the haulage of materials. The site is located approximately 4 kilometres from the nearest residence and is unlikely to have any significant impact.

The report submitted with the application, prepared by Todoroski Air Sciences has been reviewed by the NSW Environmental Protection Authority (EPA) and it is considered that the proposed development will have minimal impact on the area, subject to compliance with the General Terms of Approval (GTA's) provided by the EPA.

Flora & fauna

The flora and fauna assessment was undertaken by Ecobiological. The study found that much of the land has been disturbed by previous land clearing.

The assessment revealed that much of the site is covered by exotic grasses but the assessment also identified that 6 threatened fauna species, two endangered populations and one threatened ecological community could be impacted upon.

Tests of significance were carried out and this revealed that the development would not significantly impact upon these species.

The assessment also concluded that there will be no significant impact upon the White box – Yellow box – Blakeley's Gum Woodland threatened ecological community given the small amount of removal.

Noise & vibration

The proposal has the potential to generate a significant amount of noise. A Noise Assessment Report was commissioned by the applicant. The report, by Spectrum Acoustics, was prepared in accordance with the NSW Industrial Noise Policy.

The Policy identified two noise criteria, intrusiveness and amenity. The report concluded that there will be no adverse impacts, noting that blasting is only proposed to occur six to eight times a year.

Natural Hazards

The site is not prone to flooding but is mapped as being bush fire prone land. In accordance with s.79BA of the EP & A Act 1979, all development on bush fire prone

land must satisfy the aims and objectives of the NSW Rural Fire Service's document 'Planning for Bush Fire Protection 2006' (PBP 2006).

The mitigation measures described in the EIS adequately address the requirements of PBP 2006.

Social impact in the locality

The proposal is not considered to have any anticipated social impact on the Bylong community, provided the condition of consent contained at the end of this report are complied with.

Economic impact in the locality

The proposed development is anticipated to employ up to seven new staff which would provide a benefit to the region.

The development is anticipated to have a positive economic impact on the wider region subject to the extractive industry operating in accordance with the conditions of consent outlined at the end on this report.

Cumulative Impacts

The assessment has not identified any negative impacts that cannot be successfully mitigated through conditions of consent. Therefore, it is considered that there will not be any cumulative impacts resulting from the approval of the proposed development.

Section 79C(1)(e) the public interest

The proposed development is considered to be in the public interest as it seeks to carry out a development in a responsible manner.

5. Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be approved with the following conditions;

APPROVED PLANS

1. **Development is to be carried out generally in accordance with:**
 - **Environmental Impact Statement by Wells Environmental Services dated April 2012;**
 - **Addendum Letter dated 13 February 2013 from Kleinfelder ecobiological;**
 - **Revised Surface Water Management Assessment Report by Minespex undated Submitted with Addendum letter by Kleinfelder ecobiological;**
 - **Minespex Specified Measures Report of November 2012;**
 - **Minespex CAA Report dated December 2012;**
 - **Insite Civil Engineering Plans issued 7 December 2012**

except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application. In the event of an inconsistency between the conditions of consent and the approved plans and EIS, the conditions of consent will prevail.

- 2. The development shall be carried out in accordance with the General Terms of Approval attached to this consent, issued by the following Approval Bodies:**
 - NSW Environmental Protection Authority, notice no: 1507158, dated 6 July 2012.**
 - Roads and Maritime Services, reference no: SF 2012/013656 and WST 11/00079/02, dated 6 June 2012.**
- 3. A Controlled Activity Approval under Section 91 of the Water Management Act 2000 is required prior to the commencement of any further quarrying activities on the site.**
- 4. Quarry production rates are permitted up to 199,000 tonnes per annum (tpa) subject to an average of 50,000 tpa for Basalt and 2,000 tpa for the life of the quarry.**
- 5. Pre mixed concrete production is limited to 30,000 tpa.**
- 6. This consent is limited to a period of twenty (20) years.**
- 7. A copy of the Annual Return required in the General Terms of Approval from the NSW Environmental Protection Authority shall be provided to Council.**
- 8. Prior to the commencement of operations, the applicant is to obtain a Mining Lease from the relevant State Government Department and is to strictly adhere to the conditions of the lease.**
- 9. The proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General of the Department of Trade and Investment NSW. The Rehabilitation Plan must:**
 - a) Be prepared in accordance with the Department of Trade and Investment guidelines and in consultation with relevant agencies and stakeholders.**
 - b) Be submitted and approved by the Director General of the Department of Trade and Investment**
- 10. All activities at the premises may only be carried out between 0700 and 1700 hours Monday to Friday.**
- 11. The four Aboriginal Heritage items identified in the Aboriginal Archaeological and Cultural Significance Assessment prepared by Archaeological Reports and Assessments Pty Ltd are to be protected in accordance with report and are to be a no-go zone with a minimum 20 metre buffer, delineated with high visibility nightline.**

12. **All mitigation measures outlined in the Environmental Impact Statement are to undertaken at full cost to the developer.**
13. **The applicant shall be required to contribute toward the routine maintenance provided by Council on the sections of public road under the control of Mid-Western Regional Council and used by haulage operations relating to the development.**

In accordance with the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, a fee of \$0.95 per tonne will be levied. Contributions will be required to be paid on a monthly basis to Council for each tonne of material leaving the site by road transport. This levy applies to both the Basalt and Sandstone materials.

Council may at any time request the production of records from the applicant to verify haulage quantities. The rate of contribution shall be subject to annual adjustment in accordance with the Consumer Price Index. These adjustments will be effective from 1 July each year.

14. **A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.**
15. **A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;**
 - a) **stating that unauthorized entry to the work site is prohibited, and**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.**
16. **A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor’s insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.**
17. **Should groundwater be intercepted at any stage during mining operation, all works are to cease immediately and the NSW Office of Water is to be notified immediately. No works are permitted to recommence without the written authorisation of the Office of Water.**
18. **All handling, storage and transportation of hazardous materials is to be undertaken in accordance with the relevant Australian Standards including but not limited to AS1940, AS1596, and the Dangerous Goods Code. No explosive materials are to be stored on site without consent and a Materials Safety Data Sheet shall be retained on site at all times.**

Gary Bruce

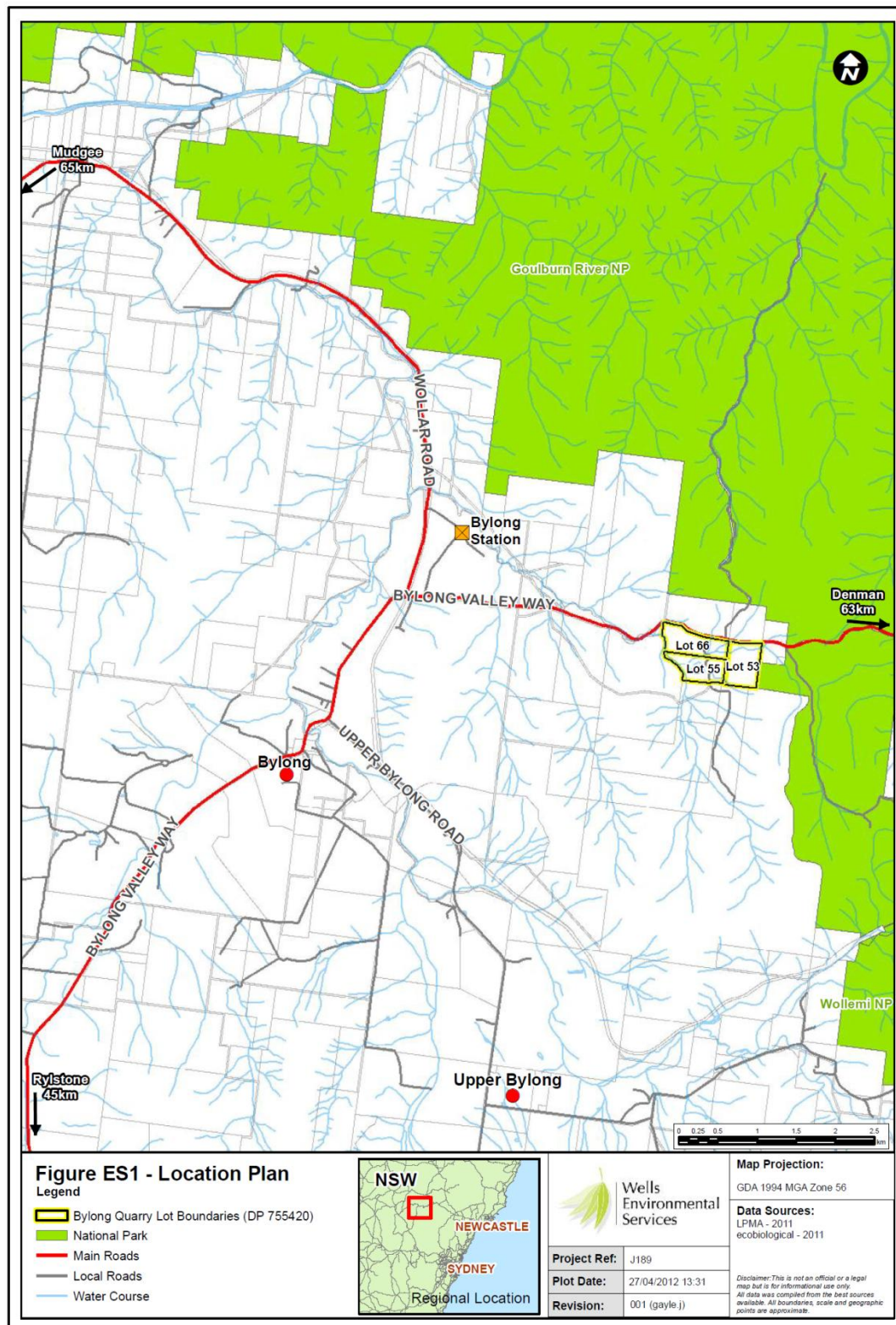
Manager Statutory Planning - Mid-Western Regional Council

6 December 2013

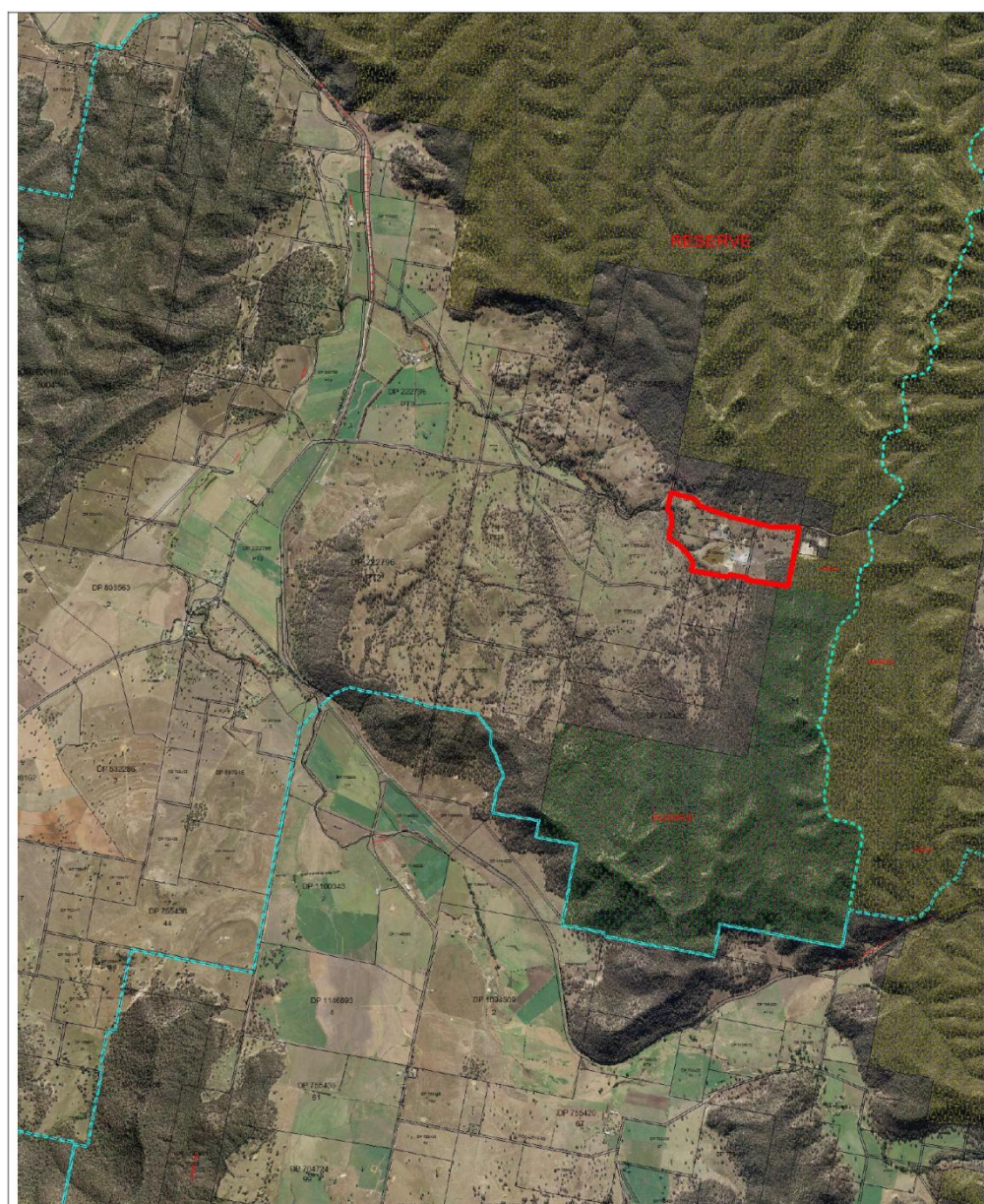
Annexure 1 – Locality Plan

Annexure 2 – Site Plans

Annexure 3 – Government Agency Submissions



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Map Scale: 1:51,200

Disclaimer

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

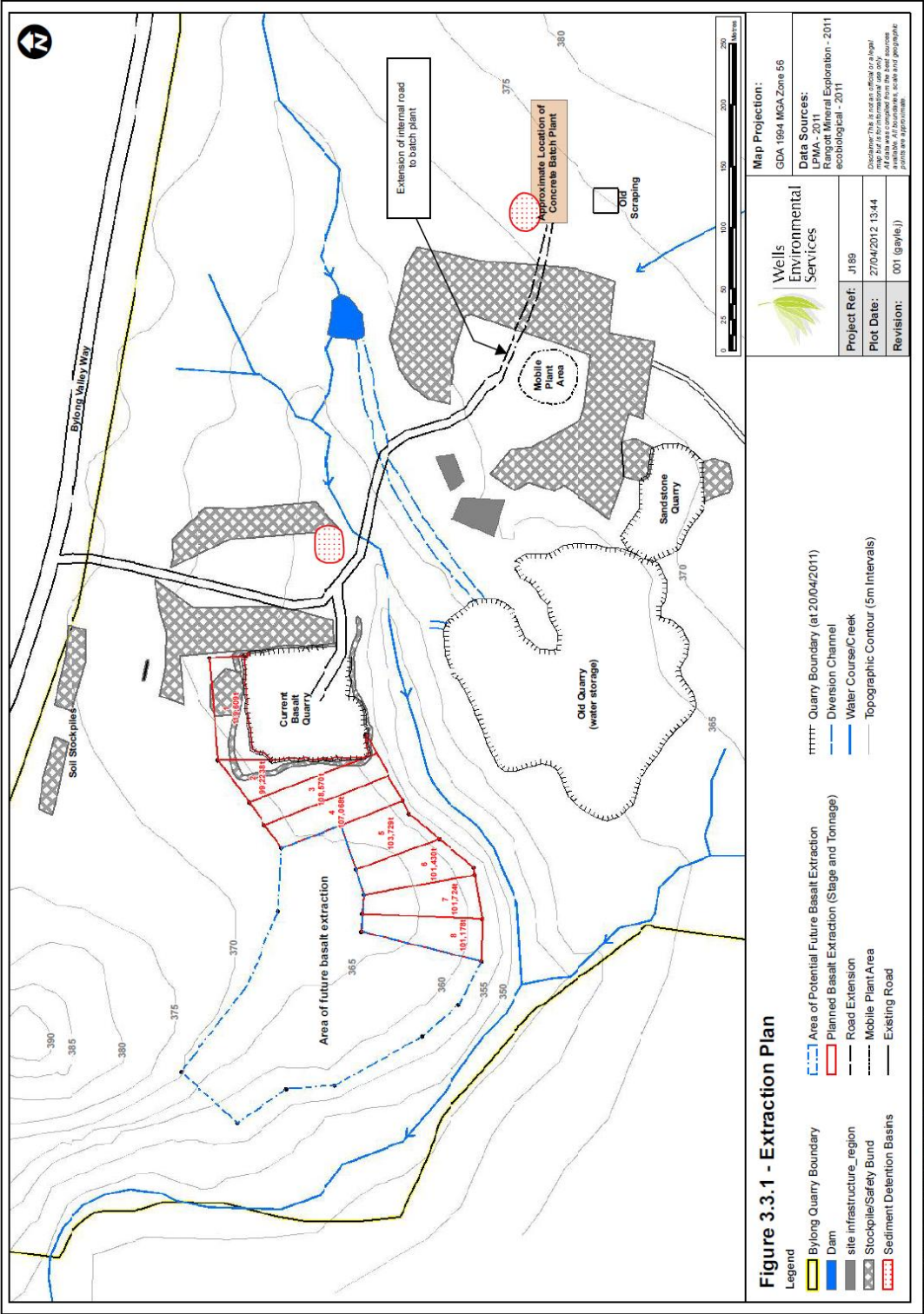
Legend

	Parcel		Parish		Road
	Crown Land		Localities		State Forest
	Railway		LGA Boundary		Waterway

NORTH

Mid-Western
REGIONAL COUNCIL

Printed on Friday, 6 December 2013





**Department of
Primary Industries
Catchments & Lands**

Ref.No: 08/5805

5 June 2012

The General Manager
Mid Western Regional Council
PO Box 156
Mudgee NSW 2850

Attn: Planning & Development Department



Dear Sir/Madam,

Re: Development Application No.DA0330/2012 – Proposed Extension to Bylong Quarry & Concrete Batch Plant, 3846 Bylong Valley Way, Bylong, NSW 2849

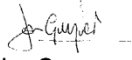
In reference to your letter dated 18/05/2012 concerning the development application mentioned above. It has been identified that the development adjoins Crown land within Reserve 88158 for Rubbish Depot which is under the management of the Mid Western Regional Council. As the Council is the primary trust manager for the Crown land, their concerns as reserve manager should be included in the final determination.

There are also three Crown land parcels on the northern side of Bylong Valley Way opposite the proposed development which are currently under the control of Catchment & Lands, Department of Primary Industries. On the information provided Catchment & Lands has no objections to the proposed quarry extension provided site specific impacts are contained within the development::

- No development drainage, overflow or contaminated waste (contaminated runoff, septic or effluent) to enter or negatively impact on the Crown land.
- There are no negative impacts (e.g. noise, dust, smell) on the use, function and environmental features on any of the identified Crown land.
- All developments should be designed and sites with appropriate setbacks and fire breaks so that they do not impact upon adjoining Crown land in any way. All bush fire protection measures are to be incorporated within the boundaries of the proposed development. The adjoining Crown land is not to be used as an Asset Protection Zone for the development.
- The development does not rely on the adjoining Crown land for the appropriate level of amenity for users with vegetated areas for visual impact relief or open space.
- The proposed development is compatible with the reserve purpose of the adjoining Crown land.
- The proposed development does not rely on buffer zones or infrastructure being provided on the Crown land involving storm water channels and pipes, utilities and services.
- The proposed development should not utilise a Crown road for access without the accepted transfer to local Council control.
- Development adjoining Crown land should not restrict current or future access to the Crown land by the public, Catchment and Lands, emergency services or other Crown land managers.
- The design of the development does not allow any unauthorised use of Crown land for access by way of garage doors, gates.
- Provision of buffer zones along the boundary of the Crown land to minimise the 'edge effect' on the Crown land parcel.

Catchments and Lands - Department of Primary Industries
PO Box 2146 ORANGE NSW 2800
Tel: 02 6391 4300 Fax: 02 63 623896
www.crownland.nsw.gov.au | ABN: 42 860 678 701

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jon Guyver', with a horizontal line underneath.

Jon Guyver
Natural Resource Management Project Officer

Protection of the Environment Operations Act 1997

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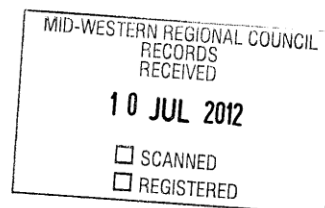


Notice No: 1507158

The General Manager
PO Box 156
MUDGEE NSW 2850

Attention: Sarah Armstrong

Notice Number 1507158
File Number FIL07/5599-06
Date 06-Jul-2012



Re: Bylong Quarry and Concrete Batch Plant (DA0330/2012)

I refer to the Development Application and Environmental Impact Statement (EIS) for the Bylong Quarry and Concrete Batch Plant received by the Environment Protection Authority (EPA) on 18 May 2012

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence for the proposal, subject to a number of conditions. The proponent has previously made a separate application to EPA to obtain this licence however; the application could not be approved as the required approval under the *Environment Planning & Assessment Act 1979* had not been obtained.

The General Terms of Approval for this proposal are provided at Attachment A. If Mid-Western Regional Council (Council) grants Development Approval for this proposal these conditions must be incorporated into the consent.

These General Terms of Approval relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the proposal is modified either by the proponent prior to the granting of Development Approval or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its General Terms of Approval need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further, please contact Sheridan Ledger at the Bathurst office of the EPA by telephoning (02) 6332 7608.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Corradin'.

Matthew Corradin
Acting Head Regional Operations Unit
North West - Bathurst

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ATTACHMENT A

Administrative conditions

Information supplied to the EPA

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA0330/2012 submitted to Mid-Western Regional Council on 7 May 2012; and
- the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012).

Fit and Proper Person

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

Pollution of waters

Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

Concentration limits

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.
2. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
3. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land

Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012)

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
pH	pH				6.5-8.5
Total Suspended Solids (TSS)	milligrams per litre				50
Turbidity	nephelometric turbidity units				25

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Oil & grease	milligrams per litre				10
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The TSS and turbidity limits specified in the table above for sediment basins 1 and 2 do not apply when the discharge occurs solely as a result of rainfall at the premises which exceeds a total of 44 millimetres of rainfall over any consecutive 5 day period.

Note: A 44 mm rainfall depth is defined by the publication Managing Urban Stormwater: Soils and Construction (Landcom 2004) as the rainfall depth in millimetres for 95th percentile 5 day rainfall events for the Central Tablelands consistent with the storage capacity (recommended minimum design criteria) for Type D sediment retention basin for mines and quarries (Vol 2E of Landcom 2004).

Waste

1. The licensee must not cause, permit or allow any waste received at the premises, except the wastes expressly referred to in the column titled "waste" and meeting the definition, if any, in the column titled "description" in the table below.
2. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "activity" in the table below.
3. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "other limits" in the table below.
4. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other limits
NA	General or specific exempted waste	Waste that meets all the conditions of the resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	As specified in each particular resource recovery exemption	NA

Noise limits

1. Noise from the premises must not exceed an LAeq(15 min) criterion (noise limit) of 35dB(A) at any time.
2. Noise from the premises is to be measured at "Bylong Station" and "Murrumbo" to determine compliance with this condition.
3. The noise limits apply under all meteorological conditions except for the following:
 - a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.
4. To determine compliance:

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(a) with the Leq(15 minute) noise limits, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

(b) with the noise limits, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by (a) above.

5. A non-compliance with the noise limits will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions (a) and (b) above; and/or
- at a point other than the most affected point at a location.

6. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Hours of operation

1. Quarrying activities at the premises may only be carried on between 0700 and 1700 hours Monday to Friday and 0700 and 1400 hours on Saturdays. No quarrying activities are to be undertaken at the premises on Sundays and public holidays.
2. The operation of the concrete batching plant and all related activities may only be carried out between 0700 and 1700 hours, 7 days per week.
3. These conditions do not apply to the delivery of material outside the hours of operation permitted by the conditions above, 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 is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Blasting

Blasting limits

1. 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.
2. 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

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equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

3. 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.
4. 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.

Notes: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

The airblast overpressure and ground vibration limits 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 land owner.

Time of blasting

1. Blasting at the premises may only take place between 0900 and 1700 hours Monday to Friday. Blasting is not permitted on public holidays.
2. Blasting outside of these hours can only take place with the written approval of the EPA.

Frequency of Blasting

Blasting at the premises is limited to 1 blast per day and one blast per week averaged over a 12 month period.

Operating conditions

Dust

1. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
2. All trafficable areas, stockpile areas, storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.
3. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Effluent Application to land

1. Effluent application must not occur in a manner that causes surface runoff.
2. Spray effluent application must not drift beyond the boundary of the premises.
3. The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

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Note: For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.

Chemical, fuel and explosives

1. All chemicals, fuels and explosives must be handled and stored in a bunded area which complies with the specifications of the relevant Australian Standard and legislative requirements.
2. Contingency and emergency management plans must be developed and implemented for the spill of any chemicals and fuel.
3. A Blasting/Vibration Management Protocol must be prepared and implemented. The protocol must include, but need not necessarily be limited to the following:
 - compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and monitoring program;
 - monitoring program for flyrock distribution;
 - notification procedures for neighbours prior to the detonation of each blast.

Erosion and sediment control plan

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with Landcom's Managing Urban Stormwater: *Soils and Construction* (Vol 1).

Water

1. Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012) must be drained or pumped out as necessary to maintain each basins design capacity within 5 days following rainfall.
2. Water discharged to comply with the above condition may only be discharged where the water complies with the concentration limits.
3. The licensee must undertake maintenance as necessary to desilt the sediment detention basins in order to retain each basins design storage capacity.
4. Stormwater drainage from the haul road (both light and heavy vehicle lanes), including the crossing of the water course/creek as shown in figure 3.3.1 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012), is not permitted to be discharged or drain into the water course/creek as shown in figure 3.3.1 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012).

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Monitoring and recording conditions

Monitoring records

1. The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development must be recorded and retained as set out below.
2. All records required to be kept by the licence must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
3. The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

Requirement to monitor concentration of pollutants discharged

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

Water and Land

Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012)

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Daily during any discharge	Representative sample
Total Suspended Solids	Milligrams per litre	Daily during any discharge	Grab sample
Turbidity	Milligrams per litre	Daily during any discharge	Grab sample
Oil & grease	Milligrams per litre	Daily during any discharge	Grab sample
Electrical Conductivity	Microsiemens per centimetre	Daily during any discharge	Representative sample

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Air

Dust monitoring points - north-western corner of Lot 66 DP755420 and mid point of the eastern boundary of Lot 53 DP755420

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - deposited matter	grams per square metre per month	Monthly	AM-19

Testing methods - concentration limits

1. Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The POEO (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

2. 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; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

unless otherwise expressly provided in the licence.

Blast Monitoring

To determine compliance with the ground vibration and overpressure limits:

(a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises;

- at the nearest residence on the properties "Bylong Station" and "Murrumbo".

(b) Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

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Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limits at any "noise sensitive locations" other than the locations identified in the above condition.

Reporting conditions

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

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Attachment B - Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

1. Crushing, grinding or separating - meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes; and
2. Concrete works - meaning the production of pre-mixed concrete or concrete products.

Operating conditions

1. Licensed activities must be carried out in a competent manner.

This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.
2. All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

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.
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.
3. The record of a complaint must be kept for at least 4 years after the complaint was made.
4. The record must be produced to any authorised officer of the EPA who asks to see them.

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5. 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 the licence.
6. 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.
7. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

1. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.
2. An Annual Return must be prepared in respect of each reporting, except as provided below.
3. Where this licence is transferred from the licensee to a new licensee,
 - 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
 - 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.
4. Where this licence is surrendered by the licensee or revoked by the EPA 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
 - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence – the date from which notice revoking the licence operates.
5. The Annual Return for the reporting period must be supplied to the EPA 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').
6. The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.
7. Within the Annual Return, the Statement 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 EPA to sign on behalf of the licence holder.

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8. A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

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

An application to transfer a licence must be made in the approved form for this purpose.

Notification of environmental harm

1. 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 Act
2. Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
3. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

1. Where an authorised officer of the EPA suspects on reasonable grounds that:
 - (a) where this 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.
2. The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
3. The request may require a report which includes any or all of the following information:
 - the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - 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; and
 - 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;action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - any other relevant matters.
4. The EPA 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 EPA within the time specified in the request.

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General conditions

1. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
2. The licence must be produced to any authorised officer of the EPA who asks to see it.
3. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



Your reference: Nathan Burr: ah P2049061
Our reference: DOC12/28244
Contact: Erica Baigent (02)
68835311
Date: 11 July 2012

Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Mr Bennett,

Attention: Sarah Armstrong, Acting Manager – Statutory Planning.

**RE Development Application DA 0330/2012 – Proposed extensions to Bylong Quarry
and Concrete Batch Plant Lots 53, 55 and 66, DP 755420, 8346 Bylong Valley Way
Bylong NSW 2849**

I refer to your letter dated 17 May 2012 regarding the above development application. Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on this proposal.

The OEH has responsibilities under the:

- *National Parks and Wildlife Act 1974* - namely the protection and care of Aboriginal objects and places, the protection and care of native flora and fauna and the protection and management of reserves; and the
- *Threatened Species Conservation Act 1995* - which aims to conserve threatened species of flora and fauna, populations and ecological communities to promote their recovery and manage processes that threaten them.
- *Native Vegetation Act 2003* – ensuring compliance with the requirements of this legislation.

The OEH can provide advice on the Environmental Impact Statement (EIS) where the EIS deals with natural and cultural heritage conservation issues. The OEH may also comment on the legitimacy of the conclusions reached regarding the significance of impacts by the proposed development to these components of the environment.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that the EIS should fully describe the proposal, the existing environment and impacts of the proposal. It is the responsibility of the proponent and consent authority to adequately consider the requirements under the EP&A Act, including flora, fauna, threatened species, populations and ecological communities and their habitats, and cultural heritage.

It is also up to the proponent (and later the consent authority after appropriate consultation) to determine the detail and comprehensiveness of the surveys and level of assessment required to form legally defensible conclusions regarding the impact of the proposal. The scale and intensity of the proposed development should dictate the level of investigation, with all conclusions supported by adequate data.

Flora, Fauna and Threatened Species

Our environmental assessment requirements contained reference to the need to (among others):

- Describe direct and indirect and construction and operation impacts on biodiversity;
- Identify the avoidance, mitigation and management measures that will be put in place to avoid or minimise impacts, including the alternative options considered; and
- Following avoidance and mitigation, offset any residual biodiversity impacts.

Based on a basic review of the EIS, we provide the following advice for Council's consideration.

1. It is not clear whether any design alternatives were considered which would enable further avoidance of flora and fauna impacts.
2. The EIS does not indicate whether the proponent has specifically considered the potential for the proposed expansion to have indirect impacts on the adjoining OEH Estate (Goulburn River National Park). We refer Council to our standard guidance material for developments adjoining OEH Estate. These guidelines can be found at:

<http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>.

Similarly, the Assessments of Significance for threatened fauna states *'Other impacts that typically result from mining and quarrying activities (ie dust, noise and light pollution) may also have a negative effect on surrounding fauna and flora'*. The Ecological Assessment does not expand on these potential impacts, nor does the EIS relate the noise and dust assessments to surrounding biodiversity values.

3. In relation to offsetting, we note the following statements from the EIS:
 - Regarding the Box-Gum Woodland EEC: *'The remaining area of this TEC on the site can be used as offsets to compensate for removal of this small area of TEC for the proposed development'* (Page 95 of the Ecological Assessment).
 - Within the Assessment of Significance for threatened fauna: *'The extent of clearing is considered to be relatively minor and provided amelioration and offsetting measures are implemented, is unlikely to significantly impact on local populations of these species'*.

Despite these statements the EIS does not propose an offset for the residual biodiversity impacts. We encourage the Council to consider requiring the proponent to provide a suitable offset which meets the OEH *'Principles for the use of Biodiversity offsets in NSW'*, which can be found at:

<http://www.environment.nsw.gov.au/biocertification/offsets.htm>.

Depending on the extent of indirect impacts as a result of the development, suitable areas for establishment of an offset may occur within the parcels of land currently owned by the proponent.

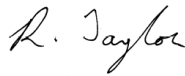
Page 3

Cultural Heritage

The survey undertaken and the predictive methodology used appear sound and the fencing of sites recommended should ensure they are not disturbed.

If additional information relating to the proposal indicates that areas within the OEH's responsibility require further investigation, we may provide future input. Should you require further information please contact Erica Baigent, Conservation Planning Officer on (02) 68835311.

Yours Sincerely,



ROBERT TAYLOR
Manager, Environment and Conservation Programs
Conservation and Regulation Division



Your reference: OUT13/8B7CCEDO
Our reference: DOC13/9695
Contact: Erica Baigent (02) 68835311
Date: 15 April 2013

Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Mr Bennett,

Attention: Gary Bruce, Manager – Statutory Planning.

RE Development Application DA 0330/2012 – Proposed extensions to Bylong Quarry and Concrete Batch Plant Lots 53, 55 and 66, DP 755420, 8346 Bylong Valley Way Bylong NSW 2849

I refer to your letter dated 14 March 2013 regarding the above development application. Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on this proposal.

OEH understands that the proposal will involve impacts to 1.9ha of Box Gum Woodland EEC and derived native grassland. In relation to the comments made by OEH in our letter dated 11 July 2012, the proponent has supplied some additional documentation regarding a proposed offset for the quarry expansion, in the form of a 'Vegetation Management Plan' (VMP). However it appears the primary purpose of this plan is to address matters raised by the NSW Office of Water and to support an application for a Controlled Activity Approval under the *Water Management Act 2000*.

Within the VMP, 'offset areas' to a total of 2,328 square metres (or 0.23ha) are proposed for impacts to the riparian corridor only (although the letter from Mr Freeland of Kleinfelder refers to an area of 2ha). The offset includes some retention of existing vegetation and proposed re-establishment of EEC in exotic grassland, with 2 years of active management only. In contrast, the original EIS indicated the availability of approximately 11ha of EEC on the site (outside the area to be cleared) and stated that '*The remaining area of the TEC on the site can be used as offsets...*'. This has not eventuated in the proposed VMP.

The 'Principles for the use of Biodiversity Offsets in NSW' may assist Council in reaching a decision on the adequacy of the offset proposal. These principles can be found at: <http://www.environment.nsw.gov.au/biocertification/offsets.htm>. These principles include a requirement that offsets must result in a net improvement in biodiversity over time and are secured in perpetuity.

OEH has no further comments regarding the proposal at this time. If additional information relating to the proposal indicates that areas within the OEH's responsibility require further investigation, we

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Page 2

may provide future input. Should you require further information please contact Erica Baigent,
Conservation Planning Officer on (02) 68835311.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'R. Taylor', with a stylized flourish at the end.

ROBERT TAYLOR
Manager, Environment and Conservation Programs
Conservation and Regulation Division



Transport
Roads & Maritime
Services

SF2012/013656; WST11/00079/02

The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Sir

DA0030/2012 Lot 53, 55 & 66 DP 755420
Proposed extension to Bylong Quarry and Concrete Batch Plant

Thank you for your letter dated 17 May 2012 referring development application DA0330/2012 to Roads and Maritime Services (RMS) for comments.

RMS will not object to the proposal and provides the following submissions:

- The intersection of Bylong Valley Way and the internal haul road must be upgraded to a BAL/CHR(S) standard. The proponent has indicated upgrading the intersection to BAL/AUR. AUR's are no longer used in NSW and the appropriate alternative under the NSW supplement to the Austroads guide is a CHR(S). A copy of the layout is attached for your information. This intersection must be sealed for a minimum distance of 20 m from Bylong Valley Way.
- The formation of Bylong Valley Way at the site will need to be widened and should meet the nominated lane width (3.5 m) and sealed shoulder width (1.5 m) requirements from the Austroads Guide to Road Design, Part 3.
- Truck stopping sight distance (TSSD) in each direction at the intersection of Bylong Valley Way and the internal haul road will need to meet the current Austroads standard of 191 m for a 100 km/h road design speed.
- Additional signage will need to be erected on the internal haul road and on Bylong Valley Way. The additional signage will include:
 - Two "Give Way" [R1-2] signs at the egress point on the internal haul road to control vehicles leaving the site.
 - Two "Trucks Turning" [W5-205] signs with supplementary "300 m" [W8-5] on Bylong Valley Way. These signs will be erected 300 m in each direction from the intersection to warn approaching drivers.
- All signage must meet the relevant Australian Standards and RMS specifications/technical directions.
- All vehicles are to enter and leave the property in a forward direction.
- All loads are to be adequately covered before exiting the quarry.
- Vehicles are not to track dust, dirt or mud onto Bylong Valley Way. A structure (such as a grid) may need to be installed on the internal haul road to make sure that any particles are removed from the wheels of vehicles before they exit the site.

Roads and Maritime Services

51-55 Currajong Street PARKES NSW 2870
PO Box 334 PARKES NSW 2870 DX 20256
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MID-WESTERN REGIONAL COUNCIL
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08 JUN 2012

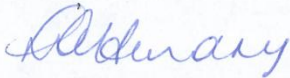
☐ SCANNED
☐ REGISTERED

- If a gate, grid or similar structure is constructed on the access it is to provide suitable storage capacity between the grid and the give way line to cater for the maximum length vehicle to access the site (eg 20 metres for single articulated).
- All works associated with the development are to be at no cost to RMS.

Please forward a copy of Council's determination on the development application to RMS at the same time it is sent to the applicant.

Should you require any further information please contact Dave White (02) 6861 1479.

Yours faithfully



Tony Hendry
Road Safety & Traffic Manager
Western

6 JUN 2012

Table 7.1 provides the dimensions of the CHR(S) treatment for various design speeds.

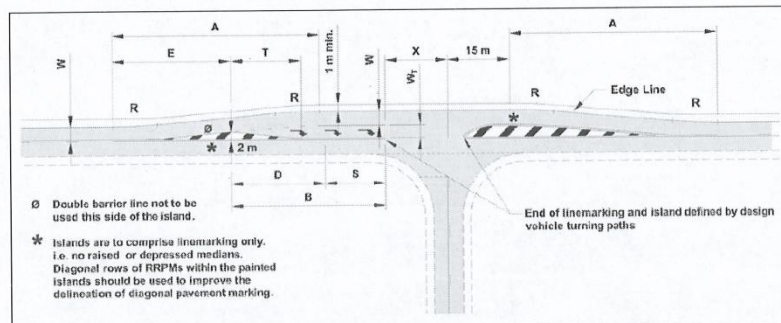
Table 7.1: Dimensions of CHR(S) treatment for various design speeds

Design speed of major road approach (km/h)	Lateral movement length A (m) ¹	Diverge/ deceleration length D (m) ²	Desirable radius R (m)	Taper length T (m) ³
50	40 ⁴	15	110	15
60	50 ⁴	25	175	15
70	60	35	240	20
80	65	45	280	20
90	75	55	350	25
100	85	70	425	30
110	95	85	500	30
120	100	100	600	35

Notes:

1. Based on a diverge rate of 1m/sec and a turn lane width of 3.0 m. Increase lateral movement length if the turn lane width >3 m. If the through road is on a tight horizontal curve (e.g. one with a side friction demand greater than the maximum desirable), the lateral movement length should be increased so that a minimal decrease in speed is required for the through movement.
2. Based on a 20% reduction in through road speed at the start of the taper to a stopped condition using a value of deceleration of 3.5 m/s² (Table 5.2). Adjust for grade using the 'correction to grade' factor in Table 5.3.
3. Based on a turn lane width of 3.0 m.
4. Where Type 2 road trains are required, minimum A = 80 m.

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Note: The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

W_T = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m).

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_T} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33 V_X W_T}{3.6}$$

S = Storage length to cater for one design turning vehicle (m).

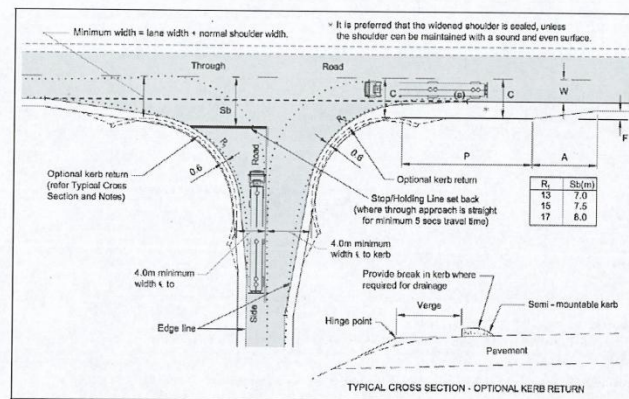
V = Design speed of major road approach (km/h).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.6: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. R1 and R2 are determined by the swept path of the design vehicle.

2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves).

C = On straights – 5.0 m minimum.

On curves – 5.0 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).

Source: QDMR (2009).

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

Table 8.1: Minimum length of widened parallel shoulder

Design speed of major road approach (km/h)	Minimum length of parallel widened shoulder P (m)
50	0
60	5
70	10
80	15
90	20
100	25
110	35
120	45

Note: Adjust the length for grade using the 'correction to grade' factor in Table 5.3

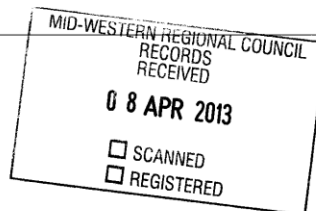
Source: QDMR (2009).



Transport
Roads & Maritime
Services

WST11/00079/03

General Manager
Mid Western Regional Council
PO Box 156
MUDGEES NSW 2850



Dear Sir

**DA0330/2012: Lots 53, 55 & 66 DP 755420; 8346 Bylong Valley Way, Bylong;
Proposed Extensions to Bylong Quarry and Concrete Batch Plant**

Thank you for your letter dated 14 March 2013 referring additional information submitted in support of development application DA0330/2012 to Roads and Maritime Services (RMS).

The information has been reviewed and RMS notes that the additional information has been provided to demonstrate compliance with the Water Management Act 2000 and requirements of NSW Office of Water.

RMS does not object to the proposed development as amended by the additional information provided on 14 March 2013. Please note that comments made in RMS' previous submission in relation to this proposal dated 6 June 2012 still stand and should be considered by Council in the assessment and determination of this application.

Please forward a copy of Council's determination of the development application to RMS at the same time it is sent to the applicant.

Should you require further information please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Hendry', followed by the date '5.4.2013'.

Tony Hendry
Road Safety & Traffic Manager
Western

Roads and Maritime Services

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Trade &
Investment

OUT12/13964

Nathan Burr
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850



Dear Nathan

Re: Development Application DA0330/2012 – Proposed extensions to Bylong quarry and concrete batch plant, Lot 53 DP755420, Lot 66 DP755420, Lot 55 DP 755420, 8346 Bylong Valley Way, Bylong NSW 2849

Thank you for the opportunity to provide advice on this proposal.

This is a response from NSW Trade & Investment, incorporating advice from its Mineral Resources, Agriculture and Fisheries Branches. Please note that other agencies within NSW Trade & Investment may send separate correspondence regarding this matter. There are no specific Fisheries issues arising.

The following comments are made with regards to mineral resources:

- Though only a small number of bore holes have been drilled, the information obtained from them (Figure 4.5.2), coupled with existing quarry exposure and presumably visual inspection, appears to be sufficient to indicate that the anticipated amount of basalt is present for the first 16 years of production at a probable extraction rate of 50,000 tpa. Likewise there appears to be sufficient sandstone to satisfy a production rate of 2,000 tpa for a similar period of time.
- Though not necessary to include in this EIS, it is recommended that further drilling should be undertaken in the "area of future basalt extraction" (Figure 4.5.2) to better define resource tonnage before quarrying operations extend into that area.

The following comments are made with regards to agriculture:

The relevant agricultural issues to consider when preparing and also when assessing extractive industry proposals are set out in the Departments' Guideline: *Agriculture issues for Extractive Industries* available on our website; <http://www.dpi.nsw.gov.au/environment/landuse-planning/agriculture/extractive-industries>. The guideline also documents recommended project design and mitigatory responses.

The guideline is part of a series designed to help consent authorities identify potential agricultural impacts, and assess whether such proposals can avoid conflict with existing agricultural developments; and protect valuable food and fibre production resources. The guidelines can

NSW Department of Trade and Investment, Regional Infrastructure and Services
PO Box 344, Hunter Region Mail Centre, NSW 2310
516 High St, Maitland NSW 2320
Tel: 02 4931 6666 Fax: 02 4931 6700
ABN 51 734 124 190
www.industry.nsw.gov.au

similarly help consultants and proponents and are available from the Department of Primary Industries land use planning web portal: <http://www.dpi.nsw.gov.au/environment/landuse-planning/agriculture> .

The Department of Primary Industries (part of Trade and Investment NSW) retains a strong interest in strategic land use planning and intensive agricultural developments as well as major projects likely to significantly impact on agricultural resources or agricultural industries.

For further information regarding agriculture issues please contact Mary Kovac, Resource Management Officer, Dubbo office on 6881 1250 (mary.kovac@industry.nsw.gov.au). For mineral resource issues please contact Gary Burton, Senior Geologist, Orange office on 6360 5330 (gary.burton@industry.nsw.gov.au).

Yours faithfully



Cressida Gilmore
Team Leader - Land Use
Minerals & Land Use Assessment
Geological Survey of NSW

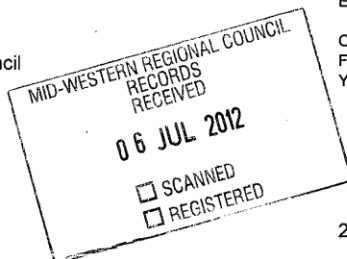
21 June 2012



Department of
Primary Industries
Office of Water

The General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Attention: Sarah Armstrong



Contact: Algis Sutas
Phone: 02 4348 5014
Fax:
Email: algis.sutas@water.nsw.gov.au

Our ref: 20 ERM2012/0455
File No:
Your Ref: DA 0330/2012

22 June 2012

Dear Ms Armstrong

**Re: STOP THE CLOCK on development application DA 0330/2012.
Proposed Extensions to Bylong Quarry and Concrete Batch Plant.
8346 Bylong Valley Way, Bylong (Lots 53, 55 & 66 DP 755420).**

Reference is made to your recent letter dated 17 May 2012 regarding the above integrated development proposal. An initial review of the material provided indicates that additional information relevant to issuing the General Terms of Approval is needed in order to complete the assessment.

According to the Environmental Planning and Assessment Regulation 2000, as amended, (the Regulation), any request for further information made within 25 days of receipt is not considered in calculating the period prescribed by clause 70 for notifying the General Terms of Approval. The application was **received** by the Office of Water on **22 May 2012**.

The Office of Water requests that Council **stop the clock as at the date of this letter**.

The Office of Water is currently investigating the site in regards to various alleged breaches of the Water Management Act 2000. The Office of Water have issued Mudgee Dolomite and Lime Pty Ltd a draft Direction under s333(2) of the Water Management Act 2000, and is currently waiting for a response prior to making a final determination. The Environmental Impact Statement provided as part of the development application refers to use and management of water which relates to the current alleged breaches of the Water Management Act 2000. Therefore the applicant must amend the development application and the supporting information to consider the current alleged breaches and to comply with any direction given under the Water Management Act 2000.

Additional information requested:

- The applicant must amend the Environmental Impact Statement and provide additional information to demonstrate that existing and proposed water supply and management is lawful, and to obtain any necessary approvals in accord with the Water Management Act 2000.
- The proposed development includes undertaking a controlled activity upon waterfront land as defined under the Water Management Act 2000. The applicant must provide full details and description of all waterfront land onsite, and clearly indicate the location and nature of all proposed controlled activities. The applicant must demonstrate the consistency of the proposed activity in accord with the Office of Water Guidelines for Controlled Activities. In particular, the following specific information must be provided:
 - A plan or diagram showing the proposed riparian corridor in accord with the Office of Water guidelines.
 - A Vegetation Management Plan for the proposed riparian corridor in accord with the Office of Water guidelines.
 - Full details of all existing and proposed watercourse crossings in accord with the Office of Water guidelines.

2

- The applicant should consider the current draft direction issued by Office of Water dated 21 May 2012, and ensure that the development application is consistent with any future compliance action by Office of Water.
- Council must also provide the Office of Water with a full copy of the development application form lodged by the applicant.

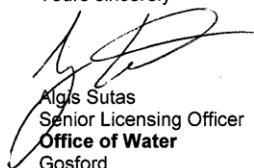
Further information regarding the Water Management Act 2000 and the Office of Water guidelines can be found at www.water.nsw.gov.au.

Clause 67 of the Regulation allows the Office of Water to specify a reasonable period within which the information requested must be provided. In this case, the Office of Water considers **90 days** from the date of this letter as a reasonable period of time within which the requested information must be provided. The Regulation also provides that failure by the applicant, to provide the requested information within the specified period, is to be taken by the Office of Water to mean the information will not be provided. This may result in the Office of Water refusing to grant General Terms of Approval.

The applicant should notify the Office of Water, in writing, of their intent to provide the requested information or to arrange for a suitable period to supply this information.

Please direct any questions or correspondence to Algis Sutas, algis.sutas@water.nsw.gov.au.

Yours sincerely



Algis Sutas
Senior Licensing Officer
Office of Water
Gosford