



WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTION AS  
TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE  
CONVEYANCING ACT 1919**

(Sheet 1 of 4 Sheets)

**DP1094055**

Plan of subdivision of Lot 7, 42 & 86  
D.P. 750038, Lot 2 D.P. 247198, Lot 1 & 2  
D.P. 1043931 in Goulburn Mulwaree  
Council DA No. 2003/0518/DA covered  
by Subdivision Certificate no.

**Full name and address  
of Registered Proprietor of  
the land**

Anne Jannett Lawson &  
Robert Austin Lawson  
49 Wilson St  
NEWTON NSW 2042

**PART 1**

1. Identity of Easement Firstly referred to  
in the abovementioned plan: Right of Carriageway 20 wide

Schedule of lots etc. affected

<u>Lot(s) Burdened:</u>	<u>Lot(s), name of road, or Authority Benefited:</u>
1	2

2. Identity of Easement Secondly referred  
to in the abovementioned plan: Easement for Overhead Power Lines 20  
Wide

Schedule of lots etc. affected

<u>Lot(s) Burdened:</u>	<u>Lot(s), name of road, or Authority Benefited:</u>
1, 3 & 4	Country Energy ABN 37 428 185 226



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTION AS  
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(Sheet 2 of 4 Sheets)

PLAN:

**DP1094055**

Plan of subdivision of Lot 7, 42 & 86  
D.P. 750038, Lot 2 D.P. 247198, Lot 1 & 2  
D.P. 1043931 in Goulburn Mulwaree  
Council DA No. 2003/0518/DA covered  
by Subdivision Certificate no.

3. Identity of Easement Thirdly referred to in the abovementioned plan: Easement for Overhead Power Lines 38.6 Wide & Variable Width

Schedule of lots etc. affected

Lot(s) Burdened:

Lot(s), name of road, or Authority  
Benefited:

2 & 3

Country Energy ABN 37 428 185 226

4. Identity of Restriction Fourthly referred to in the abovementioned plan: Restriction As To User

Schedule of lots etc. affected

Lot(s) Burdened:

Lot(s), name of road, or Authority  
Benefited:

2

Goulburn Mulwaree Council

5. Identity of Restriction Fifthly referred to in the abovementioned plan: Restriction As To User

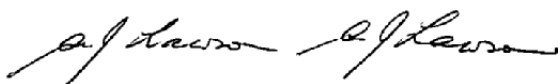
Schedule of lots etc. affected

Lot(s) Burdened:

Lot(s), name of road, or Authority  
Benefited:

All lots.

Goulburn Mulwaree Council



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(Sheet 3 of 4 Sheets)

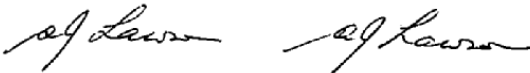
PLAN:

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Council DA No. 2003/0518/DA covered  
by Subdivision Certificate no.

DP1094055

PART 2

1. Identity of easement firstly referred to in abovementioned plan.  
Refer to Part A of Memorandum AA 26009 currently registered at LPI
2. Identity of easement second referred to in abovementioned plan.  
Refer to Part A of Memorandum AA 26009 currently registered at LPI
3. Identity of Restriction as to User fourthly referred to in abovementioned plan  
Restriction as to User, namely, that access to and from the lot burdened by and for all mechanized and horse drawn vehicles including motor cars, trucks and tractors is prohibited to and from the Hume Highway
4. Identity of easement fifthly referred to in abovementioned plan.  
Restriction as to user, namely:
  - (i) stock-proof fencing must be constructed and maintained to enclose areas of remnant vegetation as identified on the plan held at Goulburn Mulwaree Council quoting file D.A. no. 2003/0518/DA condition no.28 Pt. B (ii) in order to exclude cattle, sheep, horses and other livestock. The fence should be erected no closer than 3m to any existing tree;
  - (ii) within the identified areas referred to in (i) above, the cutting of living or dead trees for firewood, the removal of fallen timber, inappropriate hazard reduction burning, the grazing of livestock, the construction of roads or any activities that will result in the clearance or disturbance of native vegetation and habitat are prohibited; and





INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTION AS  
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(Sheet 4 of 4 Sheets)

DP1094055

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- (iii) for the purpose of providing fauna habitat, mature, senescent or dead hollow-bearing Eucalypts may be not be removed from within the said identified areas.

Name of Authority empowered to release vary or modify the easements fourthly and fifthly referred to in the abovementioned plan:

Goulburn Mulwaree Council

SIGNED by ANNE JANNETT  
LAWSON in the presence of:

*Robert S. Minter*  
ROBERT S MINTER

SIGNED by ROBERT AUSTIN  
LAWSON in the presence of:

*Robert S. Minter*  
ROBERT S MINTER

12744 MARKET ST  
SYDNEY NSW 2000  
Approved by the Council of the Goulburn Mulwaree

*Chris Berry*  
General Manager/Authorised Person

Authorised Person  
Date: 30 Nov 2005

*of Lawson*

*of Lawson*  
FOR ROBERT AUSTIN LAWSON  
BY HER ATTORNEY ANNE  
JANNETT LAWSON UNDER  
POWER OF ATTORNEY  
REGISTERED BOOK 4372 NO. 254

I certify that the attorney for the *Bank*  
with whom I am personally acquainted or as to  
whose identity I am otherwise satisfied, signed  
this instrument in my presence.

Signature of witness: *Andrew Budd*

Name of witness: ANDREW BUDD

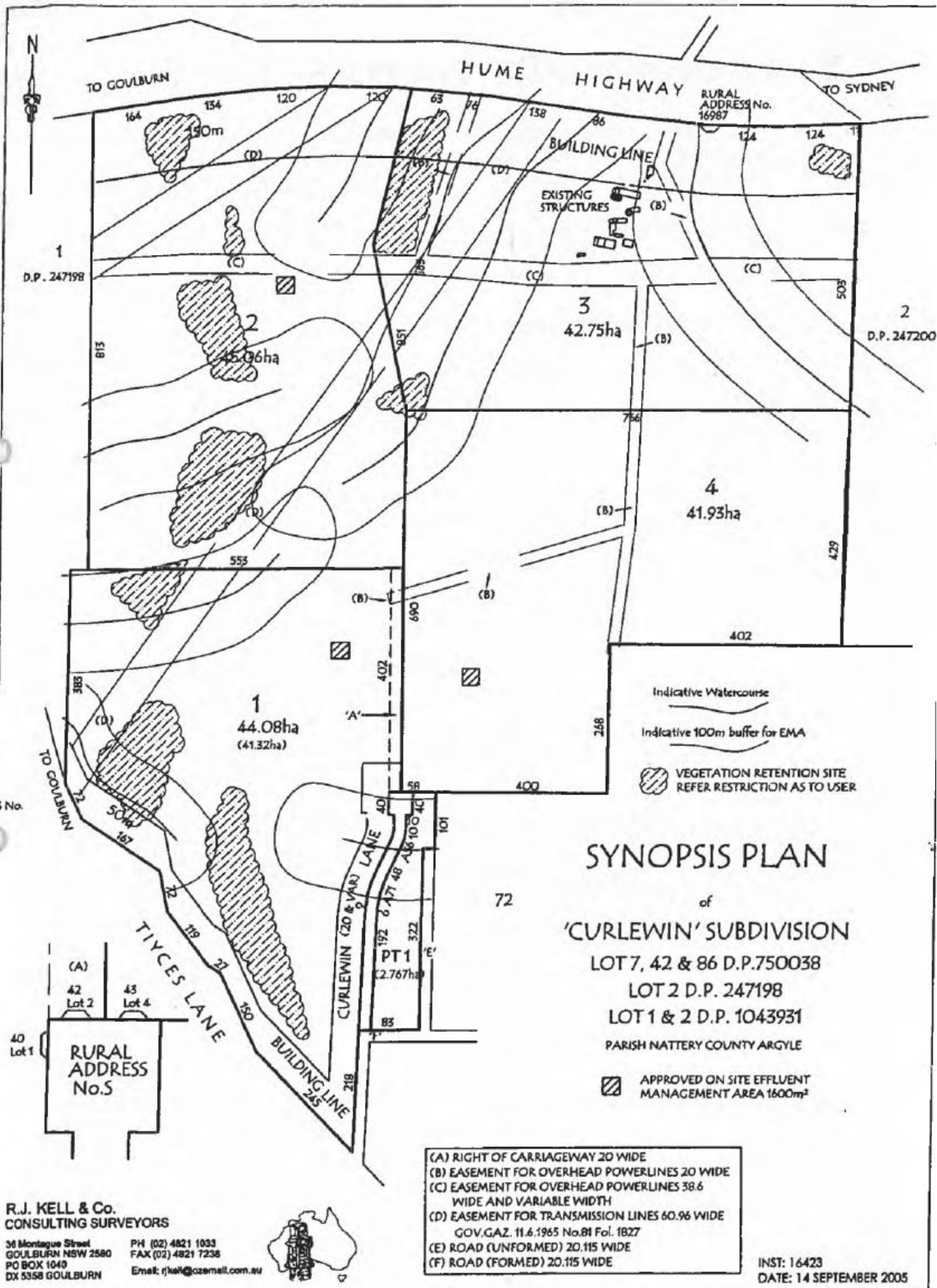
Address of witness: 1 King Street  
Concord West NSW

Certified correct for the purposes of the Real Property Act  
1900 by the .....  
SIGNED by *BRIAN HOLT* as attorney for *Westpac*  
Banking Corporation under power of attorney Book 4372  
No. 332

*B. Holt*  
(Signature) Tier Three Attorney

By executing this instrument the attorney states that the  
attorney has received no notice of the revocation of the  
power of attorney.

REGISTERED  21.3.2006



# SUBDIVISION AND DEVELOPMENT INFORMATION

- This is a Council approved subdivision under Mulwaree Local Environmental Plan 1995 and a dwelling is able to be approved on each lot. To construct a dwelling a development and Construction Certificate must be submitted for Council approval.
- Electricity is available at least to the boundary of each lot and individual owners may need to extend low voltage supply to a house on the lot. Electricity is not required in a subdivision for lots of 100ha and greater in area.
- Access roads are fenced for the control of stock.
- The area identified as the "OSMF area" is able to be utilised for the installation and operation of an on-site sewage management facility (OSMF) e.g. Septic tank and trenching or Aerated and irrigation areas) To install a facility an OSMF application must be submitted and approved by Council.
- When a development application is being lodged for a dwelling-house an application for an OSMF must also be lodged.
- All on-site sewage management areas will have to be properly maintained according to section 5 of the "Guidelines for on-site sewage management for single households".
- All effluent from an on-site sewage management facility will have to be assimilated within the boundaries of the property.
- Council periodically runs training courses for self-certification inspection of septic tanks and any person interested should register with Council.
- AAA rated water conservation devices are to be installed in any building providing services to minimize the volume of water used and wastewater produced.
- Residents are encouraged to participate in the local Bushfire Brigade.
- Council offers a service to provide a noxious weeds report on any land. A fee of \$110 applies.

The following guidelines are available from Council free of charge to assist you:

- The installation, operation, maintenance and surveillance of on-site sewage management facilities for single households
- Erosion and sediment control for buildings, industry and intensive agriculture
- Purchasing a property - what information Council can provide
- Companion Animals Act - Working dogs - frequently asked questions
- Dwelling houses and class 10 buildings
- Poultry farm development
- Bed, breakfast and farmstay establishments
- Keeping of pigs
- Dual occupancy developments
- Rabbit farming and processing
- Farm forestry
- Illegal dumping of waste in the shire
- Threatened species in Mulwaree Shire
- Exempt development requirements/notification form

## SITE DETAILS – MINERAL & EXTRACTIVE RESOURCES

**Name: Ardmore Park Quarry**

**Operator:** Multiquip Quarries

**Commodity:** Hard rock aggregate, roadbase, construction sand

**Rock Type:** Basalt, alluvium

**Status:** Operating - Continuous

**Comments:** Area also encompasses the Ardmore Park Black Soil resource, operated by M Collins & Sons Pty Ltd, a montmorillonite soil used exclusively to make cricket pitches across New South Wales.

**Name: Boxers Creek Potential Resource Area**

**Operator:** Not Applicable

**Commodity:** Hard rock aggregate

**Rock Type:** Basalt

**Status:** Undeveloped

**Comments:** Body of basalt from which the Boxers Creek Quarry operators propose to extract hard rock aggregate with a view to continually extending the quarry footprint to extract all the basalt resource available on Lot 1 DP1094055 if demand for the material is sufficient. Area outside Lot 1 DP1094055 is likely to be of the same quality.

**Name: Boxers Creek Quarry**

**Operator:** Argyle (NSW) Pty Ltd

**Commodity:** Hard rock aggregate

**Rock Type:** Basalt

**Status:** Undeveloped

**Comments:** Proposal to extract up to 30000m<sup>3</sup>pa (60000t) from an initial resource of ~165000m<sup>3</sup> over a period of 5.5yrs with a view to continually extending the quarry footprint to extract all the basalt resource available on Lot 1 DP1094055 if demand for the material is sufficient.

**Name: Carrick Hill Quarry**

**Operator:** Divall's Earthmoving

**Commodity:** Roadbase

**Rock Type:** Shale

**Status:** Operating - Continuous

**Comments:** Major roadbase quarry in Goulburn Mulwaree LGA.

**Name: Carrick Road Potential Resource Area**

**Operator:** Not Applicable

**Commodity:** Roadbase

**Rock Type:** Shale, siltstone

**Status:** Undeveloped

**Comments:** Area of shale and siltstone for road base as at Carrick Hill and Clover Hills quarries.

**Name: Clover Hills Quarry**

**Operator:** Divall's Earthmoving

**Commodity:** Roadbase

**Rock Type:** Shale

**Status:** Not Operating

**Comments:** May reopen in future

**Name: Cullulla Pit**

**Operator:** Goulburn Mulwaree Council

**Commodity:** Roadbase

**Rock Type:** Shale

**Status:** Operating - Intermittent

**Comments:** One of council's major quarries.

**Name: Dennys Pit**

**Operator:** Goulburn Mulwaree Council

**Commodity:** Roadbase

**Rock Type:** Shale

**Status:** Operating - Intermittent

**Comments:** One of council's major quarries.

**Name: Drews Pit**

**Operator:** Goulburn Mulwaree Council

**Commodity:** Roadbase

**Rock Type:** Shale

**Status:** Operating - Intermittent

**Comments:** One of Council's major quarries. Also used by Divall's Earthmoving.

**Name: Glenrossal Potential Resource Area**

**Operator:** Not Applicable

**Commodity:** Base metals, gold, silver

**Rock Type:** Sandstone, skarn

**Status:** Undeveloped

**Comments:** Known mineralisation with significant potential for additional skarn-type deposits similar to the Mayfield deposit.

**Name: Gunlake Quarry****Operator:** Gunlake Pty Ltd**Commodity:** Hard rock aggregate, rail ballast, roadbase, sand**Rock Type:** Ignimbrite**Status:** Operating - Continuous**Comments:** A major quarry in the Marulan area. Entire project area included to allow for future expansions. Proposal to increase annual extraction from 500000tpa to 750000tpa. Proven resource of >180Mt with a current quarry approval of 30 yrs and a possible quarry life of >100 yrs.**Name: Hallinans Sand Quarry****Operator:** Hi-Quality Group**Commodity:** Gold, construction sand, decorative aggregate, coarse aggregate, silica**Rock Type:** Alluvium**Status:** Operating - Continuous**Comments:** Held under MLs 887 & 888. Zircon, decorative aggregate and construction sand produced along with some gold.**Name: Johnniefields Quarry****Operator:** Holcim (Australia) Pty Ltd**Commodity:** Hard rock aggregate, rail ballast, roadbase, sand**Rock Type:** Ignimbrite**Status:** Operating - Continuous**Comments:** A major quarry in the Marulan area.**Name: Kettles Pit****Operator:** Goulburn Mulwaree Council**Commodity:** Roadbase**Rock Type:** Shale, sandstone**Status:** Operating - Intermittent**Comments:** One of Council's major quarries.**Name: Kingsdale Potential Resource Area****Operator:** Not Applicable**Commodity:** Limestone**Rock Type:** Limestone**Status:** Undeveloped**Comments:** Quarries in the Kingsdale area have been important lime producers.**Name: Lake Bathurst Potential Resource Area****Operator:** Not Applicable**Commodity:** Limestone**Rock Type:** Limestone**Status:** Undeveloped**Name: Lake Bathurst Washed Sands Quarry****Operator:** Gilmore Station**Commodity:** Construction sand**Rock Type:** Alluvium**Status:** Operating - Intermittent**Comments:** Sand derived from decomposing granite. Used for concrete.**Name: Lynwood Quarry****Operator:** Holcim (Australia) Pty Ltd**Commodity:** Hard rock aggregate, rail ballast, roadbase, sand**Rock Type:** Ignimbrite**Status:** Operating - Continuous**Comments:** A major extractive resource.**Name: Mahoneys Pit****Operator:** Goulburn Mulwaree Council**Commodity:** Roadbase**Rock Type:** Volcanics**Status:** Operating - Intermittent**Comments:** One of Council's major quarries.**Name: Marian Vale Quarry Proposal****Operator:** Antiquaire Pty Ltd & Millerview Constructions Pty Ltd**Commodity:** Clay, sand, gravel, aggregate, roadbase, landscape materials**Rock Type:** Clay, sand, gravel, basalt**Status:** Undeveloped**Comments:** Proposal to extract 1Mtpa over 30 years for the manufacture of bricks, tiles, concrete, road materials, sand and landscaping material (Project Application Report March 2006). Revoked by DPI on 1/10/11.**Name: Mayfield Prospect****Operator:** Capital Mining Limited**Commodity:** Copper, gold, lead, zinc, silver**Rock Type:** Metasandstone**Status:** Undeveloped**Comments:** Inferred resource of 4Mt at 0.4% Cu, 0.6% Au, & 8.4g/t Ag.



**Name: Minda Quarry****Operator:** Hi-Quality Group**Commodity:** Brick clay, brick sand**Rock Type:** Sandstone**Status:** Operating - Continuous**Comments:** Also used as solid waste landfill.**Name: Olsens Pit****Operator:** All Plant & Earthworks Pty Ltd**Commodity:** Roadbase**Rock Type:** Shale**Status:** Operating - Intermittent**Name: Peppertree Quarry****Operator:** Boral Resource (NSW) Pty Ltd**Commodity:** Hard rock aggregate**Rock Type:** Granodiorite**Status:** Undeveloped**Comments:** Formerly called Marulan South. Products include aggregate for concrete, asphaltting, rail ballast, gabion baskets, armour stone and manufactured sand.**Name: Pylara Limestone****Operator:** TriAusMin Ltd**Commodity:** Limestone, quicklime**Rock Type:** Limestone**Status:** Undeveloped**Comments:** Explored by Tri Origin Exploration Ltd (now TriAusMin Ltd) for use in Woodlawn mine rehabilitation and for quick lime and other limestone products.**Name: Reynolds Quarry****Operator:** Divall's Earthmoving**Commodity:** Roadbase**Rock Type:** Shale, sandstone, clay**Status:** Operating - Intermittent**Name: Shelleys Flat****Operator:** The Austral Brick Co Pty Ltd**Commodity:** Brick clay, structural clay**Rock Type:** Clay**Status:** Operating - Intermittent**Comments:** Held under MLs 786 & 866 and PLL1293.**Name: South Marulan Quarry****Operator:** Boral Cement Limited**Commodity:** Limestone, marble, clay/shale, structural clay**Rock Type:** Limestone**Status:** Operating - Continuous**Comments:** Held under CML16.**Name: Tarago Potential Resource Area****Operator:** Not Applicable**Commodity:** Limestone**Rock Type:** Limestone**Status:** Undeveloped**Name: The Glen Potential Resource Area****Operator:** Not Applicable**Commodity:** Base metals, gold, silver**Rock Type:** Rhyolite**Status:** Undeveloped**Comment:** Area of high prospectivity which includes the Glen E prospect massive sulphide-related mineralization, and the Collector prospect skarn-type mineralisation.**Name: Wet Lagoon Potential Resource Area****Operator:** Not Applicable**Commodity:** Copper, gold, silver, lead, zinc**Rock Type:** Volcanics**Status:** Undeveloped**Comment:** Potential for mineralisation similar to that at Woodlawn Mine.**Name: Wilsons Pit****Operator:** Goulburn Mulwaree Council**Commodity:** Roadbase**Rock Type:** Granite**Status:** Operating - Intermittent**Comments:** One of Council's major quarries.

**Name:** Woodlawn Mine

**Operator:** TriAusMin Ltd

**Commodity:** Copper, silver, lead, zinc, gold

**Rock Type:** Tuff

**Status:** Undeveloped

**Comments:** Held under S(C&PL)L20.

Woodlawn underground resource

(Measured & Indicated) totals 8.58Mt @

10.3% Zn, 1.8% Cu, 4.02% Pb, 84.45g/t

Ag, 0.54g/t Au with the adjacent tailings

project holding an additional 11.65Mt @

2.3% Zn, 0.5% Cu, 1.4% Pb, 0.3g/t Au,

32g/t Ag.

13/01 2013 19:37 FAX

001/011

TO: MS. DIANNE JAMES

@ COULBURN MILWAUKEE COUNCIL  
FAX - 4821 9668.

DATE: 11/7/2015

FROM: MR. PETER MILLER

RE: FLOOR PLANS + ELEVATIONS  
FOR SITE OFFICE + W/C.

No of Pages: ~~11~~ 11/INCLUDING COVER

DIANNE,

I AM ARRANGING TO HAVE THE PLANS  
DRAWN UP BY OUR DRAFTSMAN  
SHOULD HAVE THEM BEFORE SRPP  
MEETING ON 29<sup>th</sup>.

I HAVE ATTACHED A COPY OF:

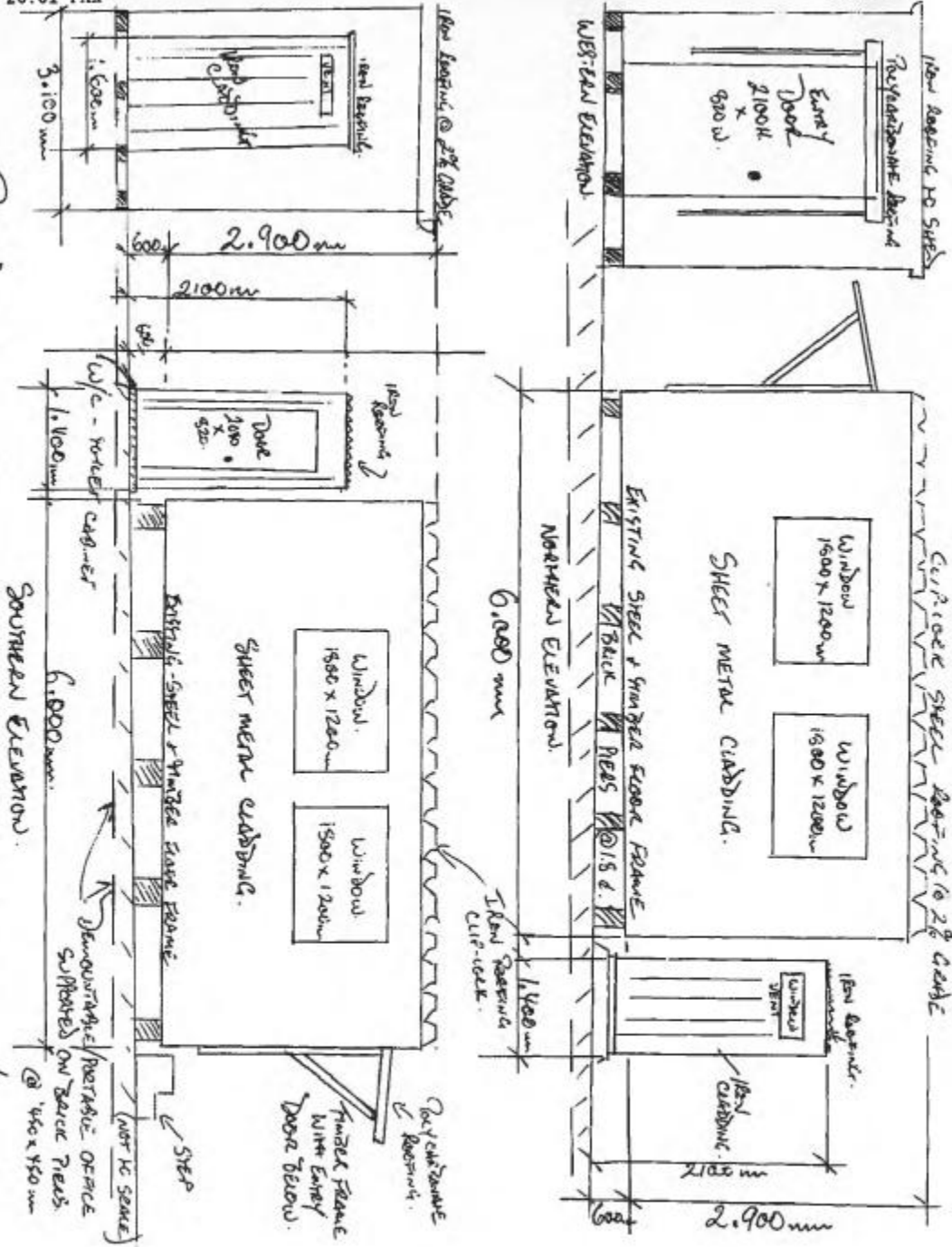
WAL 35518 FOR 50 ML +

A COPY OF THE N.O.W. APPROVAL  
FOR THE ADDITIONAL 100 ML.

KIND REGARDS, PETER MILLER



\* PROPOSED SITE OFFICE + ABUTMENT CABINET (WC) FOR QUARRY SITE 10/10/05.



PROPOSED ELEVATIONS



BOX 1W  
(AJ251865)

NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
 WATER MANAGEMENT ACT, 2000



WAL TITLE REFERENCE WAL35518	
SECTION 3	DATE OF ISSUE 20/3/2015
CERTIFICATE AUTHENTICATION CODE 2DG2-Z4-RSKG	



This certificate is issued under s87B of the Water Management Act, 2000.

WARNING NOTE: INFORMATION ON THIS REGISTER IS NOT GUARANTEED

TENURE TYPE: CONTINUING

HOLDER(S)

ARGYLE GRAVEL & CONCRETE PTY LIMITED

(R AH662183)

ENCUMBRANCES

1. SECURITY INTERESTS IN THE WATER ENTITLEMENT REPLACED BY THIS ACCESS LICENCE THAT WERE REGISTERED OR CAPABLE OF BEING REGISTERED WITH LPI OR ASIC BEFORE THE COMMENCEMENT DATE OF THIS LICENCE 18/10/2012 MAY BE RECORDED ON THIS LICENCE WITHIN THREE YEARS FROM THE COMMENCEMENT DATE. SEE NOTES.
2. TERM TRANSFER: NIL

ACCESS LICENCE DETAILS

CATEGORY: AQUIFER

SHARE COMPONENT:

SHARE - 50 UNITS  
 WATER SOURCE - GOULBURN FRACTURED ROCK GROUNDWATER SOURCE  
 WATER SHARING PLAN - GREATER METROPOLITAN REGION GROUNDWATER SOURCES

EXTRACTION COMPONENT:

TIMES/RATES/CIRCUMSTANCES - SUBJECT TO THE CONDITIONS OF THE WATER ACCESS LICENCE  
 EXTRACTION FROM - AQUIFER  
 EXTRACTION ZONE - WHOLE WATER SOURCE

NOMINATED WORKS:

WORK APPROVAL NUMBER(S) - 10CA117967  
 INTERSTATE TAGGING ZONE - NIL

CONDITIONS

LICENCE CONDITIONS FORM A PART OF THIS LICENCE AND AFFECT THE SHARE AND EXTRACTION COMPONENTS. CONDITION STATEMENTS ARE AVAILABLE FROM THE NSW OFFICE OF WATER (NOW).

NOTES

A WATER LICENCE INFORMATION SHEET IS AVAILABLE FROM THE NSW OFFICE OF WATER (NOW) AND SHOULD BE REFERRED TO IN INTERPRETING THIS LICENCE.  
 NOW WEBSITE WWW.WATER.NSW.GOV.AU, PHONE 1800 353 104, EMAIL INFORMATION@WATER.NSW.GOV.AU  
 NOW REFERENCE NUMBER: 10AL117966

END OF PAGE 1 CONTINUED OVER



Department of  
Primary Industries  
Office of Water

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Antiquaire Pty Ltd  
P O Box 4  
MITTAGONG NSW 2575

06 July 2015  
Application No: D1009270  
Your Ref:

Dear Mr Miller,

**Application under the Water Management Act 2000**

This letter is to inform you that your application for a water access licence dealing has been granted.

The Notice of Determination is attached. The Notice comprises the details of the determination on the front page and attaches the conditions that will apply to the relevant water access licence once the dealing is registered.

Please note that the dealing will only be legally effective once it is registered on the Water Access Licence Register administered by Land and Property Information (LPI). It is the responsibility of the applicant or their agent to complete this step. For further information regarding this step and applicable fees, you will need to contact LPI on telephone 0292286666.

For further information about this determination, please contact John Galea by email [John.Galea@dpi.nsw.gov.au](mailto:John.Galea@dpi.nsw.gov.au) or by telephone 88387520.

Your sincerely

*John Galea* for

Wayne Conners  
Senior Water Regulation Officer (South)



Department of  
Primary Industries  
Office of Water

## Notice of Determination

Issued under Water Management Act 2000

### Application details

Application number D1009270

Application contact Antiquaire Pty Ltd  
Peter Francis Miller  
P O Box 4  
MITTAGONG NSW 2575

### Determination

Application type New water access licence - controlled allocation (s65)

Determination Granted

Date of determination 03 July 2015

Registration expiry date 02 January 2016

Access Licence(s) Schedule 1

### Determining officer

Signature John Galoa for \_\_\_\_\_

Name Wayne Conners  
by delegation from the Minister for Water

#### Right of appeal

If you are dissatisfied with this decision, section 368(1) of the Water management Act gives you the right to appeal to the Land and Environmental Court within 28 days after the date of determination.

NSW Office of Water - Notice of Determination

Application number: D1009270

**Schedule 1 - Access licence(s)**

Reference number 10AL119245

**Holder(s)**

Name(s) Antiquaire Pty Ltd

**Access licence details**

Water sharing plan GREATER METROPOLITAN REGION GROUNDWATER SOURCES

Water source Goulburn Fractured Rock Groundwater Source

Management zone Whole Water Source

Category AQUIFER

Share component 100

Tenure type Continuing

Nominated Works nil

**Conditions****Part A: Plan conditions**

Water sharing plan GREATER METROPOLITAN REGION GROUNDWATER SOURCES

**Take of water**

MW0547-00001 The total volume of water taken under this licence in any water year must not exceed a volume equal to:

- A. the sum of water in the account from the available water determination for the current year, plus
- B. the water carried over in the account from the previous water year, plus
- C. the net amount of water assigned to or from the account under a water allocation assignment, plus
- D. any water re-credited by the Minister to the account.

MW0605-00001 Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.

NSW Office of Water - Notice of Determination

Application number: D1009270

- MW0919-00001** A maximum water allocation of 0.1 ML/unit share may be carried over in the account for this access licence from one water year to the next water year if a water meter is installed on each water supply work nominated on this licence and each meter is maintained in working order.
- MW0929-00001** From 1 July 2018, if the water supply work nominated on this access licence is located at or less than 40 m from the top of the high bank of a river then:  
 A. water must not be taken in this groundwater source when flows are in the Very Low Flow Class for an unregulated river access licence in that river.  
 B. This restriction will only apply when the system that confirms when water can be taken is available on the Office of Water website.  
 C. The Office of Water will inform the licence holder in writing of the applicable restrictions and how to access the information on its website when this system becomes operative.

#### Monitoring and recording

- MW2339-00001** A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by NSW Office of Water.
- MW2336-00001** The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.
- MW2338-00001** The completed logbook must be retained for five (5) years from the last date recorded in the logbook.
- MW2337-00001** The following information must be recorded in the logbook for each period of time that water is taken:  
 A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and  
 B. the access licence number under which the water is taken, and  
 C. the approval number under which the water is taken, and  
 D. the volume of water taken for domestic consumption and/or stock watering.

#### Reporting

- MW0051-00002** Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:  
 A. email: [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au), or  
 B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

#### Part B: Other conditions

No other conditions applicable

NSW Office of Water - Notice of Determination

Application number: D1009270

**Glossary**

**available water determination** - An Available water determination (AWD) is a water allocation which specifies the amount of water that can be taken during the water year. AWDs are made for each access licence category in each water source. AWDs are defined under the Water Management Act 2000, s. 59.

**cease to take** - Cease to take conditions means any condition on this approval, or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.

**domestic consumption** - Domestic consumption is the use of water for normal household purposes in domestic premises situated on the land.

**logbook** - A logbook is a document, electronic or hard copy, that records specific required information.

**metered water supply work** - A metered water supply work is a water supply work fitted with a data logger and a water meter that complies with Australian Standard AS 4747: Meters for non-urban water supply.

**stock watering** - Stock watering is the use of water for stock animals being raised on the land. It does not include the use of water for the raising of stock animals on an intensive commercial basis (kept in feedlots or buildings for all, or a substantial part, of the period during which the stock animals are being raised).

**water allocation assignment** - A water allocation assignment is where licence holders assign water allocations from one licence to another licence; the water allocation account of one licence is debited by a volume and the water allocation account of the receiving licence is credited by that volume.

**water meter** - A water meter is a device that measures the volume of water that is extracted over a known period of time. Examples of a water meter may include a mechanical meter, electromagnetic meter, channel meter with mobile phone, or an authorised meter equivalent.

**water year** - A water year starts on 1 July and ends on 30 June in the following year.

**General Notes**

All conditions on a water access licence require compliance. An appeal to the Land and Environment Court against a decision to impose certain conditions on an approval can be made within 28 days after the date the decision is made. Conditions identified with the first letter "D" are those that can be appealed during the appeal period.

Certain dealings and other matters relating to this water access licence or a holding in this water access licence must be registered in the Access Register in accordance with section 71A of the Water Management Act 2000. For information about the Access Register, contact Land and Property Information (<http://www.lpi.nsw.gov.au>).

END OF NOTICE





**Department of  
Primary Industries**  
Office of Water

**Instruction details**

Application number: D1009270

Date: 06 July 2015

Transaction type: New water access licence - controlled allocation (s85)

Field Create values

WAL number New

Holder name(s) Antiquaire Pty Ltd

Commencement Date not applicable

Tenure type Continuing

Reference number 10AL119245

Category AQUIFER

**Share Component**

Template 1

Quantity (units/ML) 100

Water source Goulburn Fractured Rock  
Groundwater Source

Water sharing plan GREATER METROPOLITAN  
REGION GROUNDWATER  
SOURCES

**Extraction Component**

Template 1

Times/rates 2

Water type AQUIFER

Zone Whole Water Source

**Nominated Works**

Approval number NIL

Tagging Zone NIL

**TENANCY**

**New WAL 10AL119245**

Licence is held as: Sole owner

Holding	Holder	Mixed tenancy	Share of WAL
1	Antiquaire Pty Ltd;		

### Instruction details

Application number: D1009270 Date: 06 July 2015

Transaction type: New water access licence - controlled allocation (s65)

### APPLICANT DETAILS

Application contact: Antiquaire Pty Ltd  
Peter Francis Miller  
P O Box 4  
MITTAGONG NSW 2575

<b>Goulburn Mulwaree DCP 2009 Assessment (incorporating Amendment 2, effective 27 June 2012)</b>				
<b>Matters for consideration</b>	<b>N/A</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
Definitions		✓		Extractive Industry
Requirements for Variation		✓		Refer to Report for assessment
<b>Part 2 - Plan Objectives</b>				
General		✓		Conditioned to ensure employment uses to be sensitively designed and located; buffers to be used to safeguard prime agricultural land; buffers are to be used to safeguard the integrity and quality of waterways and creeks; non-residential land uses shall not impact upon the amenity of the area or surrounding sensitive land uses; best practice water quality controls (including water quality monitoring) should be implemented; and pre-development water quality should be maintained or enhanced in post-development run-off. .
Locality - Goulburn	✓			
Locality – Marulan	✓			
Rural Development	✓			
Locality - Bungonia	✓			
Locality - Lake Bathurst	✓			
Locality - Tallong	✓			
Locality - Tarago	✓			

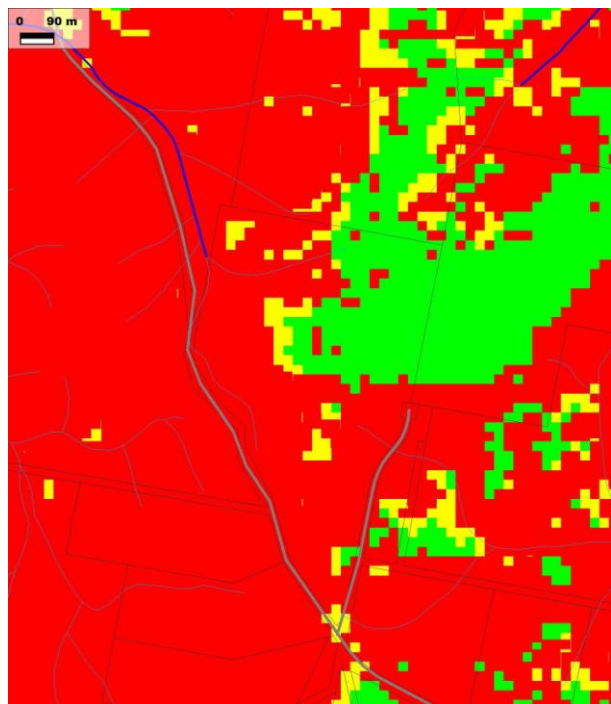
Matters for consideration	N/A	Yes	No	Comments
<b>Part 3 - General Development Controls</b>				
European Heritage Conservation	✓			Not in a heritage conservation area. No identified heritage items in view of the site.
Indigenous Heritage & Archaeology		✓		No aboriginal artefacts or archaeology found within 1000m of site on AHIMS. Archaeological Assessment undertaken by Stedinger (2009) and no Aboriginal archaeological sites were located within the property. Precautionary condition included in draft conditions of consent.
Landscaping		✓		Less than \$250,000 so does not require a landscape plan in accordance with DCP. Landscaping proposed 8.8 ha native vegetation for offset and improvement.  Conditioned to be designed to best contribute to biodiversity and existing Box-Gum Woodland
Vehicular Access & Parking		✓		Proposed development will provide space for vehicle parking and machinery storage. DCP requires 1 space per company vehicle; plus 1 space per 2 employees for extractive industry. Proposed 5 parking spaces and 1 articulated truck parking space. Development to be conditioned to comply with DCP requirements.
Disability Standards for Access		✓		Development to be conditioned where applicable.
Crime Prevention		✓		Security Fencing proposed. Currently vacant site.
Flood Affected Lands	✓			Lands not identified as flood affected. No information available for rural areas
Tree & Vegetation Preservation		✓		The EIS identifies removal of trees where extant and the proposed access hugs the western side of a fenced protected area. Removal has not been justified by the development application but is to be conditioned to be minimal. S25(f) exempts Designated Development from requiring approval for clearing native vegetation.

Matters for consideration	N/A	Yes	No	Comments
Dryland Salinity	✓			The site is not identified as having Dryland Salinity Problems.
Waterbody & Wetland Protection	✓			The site is not adjacent to any natural water bodies or sensitive wetland areas.
Groundwater	✓			The application did not include approval to extract, divert or contaminate groundwater. Future water bore proposed. NSW OfficeWater have confirmed transfer of existing Water Access License required for commercial purposes.
Riparian Rights for Subdivision	✓			
Biodiversity Management		✓		Site is located in a Terrestrial Biodiversity area. The proposal will meet the 'maintaining and improve' biodiversity outcomes (by protect, manage and increase) the area of native vegetation on the site. Refer to Report for further discussion. Refer following figure for extract Goulburn Mulwaree Biodiversity Strategy 2007 however ground truthed which shows the internal access to be located within previously disturbed area (adjoining remnant vegetation). Minimal if any clearing required. The site is not located within Regional Corridor Fig 3-9 to GMDCP 2009.
Stormwater Pollution		✓		3 Water Quality Control Ponds are proposed to be used to manage stormwater and provide maximum infiltration and retardation of peak stormwater flows. Water NSW Concurrence provided.
Impacts on Drinking Water Catchments		✓		NorBe test is satisfied. Concurrence provided.

Matters for consideration	N/A	Yes	No	Comments
Bushfire Risk Management		✓		The site is identified as part class 1 and 2 bush fire prone vegetation on the Goulburn Bushfire Prone lands map. The proposed quarry is more than 10 metres from the vegetation on site. No bushfire assessment was provided and the site was not identified as bushfire prone in the EIS. S79BA EPA Act requires compliance with the current document <i>Planning for Bushfire Protection</i> (RFS) The application will be required to comply with the current bushfire standards. A quarry is not a <i>Special Fire Protection Purpose</i> and does not require approval RFS.
Heavy Vehicle Generating Development		✓		The Road is required to be upgraded to a heavy vehicle haulage route standard.
Change of use involving 'existing use' provisions	✓			
<b>Part 4 – Principal Development Controls - Urban</b>				
<u>Residential Development</u>				
Site planning, Bulk, Scale & Density	✓			
No. of storeys	✓			
Solar access	✓			
Privacy	✓			
Private Open Space	✓			
Setbacks	✓			
Views	✓			
Traffic Safety & Management	✓			
Carparking & Driveways	✓			
Site Facilities	✓			

Matters for consideration	N/A	Yes	No	Comments
Energy Efficiency, Window Shading, Lighting, Insulation, Heating & Cooling	✓			
Water Pollution	✓			
Working Hours – Residential & Business	✓			
Subdivision	✓			
Local Structure Plan	✓			
<u>Non-residential Development</u>				
Design Principles – Industrial	✓			
Visual quality - Industrial	✓			
Building Setbacks – Industrial	✓			
Height – Industrial	✓			
Noise & Vibration - General		✓		Although not specifically industrial development Refer to Section <> of the Report for assessment against noise and vibration
Air Pollution – Industrial		✓		Although not specifically industrial development Refer to Section <> of the Report for assessment of air quality
Water Pollution – Industrial		✓		Although not specifically industrial development Refer to Section <> of the Report for assessment on water pollution
Mixed Use Development – Industrial & Residential	✓			

**Extract *Goulburn Mulwaree Biodiversity Strategy 2007* on Council's GIS Mapping system**



Key:

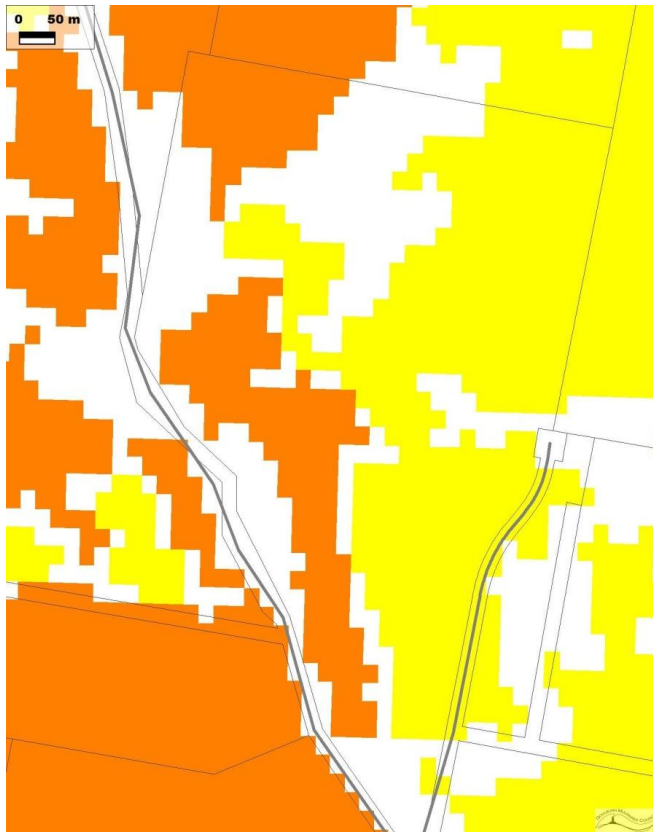
Red = High Conservation Area

Yellow = Medium Conservation Value

Green = Low Conservation Value



## Extract Bush Fire Prone Land on Council's GIS Mapping system



### Key

Yellow Category 2

Orange Category 1

Matters for consideration	N/A	Yes	No	Comments
<b>Part 5 - Principal Development Controls – Rural</b>				
Intensive Agriculture	✓			
Subdivision	✓			
Rural Dwellings	✓			
Rural Sheds		✓		The existing building does not contain any plumbing works or habitable space. Office building proposed and amenities building with on-site waste water system.
Rural Industries	✓	✓		<p>Extractive Industry does not fall under the definition of rural industry. However:</p> <p>Conditioned <b>that external storage areas shall not be visible from a public place.</b></p> <p>The applicant will be required to ensure sound proofing for machinery or activities which create a noise, meet the EPA noise criteria limit and meet EPA air quality standards</p>
Boarding &/or Breeding Kennels	✓			
Hazardous Chemicals	✓			No details of any chemical storage
Rural Land Use Conflict		✓		Refer to Noise and Air Quality Assessments in Report and EPA GTAs. Does not comply with DCP buffers in Table 5-1
Public Entertainment in Rural Zones	✓			
Rural Worker's Dwellings in RU1	✓			

Matters for consideration	N/A	Yes	No	Comments
<b>Part 6 - Special Development Types</b>				
Poultry Farms	✓			
Service Centres	✓			
Wind Farms	✓			
Advertising & Signage	✓			
Sex Service Premises	✓			
Outdoor Dining	✓			
Telecommunications	✓			
Large Lot Residential – Zone R5	✓			
Relocatable Homes	✓			
Development in the Enterprise Corridor – Zone B6	✓			
Extractive Industries		✓		Refer to Report for full assessment
Dual Occupancy in Rural Zones	✓			
Stables in Residential & Recreation Zones	✓			
Manfred Park Block	✓			
<b>Part 7 – Engineering Requirements</b>				
Utility Services	✓			No reticulated water or sewer
Roads		✓		Road improvements required for Hume Hway and Tiyces Lane intersection, Tiyces Lane following road assessment, new gateway and internal access upgrade.
Drainage & Soil & Water Management		✓		Water NSW concurrence received. Meets best standards
Site Specific Provisions	✓			
Easements		✓		Overstorey tree removal within 88B restriction for tree conservation/protection.

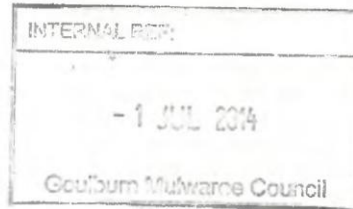
Matters for consideration	N/A	Yes	No	Comments
Staging of Development in Urban Release Areas	✓			
<b>Part 8 - Site Specific Provisions</b>				
Marys Mount	✓			
Common Street	✓			
Clyde Street	✓			
Marulan	✓			
Long Street "Charles Valley"	✓			
Goulburn CBD	✓			
<b>Part 9 – Contributions</b>		✓		Refer to Annexure

<b>Appendix A -</b> Significance of Aboriginal Sites		✓		Precautionary Conditions provided
<b>Appendix B -</b> Preferred Planting Species	✓			Site specific planting requirement
<b>Appendix C -</b> <i>Notification Procedures</i>	✓			Submissions received refer to full assessment for details.
<b>Appendix D -</b> <i>DA Checklist</i>		✓		NoBushfire self assessment has been completed.
<b>Appendix E -</b> <i>Rainwater Tank Policy</i>		✓		Conditioned to comply with Planning for Bush Fire Protection 2006 Guideline
<b>Appendix F - Telecommunications Policy</b>	✓			
<b>Appendix G -</b> <i>Landscaping Policy</i>		✓		As conditioned satisfactory outcome predicted
<b>Appendix H -</b> <i>Heritage Impact Statements</i>	✓			
<b>Appendix I -</b> <i>Good Design Statement</i>	✓			



SCANNED

Our reference: EF14/258: DOC14/83126  
Contact: Michael Heinze 02 6229 7002



Manager Development Control  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Attention: Ms Dianne James

27 June 2014

Dear Ms James

**Re: Quarry Proposal – Tiyces Lane, Towrang - DA/0350/1314**

I refer to your letter received by the Environment Protection Authority (EPA) on 27 May 2014 in relation to Development Application DA/0350/1314 ("the DA"). The DA relates to the proposed development of a quarry at 288 Tiyces Lanes, Towrang ("the proposal").

This proposal has been identified as Integrated Development under section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because, based upon the information provided to the EPA, the proposal will require an Environment Protection Licence for scheduled development works and the carrying out of scheduled activities listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). Should consent be granted for the proposal, the applicant will need to make a separate application to the EPA to obtain an Environment Protection Licence.

The EPA has reviewed the Environmental Impact Statement (EIS) and supporting documents provided with the DA and seeks further information and clarification from the proponent on certain matters related to the noise and air impact assessments. The information provided does not currently give the EPA confidence that a thorough and recent assessment has been carried out with regard to these areas. The EPA's concerns are detailed below.

**Quantitative Noise Assessment**

The EIS and Attachment 18: Quantitative Noise Assessment (QNA), prepared by Benbow Environmental in 2009, both refer to the *Environmental Criteria for Road Traffic Noise* (ECRTN) and the *Environmental Noise Control Manual* (ENCM) as guidelines under which certain aspects of the QNA were assessed. In July 2009, the *Interim Construction Noise Guidelines* (ICNG) replaced the ENCM, and on 1 July 2011 the *Road Noise Policy* (RNP) replaced the ECRTN.

The EPA acknowledges that although the DA was submitted in 2014, the field work for the QNA was conducted in late June 2009 and the QNA was released on 24 September 2009. At this time the ECRTN was the appropriate guideline under which road and traffic noise was to be assessed and the ENCM had only just been superseded.

A particular point of difference between the ENCM and the ICNG is the determination of noise levels. While the ECNM identified noise goals according to the length of construction time, the ICNG determines noise management levels dependent on background noise levels.

The EPA requires the proponent to provide justification as to the use of the ECRTN and ECM in the EIS and QNA, given that both guidelines have now been superseded for a number of years. While the EPA does not necessarily expect the proponent to carry out a new assessment of the noise impacts associated with the proposal, the proponent should, at a minimum, demonstrate that the impacts measured and modelled under the old guidelines (ECRTN and ENCM) achieve the benchmarks set in the new guidelines (RNP and ICNG).

#### **Age of air and noise assessments**

Of additional concern to the EPA is the passage of 5 years since both the Quantitative Noise Assessments and Quantitative Air Assessments (QAA) (Attachment 10 to the EIS), were conducted. While there is no specific guidance in the *Industrial Noise Policy*, ICNG, RNP or *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* as to how recently an impact assessment should have been carried out, the EPA is concerned that the receiving environment may have changed since the QNA and QAA were carried out, and therefore the impacts of the proposal may not be as presented in those assessments.

On p9 of the QNA it is stated that *"The application for a proposed dwelling on Lot 4 DP 1094055 (R13) has not identified a particular location for the dwelling."* The EIS mentions on p28 that *"There are no new receptors since the report was carried out and the only change is that the dwelling identified as R11 was located further from the site"*. The EPA requires confirmation from either the proponent or Goulburn Mulwaree Council, through ground-truthing or official records, that no sensitive receivers have been added to the area of the proposal in the five years since the noise and air assessments were carried. A detailed analysis of any changes in the location or nature of sensitive receptors should be provided.

#### **Location of sensitive receivers**

The EPA holds some doubt as to the accuracy of the air and noise assessments given the location of identified sensitive receivers. In tables which show the distance of sensitive receivers from the proposal site boundary, there are discrepancies of between 252 to 633 metres between the two tables, figures which could have relevance when determining impacts from dust and particulate matter. This is explained further below.


Table 2 (p85) in the EIS presents potentially sensitive receivers for the noise assessment, whilst Table 19 (p101) presents potentially sensitive receivers for the air assessment. The numbering and Lot/DP and addresses of these receivers are all the same (with the exception of the proposed dwelling on Lot 4 DP 1094055 – not identified in the air assessment), yet the "Distance from Site Boundary (m)" varies significantly between these two tables. It is assumed by the EPA that the noise assessment actually uses the distance from the affected residence to the *centre point* of the proposed quarry activities (the quarry pit), while the air assessment uses the distance from the affected residence to the *nearest boundary* of the lot on which the proposed quarry is located.

Both tables are taken from the respective air and noise assessments, and both assessments were conducted by Benbow Environmental. Neither assessments justifies why different distances were used. This issue should be clarified by the proponent, including justification as to how and why receptor distances were calculated.

In summary, The EPA is unable to fully assess the potential environmental impacts of this proposal until the proponent provides the required information. The EPA has discussed these issues with the proponent's environmental consultant, but we are willing to meet with the proponent and Goulburn Mulwaree Council to discuss these comments further so as to ensure the additional information sought meets our requirements.

I trust this information is of assistance. Should you have any queries or wish to discuss the EPA's response, please contact Michael Heinze on Ph: 6229 7002.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J. Thompson', with a long horizontal flourish extending to the right.

**JULIAN THOMPSON**  
Unit Head – South East Region  
NSW Environment Protection Authority



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## General Terms of Approval - Issued

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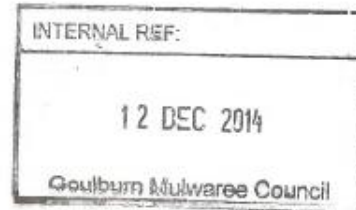


Notice No: 1526520

Goulburn Mulwaree Council

Locked Bag 22

Goulburn NSW 2580



Attention: Diane James

**SCANNED**

Notice Number 1526520  
File Number SF14/15753  
Date 08-Dec-2014

Dear Diane

**Re: DA/350/1314 - Proposed quarry - 63 Tiyces Lane, Boxers Creek**

**Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979**

I refer to the development application (DA) and accompanying information provided for the proposed development of a quarry at Tiyces Lane, Boxers Creek, received by the Environment Protection Authority (EPA) on 27 May 2014. Following receipt of this DA, the EPA required further information from the proponent to fully assess the environmental impacts of the proposal. The additional information about air and noise impacts was received by the EPA on 11 November 2014.

The EPA has reviewed the DA and the additional information provided and has determined that, should the DA be approved, the EPA will be able to issue an Environment Protection Licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence if development consent is granted.

The EPA would like to take this opportunity to remind the proponent that Scheduled Development Work (e.g. construction) or Scheduled Activities (e.g. extraction, processing or storage of more than 30,000 tonnes per annum of extractive materials) associated with the proposed development are not permitted onsite until Scheduled Development Work and Scheduled Activity licences are issued by the EPA.

The EPA's general terms of approval (GTA) for this proposal are provided at **Attachment A**. If the Southern Joint Regional Planning Panel grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent 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 need to be modified in light of the changes.

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## **General Terms of Approval - Issued**

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Notice No: 1526520

If you have any questions, or wish to discuss this matter further please contact Michael Heinze on 6229 7002.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julian Thompson', written over a horizontal dotted line.

**Julian Thompson**

**Unit Head**

**South East - Queanbeyan**

(by Delegation)

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## General Terms of Approval - Issued

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### Administrative conditions

#### **A1. Information supplied to the EPA**

**A1.1** 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 DA/350/1314 submitted to Goulburn Mulwaree Council on 14 May 2014;
- the environmental impact statement "*Proposed basalt quarry, Lot 1 DP 1094055 63 Curlewin Lane, Boxers Creek, Reference No. 1315*" and dated April 2014, relating to the development; and
- all additional documents and correspondence supplied to the EPA in relation to the development including but not limited to:
  - '*Quantitative Noise Assessment for Marian Vale Pastoral Co Pty Ltd, Curlewin- Tiyces Lane, Towrang*' prepared by Benbow Environmental, dated 24 September 2009,
  - '*Quantitative Air Assessment for Marian Vale Pastoral Co Pty Ltd 63 Tiyces Lane, Towrang NSW*' prepared by Benbow Environmental, dated 2 October 2009, and
  - '*Water Cycle Management Study for proposed hard rock quarry Lot 1 DP 1094055 Tiyces Lane Towrang*' prepared by SEEC Morse McVey SEEC Reference 08000262, dated 19 December, 2008.

#### **A2. Fit and Proper Person**

**A2.1** 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.

### Discharges to Air and Water Applications to Land

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

**P1.1** The licensee must prepare and implement an Air Quality Monitoring Plan and submit this to the EPA prior to commencement of operations at the premises. This plan must detail air quality monitoring locations (for at least two dust deposition gauges and one high volume air sampler (HVAS)) and provide justification for the selection of these locations.

### Limit conditions

#### **L1. Pollution of waters**

**L1.1** 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.

#### **L2. Waste**

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

Protection of the Environment Operations Act 1997

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**L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

*Note: Condition L2.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).*

### **L3. Noise limits**

**L3.1** Noise from the premises must not exceed the limits specified in the following table:

Noise Assessment Location*	LAeq (15min)
R1	35
R2	35
R3	35
R4	35
R5	35
R6	35
R7	35
R8	35
R9	35
R10	35
R11	35
R12	35
R13	35

\* Locations as identified in the "Quantitative Noise Assessment for Marian Vale Pastoral Co Pty Ltd, Curlew - Tiyes Lane, Towrang" prepared by Benbow Environmental and dated September 2009.

**L3.2** Noise from the premises is to be measured at the nearest sensitive receiver to determine compliance with this condition

#### **Note: Noise measurement**

*For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:*

*1 metre from the facade of the residence for night time assessment;*

*at the residential boundary;*

*30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.*

**L3.3** The noise emission limits identified in **L3.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

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documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

*The issue of temperature inversions is complex both in determining when they occur and how they influence noise impacts. Therefore the extent of their impact should be managed in the licence using a noise monitoring and complaints based approach. Where complaints are significant the company should be required to develop management strategies.*

### Hours of operation

**L3.4** All construction work at the premises must only be conducted between the hours listed in the following table:

Activity	Monday to Friday	Saturday	Sunday and Public Holidays
Construction	7.00am to 5.00pm	7.00am to 1.00pm	None

**L3.5** Activities at the premises, other than construction work, may only be carried on between the hours listed in the following table:

Activity	Monday to Friday	Saturday	Sunday and Public Holidays
Crushing	7.00am to 5.00pm	None	None
All other activities	7.00am to 5.00pm	7.00am to 1.00pm	None

**L3.6** This condition does not apply to the delivery of material outside the hours of operation permitted by condition **L3.4** or **L3.5**, 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.

**L3.7** The hours of operation specified in conditions **L3.4** and **L3.5** may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## Operating conditions

### 01. Dust

**01.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**01.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### 02. Stormwater/sediment control - Construction Phase

**02.1** A Soil and Water Management Plan (SWMP) 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



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and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### O3. Stormwater/sediment control - Operation Phase

**O3.1** A Stormwater Management Plan must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Plan should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

## Monitoring and recording conditions

### M1 Monitoring records

**M1.1** 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 or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** 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.

**M1.3** 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.

### M2. Requirement to monitor concentration of pollutants discharged

**M2.1** For each ambient monitoring point identified through the air quality monitoring plan (GTA Condition P1.1), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1 of the tables below. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

**Points 1 and 2** (to be determined following submission of the Air Quality Monitoring Plan)

Air

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - deposited matter	g/m <sup>2</sup> /month	Continuous	AM-19

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**Point 3** (to be determined following submission of the Air Quality Monitoring Plan. To be installed for a period of at least 12 months once quarrying operations commence.)

Air

Pollutant	Units of measure	Frequency	Sampling Method
PM10	mg/m <sup>3</sup>	Special Frequency 1	AS/NZS 3580.9.6:2003

Note: For the purposes of the table(s) above Special Frequency 1 means the collection of samples on a one day in six cycle using a HVAS fitted with size selective inlet for PM10.

### M4. Testing methods - concentration limits

**M4.1** 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 Clean Air (Plant and Equipment) Regulation 1997 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".)

### Reporting conditions

**R1.1** 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. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1526520

### Attachment – Mandatory Conditions for all EPA licences

#### Operating conditions

##### Activities must be carried out in a competent manner

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.

##### Maintenance of plant and equipment

- 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

##### Recording of pollution complaints

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.

- 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.

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

The record must be produced to any authorised officer of the EPA who asks to see them.

##### Telephone complaints line

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.

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.



Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1526520

This condition does not apply until 3 months after this condition takes effect.

### Reporting conditions

#### Annual Return documents

##### ***What documents must an Annual Return contain?***

- 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.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.

##### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below

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

- 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.

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

- 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.

##### ***Deadline for Annual Return***

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').

##### ***Licensee must retain copy of Annual Return***

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.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1526520

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

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.

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.

### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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***

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.

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.

- 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;
  - (any other relevant matters.

Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**

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Notice No: 1526520

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.

### **General conditions**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

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.

Our Ref: STH05/00270/07  
Contact: Chris Millet  
Your Ref: DA/0350/1314



**Transport**  
Roads & Maritime  
Services

Ms Dianne James  
Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

**GOULBURN MULWAREE COUNCIL – DEVELOPMENT APPLICATION DA/0350/1314 –  
LOT 1 DP1094055 HW2, PROPOSED QUARRY 288 TIYCES LANE GOULBURN**

Dear Madam

Roads and Maritime Services (RMS) refers to your letter dated 12 November 2014 regarding the subject development application.

RMS has reviewed the information provided and will not object to the development application subject to the following comments being included in the conditions of development consent:

- Prior to the issuing of the construction certificate, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Hume Highway.
- Prior to any operations, the developer must provide a southbound left turn deceleration lane on the Hume Highway at the junction of Tiycles Lane. The deceleration lane must be designed as a sealed Rural Auxiliary Left Turn Treatment (AUL)] in accordance with Section 8.2.3 of Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. To complement the AUL, a Basic Left Turn Treatment (BAL) must be constructed at the junction of Tiycles Lane with the Hume Highway in accordance with together with Section 8.2 of Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*.
- Quarry trucks must not undertake the right turn movements from Tiycles Lane onto the Hume Highway. Instead, all vehicles wishing to exit Tiycles Lane and travel north must travel south along the Hume Highway and undertake a u-turn at the Southern Goulburn Interchange. The developer must implement a code of conduct for all drivers which requires drivers to use of this route.
- All pavement design on the Hume Highway must be in accordance with Austroads standards. It should be noted that pavement investigations need to consider the suitability of the existing shoulder to accommodate new loadings and if necessary, the developer must upgrade the existing shoulder.
- Where required, the developer must upgraded/provided lighting in accordance with Australian Standard AS/NZS1158.
- All roadworks, traffic control facilities and other works associated with this development will be at no cost to RMS. All works must be completed prior to occupation.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified

Roads & Maritime Services

contractor. A copy of pre-qualified contractors can be found on the RMS website at:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Hume Highway. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: [WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au)

- The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of the Hume Highway. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon RMS receiving an accurate and compliant TMP.

Notes: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

Conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RMS consent under the Roads Act, 1993.

RMS highlights that in determining the application under Part 4 of the Environmental Planning and Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Upon determination of this matter, it would be appreciated if Council could email a copy of the Notice of Determination to RMS via [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully



Adam Berry  
Network & Safety Manager  
Network Management, Southern Region

11/12/14

**From:** MILLET Chris P [mailto:Chris.MILLET@rms.nsw.gov.au]

**Sent:** Wednesday, 11 March 2015 3:26 PM

**To:** Dianne James

**Subject:** DA/0350/1314 - Olivine Basalt Quarry at 63 Ticyes Lane, Boxers Creek (RMS ref: STH05/00270/09)

Dianne

Reference is made to your email below.

RMS' only comments relates to the applicants suggestion of a lower speed limit for trucks on Ticyes Lane. RMS is responsible for all speed zoning in NSW and the proposal would need to comply with RMS Speed Zoning Guidelines (link below). There is not a lot of information in the guidelines on this type of issue. My understanding is that lower speed limits for heavy vehicles generally relate to roads with steep descents. I think a lower speed limit for heavy vehicles on Ticyes Lane is unlikely, though it is important to highlight that it would not be my decision.

[http://roadsafety.transport.nsw.gov.au/downloads/nsw\\_szg\\_dl1.html](http://roadsafety.transport.nsw.gov.au/downloads/nsw_szg_dl1.html)

**Chris Millet**

Manager Land Use  
Southern Region





PO Box 323 Penrith NSW 2750  
Level 4, 2-6 Station Street  
Penrith NSW 2750  
Tel 1300 722 468 Fax 02 4725 2599  
Email [info@sca.nsw.gov.au](mailto:info@sca.nsw.gov.au)  
Website [www.sca.nsw.gov.au](http://www.sca.nsw.gov.au)

Ref: 14116-a1  
Your Ref: DA/0350/1314

General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN 2580

Attention: Dianne James

Dear Sir/Madam

**Subject: Sydney Drinking Water Catchment SEPP  
DA No DA/0350/1314; Lot 1 DP 1094055; 288 Tiyces Lane, Goulburn**

I refer to your letter received 28 May 2014 requesting the concurrence of the Chief Executive under Clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) with a proposal for a hard rock quarry and associated infrastructure including crushing plant for on-site crushing.

The application documents including the Site Plan prepared by Laterals Planning (dated 3 July 2014) and amendment to the Water Cycle Management Study (dated 3 July 2014) and associated Water Control Plan prepared by Strategic Environmental & Engineering Consulting have been used in the assessment of the application.

The SCA notes that:

- there are inconsistencies in the quarry size and layout on the site plan and water control plan, and
- domestic wastewater is proposed to be managed via portable toilets.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

**General**

1. The quarry layout, works and staging shall be implemented as specified in the application documents and shown on the Proposed Quarry Plan prepared by Laterals Planning (Plan No. 1315, Sheet No. 1; dated 3/7/2014). No revised layout, works or staging that will impact on water quality, shall be permitted without the prior agreement of the Sydney Catchment Authority.
2. The extent of the actual quarry boundary shall be clearly and permanently delineated on the ground by star pickets or posts.

*Reason for Conditions 1 & 2 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

### **Wastewater Management**

3. The quarry shall be serviced by portable toilets with the numbers hired to be in accordance with the supplier's recommendations.
4. No on-site wastewater management system shall be constructed on the site in conjunction with the quarry without the written approval of Council or the Sydney Catchment Authority.

*Reason for Conditions 3 & 4 – To ensure that no inappropriate wastewater management system is constructed on the site, and to ensure that any future system is appropriately designed to have a sustainable neutral or beneficial effect on water quality over the longer term.*

### **Stormwater Management**

5. All stormwater management measures as specified in the amendment to Water Cycle Management Study (dated 3 July 2014) and shown on the Water Control Plan (Project No 08000262; Sheet 01; Revision B; dated 07/2014) prepared by Strategic Environmental & Engineering Consulting shall be implemented in particular as elaborated or varied below:
  - all stormwater from the main quarry and immediate surrounds shall initially be captured in in-mine storage and then pumped to a main water quality control pond (WQCP 1) with a minimum surface area of 4000 square metres, a minimum permanent storage volume of 3,900 cubic metres and minimum extended detention depth of 0.2 metre
  - all stormwater from the hardstand area and access road to the quarry via swales shall be captured in an existing dam to be upgraded to a secondary water quality control pond (WQCP 2) with a minimum surface area of 525 square metres, a minimum permanent storage volume of 250 cubic metres and minimum extended detention depth of 0.2 metre
  - water stored in water quality control ponds shall be used for dust suppression and/or irrigated
  - an area of at least 8.8 ha of the site shall be revegetated with native vegetation in accordance with a Revegetation Plan to be prepared by a person with knowledge and experience in the preparation of such plans and which shall be to the satisfaction of Council.
6. No variation to stormwater treatment or management that will impact on water quality shall be permitted without agreement of the Sydney Catchment Authority.

*Reason for Conditions 5 & 6 – To ensure that a stormwater management system is designed and managed that ensures a sustainable neutral or beneficial effect on water quality for the development as a whole over the longer term;*

### **Access Road to the Quarry**

7. The access road to the quarry shall be located as shown on the Proposed Quarry Plan prepared by Laterals Planning (Plan No. 1315, Sheet No. 1; dated 3/7/2014). Any revision to the location of the road shall be agreed to by the Sydney Catchment Authority. The proposed access road shall be designed and constructed in accordance with the principles and guidelines in the Environmental Practices Manual for Rural Sealed and Unsealed Roads (ARRB Transport Research Ltd. 2002) and otherwise consistent with Council's specifications. The construction of access road shall also incorporate the following stormwater measures:



- swales or table drains for its entire length to ensure all runoff is transferred to the WQCP 2 as referred to in Condition 5 above
- all swales, table drains, batters and verges associated with the access road shall be vegetated and stabilised with bitumen and jute matting as soon as possible after construction. In steeper areas where the slope is in excess of 10% the table drains may need to have check dams and be armoured with rock underlain by geotextile fabric.

*Reason for Condition 7 - To ensure the access road and associated drainage works and water quality control measures have a minimal impact on water quality and can be maintained over the longer term.*

#### **Construction Activities**

8. A Soil & Water Management Plan consistent with Section 5.1 of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 19 December 2009) shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Volume 1 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book".
9. Effective erosion and sediment controls shall be installed prior to any construction activity, including earthworks for the access road. The controls must prevent sediment entering the drainage system and leaving the site boundaries, and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Conditions 8 & 9 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase;*

#### **Mine Operation Plan**

10. A Mine Operation Plan shall be prepared for the quarry prior to the commencement of operations. The Plan shall be to the satisfaction of Council, and shall bring together the details and limitations in relation to the quarry and its operation including:
  - the exact location of extraction area and associated infrastructure
  - progressive revegetation of the site as shown on the Water Control Plan
  - details on the location and description of stormwater management structures including in-mine storage, water quality control ponds and swales any other stormwater structures and drainage works
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy
  - procedures for managing water quality emergencies including the identification of the authorities, including the Sydney Catchment Authority, to be notified, and
  - checklists for recording inspections and maintenance activities.

*Reason for Condition 10 – To manage adverse environmental and water quality impacts during the operational phase of the development so as to ensure a neutral or beneficial impact on water quality.*

**Mine Rehabilitation Plan**

11. A Mine Rehabilitation Plan shall be prepared for the quarry that provides long-stability to the quarry site, the access road and immediate surrounds after the completion of operational phase of the development. The Plan which should identify the process for progressive reshaping and landscaping, topsoil replacement and revegetation of the impacted site, shall be produced within three months of commencement of operations and shall be to the satisfaction of Council.

*Reason for Condition 11 – To stabilise the site and manage potentially adverse environmental and water quality impacts in the post-operational phase of the development, so as to ensure a neutral or beneficial impact on water quality over the longer term.*

Under Clause 11 of the SEPP, Council must provide the SCA with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely



16/12/14

**FRAN KELLEY**  
**Manager Planning & Assessments**



PO Box 323, Penrith NSW 2751  
Level 4, 2-6 Station Street,  
Penrith NSW 2750  
Ph: 1300 722 468  
www.waterNSW.com.au  
ABN 21 147 934 787

Ref: 14116-a2  
Your Ref: DA/0350/1314

General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN 2580

Attention: Dianne James

Dear Sir/Madam

**Subject: Sydney Drinking Water Catchment SEPP  
DA No DA/0350/1314; Lot 1 DP 1094055; 288 Tiyces Lane, Goulburn**

I refer to Council's e-mail received 31 March 2015 requesting amendment to Water NSW's original concurrence advice provided to Council dated 16 December 2014 under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The amendment seeks to change on-site wastewater management from portable toilets to a septic tank and absorption trenches.

The following documents have been considered in the assessment of the application:

- a Site Plan prepared by Laterals Planning (dated 3 July 2014), and
- an amendment to the Water Cycle Management Study (dated 3 July 2014), associated Water Control Plan and a letter outlining proposed on-site wastewater management (dated 23 March 2015) all prepared by Strategic Environmental & Engineering Consulting.

Water NSW notes that there are inconsistencies in the quarry size and layout on the site plan and water control plan.

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

**If, after receipt of this letter, revisions are made to any of the DA plans, Council does not need to refer the plans to Water NSW if the revisions do not impact on water quality. Council is requested to amend the relevant Water NSW condition/s to reference the revised plans, and notify the assessing officer by email.**

Water NSW concurs with Council granting consent to the application subject to the following conditions being imposed:

**General**

1. The quarry layout, works and staging shall be implemented as specified in the application documents and shown on the Proposed Quarry Plan prepared by Laterals Planning (Plan No. 1315, Sheet No. 1; dated 3/7/2014). No revised layout, works or staging that will impact on water quality, shall be permitted without the prior agreement of Water NSW.

2. The extent of the actual quarry boundary shall be clearly and permanently delineated on the ground by star pickets or posts.

*Reason for Conditions 1 & 2 – Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

#### **Wastewater Management**

3. The septic tank and absorption trenches shall be located in accordance with the On-Site Wastewater Management Report prepared by Laterals Environmental (Project 8043; dated November 2008) but designed, and installed in accordance with the recommendations in the letter prepared by Strategic Environmental & Engineering Consulting (dated 23 March 2015), and Designing and Installing On-Site Wastewater Systems (Sydney Catchment Authority, 2012) but with the following specific requirements and modifications:
  - the septic tank shall have a minimum volume of 3000 litres
  - the effluent distribution pipe from the collection well tank to the absorption trenches shall be buried at a minimum depth of 300 mm (500 mm under access way) and laid in a manner that provides protection against mechanical damage or deformation
  - absorption trenches with a total base area of 15 square metres shall be installed e.g. two trenches each 12.5m long x 0.6m wide
  - the trenches shall be located as indicated in the Laterals report
  - the trenches shall be fenced off from livestock and vehicles
  - switching valves and/or a dosing/distribution mechanism shall be installed to ensure the effluent is evenly distributed to different trenches , and
  - all run-on and stormwater collected from roofs, access roads and other hard surface areas shall be diverted away from the trench area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
4. No effluent management area shall be located within 100 metres of a named river, any perennial or intermittent creek or watercourse or water supply reservoir, or within 40 metres of a dam or drainage depression or waterbodies or roadside swale. In this regard it is noted that there are drainage depressions located to the north and west of the proposed effluent management area.
5. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater management and effluent disposal systems.
6. The installers of the wastewater management and effluent disposal systems shall certify to Council in writing that the wastewater management and effluent disposal systems have been constructed and installed as per these conditions of consent and in accordance with Water NSW's current recommended practice referred to in Condition 3 above, and that the systems have been tested and are functioning properly.
7. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines On-site Sewage Management for Single Households (1998) and AS/NZS 1547:2012 On-site Domestic Wastewater Management, and the manufacturer's specifications.

8. No Occupation Certificate shall be issued until Council has received the written certification from the installers, and approved the onsite wastewater management system under the *Local Government Act 1993*.

*Reason for Conditions 3 to 8 – To ensure that the on-site wastewater management system is appropriately designed, located and constructed so as to have a sustainable neutral or beneficial effect on water quality over the longer term.*

**Stormwater Management**

9. All stormwater management measures as specified in the amendment to Water Cycle Management Study (dated 3 July 2014) and shown on the Water Control Plan (Project No 08000262; Sheet 01; Revision B; dated 07/2014) prepared by Strategic Environmental & Engineering Consulting shall be implemented in particular as elaborated or varied below:
- all stormwater from the main quarry and immediate surrounds shall initially be captured in in-mine storage and then pumped to a main water quality control pond (WQCP 1) with a minimum surface area of 4000 square metres, a minimum permanent storage volume of 3,900 cubic metres and minimum extended detention depth of 0.2 metre
  - all stormwater from the hardstand area and access road to the quarry via swales shall be captured in an existing dam to be upgraded to a secondary water quality control pond (WQCP 2) with a minimum surface area of 525 square metres, a minimum permanent storage volume of 250 cubic metres and minimum extended detention depth of 0.2 metre
  - water stored in water quality control ponds shall be used for dust suppression and/or irrigated
  - an area of at least 8.8 ha of the site shall be revegetated with native vegetation in accordance with a Revegetation Plan to be prepared by a person with knowledge and experience in the preparation of such plans and which shall be to the satisfaction of Council.
10. No variation to stormwater treatment or management that will impact on water quality shall be permitted without agreement of Water NSW.

*Reason for Conditions 9 & 10 – To ensure that a stormwater management system is designed and managed that ensures a sustainable neutral or beneficial effect on water quality for the development as a whole over the longer term;*

**Access Road to the Quarry**

11. The access road to the quarry shall be located as shown on the Proposed Quarry Plan prepared by Laterals Planning (Plan No. 1315, Sheet No. 1; dated 3/7/2014). Any revision to the location of the road shall be agreed to by Water NSW. The proposed access road shall be designed and constructed in accordance with the principles and guidelines in the Environmental Practices Manual for Rural Sealed and Unsealed Roads (ARRB Transport Research Ltd. 2002) and otherwise consistent with Council's specifications. The construction of access road shall also incorporate the following stormwater measures:
- swales or table drains for its entire length to ensure all runoff is transferred to the WQCP 2 as referred to in Condition 9 above
  - all swales, table drains, batters and verges associated with the access road shall be vegetated and stabilised with bitumen and jute matting as soon as possible after construction. In steeper areas where the slope is in excess of 10% the table drains

may need to have check dams and be armoured with rock underlain by geotextile fabric.

*Reason for Condition 11 - To ensure the access road and associated drainage works and water quality control measures have a minimal impact on water quality and can be maintained over the longer term.*

#### **Construction Activities**

12. A Soil & Water Management Plan consistent with Section 5.1 of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 19 December 2009) shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Volume 1 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book".
13. Effective erosion and sediment controls shall be installed prior to any construction activity, including earthworks for the access road. The controls must prevent sediment entering the drainage system and leaving the site boundaries, and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Conditions 12 & 13 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

#### **Mine Operation Plan**

14. A Mine Operation Plan shall be prepared for the quarry prior to the commencement of operations. The Plan shall be to the satisfaction of Council, and shall bring together the details and limitations in relation to the quarry and its operation including:
  - the exact location of extraction area and associated infrastructure
  - progressive revegetation of the site as shown on the Water Control Plan
  - details on the location, description and nature of stormwater and wastewater management structures including in-mine storage, water quality control ponds and swales any other stormwater structures and drainage works
  - details on the location, description and nature of wastewater management systems including septic tank and effluent disposal area
  - identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy
  - procedures for managing water quality emergencies including the identification of the authorities, including Water NSW, to be notified, and
  - checklists for recording inspections and maintenance activities.

*Reason for Condition 14 – To manage adverse environmental and water quality impacts during the operational phase of the development so as to ensure a neutral or beneficial impact on water quality.*

#### **Mine Rehabilitation Plan**

15. A Mine Rehabilitation Plan shall be prepared for the quarry that provides long-stability to the quarry site, the access road and immediate surrounds after the completion of operational phase of the development. The Plan which should identify the process for

progressive reshaping and landscaping, topsoil replacement and revegetation of the impacted site, shall be produced within three months of commencement of operations and shall be to the satisfaction of Council.

*Reason for Condition 15 – To stabilise the site and manage potentially adverse environmental and water quality impacts in the post-operational phase of the development, so as to ensure a neutral or beneficial impact on water quality over the longer term.*

Under Clause 11 of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized oval shape followed by the date '17/4/15'.

**FRAN KELLY**  
**Manager Planning & Assessments**





3<sup>rd</sup> June 2014

The Manager  
Development Control  
Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Your Reference:DA/0350/1314  
Our Reference (TRIM):OUT14/15751

EMAILED [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au)

Dear Sir/Madam,

**Re: Development Application No. DA/0350/1314**

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Trade & Investment (DTIRIS) – Mineral Resources Branch (MRB).

MRB has reviewed the EIS and appended reports for the proposed quarry at 288 Tiyces Lane, Goulburn (DA/0350/1314) and have no issues to raise with the project proposal.

DTIRIS - Mineral Resources Branch collects data on the quantity and value of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data thus collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to DTIRIS - Mineral Resources Branch as a condition of any new or amended development consent.

**Geoscience Information Services**

MRB has a range of online data available on line through the following website address:  
<http://www.resources.nsw.gov.au/geological/online-services>

This site hosts a range of data to enable research into exploration, land use and general geoscience topics. Additionally, the location of exploration and mining titles in NSW may be accessed by the general public using the following online utilities:

1. **MinView** allows on-line interactive display and query of exploration tenement information and geoscience data. It allows spatial selection, display and download of geological coverages, mineral deposits and mine locations, geophysical survey

NSW Department of Trade and Investment, Regional Infrastructure and Services  
RESOURCES & ENERGY DIVISION  
PO Box 344 Hunter Region Mail Centre NSW 2310  
Tel: 02 4931 6666 Fax: 02 4931 6726  
ABN 51 734 124 190  
[www.dtiris.nsw.gov.au](http://www.dtiris.nsw.gov.au)

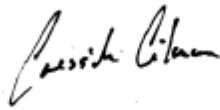


boundaries, drillhole locations, historical and current exploration title boundaries and other spatial datasets of New South Wales. This online service is available at:  
<http://www.resources.nsw.gov.au/geological/online-services/minview>

2. **NSW Titles** enables the public to access and view frequently updated titles mapping information across NSW. This online service is available at:  
<http://nswtitles.minerals.nsw.gov.au/nswtitles/>

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the MRB Land Use team at  
[landuse.minerals@industry.nsw.gov.au](mailto:landuse.minerals@industry.nsw.gov.au).

Yours sincerely



Cressida Gilmore  
Team Leader – Land Use

## **Minutes of the Ordinary Meeting of Council held 7 April 2015 commencing at 6pm in the Council Chambers**

### **Council Reports**

Cr Walker declared an interest in the item and left the meeting at 6.29pm.

### **Item 10.1 Development Application No 350/1314/DA Argyle Quarry, 288 Tiyces Lane, Goulburn**

**Resolved 15/112**

**Cr Sturgiss/Cr Banfield**

**That:**

1. The report from the Senior Development Assessment Officer be received.
2. The status report presented for Development Application No 350/1314/DA for the proposed Argyle Quarry at 288 Tiyces Lane, Goulburn be noted
3. A submission from Council be lodged with the JRPP raising the concerns identified in the report by the Senior Development Assessment Officer dated 7<sup>th</sup> April 2015. Council to include in its submissions a request to prohibit the use of explosives, a rock breaker and any heavy equipment that when operating exceeds a noise level of 35DbA.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

<b>Councillor</b>	<b>For the Motion</b>	<b>Against the Motion</b>
Cr Banfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Rowland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Sturgiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Kirk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Saville	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr James	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Kettle	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Cr Walker returned to the meeting at 6.33pm**

## **Item 1 Development Application No 350/1314/DA Argyle Quarry, 288 Tiyces Lane, Goulburn (Attachment)**

### **Reporting Officer**

Senior Development Assessment Officer – Dianne James

### **Purpose of Report**

To present a status report for the establishment of an extractive industry at 288 Tiyces Lane, Towrang and seek Council's comment on the issues raised in the submissions.

### **Report**

A Designated Development Application has been lodged for an extractive industry at 288 Tiyces Lane, (previously known as 63 Curlewin Lane) Towrang. A Locality Plan of the development site is included in the Attachment.

The property is located in a rural area which is characterised by grazing land mixed with rural lifestyle lots and intensive livestock facility (poultry farm).

The site is located within the E3 Environmental Management Zone. The proposed development is prohibited by the Goulburn Mulwaree Local Environmental Plan 2009 however is permissible in the E3 zone under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Under Schedule 4A of the *Environmental Planning and Assessment Act 1979 extractive industry* designated development must be determined by the Joint Regional Planning Panel (JRPP).

The Development Application involves extracting, processing and transporting by road up to 30,000 tonnes of extractive material (basalt) per year for 5.5 years i.e. an average of 120 m<sup>3</sup> will be extracted per day (assuming 250 days of operation per annum).

- Construction of an unsealed internal access road off Tiyces Lane
- Use of portable site vans for office
- Use of portable toilets
- 5 vehicle parking area plus 1 parking space for an articulated truck
- Use of a portable crusher inside the quarry
- Stormwater management ponds
- Installation of sound control ponds
- Use of an existing bore license (80 ML) for back up water supply/additional water source
- Landscaping
- Extension of electricity and telephone to locked compound

The proposal involves:

- Use of the following machinery:
  - Crusher (mobile) (1)
  - Material sizing screen (1)
  - Bulldozer (1)
  - Front end loader (1)

- Backhoe (1)
  - Trucks (estimate average of 3 or 14 movements per day over the 10 day crushing cycle)
  - Water truck (1)
- Operation of the crusher over a 10 day consecutive period (excluding weekends and public holidays to allow stockpiling of a months supply of material within the quarry).
- Proposed hours of operation 7am – 5pm Monday to Friday and 7am – 1pm Saturdays with no operation Sundays and public holidays
- Installation of 5000L rainwater tank
- Construction of an intersection and road straightening of Ticyes Lane.
- Employment of 6 full time persons in operations.

Plans of the proposal are included in the Attachment.

### **Public Exhibition**

The proposal has been placed on public exhibition from 29 May 2014 to 8 July 2014. The proposal was notified to approximately 42 nearby properties, in the local newspaper and on Council's website. Public exhibition of the proposal resulted in 16 public submissions being received (refer Attachment).

The Applicant was given an opportunity to address these concerns and the response is also included in the Attachment. The concerns raised in the submissions will be addressed in the Council staff's full assessment report and the JRPP will review these concerns in detail as part of their assessment and determination of the application.

Council is still afforded the opportunity to make a submission to the JRPP in relation to the development and will be required to prepare draft consent conditions that may be used by the JRPP if it determines to approve the development.

The Roads & Maritime Services (RMS), Sydney Catchment Authority (SCA now known as NSW Water) and Environment Protection Authority (EPA) were also consulted. All external referral authorities have provided their General Terms of Approval / Concurrence and raise no objection to the application (refer Attachment).

Assessment of the proposal is being undertaken in accordance with the planning legislation. The following planning issues have been identified as a result of submissions and a planning assessment thus far:

- **Permissibility**

Submissions to Council raise concern regarding the suitability of the site for the proposed development. In particular, it was suggested that the development is prohibited within the Environmental Management zone.

While the proposal is prohibited under the *Goulburn Mulwaree LEP 2009* it is permissible under clause 7(3)(a) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. The SEPP permits extractive industry where agriculture is permitted. The SEPP overrides the LEP.

The proposal is also classified as designated development under the *Environmental Planning and Assessment Regulation 2000*. Legislative changes stipulate that the Joint Regional Planning Panel (JRPP) will be the determining authority for this Designated Development Application for establishment of an extractive industry. Accordingly the JRPP will be the Consent Authority for determining this particular proposal not Council. Council has the opportunity to provide a submission or identify any additional conditions to the draft consent.

- **Agency Referrals**

The application was referred to the SCA, RMS, DECCW and NSW Health. Final comments have been received and included in the Attachment. Agency conditions will be incorporated into any approval that may be issued.

- **Traffic and Roads**

Issues were raised in the submissions regards the safety of the intersection onto Hume Highway and at the entrance gate on Tiyces lane as well as the road standard of Tiyces lane and potential deterioration of the road network. Safety for users including school children/school bus activities, dust and noise issues were also part of the issues raised in the submissions.

The transportation of materials will be provided via Tiyces Lane, using 37 tonne trucks. There are some contradictions with the expected traffic generation provided in the Environmental Assessment listing both 14 and 20 average truck movements per day and both 8 and 10 car movements per day. Based on the highest estimated number reported of 20 truck movements and 10 car movements the development will generate 30 vehicle movements per day (ie 15 inwards and 15 outward movements).

The application was forwarded to RMS and the development. If approved, RMS has required:

- The applicant provide a southbound left turn deceleration lane on the Hume Highway on the intersection with Tiyces Lane
- Quarry trucks exiting Tiyces Lane will not be permitted to turn right onto the Hume Highway to travel north but required to turn left from Tiyces Lane onto the Hume Highway and travel south to the South Goulburn Interchange and undertake a u-turn to then travel north.
- A drivers Code of Conduct; and
- Road construction works on the Hume Highway will require separate approval and consent from the RMS.

A request for Tiyces Lane pavement testing has been deferred and is required to be submitted prior to issue of any Construction Certificate. This is seen as advantageous to the developer and Council given that a report may become outdated if construction does not commence for a number of years.

Tiyces Lane will be required to be upgraded to comply with the haulage route standards as set out in Goulburn Mulwaree Development Control Plan 2009, namely:

- 7m wide sealed carriageway
- 1m wide shoulder with 500mm seal
- 8m wide culverts and bridges

Tiyces Lane will be required to be realigned in accordance with Goulburn Mulwaree Council drawing R\_776 as depicted on Page 38 of the EIS at the developer's expense prior to commencement of operation.

The unsealed internal access is considered acceptable however further landscaping could be used to help minimise dust.

The sight distance required at the entrance shall comply with AS 2890.1 for a commercial driveway based on a speed limit of 100km/h, i.e. 160m.

The entrance shall be configured to Council's standard rural entrance as widened to comply with a RMS standard BAL/BAR. The entrance shall be sealed from the sealed carriageway of Tiyces Lane to the entrance gate.

- **Goulburn Mulwaree DCP 2009**

DCP 2009 has a section for assessment of Extractive Industries; the more significant matter is the request to vary setbacks to adjacent residential houses to form a buffer. More specifically, an assessment has been made as part of the noise assessment which has been modeled and proposed to be conditioned by EPA to manage impacts. The ongoing consultation and formation of a Management Committee is recommended within the DCP and will ensure a commitment to address ongoing public consultation.

- **Developer Contributions**

Council's Section 94 Contributions Plan 2009 states Extractive Industries (Quarries and Mines) should contribute \$0.0912 per tonne per kilometre for local road maintenance. Tiyces Lane is the only local road affected by this development and the proposed site access is approximately 2 km from the Hume Highway intersection and it is estimated this contribution charge would generate \$4,082 per annum on the first year based on an extraction rate of 44,760 tonnes and \$5,472 per annum thereafter (based on an average year's output of 60,000 tonnes) at the current 1415 rate. Any Consent that may issue should include a condition for contributions toward extraordinary road damage.

- **Noise**

In submissions to Council, concern has been raised regarding potential noise impacts during from the traffic, extraction, crushing events and blasting.

The standards for noise generation are authorized in the *NSW Industrial Noise Policy* (2000). The general criteria in the Policy is that noise level emitted from a premises shall not exceed the background noise level by more than 5 dB.

The noise assessment provided for the construction and operational phases of the development and was assessed in detail by the Environment Protection Authority (EPA). General Terms of Approval (GTA) have been received by the EPA limiting the noise from the premises to not exceed 35LAeq (15min) to each of the 13 dwelling sites identified within the Environmental Assessment. Refer to EPA GTAs included in the Attachment for more specific details. The proponent will be required to operate a telephone complaints line during operating hours and report on any complaints received.

The EPA explain under their conditions the complexity of noise impacts and assessment that their impact should be managed under the EPA license using noise monitoring and complaints

based approach and where complaints are significant the company should be required to develop management strategies in response to the issues raised.

The EPA have also limited the crusher hours to exclude Saturdays, therefore only operating Mondays to Fridays 7.00am to 5.00pm and not allowing its use on weekends or public holidays. It is noted that the EPA will have the ability to revise the hours if it is satisfied that the amenity of the residents in the locality will not be adversely affected, for example following monitoring of the operation.

Blasting is proposed to be conditioned so that it is excluded from any operation of the proposal.

In response to a late submission regarding no assessment of rock breaking machinery the EPA have advised that “noise limits in the GTA’s limit any impacts from activities at the proposed quarry to 35dB(A) at all of the relevant receivers, regardless of the equipment used. Therefore the proponent will be required to comply with that limit. Our (EPA) limits would not prevent them from using a rock-breaker, but if they did, they would have to take steps to ensure that they comply with the conditions of any Environment Protection License issued for their activity.”

With regard to imposing a condition on the DA disallowing the use of a rock-breaker, Council can impose a condition but it is considered that the 35dB(A) limit is a more effective means of control. Should measures be available to operate below the noise limit the rock breaking could then occur.

The mobile nature of the plant allows for the equipment to be relocated  
The noise modeling was used to design and reduce noise levels to residential properties. The development has been designed with the crusher in a 5 m pit below a pit depth of 3 m and with two 4 m earth berms. Therefore the crusher will not operate until the temporary and permanent noise barriers reach a height 4 m.

Appropriate conditions can be included in any approval that may issue to manage noise at the locality.

- **Technical / procedural issues**

- A non-genuine estimate of development costs has been provided however the applicant has confirmed that the equipment will be hired rather than purchased for the development.
- The SCA notes that:
  - there are inconsistencies in the quarry size and layout on the site plan and water control plan, and
  - domestic wastewater is proposed to be managed via portable toilets.
- SCA have provided conditions based on no on-site effluent disposal system; however portable toilets does not satisfy the performance provisions of Section F of the *Building Code of Australia* (Health and Amenity). A Wastewater Assessment Report for permanent on-site facilities will be required to be provided and assessed by NSW Water prior to determination by JRPP. The applicant is currently working to address this matter.

- Parking under Council's DCP the number of car parking spaces required for a development of this nature is not stipulated. The number of spaces proposed seems reasonable and the development can be conditioned so that no parking or holding area is used within the public road system.
- Impact of overflow from stormwater from the development site was raised in a submission. Use of stormwater for dust control and maintenance of landscaping will help reduce stormwater storage levels; however the development cannot be used to prevent a current stormwater drainage issue.

### **Summary**

Appropriate conditions can be applied for any consent that may issue including:

- Upgrade and repair of road pavement along the haulage routes
- Development contributions over the life of the project for extra ordinary road damage
- Protocols for dealing with neighbour/community complaints
- Noise levels between the quarry and surrounding dwellings

From the assessment of the proposal and consideration of the issues raised in submissions, it is recommended that an assessment be forwarded to JRPP with draft conditions of consent pending revised concurrence from the SCA (NSW Water).

## **Budget Implications**

Contributions may be levied as part of a consent if issued.

## **Policy Considerations**

- State Environmental Planning Policy (Infrastructure) 2007
- Goulburn Mulwaree LEP 2009
- Goulburn Mulwaree DCP 2009
- Goulburn Mulwaree 2020 Strategy Plan
- Sydney to Canberra Corridor Strategy
- Goulburn Mulwaree Section 94 Contribution Plan 2009
- NSW Industrial Noise Policy
- NSW Road Noise Policy
- AS/NZS Acoustics Recommended design sound levels and reverberation times for building interiors
- Department of Environment & Conservation Approved Methods for the Modelling and Assessment of Air Pollutants in NSW
- Department of Environment & Conservation Approved for the Sampling and Analysis of Air Pollutants in NSW



## Recommendation

### That

1. the status report presented for Development Application No 350/1314/DA for the proposed Argyle Quarry at 288 Tiyces Lane, Goulburn be noted
2. a submission from Council be lodged with the JRPP raising the concerns identified in the report by the Senior Development Assessment Officer dated 7<sup>th</sup> April 2015..

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

Councillor	For the Motion	Against the Motion
Cr Banfield	<input type="checkbox"/>	<input type="checkbox"/>
Cr O'Neill	<input type="checkbox"/>	<input type="checkbox"/>
Cr Rowland	<input type="checkbox"/>	<input type="checkbox"/>
Cr Sturgiss	<input type="checkbox"/>	<input type="checkbox"/>
Cr Kirk	<input type="checkbox"/>	<input type="checkbox"/>
Cr Saville	<input type="checkbox"/>	<input type="checkbox"/>
Cr James	<input type="checkbox"/>	<input type="checkbox"/>
Cr Walker	<input type="checkbox"/>	<input type="checkbox"/>
Cr Kettle	<input type="checkbox"/>	<input type="checkbox"/>

## **ENGINEERING SERVICES REPORT ON DEVELOPMENT APPLICATION**

APPLICATION: DA 350/1314  
PROPERTY: 288 Tiyces Lane  
DEVELOPMENT: Quarry  
DATE: 6 June 2014 (Revised 2 July 2015)

*The application has been assessed for impact on engineering infrastructure as below.*

### **2014 Report revised for 2015/16 Contribution Rates**

#### **Tiyces Lane**

##### Width

Tiyces Lane shall be upgraded to comply with the haulage route standards as set out in DCP 2009, as below:

- 7m wide sealed carriageway
- 1m wide shoulder with 500mm seal
- 8m wide culverts and bridges

##### Alignment

The alignment of Tiyces Lane near the Hume Highway is unsuitable for a haulage route. The road shall be re-aligned in accordance with Goulburn Mulwaree Council drawing R\_776 as depicted on Page 38 of the EIS, at the developer's expense.

##### Pavement Condition

In accordance with the submitted Pavement Condition Report (Report No. R2009142-1 by Pavement Management Services), Tiyces Lane pavement requires strengthening at the locations of:

- Lane 1 at chainage 0.45km
- Lane 2 at chainage 0.50km

#### **Site Entrance on Tiyces Lane**

The sight distance required at the entrance shall comply with AS 2890.1 for a commercial driveway based on a speed limit of 100km/h, i.e. 160m.

The entrance shall be configured to Council's standard rural entrance as widened to comply with a RMS standard BAL/BAR. The entrance shall be sealed from the sealed carriageway of Tiyces Lane to the entrance gate.

## **ENGINEERING SERVICES REPORT ON DEVELOPMENT APPLICATION**

### **Developer Contributions**

The heavy vehicle road damage charge pursuant to s94 Development Contributions Plan 2009, Extractive Industries shall be applied as per the formula below.

Contribution per tonne (cents) =  $4.62 (14/15) (L_1 \times P_1 + L_2 \times P_2 + \dots + L_n \times P_n)$ , where:

$L_1$  - Length of road route 1 used by the development

$P_1$  - Estimated percentage of material trucked along route 1

$L_2$  - Length of road route 2

$P_2$  - Estimated percentage of material trucked along route 2

In this case, the relevant length of the local road of Tiyces Lane is 2.0km. Therefore, the contribution shall be 9.24c / tonne (15/16) and subject to annual cost adjustment.

Based on extraction rates of 44,760 tonnes in the first year and 60,000 tonnes in the years thereafter, contribution charges would be (in 15/16 terms) \$4,136 and \$5,544 respectively.

### **I Aldridge**

Engineering Standards are silent on internal rural driveways.

## DEVELOPMENT APPLICATION REPORT

APPLICATION NO: DA/0350/1413

ASSESSING OFFICER: Dianne James

APPLICANT: Peter F Miller on behalf of Argyle (NSW) Pty Ltd

PROPERTY DESCRIPTION: Lot 1 DP 1094055

DESCRIPTION OF DEVELOPMENT: BASALT QUARRY

### ENVIRONMENTAL REFERRAL

The following fauna listed under the Threatened Species Conservation Act, 1995 are recorded in proximity on the New South Wales Environment and Heritage BioNet website and are considered to potentially utilise or benefit from the habitat provided by the site and surrounding forested areas.

*Callocephalon fimbriatum* -Gang Gang

*Calyptorhynchus lathami* -Glossy Black Cockatoo

*Petroica boodang* -Scarlet Robin

*Dasyurus maculatus* -Spotted Tail Quoll

*Falsistrellus tasmaniensis* -Eastern False Pipistrelle

*Miniopterus schreibersii oceanensis* -Eastern Bent Wing Bat

*Chthonicola sagittata* Speckled Warbler

*Stagonopleura guttata* -Diamond Firetail

The site which is located immediately behind Mt Gray is a fringing remnant of the large area of the Southern Tableland Dry Sclerophyll Forest, as described by Keith (2004) providing connectivity to Cookbundoon range to the North and Bungonia State Recreation Area and Morton National Park forests to the Eastern and Southern of regions of Goulburn Mulwaree LGA. Stringy Bark and Silver Top Ash clay/shale ridgeline communities exist at the site and despite a history of clearing and modification on adjacent lands; they exhibit good quality remnant characteristics with many hollow bearing trees present and supporting nesting native birds at the time of inspection. The site represented native habitat, vegetation characteristics and fauna which, in my opinion were not recorded or adequately presented within the flora and fauna report.

The proposal operations area and activities at the site will generally favour those species more adapted to human and built environments. Such species, including, mammals, birds and flora are already noted with populations closely following the Hume Highway footprint and are likely to degrade the ecosystems within the site and adjoining woodlands if not appropriately managed. To offset the impacts of the development to achieve a neutral or beneficial effect with regard to native populations, it is recommended that the area outside of the proposed 'resource area' pp 5 in the

flora and fauna assessment provided by Laterals, Reference No: 8043/1, is to be restricted and utilised as a habitat conservation zone.

As described by McQuoid and Holt (2005) ideally, revegetation should be an attempt to create vegetation systems that mimic nature. This means the species that make up the different components of natural communities. Perhaps the most important of these components is the ability to replace itself after a major disturbance.

To assist in this process, the habitat conservation zone is to be the subject of revegetation program involving the replanting of pioneer endemic species to re-establish the native vegetation communities that are present at the site. Natural revegetation processes are already occurring across the unimproved areas of the site with the presence of areas of Sifton bush -*Cassinia arcuata* broadly occurring. To this process and to aid in a natural revegetation process, *Acacia decurrens*, *Acacia mearnsii* and *Acacia falciformis* may be considered.

**Consent Conditions:**

1. The area outside of the proposed 'resource area' pp 5 in the flora and fauna assessment provided by Laterals, Reference No: 8043/1, is to be restricted and utilised as a habitat conservation zone.
2. A revegetation plan of the habitat conservation zone is to be prepared by a suitably qualified person and submitted to Council for approval prior to the issuing of a Construction Certificate.
3. The following activities are prohibited within the habitat conservation zones:
  - Removal of bush rock
  - Collection of firewood
  - Grazing
  - Clearing

**Stewart Lloyd**  
**Environmental Officer**

**From:** David Zerafa [mailto:david.zerafa@dpi.nsw.gov.au]  
**Sent:** Friday, 10 July 2015 4:05 PM  
**To:** Dianne James  
**Cc:** Wayne Ryan  
**Subject:** Re: 350/1314/DA 288 Tiyces Lane

Hi Dianne,

I've just tried to call to discuss this with you but was advised that you're currently out and I need to leave now shortly (4.30pm) so this is the best I can do for you at this time.

In response to your email, the following advice is provided.

#### 1. Controlled Activities

In regards to Controlled Activities, I have looked over the site using Google earth and the topographic map for the site and I don't see that any of the watercourses on the site would classify as "rivers" under the Water Management Act. The watercourses are 1st order watercourses at the top of the catchment without defined channels.

On this basis, I don't see that there would be any CAA's required for the subject Lot.

#### 2. Existing bore.

A review of our Water Licensing System indicates that there is a current groundwater approval attaching to Lot 1 DP1094055. The approval number is 10CA117967 that authorises two groundwater works (bores) for the purposes of recreation, irrigation, stock watering and domestic use. The work approval is linked to Water Access Licence (WAL) 35518. The current entitlement attaching to WAL35518 is 50.0 megalitres per annum. Both works & use approval and WAL are held in the name of Argyle Gravel & Concrete Pty Ltd.

Should water from the authorised bore be required for quarrying activities, the proponent would be required, under Section 91 of the Water Management Act, to apply for an amendment to the purpose of the work prior to the work being used for that activity.

#### 3. Additional Entitlement

Lot 1 DP1094055 is located within the Greater Metropolitan Region Groundwater Water Sharing Plan and the Goulburn Fractured Rock Groundwater Source. Should the proponent require a greater annual water entitlement, he would need to trade in water from an existing WAL holder that is located within the Goulburn Fractured Rock Groundwater Source. The trading rules for this source stipulate that trading can occur provided that it occurs from within the groundwater source and subject to local impact assessment.

In regards to the additional advice from the proponent today ie:

"The Operator can now confirm that 150 megalitres of potable ground water is available from the Goulburn Fractured Rock aquifer (situated below the quarry site), via a series of NSW Government (N.O.W.) Water Allocation Licenses, for use at the quarry site (previously stated as 80 megalitres).

This comment is not clear to me. I don't have any background on this proposal apart from what you have given me. At this moment, I don't have the ability to be able to confirm the availability of additional entitlement/allocations. If allocations are available, there would still be a process to go through to secure that entitlement. So all I can advise is that there is nothing on our system that indicates there is any additional entitlement applying to this Lot at this time - only the 50ML indicated originally.

The only other comment I would make about the bore (without knowing the background of the bore ie if pump tests were undertaken), is that it is one thing to have the necessary entitlement to legitimately extract a volume of groundwater but the actual water supply available ie that can be actually realised, will be a function of the productivity and sustainability of the bore. There are many bores/licences out there with entitlement that cannot be realised because the bore cannot sustainably supply the volume. So Council might wish to satisfy itself that the bore has the capacity to produce the volumes of water required for the quarrying operation.

I'll be back in the office next Tuesday if you need to discuss further. If you need to discuss the bore/licensing aspects, you can contact my colleague Wayne Ryan on 44289140 in my absence.  
Regards David

Peter F. Miller  
Sole Director & Sole Secretary  
for Argyle (NSW) Pty. Limited

Page 1 of 2.

P.O. Box 4  
Mittagong, NSW 2575

Ph: 0419 242 866

**14 August, 2014**

The General Manager  
Goulburn Mulwaree Shire Council  
184 – 194 Bourke Street,  
Goulburn. NSW. 2580

**Re: DA/0350/1314 – Response to RMS correspondence dated 22.08.2013.**

**RMS Ref: STH05/00270/03. – 63 Tiyces Lane (Part 288 Tiyces Lane, Boxers Creek)**

**Attention: Ms Dianne James  
Town Planning Department.**

---

Dear Ms. James,

In response to correspondence from the Roads & Maritime Services, Southern Operations & Engineering Services Division (R.M.S), commenting in relation to the proposed truck movements from Tiyces Lane into the northbound lanes of the Hume Highway, the applicant has undertaken further discussions with its consulting engineers and R.M.S. staff and has subsequently resolved to use the Southern Goulburn Overpass as the turn-around point for any trucks wishing to travel north to Sydney & northern regions.

The applicant estimates that, northbound trucks should only be likely to comprise up to 20% of all truck movements out of the quarry site at 63 Tiyces Lane and that, a current assessment of the projected additional costs incurred by the use of the Southern Goulburn Overpass is approximately \$0.90 cents per tonne, in the transport of material to Sydney and northern regions.

Following recent discussions with personnel at R.M.S, a response was received by the applicant in relation to proposed truck movements under DA/0350/1314. Consequently, the applicant has committed to use the Southern Goulburn Overpass facility; incorporating a driver induction process and approved transport protocol to enable trucks to turn-around safely for the trip north to Sydney and other northern regions.

.....2

2 of 2.

With this in mind and after further discussions, the RMS has more recently provided the following response:

***“RMS has no objections to the use of Southern Goulburn Interchange to eliminate the right turn movement from Tiyces Lane onto the Hume Highway subject to the following:***

***1) A suitable condition is placed on the development to require this route is taken as well as the requirement for the quarry to implement, and induct all drivers into, a code of conduct for drivers which mandates the route.”***

Please advise if you require any further information about the applicant’s resolution to use the Southern Goulburn Overpass facility on the Hume Highway to provide a safe turn-around protocol for quarry trucks exiting Tiyces Lane in order to travel north to Sydney and other northern destinations.

Yours faithfully,

Peter F. Miller



Peter F. Miller  
Sole Director & Sole Secretary  
for Argyle (NSW) Pty. Limited

Page 1 of 7.

P.O. Box 4  
Mittagong, NSW 2575

Ph: 0419 242 866

**16 February, 2015**

The General Manager  
Goulburn Mulwaree Shire Council  
184 – 194 Bourke Street,  
Goulburn. NSW. 2580

**Attention: Ms Dianne James  
Town Planning Department.**

**Re: Response to submitter notices provided by Council, relating to DA/0350/1314.**

---

Dear Ms. James,

The applicant in DA/0350/1314 provides the following responses to concerns voiced by submitters in various pieces of correspondence to Council, relating to the proposal to operate a basalt quarry at 63 Tiyces Lane, Boxers Creek; being Lot 1 in D.P. 1094055.

**1. Road safety and concerns for pedestrians.**

The report prepared by ML Traffic Engineers provided with the EIS demonstrates that the intersection at Tiyces Lane and the Hume Highway is currently operating at approximately 5 – 7% capacity. When extrapolated to reflect the use made of Tiyces Lane itself, the same assumption would apply. The pavement and seal provided for the first 4.2 kilometres of Tiyces Lane has generally been designed to accommodate all types of light and heavy vehicles for general use at up to 100 kilometres per hour. Currently the lane is used for agricultural stock transports, refrigerated semi-trailer transports, construction vehicles, furniture removals vans and other heavy equipment and transport vehicles as well as domestic light vehicles; apparently with little concern by local residents.

The vehicular access proposed by the quarry operators, anticipates that quarry transports and staff cars will burden only the first 1.7 kilometres of the current sealed pavement of Tiyces Lane. Between the proposed quarry entry/exit point and the intersection with the Hume Highway, there is only one rural residence in existence; well set back from the

roadway. All of the properties surrounding the proposed quarry are rural in nature and comprise land areas between 10 and 40 hectares. These lot sizes provide ample area for all recreational, domestic and rural activities to be undertaken within the property boundaries.

Upon inspection, it is clear that Tiyces Lane does not have footpath areas or shared pedestrian zones for use by pedestrian users. In the fifteen years that the applicant's representatives have been regularly visiting Tiyces Lane, only once has a pedestrian been sighted walking along the roadside. Clearly the predominant use of Tiyces Lane is for vehicular access, as all rural addresses have ample off street amenities for recreational and rural activities.

The applicant has responded to concerns about the use of the intersection at the Hume Highway by proposing a 'left turn only' for quarry trucks exiting Tiyces Lane and by providing induction training for all drivers requiring that, all quarry trucks intending to travel north from the region, use the Southern Goulburn overpass to turn around for the journey northwards.

It would not be a major imposition on the quarry's transport drivers for the quarry operator to impose a maximum speed for trucks using Tiyces Lane; to be ultimately determined by the RMS and Council. The applicant would suggest a speed of not more than 60km/hr.

At eight to ten heavy vehicle movements per day (36 tonne loads) and with sensible protocols in place, the applicant does not view the proposed quarry traffic to pose any additional or unacceptable risk to the public.

The Traffic Report establishes that there is acceptable sight distance.

## **2. The question as to whether the applicant is of good standing?**

Some of the submitters seem to imply that, they have evidence of some wrong-doing by the applicant's representatives, which should render them unfit to control such a business. For the record, no party associated with the principles of the proposal/the quarry or the legal owner of the site have any criminal record, any recorded breaches of the Corporations Act 2001, any record of complaint or prosecution by A.S.I.C, A.P.R.A or the Australian Taxation Office. There are no complaints or charges pending against any of the project's principles and so, the applicant has great trouble in determining the basis upon which a number of local residents should choose to make such defamatory remarks.

If the Council has now or ever has had any formal complaint against a member of the project's principles or any unresolved issues then, it would have been appreciated if these complaints had at the time been and/or now could be, properly addressed to the relevant party in writing. The applicant is not aware of any outstanding complaint against it or its principles, which is currently raised by Council. The quarry proposal has been quantified professionally, so as to comply with the relevant legislation regarding a project valuation.

### **3. The question of what is a significant resource?**

A number of the submitters refer to the existence of other local quarries and suggest that the proposed quarry at 63 Tiyces Lane is not significant, when compared to those other operations.

The question of significance is not simply a matter of scale but rather, of the commercial value and availability of the resource, proposed to be extracted. For example; in the extraction of rare metals and gemstone quality resources, it is obvious that the significance of the discovery, extraction and utilisation of materials such as gold, silver, platinum, opals and other valuable materials does not rely simply on the question of 'quantity'.

Significance is more widely measured by such things as rarity, purity, commercial purpose and application. While there would be no question that the amounts of gold resources in Australia are dwarfed by the quantity of iron, coal or hard rock available, the issue of quantum would not be sufficient to dismiss the value of the gold resources.

Having checked with the site managers of other larger and local quarries in the region, the following information is readily available on their various web sites.

**Lynwood Quarry** – to supply a material described as 'Ignimbrite' – a metamorphised pumice material resembling granite.

**Peppertree Quarry** – supplying a material described as Granodiorite – a granatious material.

**Johnny Fields quarry** - supplying a material described as 'Rhyolite' – a chemical equivalent of granite

**Penrose Quarry** – Silica-sand products.

**Welby Quarry** – Sandstone products.

**Mittagong Quarry, High Range** – Sand products

**Menangle Quarry** – Sand products

**Appin Sands Quarry** – The name speaks for itself. – Sand products

None of these operating quarries in the Goulburn Mulwaree Shire or for that matter in the South Western Sydney region provides or has access to an Olivine Basalt material. The closest source of a construction quality, basalt resource is either Boral's "Dunmore" Quarry or the Holcim Quarry at Albion Park; both situated on the NSW South Coast.

The material available at the proposed quarry at Trieces Lane is the only readily accessible construction grade, Olivine Basalt in the region. While there is apparently another potential source of a suitable basalt material south of Bungonia, reportedly it is situated over fifty kilometres from a transport corridor, lies under between 60 to 80 metres of overburden and would require transport through a number of historic villages and sites before it can be provided to markets in Southern Sydney and the region. The applicant is not aware as to whether this basalt source has been drilled or tested for its suitability for use in construction material products.

The material to be sourced from the proposed quarry at 63 Trieces Lane is situated next to the Hume Highway, has little to no overburden to be removed before extraction can begin and involves no waste or stockpiling/containment of other contaminated materials. It is a cost effective, low impact resource which should not be dismissed off-hand.

The core drilling samples that have been taken from the applicant's site indicate that, the nature of the basalt deposit is of very high quality, Olivine Basalt, not dissimilar to the materials currently sourced from the NSW South Coast. The deposit lies under only 500mm of basalt topsoil (in itself a valuable resource) and is located only 1.7 kilometres from the Hume Highway by road.

The resource is earmarked for use in high tensile concrete products and for the manufacture of asphalt products. More significantly, it is anticipated that, sand derived from the basalt resource should be highly durable and virtually innocuous to chemical degradation, making it particularly valuable in the future production of specialised concrete products, incorporating Nano-Tube/Fibre technologies to reduce the incidence of metal decay in concrete structures; thereby reducing long term maintenance and repair costs to major civil works and public structures. The availability of such materials is critical in the development of new technologies and associated, low maintenance building materials.

When the proximity, rarity, durability and utility of the material is taken into account and not just a measure of quantity, the applicant believes that, it makes a very strong case for the classification of the proposal as a 'significant resource' not just for the Goulburn Mulwaree Shire but indeed for the greater 'Sydney / Canberra Corridor' region.

Submitters seem to be suggesting that the area of the quarry is of importance. If the development proposal was not designated, this might be the case. However the applicant has only ever proposed a small quarry of 2 Hectares, which the proposed quarry remains.

#### **4. Sediment flows to the east and south of the property.**

The applicant is aware of one submission, apparently made by the owner of a property which lies to the south east of the proposed quarry site, which sights concerns about sediment and any contamination flowing from the quarry pit to the south-east.



Possibly that submitter has not taken the opportunity to view the current plan of the proposal which accompanies the E.I.S. This plan clearly shows that, there is no proposal to disturb any vegetated areas to the south or the east of the proposed quarry pit, except for the installation of the main storm-water management pond, closest to the proposed quarry.

Given that there will be no disturbance of ground levels or vegetation in the vicinity of the drainage lines shown in the submitter's correspondence and that, there are currently two existing dams/sediment control points in place before the subject drainage depression reaches the submitter's property boundary, it is extremely unlikely that any detriment in this regard will be experienced by that party. The assessment and calculation of flows and sediment by S.E.E.C have provided for an improvement in sediment loss from the property overall.

The applicant is confident that, if the submitter were to closely examine the current plan of the quarry proposal that, it would be satisfied that its concerns are unwarranted.

#### **5. E3 - Environmental Management Zone.**

The applicant has been advised by Council, prior to the commencement of the application that, the proposed quarry is permissible in the E3 Zone.

On numerous occasions now, the applicant's representatives have requested that, Council provide the scientific data and departmental advice relating to the purpose and objectives of the "Environmental Management Zone". To date the applicant has not been given access to any of the background documentation and so it can only surmise that, the purpose of such a zone is to ensure the preservation of existing habitat and rural vistas in the locality and to ensure the enrichment and restoration of the natural environment in the planning and construction of legitimate rural industries. The applicant would draw submitters' attention to 'Schedule E' of the Council's Planning Certificate No.837/0405/S149(2) issued to Lawson on 4 April, 2005. This contains a policy and assurance adopted by Council on 23 May, 2002. The applicant is not aware of another resolution by Council to dispose of this original resolution and policy of 23 May, 2002.

Given that the land is within such a management zone but is currently found in a highly degraded state due to its proximity to the Hume Highway and to the presence of two sets of high tension power lines and the ongoing associated clearing, it would seem a reasonable step that in its design, the proposal seeks to provide a "nil or beneficial effect" to the local environment. All of the consultants who have assisted in the design of the proposal have worked with this principle in mind.

The project proposes to re-plant over eight hectares of new, endemic tree species as part of the CO2 set-off and proposes substantial investment in soil stabilization and environmental enrichment works, including a substantial replanting program of local flora which inevitably will provide new habitat and arboreal/tree corridors for local native fauna.

If Council wishes to see the Environmental Management Zone viewed as anything more than just an arbitrary blockade to legitimate development then, it should welcome small scale rural industries that provide employment opportunities for its residents while simultaneously empowering the Shire's property holders to work towards fulfillment of the objectives of such zones, by allowing access to alternative income streams which can provide financially viable paths to a greater enrichment and replacement of waning natural habitats within the zone. Presently, with the potential for agricultural returns being viewed as 'marginal' for the site, due to its degraded condition, incomes from agricultural activity alone are unlikely to see the long term objectives of the zone fulfilled.

The applicant would hope that, if this new "E3 Zone" is to be effective in its long term objectives that, Council would welcome the opportunity to see such a two-fold benefit become a reality in the Goulburn Mulwaree Shire; where rural businesses and the natural environment can co-exist to the benefit of each other.

**6. Submission by Mr. Gordon Atkinson & Associates.**

The applicant can only say of this submission that, the advice and concerns raised in that report bear no resemblance to the operating standards which are applied by virtually all of the small quarry operators in the Goulburn Mulwaree Shire or the Southern Highlands. In fact, the applicant has never seen a local quarry which would conduct an operation in the ways suggested by Mr. Atkinson.

Presumably, all of the other local quarries at Welby, Carrick Hill, High Range, Penrose, Menangle and the like, comply with current O.H. & S. standards and operate successfully without having to resemble the type of operation described by Mr. Atkinson.

**7. Use of explosives and rock breaker.**

As the applicant has explained on numerous occasions, both in writing and by on-site meetings with various members of the Council and the community, the resource is heavily fractured and the best geological advice supports the view that, there will be no need for the use of explosives or a rock breaker. The material can easily be extracted by the use of ripper tines operated on the rear of a D6 to D8 bulldozer.

**8. Setbacks.**

Again, the applicant reiterates that, all of the setbacks proposed, in conjunction with the required pit floor levels, earth berms and tree planting will reduce any potential for noise or dust impacts more effectively than an arbitrary 1000 metre setback. The engineers at Benbow Environmental, which is a recognised authority in these matters, have designed the quarry such that, no noise or dust levels will exceed the existing levels experienced by receptors; providing for a 'nil or beneficial effect' through good design and environmental enrichment.

The Council has never provided the applicant with any scientific basis for this arbitrary 1000m requirement stated with its DCP and all of the official engineering and governmental journals suggest that, the proposed setbacks and operating protocols exceed acceptable standards.

Both the residents and the Council should be satisfied that, the measures proposed by the applicant will provide a "nil or beneficial effect" and that, the local amenity will be unaffected by the proposal except for the beneficial effect proposed by the environmental enrichment works on offer.

**Integrated approvals.**

The applicant has been provided by Council, with certain referrals/requests for further information by the Sydney Catchment Authority, the Environmental Protection Authority and the N.S.W. Department of Roads and Maritime Services. Upon receiving those requests for further information, the applicant's consultants promptly provided suitable responses for the relevant authorities. No further requests have been received to date and so, the applicant is led to understand that, the enquiries have been satisfactorily addressed in the further articles of correspondence provided to each authority.

**Summary:**

The applicant and the quarry proponents have gone to substantial expense and trouble to design a local quarry on a scale and in a position which will have a 'nil or beneficial effect' upon the local amenity. The applicant has purposely kept the quarry at a small scale in recognition of the concerns voiced over the years by local residents. The area is a rural zone which is set aside for legitimate rural purposes; to enhance the prosperity and natural environment for the future populations of the Goulburn Mulwaree Shire.

The high grade, Olivine Basalt deposit is a rare and significant resource for the locality and should not be sterilised by arbitrary planning 'red tape'. As recognised by Council's resolution of 23 May, 2002, there is a place in the Shire for legitimate rural businesses that should not be undermined by the individual interests of a few.

Given the proximity to a transport corridor, the rarity, purity and commercial suitability of the material and the relative lack of any bi-products/waste, the applicant would hope that the community and Council, will embrace this opportunity to enhance the economic and environmental prospects of the Shire.

Kind regards,

Peter Miller  
for the Applicant.  
Argyle (NSW) Pty. Limited

SCANNED

Peter F. Miller  
Sole Director & Sole Secretary  
for Argyle (NSW) Pty. Limited

Page 1 of 3.

P.O. Box 4  
Mittagong, NSW 2575

Ph: 0419 242 866

**16 December, 2014**

The General Manager  
Goulburn Mulwaree Shire Council  
184 – 194 Bourke Street,  
Goulburn. NSW. 2580

**Re: DA/0350/1314 – Response to GMC correspondence dated 17.07.2014 which was received by email on 26.11.2014, regarding proposal for a basalt quarry at 63 Tiyces Lane (Part 288 Tiyces Lane, Boxers Creek).**

**Attention: Ms Dianne James  
Town Planning Department.**

---

Dear Ms. James,

In response to correspondence from the Goulburn Mulwaree Shire Council which was dated 17 July, 2014 (but which was not received by the applicant until 26 November, 2014 as part of an attachment to an email provided to the applicant on 26.11.2014 by Ms. Wakefield of Council's Town Planning Department) the applicant provides the following information.

Firstly, responses to requests for information received from NSW Roads and Maritime Services, the Environmental Protection Authority and the Sydney Catchment Authority were prepared and lodged at Council on or before 20 August, 2014.

Within a letter from the Goulburn Mulwaree Shire Council addressed to the applicant, dated 17 July, 2014, there is an additional request for information made by the Council's engineering department. The information stated therein and their request for further information was not conveyed to the applicant by mail in July, 2014 but rather, was first conveyed to the applicant on 26 November, 2014. So, in view of the circumstance, the applicant apologises for any delay in responding but notes that, such delay has been caused by processes beyond the applicant's control.

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Goulburn Mulwaree Council

Date Received: 16/12/14

Signature: 

Assoc 705940



2 of 3.

At Point 3 of the 'draft letter' received by the applicant on 26 November, 2014, the Council Engineering Department provides certain requirements to be entered as a condition of any approval granted and also requests an addendum confirming that, the report prepared by Fugro Pavement Management Services in 2009 can be relied upon.

The applicant's representative has communicated with the author of the original report and provides the following response:

1. If consent is granted to DA/0350/1314 then, the applicant will address any condition of consent within any such notice of determination; if such being a granting of consent.
2. As Council considers the roadway to be less than satisfactory as a "haulage route" the applicant will address any condition of consent which requires the re-alignment of the roadway to a more suitable course.
3. As it would seem that, Council may be requiring the up-grading and realignment of a section or sections of the roadway known as Tiyces Lane then, it would seem to the applicant and the applicant's consultants that, the most appropriate time to re-test the road pavement would be just prior to any up-grading and realignment works taking place; pursuant to a granting of consent for DA/0350/1314. This will permit the applicant to address all conditions of consent at one time and in so doing, to provide for comprehensive testing services to be undertaken, in the full light of all conditions imposed for pavement design and construction. The reasons for this position follow:

(A.) As the original pavement testing was undertaken in March, 2009, prior to Council undertaking new road-works to upgrade and seal the subject section(s) of roadway, it is considered a reasonable assumption that, the new road-works were undertaken to a better standard than the existing unsealed roadway. The pavement was upgraded by Council contractors in October, 2009 and then sealed very soon afterwards. At that time, normal road construction protocols would have required a contractor to provide pavement testing results to the Council, prior to placement of the seal. The applicant would request that these results be made available for the applicant's consultants to consider.

In the time since the upgrading of the pavement and placement of the seal in late 2009, the roadway has been subject to regular heavy, rural and construction traffic and has shown no signs of undue deterioration or subsidence. The types of vehicles commonly noted to be using Tiyces Lane are fully laden, concrete trucks, stock transports, removalists trucks, mobile cranes, earthmoving equipment transports (low loaders), delivery vehicles and rural machinery, including fully laden semi-trailers and B-Double transports. Presumably, many of these vehicles carrying stock, machinery and construction materials will have been at a weight approaching the legal limits designated by RMS and Council for this local road. To date, in light of this usage, the pavement is showing little to no, deleterious wear.

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3 of 3.

(B.) The testing that was done in March 2009, demonstrated that, the existing pavement was for the most part, sound and would support the proposed, increased use anticipated by approval of a small basalt quarry and associated facilities. While the testing indicated a marginal weakness at two points in the existing gravel pavement, the consultants at Pavement Management Services have indicated that, the deficiencies noted were marginal and that, in all likelihood, re-testing should find that, the new sealed pavement be of a superior quality to the pavement which existed in March, 2009. Council's testing results of the new pavement which it constructed in late 2009, should demonstrate this.


(C.) The evidence which is clearly apparent within the newly paved and sealed sections of Tiyces Lane is that, the mixed vehicular use of the road pavement over the last five years (installed by Council contractors in late 2009), has not caused undue deterioration of the pavement surface nor is there any evidence of tyre compaction depressions (ruts) forming in the roadway. Unless Council is in the habit of building non-conforming roads, the current condition of the new pavement provides evidence that, the roadway has stood the test of time, whilst being subjected to the frequent use by both heavy, rural and construction vehicles of the type anticipated to frequent the proposed quarry site.

As reflected in Council's foreshadowed conditions (Points 1 & 2 of Council's notice dated 17 July, 2014), there is evidence of some failure of the materials previously placed in 2009 to provide for road shoulders and dish drains along Tiyces Lane; predominantly due to a lack of acceptable installation and maintenance of the erosion control measures.

In the event of an approval for DA/0350/1314, suitable conditions will obviously be included by the J.R.P.P. to ensure the proper placement and stabilisation of all required road shoulders and drains. The applicant believes that, it is a reasonable proposition that, in the event of an approval being granted that, re-testing of the road pavement should take place just prior to any new road-works being undertaken, in order to reduce unnecessary duplication and to ensure the best standard and installation of pavement for the intended future applications. If that foreshadowed re-testing were to demonstrate deficiencies in the adequacy of the pavement at that time then, I'm sure the applicant would by condition, be obliged to up-grade the pavement to the required standard at the same time as the existing shoulders and drainage lines are being expanded and/or repaired.

For the reasons outlined above, the applicant has not requested further pavement testing to be undertaken but rather, indicates that no further information is to be provided until such time as determination of DA/0350/1314 has taken place. The applicant would repeat its request that, the pavement tests undertaken by Council &/or its contractors in late 2009 be provided for perusal by the applicants' consultants..

Yours faithfully,  
Peter F. Miller  
for Argyle (NSW) Pty. Limited  
Applicant in DA/0350/1314





**Benbow**  
ENVIRONMENTAL

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SCANNED

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RTB/md

Ref: 109099-02\_BE\_Letterreport\_Rev1

05 August 2014

Mr Peter Miller

The Trustee

Argyle (NSW) Pty. Limited

PO Box 4

Mittagong NSW 2575

INTERNAL REF:

12 AUG 2014

Goulburn Mulwaree Council

Dear Mr Miller

**Re: Argyle Quarry Proposal - 63 Tiyces Lane (Part 288 Tiyces Lane) - Boxers Creek - DA/0350/1314 - Lot 1 DP 1094055**

Reference is made to several correspondences between NSW Environment Protection Authority (EPA), Goulburn Mulwaree Council (Council), several environmental and planning Consultants, and your Company in relation to the Development Application No DA/0350/1314 lodged with Council. In particular, you have requested from Benbow Environmental Pty Ltd (BE) to address the concerns raised by the EPA with Council to ensure that the both the EPA and Council have more updated information to assist them in making their determination on the proposal.

This letter is a response to the EPA's letter to Council dated 27 June 2014. For clarity and consistency purposes we have used the same headings used in the EPA's letter to ensure that all stakeholders have common understanding of the EPA's concerns and our response to these concerns.

**A - Quantitative Noise Assessment**

The EPA's concerns associated with the Quantitative Noise assessment (QNA) can be divided into two items; the first item is associated with the difference between two guidelines used for the assessment of construction noise. The two guidelines in question are the *Environmental Noise Control Manual* (ENCM) and the *Interim Construction Noise Guidelines* (ICNG). The second item is associated with the difference between two other guidelines used for the assessment of traffic noise. In this case, the two guidelines are the *Environmental Criteria for Road Traffic Noise* (ECRTN) and the *Road Noise Policy* (RNP).

**A.1 - Difference between ENCM and ICNG**

The QNA undertaken by BE is considered appropriate under both guidelines since the proposal is considered to be a major project. Based on the information submitted in 2009 and recently by the proponent, it is confirmed that the construction phase is likely to take between 4-26 weeks and hence the criterion for the construction phase relative to this construction period, will apply whether the policy under the ENCM or the policy under the ICNG are used.

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*Engineering a Sustainable Future for Our Environment*

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The only difference is that for the ENCM, the descriptor used is  $L_{A10}$  and the criterion adopted is  $L_{A10}=L_{A90} + 10 \text{ dB(A)}$  whilst for the ICNG the descriptor used is  $L_{Aeq}$  and the criterion used is  $L_{Aeq} = L_{A90} + 10 \text{ dB(A)}$ .

In accordance with the EPA's *Industrial Noise Policy* (INP):

- $L_{A10}$  is defined as: The A-weighted sound pressure level that is exceeded for 10 per cent of the time over which a given sound is measured; and
- $L_{Aeq}$  is defined as: The equivalent continuous noise level—the level of noise equivalent to the energy average of noise levels occurring over a measurement period.

Based on our extensive experience with similar noise assessments and many studies from Australia, European Union and the USA, there is no confirmation or clear correlation between the two descriptors used  $L_{A10}$  and  $L_{Aeq}$  for this type of construction work. Some studies suggest that the difference is about 3 dB(A) (i.e.  $L_{A10} = L_{Aeq} + 3 \text{ dB(A)}$ ) for the same sampling period. This theoretical difference has not been fully substantiated. The  $L_{A10}$  is a statistically calculated descriptor whilst the  $L_{Aeq}$  is a logarithmically calculated descriptor.

Several studies have suggested differences between -3 dB(A) and +3 dB(A) between  $L_{A10}$  and  $L_{Aeq}$  depending on many parameters including the duration of the sampling period, the nature of construction activities, the types of construction equipment used, etc.

Based on the noise modelling results outlined in the QNA, the proposed construction activities will comply with the  $L_{A10}$  criterion (based on the ENCM) when considering the prerequisites stipulated in the QNA. This would then mean that the proposed construction activities would also comply. However, compliance with the  $L_{Aeq}$  criterion (based on the ICNG) may potentially require validation during the construction phase.

#### A.2 - Difference between ECRTN and RNP

Based on Table 1 of the ECRTN titled "*Road traffic noise criteria for proposed road or residential land use developments*", the criterion applicable to this case is in Sections 12 and 13 of the table. This criterion was used in the noise assessment conducted by BE in 2009. This criterion was  $L_{Aeq(1h)} = 55 \text{ dB(A)}$  and in the case that the noise criterion is already exceeded, the new development should not give an increase in noise levels by more than 2 dB. Based on the noise assessment, the 55 dB(A)  $L_{Aeq(1h)}$  was not exceeded, hence this criterion was used and the proposed development would comply with this criterion.

Similarly, based on Table 3 of the RNP titled "*Road traffic noise assessment criteria for residential land uses*", the criterion applicable in this case could be considered under both Sections 5 and 6. The criterion applicable to this proposal for day time operations (7.00 – 10.00 pm) is  $L_{Aeq(1h)} = 55 \text{ external}$ .

Based on the above, it can be concluded that the criterion for this proposal is the same whether the assessment was conducted using the ECRTN or RNP. It is also confirmed that the proposal complies with both criteria since they are the same.

#### **B - Age of air and noise assessments**

Based on the latest information provided by Goulburn Mulwaree Council and the proponent, it is now confirmed that the consent authority is the Joint Regional Planning Panel (JRPP) for the Southern Region.

It is also confirmed that although there were some Development Applications for a variety of proposals in the region, none of them is relevant to the proposal or within the potentially impacted area. As a result of the above, the existing environment has not changed since the noise and air assessments were undertaken by BE in 2009.

#### **C - Location of sensitive receivers**

As stated in both air and noise assessments, SIX MAPS was considered to be the best available tool to measure the distances used in the modelling since it has been used by Government Departments as well as planners and environmental consultants. The accuracy of this tool is acceptable by all Government Authorities.

For the noise assessment, all receivers were assumed to be point receivers and the distance is measured from a point within 30 metres from the residence to the nearest noise source. This is consistent with the EPA's INP and has been used by all acoustic consultants for many years and been proved to be the best approach for noise assessments especially in rural environments where residences could be located several hundred metres away from the boundaries and properties could be several hectares in size.

Noise computer models use the dimensions and coordinates of noise sources within a plant or premises to simulate normal operations within that plant or premises. In most cases, noise sources will be defined as point sources or line sources depending of the type and characteristics of that noise source.

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In most cases, air dispersion computer models use air emission sources as point, area or volume sources. In this case and as part of the worst case scenario assessment, it was assumed that dust is potentially generated from any point within the site rather than from the active quarry area and associated activities only. This was considered to be very conservative approach due to the fact that other activities could also be undertaken at other areas within the premises that may lead to the generation of dust despite the fact that in reality the active area that is likely to generate dust would be much smaller. Hence the distances were measured as the shortest distances between the receivers and the boundary of the premises.

Based on the air assessment with the most conservative approach, the proposal will comply with the EPA's criterion provided that dust mitigation measures are fully implemented on site as outlined in BE's air assessment report. These measures should be implemented to all activities associated with the proposal including excavation, crushing, screening, loading, unloading, material handling and haul roads. These measures should include but not be limited to the use of water sprayers/sprinklers and water trucks, and any other dust suppressant measures approved by the authorities to ensure that dust emissions are minimised.


- 4 -

It is noted that compliance with the most conservative approach and worst case scenario means compliance with all other scenarios that are likely to occur on site. This should provide all stakeholders including community and government authorities with confidence that the proposal could proceed with minimal or no impact on the environment and human health.

**In conclusion**, the existing environment has not changed and no additional noise assessments (including traffic noise, construction noise and operations noise) are required for the proposal. However, the proponent should ensure that the mitigation measures and amelioration strategies recommended in the quantitative noise assessment be implemented to ensure full compliance with current Council and EPA noise requirements. Similarly, no additional air assessment is required since there is no change in the existing environment or proposed activities.

We hope that the above information satisfy your requirements, however, should you wish to discuss the matter further, please contact our office.

Yours faithfully,  
for Benbow Environmental

 N. ISRAEL

Nicolas Israel  
Technical Director – Environmental Services



Richard T Benbow  
Principal Consultant



**Benbow**  
ENVIRONMENTAL

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RTB/md

Ref: 109099-02\_BE\_Letterreport\_Rev1

05 August 2014

Mr Peter Miller

The Trustee

Argyle (NSW) Pty. Limited

PO Box 4

Mittagong NSW 2575

Dear Mr Miller

**Re: Argyle Quarry Proposal – 63 Tiyces Lane (Part 288 Tiyces Lane) – Boxers Creek – DA/0350/1314 – Lot 1 DP 1094055**

Reference is made to several correspondences between NSW Environment Protection Authority (EPA), Goulburn Mulwaree Council (Council), several environmental and planning Consultants, and your Company in relation to the Development Application No DA/0350/1314 lodged with Council. In particular, you have requested from Benbow Environmental Pty Ltd (BE) to address the concerns raised by the EPA with Council to ensure that the both the EPA and Council have more updated information to assist them in making their determination on the proposal.

This letter is a response to the EPA's letter to Council dated 27 June 2014. For clarity and consistency purposes we have used the same headings used in the EPA's letter to ensure that all stakeholders have common understanding of the EPA's concerns and our response to these concerns.

**A - Quantitative Noise Assessment**

The EPA's concerns associated with the Quantitative Noise assessment (QNA) can be divided into two items; the first item is associated with the difference between two guidelines used for the assessment of construction noise. The two guidelines in question are the *Environmental Noise Control Manual* (ENCM) and the *Interim Construction Noise Guidelines* (ICNG). The second item is associated with the difference between two other guidelines used for the assessment of traffic noise. In this case, the two guidelines are the *Environmental Criteria for Road Traffic Noise* (ECRTN) and the *Road Noise Policy* (RNP).

**A.1 - Difference between ENCM and ICNG**

The QNA undertaken by BE is considered appropriate under both guidelines since the proposal is considered to be a major project. Based on the information submitted in 2009 and recently by the proponent, it is confirmed that the construction phase is likely to take between 4-26 weeks and hence the criterion for the construction phase relative to this construction period, will apply whether the policy under the ENCM or the policy under the ICNG are used.

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*Engineering a Sustainable Future for Our Environment*

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The only difference is that for the ENCM, the descriptor used is  $L_{A10}$  and the criterion adopted is  $L_{A10}=L_{A90} + 10 \text{ dB(A)}$  whilst for the ICNG the descriptor used is  $L_{Aeq}$  and the criterion used is  $L_{Aeq} = L_{A90} + 10 \text{ dB(A)}$ .

In accordance with the EPA's *Industrial Noise Policy* (INP):

- $L_{A10}$  is defined as: The A-weighted sound pressure level that is exceeded for 10 per cent of the time over which a given sound is measured; and
- $L_{Aeq}$  is defined as: The equivalent continuous noise level—the level of noise equivalent to the energy average of noise levels occurring over a measurement period.

Based on our extensive experience with similar noise assessments and many studies from Australia, European Union and the USA, there is no confirmation or clear correlation between the two descriptors used  $L_{A10}$  and  $L_{Aeq}$  for this type of construction work. Some studies suggest that the difference is about 3 dB(A) (i.e.  $L_{A10} = L_{Aeq} + 3 \text{ dB(A)}$ ) for the same sampling period. This theoretical difference has not been fully substantiated. The  $L_{A10}$  is a statistically calculated descriptor whilst the  $L_{Aeq}$  is a logarithmically calculated descriptor.

Several studies have suggested differences between -3 dB(A) and +3 dB(A) between  $L_{A10}$  and  $L_{Aeq}$  depending on many parameters including the duration of the sampling period, the nature of construction activities, the types of construction equipment used, etc.

Based on the noise modelling results outlined in the QNA, the proposed construction activities will comply with the  $L_{A10}$  criterion (based on the ENCM) when considering the prerequisites stipulated in the QNA. This would then mean that the proposed construction activities would also comply. However, compliance with the  $L_{Aeq}$  criterion (based on the ICNG) may potentially require validation during the construction phase.

#### A.2 - Difference between ECRTN and RNP

Based on Table 1 of the ECRTN titled "*Road traffic noise criteria for proposed road or residential land use developments*", the criterion applicable to this case is in Sections 12 and 13 of the table. This criterion was used in the noise assessment conducted by BE in 2009. This criterion was  $L_{Aeq(1h)} = 55 \text{ dB(A)}$  and in the case that the noise criterion is already exceeded, the new development should not give an increase in noise levels by more than 2 dB. Based on the noise assessment, the 55 dB(A)  $L_{Aeq(1h)}$  was not exceeded, hence this criterion was used and the proposed development would comply with this criterion.

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