

## JOINT REGIONAL PLANNING PANEL Northern Region

JRPP No	2015NTH004
DA Number	28/2013
Local Government Area	Gwydir Shire Council
Proposed Development	Increase the annual extraction limit from Runnymede Quarry to 300,000 tonnes.
Street Address	530 Gil Gil Creek Road, PALLAMALLAWA
Applicant/Owner	Johnstone Concrete and Quarries Pty Ltd
Number of Submissions	1
Regional Development Criteria (Schedule 4A of the Act)	Clause 8 Particular Designated Development Development for the purpose of an extractive industry, which meets the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> <li>- Yallaroí Local Environmental Plan 1991</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> <li>- Draft Gwydir Local Environmental Plan</li> </ul> </li> <li>• List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> <li>- Traffic Generating Development</li> </ul> </li> <li>• List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> <li>- N/A</li> </ul> </li> <li>• List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> <li>- N/A</li> </ul> </li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> <li>- State Environmental Planning Policy 33</li> <li>- State Environmental Planning Policy 34</li> <li>- State Environmental Planning Policy 55,</li> <li>- State Environmental Planning Policy (Mining, Petroleum Production &amp; Extractive Industries) 2007</li> <li>- State Environmental Planning Policy (State and Regional</li> </ul> </li> </ul>

	Development) 2011
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Annexure 1 - Submission</li> </ul>
Recommendation	Approval with conditions
Report by	Director Development & Environmental Services

## **Assessment Report and Recommendation Cover Sheet**

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## **1. Executive Summary**

### **1.1 Reason for consideration by Joint Regional Planning Panel**

The development application has been referred to the Joint Regional Planning Panel Pursuant to Clause 8, Schedule 4A of the Environmental Planning and Assessment Act 1979 as the development is classified as an Extractive Industry and Designated Development pursuant to Clause 19, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

### **1.2 Brief Description of the Proposed Development**

The application seeks consent to expand an existing quarry. This includes the increase in annual extraction from 90,000 to 300,000 tonnes

### **1.3 Development History of the site**

The quarry has been in operation since 1995 and currently is subject to two (2) concurrent Development Consents to extract up to 90,000 tonnes per year.

### **1.4 Compliance with Planning Controls**

The property is zoned 1(a) General Rural under the former Yallaro Local Environment Plan, 1991 (YLEP).

An Extractive Industry is permissible within the zone with development consent.

### **1.5 Integrated Development**

The proposed development is integrated development pursuant to Section 91(1) of the *Environmental Planning and Assessment Act 1979*, as the existing Environmental Protection Licence, as required by Schedule 1 of the Protection of the Environment Operations Act, 1997, will need to be amended by the Environment Protection Authority (EPA). The General Terms of Approval issued by the EPA are contained in Annexure 3.

### **1.6 Designated Development**

The proposed development is also identified as designated development pursuant to Section 77A of the Environmental Planning and Assessment Act, 1979, and Clause 19, Schedule 3 of the Environmental Planning and Assessment Regulations, 2000.

### **1.7 Consultation**

The development application was exhibited and notified in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000 for designated development applications. One supporting submission was received by Council. A copy of the submission is contained within Annexure 1 and is discussed in greater detail in the report.

### **1.8 Recommendation**

It is recommended that the Development Application (DA 28/2013) be approved subject to the imposition of the draft conditions of consent attached (Annexure 2)

## **Development Assessment**

### **2. Background & History**

The following matters are listed so that Panel can fully appreciate the background information and history associated with the subject property and facility.

The former Yallaroi Shire Council received a Development Application on 13<sup>th</sup> April 1995 for a blue metal and gravel quarry and crushing plant with an extraction limit of 20,000m<sup>3</sup>(30,000 Tonnes)/year. The development consent was issued by Council on the 19<sup>th</sup> May 1995 (DA 64/94/95)

A further development application was submitted to Council on the 24<sup>th</sup> July 1995 for a blue metal quarry and crushing facility with an extraction limit of 40,000m<sup>3</sup>(60,000 Tonnes)/year detailed in the Environmental Impact Statement. This application was determined to be designated development. Development consent was issued by Council on the 20<sup>th</sup> October 1995 (DA 64/94/95)

On the 14<sup>th</sup> December 2011 Council received a Development Application (DA 1568/2011) to Modify DA 64/94/95 under s96 of the EPAA to change the hours of operation. Development consent was issued by Council on the 29 November 2012.

The current development also operates under an Environment Protection License (EPL) 7379 issued under the Protection of the Environment Operations Act, 1997.

### **3. Location & Site Description**

#### **3.1 Site Location**

The site of the proposed development is located approximately 17.5 kilometres to the North East of the village of Pallamallawa which is located in the Moree Shire Council approximately 4.2km from the western Shire boundary and is located on the Gil Gil Creek Road. (See Figure 1).



Figure 1: Site Location

### 3.2 Site Description & Current Use

The property is a rectangular in shape located on the eastern side of Gil Gil Creek Road.

The property is made up of 2 allotments with an area of 647.5m<sup>2</sup>.

The land is generally undeveloped, except for the existing quarry, other than rural fencing. The land is located in an area of sandstone and basalt outcrops and is generally heavily timbered except for the existing footprint of the quarry and an area to the east has been previously cleared.

There are currently several large industrial sheds, office and amenities buildings and crushing plant located on the property.

Blue rock metal quarry and crushing facility is currently conducted on the site supplying various grades of aggregate for road, civil and building construction projects throughout the region.

### 3.3 Surrounding land uses

The land use surrounding the site is detailed in the following table and aerial view of the site is shown in Figure 2.

Direction	Land Use
North	Agriculture
North East	Agriculture
East	Agriculture
South East	Agriculture
South	Agriculture
South West	National Park
West	National Park
North West	National Park

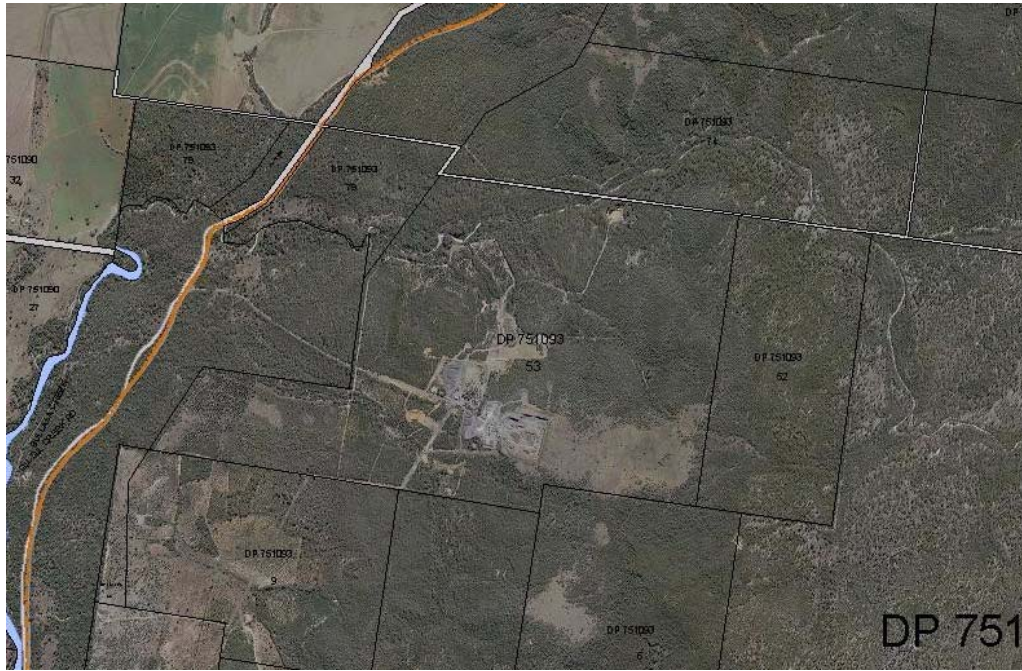


Figure 2: Site - Aerial

### 3.4 Consultation

#### 3.4.1 Public consultation and Referrals

The application was notified, in accordance with Council's Notification Policy - Number: A.01.01 as detailed in the following table.

The application was also advertised as designated development in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation, 2000.

Council's consultation with stakeholders has been extensive and in keeping with the scale and implications of the proposed development. The views expressed by each government agency and individual have been carefully considered.

The public consultation included:

- Advertising, notification, and public exhibition of the Development Application by Council from Wednesday 16 October 2013 to Wednesday 6 November 2013;
- Advertisement of the exhibition period for the Development Application in the Warralga Standard on Wednesday 16 October & 6 November 2013, the Bingara Advocate on Wednesday 16 October & 6 November 2013, the North West Magazine Wednesday 16 October & 6 November 2013 and the Sydney Morning Herald on Wednesday 16 October & 6 November 2013.
- Notification of nearby and potentially affected landholders and residents, and placement of signs at the site during the exhibition period;
- Consultation with the adjoining Council and other government agencies through correspondence and meetings.

Notification Type:	Development, where impacts affect the broader locality, in addition to adjoining properties, as determined by the Council; Extractive Industries
Level E – LOCALITY	
Notifications:	
Landowners/Occupiers	Adjacent land owners were notified.
Newspaper advertisements	Yes
Exhibition dates	30 days
Exhibition venues	Administration Building Warialda Administration Building Bingara Department of Planning, Sydney
Integrated Approval body	Environment Protection Authority
Referred to State Government Departments	Crown Lands Road & Maritime Services NSW National Parks and Wildlife Service NSW Department of Environment and Heritage NSW Office of Water
Internal consultations	Council's Engineering Department General Manager
Other	Moree Plains Shire Council Moree Local Aboriginal Land Council
Submissions received:	
Public Submissions received	1 submission of support was received.
Integrated Submission received	1 submission was received.
Referral Submissions received	5 submissions were received. A summary of submissions is at Attachment 1. Issues are considered in section 4 of this report.
Other Submissions	1 submission was received

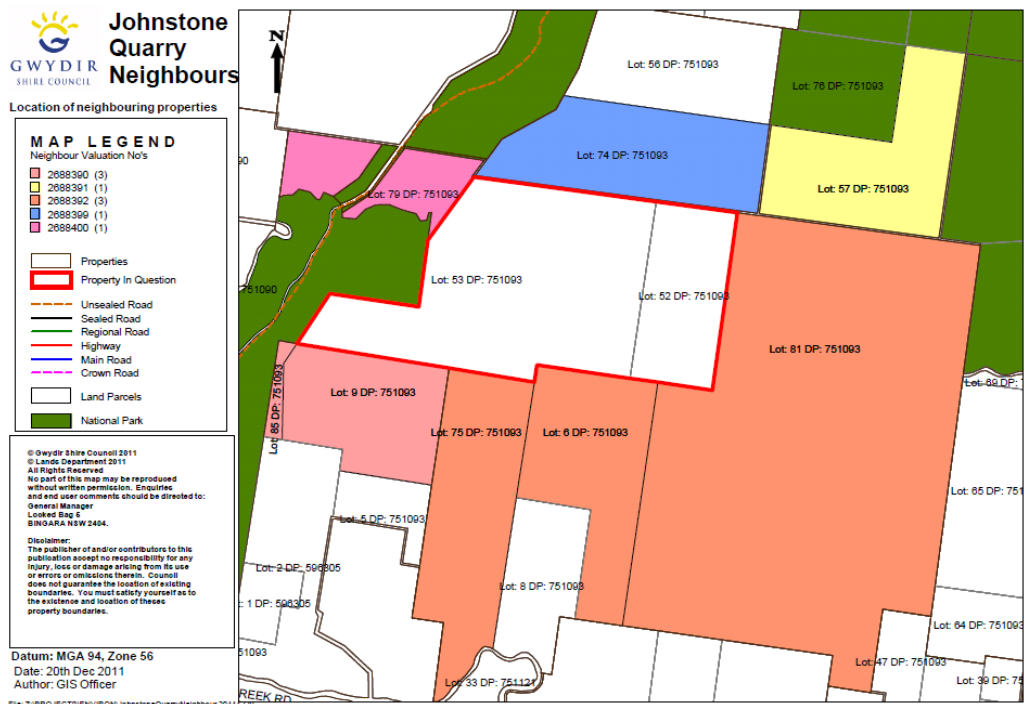


Figure 3 - Runnymede Quarry neighbours



### 3.4.2 Planning Focus Meeting

On the 18 May 2009 SMK facilitated a Planning Focus Meeting onsite, to examine the proposed development and discuss potential issues/concerns.

## 4 The Development Proposal

On the 3 September 2013, the applicant, Mitchell Johnstone Director of Johnstone Concrete and Quarry Pty Ltd, lodged a Development Application with Council under the provisions of the *Environmental Planning and Assessment Act 1979* (the EP& A Act) to modify for consent to extract unto 300,000 tonnes of material/year from Runnymede Quarry.

### 4.1 Onsite

The development proposes no change onsite, other than the staffing levels, as existing equipment is being under utilised.

Currently, the following equipment and machinery are utilised onsite

- Drilling Equipment
- Dump Trucks
- Front End Loader
- Crushing Plant
- Vibrating Sieve Screens
- Conveyors
- "Pug Mill"
- Bitumen Waste Plant
- Haulage Vehicles
- Weigh Bridge



Figure 4 – Aerial Photograph of Runnymede Quarry



## **4.2 Offsite**

Haulage of material is via the internal roads to the property boundary, then along an access road through the Bullala National Park onto the Gil Gil Creek Road, then south along Gil Gil Creek Road till it meets the Mosquito Creek Road, then west along Mosquito Creek Road, through the village of Pallamallawa to the Gwydir Highway.

Upgrading of Gil Gil Creek & Mosquito Creek Roads in partnership with Gwydir Shire Council is an existing road upgrading project.

## **5. Statutory Planning Consideration**

The proposal falls under Part 4 of the Environmental Planning and Assessment Act, 1979 and is classified as integrated and designated development.

### **5.1 Integrated Development**

The proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the *Protection of the Environment Operations Act 1997*, in the form of an amended/new

### **5.2 Designated Development**

The proposal is classified as designated development, under Section 77A of the *Environmental Planning & Assessment Act 1979*, because it is for an extractive industry that would “obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year...”; and consequently meets the criteria for designated development in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*.

### **5.3 S.79C (1) (a)(i) Provision of any Environmental Planning Instrument**

Environmental Planning Instrument - Yallaro Local Environmental Plan, 1991 (YLEP).

The subject development site is currently zoned 1(a) General Rural pursuant to YLEP.

#### **5.3.1 The general aims of the Plan – Clause 2**

The general aims of this YLEP are

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Yallaro by protecting, enhancing or conserving:
  - (i) prime crop and pasture land,
  - (ii) timber, mineral, soil, water and other natural resources,
  - (iii) areas of ecological significance,
  - (iv) areas of high scenic or recreational value, and
  - (v) places of archaeological or heritage significance to the Shire of Yallaro, and

- (b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the Shire of Yallaroi in accordance with the aims specified in paragraph (a) and in a manner which:
  - (i) encourages the efficient and effective delivery of services and facilities and
  - (ii) encourages a range of living environments and economic opportunities in accordance with the demand for those environments and opportunities.

#### **Proponents Submission**

No Submission was received.

#### **Issues Raised in Submission**

No Submissions were received.

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

The proposed quarry currently utilises a low ridge area running in an east west direction located in the south part of the property of 650 hectares of dry land cropping as part of the operation.

There are known places of archaeological heritage significance near the property. However, an Aboriginal Cultural Heritage assessment of the site identified no Aboriginal objects, sites or places of significance. This will be discussed later in the report.

The quarry will not impact on timber, mineral, soil, water nor areas of archaeological or heritage significance or high scenic or recreational value.

It is considered that the operation of the proposed quarry satisfactorily meets the aims of the YLEP.

### **5.3.2 Interpretation – Clause 5 & 6**

The proposed use of the land as an “extractive industry” is a defined definition in under clause 6, which refers to the Environmental Planning and Assessment Act, 1979 Model Provisions 1980.

***“extractive industry means:***

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

The definition is identified as permissible use, with development consent, in the development control table for General Rural 1(a) Zone.

*“offensive or hazardous industry” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.”*

Offensive and hazardous industries are a permissible use with development consent, in the development control table for General Rural 1(a) Zone.

This definition will be discussed further in SEPP 33 in 5.3.6.1.

### **5.3.3 Zones indicated on the map – Clause 8**

The subject land is located in the 1(a) General Rural Zone under the provisions of the Yallaro Local Environmental Plan 1991 (YLEP).

### **5.3.4 The objective of this Zone – Clause 9**

*The objective of this zone is to promote the proper management and utilisation of resources by:*

- a) *protecting, enhancing and conserving:*
  - (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
  - (ii) *soil stability by controlling and locating development in accordance with soil capability,*
  - (iii) *forests of existing and potential commercial value for timber production,*
  - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,*
  - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,*
  - (vi) *water resources for use in the public interest,*
  - (vii) *areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and*
  - (viii) *places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
- (b) *preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,*
- (c) *providing areas for the establishment of intensive agricultural pursuits and intensive livestock keeping establishments.*
- (d) *minimising the cost to the community of:*
  - (i) *fragmented and isolated development of rural land; and*
  - (ii) *providing, extending and maintaining public amenities and services.*

- (e) *providing land for future urban development, for rural residential development and for development for other non-agricultural purposes***
- (f) *providing areas for establishment of intensive livestock keeping establishments.***

#### **Proponents Submission**

Runnymede is located in an area Zone 1(a) General Rural for extractive industry.

#### **Issues Raised in Submission**

No submission was received

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

The increase in production to 300,000 tonnes is categorised as designated development in the 1(a) General Rural Zone, and is therefore permitted with Council's Development Consent.

The quarry is located on a 647.5Ha property which is heavily timbered as is the adjacent surrounding land. Part of the property has been cleared by previous owners for cropping and grazing and this is the site of the present quarry operations and its future expansion.

The Bullala National Park adjoins the property to the west.

Access to mineral and other extractive materials will not be compromised. The quarry is located on cleared cultivated land and will not impact on trees and other vegetation and is not located in an environmentally sensitive area.

The proposal will utilise ground and surface waters as allowed under a modification being sort to an existing water use licence, harvestable right or in accordance with any water sharing plan when developed.

There are no places, items and buildings of heritage significance nor Aboriginal relics and places, have been identified.

The proposed quarry is not located on prime cropping and pasture land and does not relate to a farm adjustment, urban development, or impact on the community for amenities or services.

The courts have held that provided a development is consistent with one or more objectives within a zone, it can legally be considered by the Panel to be consistent with the objectives of the zone.

It is considered that the operation of the proposed quarry operation satisfactorily meets the above objective of the 1(a) Rural Zone.

### 5.3.5 Part 3 - Special Provisions

In addition to the objectives of the zone Council needs to consider Clause 10 & 20 of the YLEP.

#### 5.3.5.1 10. General considerations for development within rural zone

- (1)** *The council shall not consent to the carrying out of development on land within; Zone No. 1(a), unless it has taken into consideration, if relevant, the effects of the carrying out of that development on:*
- a.** *the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production;*
  - b.** *vegetation, timber production, land capability (including soil resources stability) and water resources (including the quantity and stability of water courses and ground water storage and riparian rights);*
  - c.** *the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials;*
  - d.** *the protection of areas of significance for nature conservation or of high scenic or recreational value. The property has been extensively modified as a result of past and current agricultural activities.*
  - e.** *the cost of providing, extending and maintaining public amenities and services to the development, and*
  - f.** *future expansion of settlements in the locality*
- (2)** *As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the proposed development to development on adjoining land and on other land in the locality.*
- (3)** *Subclause (1) does not apply to development being:*
- a.** *an addition to a building or work*
  - b.** *development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or*
  - c.** *the erection of a dwelling house on an allotment of land created in accordance with this plan for the purposes of a dwelling*

#### Proponents Submission

The black soil plains in the Moree, Narrabri and western regions do not contain hard rock deposits suitable for use in civil construction. Such material is sourced

from deposits located within the New England volcanics on the western extend of the ranges where access is possible.

The existing Runnymede quarry originally provided hard rock aggregate to the Moree and Wialda region. It now supplies hard rock aggregate to the Gwydir , Moree Plains, Goondiwindi, Balonne, Walgett and Berwarrina Shires. Demand for projects within these regions is exceeding production limits. Many of the projects that require hard rock materials now appear to be working on a schedule based on production availability at Runnymede Quarry and the rate and cost of despatching this material from the quarry. Many of these projects are therefore restricted in construction rates which generally cause a higher cost base to maintain the equipment on the construction site. Other regional quarries available such as the Inglewood quarry and quarries in the Toowoomba region can supply hard rock materials at a greater rate of production. However, as indicated production from these quarries is also in demand and therefore the cost of obtaining the material from these more distant quarries is exacerbated from both haulage cost and competition for the product.

Demand for hard rock aggregate is increasing as result of capital works programs requiring a better aggregate material than the material that is available locally on the black soil plains. The aggregate available at Runnymede is considered to easily meet the specifications for the aggregate demanded and therefore pressure is being placed on the Proponent to produce more aggregate. The proposed increase in aggregate production would mainly be utilised for major road projects funded by State and Federal Governments on the Newell and other regional highways to carry farm commodities to ports and rail heads. Future projects that may require local hard rock would include the inland rail network and mining projects in the region.

#### **Issues Raised in Submission**

No submission was received

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

- (1)     *The council shall not consent to the carrying out of development on land within; Zone No. 1(a), unless it has taken into consideration, if relevant, the effects of the carrying out of that development on:***
- (i)       *the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production;***

Part of the land is presently utilized for quarry operations. The majority of the property is timbered and is not considered prime cropping and pastoral land.

- (ii) *vegetation, timber production, land capability (including soil resources stability) and water resources (including the quantity and stability of water courses and ground water storage and riparian rights);***

It's proposed to expand the quarry as needed to the east on land that is cleared and periodically grazed depending on availability of grass, it could be said much of the modification of the landscape has already occurred.

The Department of Primary Industries Office of Water has advised that the existing water licence are approved only for stock and domestic use and will need to be amended/changed to allow industrial use.

The proponent is proposing to meet the water demands for the quarry using water captured from rainfall runoff and stored in farm dams. If additional dam storage is needed to meet the needs of the quarry operations they will need to meet the NSW Farm Dams Policy and Harvestable Right Order. If these limits are exceeded a licence will be needed from the Department of Primary Industries Office of Water.

- (iii) *the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials;***

There are known deposits of valuable extractive material on the land. The region contains important deposits of coal, minerals including gemstones, industrial minerals and extractive materials.

The quarry is meeting an increasing demand for suitable road base material for road authorities across the black soil plains of north western NSW and southern QLD.

- (iv) *the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,***

*The property has been extensively modified as a result of past and current agricultural activities under the current and future quarry footprint.*

There are no places and buildings of archaeological or heritage significance or aboriginal relics identified on the land.

- (v) *the cost of providing, extending and maintaining public amenities and services to the development, and***

Existing infrastructure services the property, including electricity and Telstra services. The proposal is of a private nature and will not impact on public amenities and services.

- (vi) *future expansion of settlements in the locality***

This development is not in close proximity to the Village of Croppa Creek or Warialda within Gwydir Shire or Pallamallawa within Moree Plains Shire, being



some 17km from the quarry. The proposed development may contribute to an expansion of the surrounding Villages as employee numbers increase or existing vacant housing stock is taken up. The land will continue to be owned by existing owners.

**(2) *As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the proposed development to development on adjoining land and on other land in the locality.***

There is no intended change to the existing land use or operational practices, other than increased production. Extractive industries are not prohibited within the zone and may be carried out with development consent. The location of the proposal is distant from adjoining properties; therefore there will be little or no change in the relationship of the intended land use with that which already exists on adjoining properties. There is some issue about transport of the material over Council's local roads. These issues are discussed in more detail later in the Report.

**(3) *Subclause (1) does not apply to development being:***

- d. *an addition to a building or work***
- e. *development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan,***  
***or***
- f. *the erection of a dwelling house on an allotment of land created in accordance with this plan for the purposes of a dwelling***

Not relevant to this development.

#### **5.3.5.2 20 Applications that must be advertised**

***The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development described in Schedule 2 in the same way as those provisions apply to and in respect of designated development.***

##### **Proponents Submission**

This development meets the criteria for integrated development. Adjoining landholders have been consulted, and the public will be notified through advertisements in newspapers and via state agency websites.

##### **Issues Raised in Submission**

No submission was received

##### **Authority Submission**

No Submissions were received.

## **Staff Comment**

The proposal is permissible in the zone as designated development. The development proposal was advertised in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation 2000. Further detail is provided in Section 3.4.

Finally, there are no specific clauses relating to extractive industry within the Local Environmental Plan which require consideration for this proposal.

### **5.3.6 State Environmental Planning Policies**

The proposal before Council is subject to the following State Environmental Planning Policies (SEPP):

- **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;**
- **State Environmental Planning Policy No. 44 - Koala Habitat;**
- **State Environmental Planning Policy (State and Regional Development) 2011;**
- **State Environmental Planning Policy No. 55 - Remediation of Land;**
- **State Environmental Planning Policy (Rural Lands) 2008; and**
- **State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007**

The proposed development has been assessed in relation to the objectives and provisions of these SEPPs.

#### **5.3.6.1 SEPP No. 33 – Hazardous and Offensive Development**

##### **Proponents Submission**

*State Environmental Planning Policy 33 – Hazardous and Offensive Development* applies to industries that are hazardous or offensive. The operation of Runnymede Quarry is not considered as a hazardous industry. The DUAP publication *Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines* at page 3 sets out the steps to determine if the policy applies to particular development applications. The first step is to determine if the proposed development constitutes an 'industry' under the applicable planning instrument. The Yallaroi Local Environmental Plan 1991 which is the current Local Environmental Plan utilized by the Gwydir Shire for the Runnymede area, adopts the Environmental Planning and Assessment Model Provisions 1980. Clause 4 of the Model Provisions excludes extractive industries from the definition of 'industry' under the LEP. SEPP 33 therefore does not apply to the Runnymede development. However, the quarry does not store potentially hazardous or dangerous goods onsite.

##### **Issues Raised in Submissions**

No Submissions were received.

## Authority Submission

No Submissions were received.

## Staff Comment

This State Policy has the aim of ensuring that Council has sufficient information to assess whether a proposal represents hazardous or offensive development. Under the SEPP a *potentially offensive industry* means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The proposal has potential to have an adverse impact on the amenity of nearby residents in terms of noise, odour and dust emissions. The EIS provides sufficient information to address relevant matters for consideration under Clause 13 of the SEPP.

The Guidelines state that “the key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant.”

The proposal requires an Environmental Protection Licence (EPL) from the EPA and consequently the proposed development does constitute a “potentially offensive” development. The EPA has issued their General Terms of Approval for the proposed, thereby indicating that it is prepared to issue the EPL. Compliance with the conditions set out in EPA’s General Terms of Approval will be minimized so as not to impact the amenity of the area. As such, the proposed quarry does not constitute “offensive” development.

Further, under the Model Provisions an offensive and hazardous industry is defined as:

*“offensive or hazardous industry means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings”*

and

*“industry means (a) any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962, or (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business, but does not include an extractive industry”.*

As an extractive industry is excluded from the definition of industry it can be considered an offensive or hazardous industry.

Diesel fuel is stored onsite in three bunded steel tanks for quarrying operations. Fuel can be obtained directly from the tank or mobile fuel trailers.

The EIS has demonstrated that the activities associated with the proposed development do not constitute “potentially hazardous development”.

It is considered that the assessment under the SEPP has been complied with.

#### **5.3.6.2 SEPP No. 55 - Land Contamination**

##### **Proponent’s Submission**

No Submission was received.

##### **Issues Raised in Submissions**

No Submissions were received.

##### **Authorities Submissions**

No Submissions were received.

##### **Staff Comment**

This State Policy is required to be considered in the processing and determination of development applications.

The purpose of this policy is to provide a state-wide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

The current and proposed development site is currently being used for quarry operations and grazing. The limited historical grazing and cropping operations of the site would not have resulted in contamination of the site.

In accordance with clause 7 of SEPP 55, following a search of Council records, the subject land is not identified as being potentially contaminated and is considered to be suitable for the intended use. The requirements of the SEPP are therefore satisfied.

It is considered that assessment under the SEPP has been complied with.

#### **5.3.6.3 SEPP No. 44 - Koala Habitat**

##### **Proponent’s Submission**

No Submission was received.

While not addressing SEPP 44, the EIS states that an assessment was made to include threatened Fauna species to be considered under “the 7 Part test”. Koalas were not included in “the 7 Part test” assessment.

In the amended Flora and Fauna Assessment of Significance (September 2014), Table 7, states the likelihood potential for Koalas as the subject contains some secondary feed trees, no evidence of scratch marks on trees or scats.

### **Issues Raised in Submissions**

No submissions were received

### **Authority Submission**

No Submissions were received.

### **Staff Comment**

The aim of SEPP 44 is:

*“...to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free living populations over the present range and to reverse the current trend of population decline.*

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.”*

SEPP 44 applies to all local government areas listed in Schedule 1 – Local Government Areas; while Koala feed trees are listed in Schedule 2 – Koala Food Tree Species. Circular B35 (Department of Planning 1995b) accompanies SEPP 44 and guides its implementation. The former Barraba, Bingara and Yallaroi Shire Councils were listed in the Schedule.

SEPP 44 requires that development applications must consider the presence of ‘potential’ and ‘core’ koala habitat where the land area in question is greater than one hectare. Potential koala habitat is defined as ‘areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component’ (Department of Planning 1995a).

Where potential habitat is identified, the area must be investigated for core koala habitat, defined as ‘an area of land with a resident breeding population of koalas, evidenced by attributes such as breeding females and recent sightings and historical records of a population’ (Department of Planning 1995a).

Under the EP&A Act, it is the responsibility of the consent or determining authority to form a view as to whether a proposed development or activity is likely to significantly affect koalas or their habitat. This is achieved by undertaking an Assessment of Significance under Section 5A of the EP&A Act. If the impact is deemed likely to be significant, a species impact statement must be prepared.

In NSW, the koala is listed as a vulnerable species on Schedule 2 of the TSC Act. A vulnerable species is one which is 'likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate'. A survey of koalas in 1986–87 found that the koala had disappeared from 50–75% of its historic range in NSW (Reed *et al.* 1990).

The conservation status of koalas on the western slopes and plains is variable. Clearing and degradation of koala habitat is continuing and/or threats associated with urban and semi-urban development are increasing. Habitat fragmentation is extreme in many parts of this area.

#### **Primary food tree species:**

River red gum *E. camaldulensis*

Coolabah *E. coolabah*

#### **Secondary food tree species:**

Dirty gum *E. chloroclada*

Blakely's red gum *E. blakelyi*

Bimble box *E. populnea*

Apple-topped box *E. bridgesiana*

Pilliga box *E. pilligaensis*

Black box *E. largiflorens*

Fuzzy box *E. conica*

Mallee red gum *E. nandewarica*

Western grey box *E. macrocarpa*

*E. vicina*

Yellow box *E. melliodora*

*E. volcanica*

White box *E. albens*

Red box *E. polyanthemos*

Dwyer's red gum *E. dwyeri*

Orange gum *E. prava*

Tumbledown gum *E. dealbata*

#### **Stringybarks/supplementary species:**

*E. macrorhyncha*

Narrow-leaved stringybark *E. sparsifolia*

Listed secondary koala food trees under SEPP 44 were identified in the proposed project area, namely Dirty gum (*E. chloroclada*) and Dwyer's red gum (*E. dwyeri*) or will impact on existing mature vegetation to the North of the development.

In viewing the site it is substantially cleared and little vegetation clearance is proposed for this facility.

Staff agrees with the proponent's submission. Conditions controlling the use of water across the property and clearing of remnant vegetation will be included in the draft consent conditions.

It is considered that assessment under the SEPP has been complied with.

### **5.3.6.4 SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

#### **Proponent's Submission**

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 defines extractive industry and industry and states that an extractive industry is not an industry. The Policy also states that extractive industries are permissible on any land on which agriculture may be carried out. The Policy also sets out a number of matters that must be

considered by a consent authority before giving consent to a mine. The Policy also requires a consent authority to consider whether development proposals in the vicinity of existing extractive industries are likely to impact on the extractive industry. These matters have been considered in the previous sections.

#### **Issues Received in Submission**

No submissions were received

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

The proposed development is permissible with consent using the provisions of Clause 7(3) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. Clause 7(3)(a) states that development for the purposes of an extractive industry may be carried out on land on which development for the purposes of agriculture or industry is permitted (with or without consent).

The property is zoned General Rural 1(a) under the provisions of *YLEP*. All types of agriculture are permitted with or without consent on the subject land and therefore, an extractive industry is permitted subject to the submission and approval of a Development Application using the provisions of the SEPP.

Before determining an application for the purposes of an extractive industry, the consent authority must take into consideration the matters listed under the SEPP.

*Clause 12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses as follows:*

- (a) (i) *the existing uses and approved uses of land in the vicinity of the development,*

The surrounding land uses are predominately natural bush land with rural dwellings. The nearest dwelling is 3.1km from the quarry site. Smaller rural lots with dwellings are located along Boundary Creek Road. Horton Creek Nature Reserve, Boundary Creek State Forest, and Chaelundi National Park are all within approximately 5km of the site. The site or adjoining lands are not identified as State Significant Farmland.

- (ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development,*

The EIS details existing buffers that will minimise potential impacts on rural dwellings and adjoining land uses. *Living and Working in Rural Areas 2007* recommends as a guide minimum buffers for extractive industries. The recommended buffer distance to rural dwellings of 1000m (for quarries with blasting) is achieved for the development with the closet dwelling being



3.1km away. The potential impacts to adjoining uses are likely to be noise, dust and increased traffic movements from the quarry operations. With implementation of the proposed mitigating measures in the EIS and imposition of the draft conditions of consent, the development is unlikely to have a significant impact on the current and preferred land uses in the vicinity of the development.

(iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses,*

The EIS recommends measures to avoid and minimise potential impacts of the development. Through the General Terms of Approval issued by the EPA and draft conditions imposed by Council on the development, it is unlikely that there will be substantial incompatibility issues with the development and adjoining land uses.

(b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii)*

The continued and increased operation of the quarry will result in benefits to the local and regional economy and will help generate employment opportunities. There is little new capital investment as existing plant have additional capacity to produce volumes proposed. It is anticipated that the quarry expansion will generate up to 30 full time jobs. It is not clear if this will be indirect employment of sub-contractors of full time employees. The economic benefits of the development and indirect multiplier effects will stimulate the local and regional economies.

(c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph a(iii)*

The measures proposed by the applicant to avoid and minimise any potential incompatibility measures have been evaluated and where appropriate, have been imposed as conditions of consent.

*Clause 13 Compatibility of proposed mine, petroleum production or extractive industry with other land uses:*

The consent authority must also take into consideration Clause 13 of the SEPP if the subject land is:

- (1) (a) *in the vicinity of any existing mine, petroleum production facility or extractive industry*
- (b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*
- (c) *identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials*

The property and quarry expansion is not located in the near vicinity of competing extractive industry and is not identified by an environmental planning instrument as being the location of significant resource materials.

The other development is immediately south of Runnymede Quarry with an existing development consent issued in 2004 for the extraction of up to 30,000m<sup>3</sup>.

*Clause 14 Natural resource management and environmental management*  
*Before granting consent for development for the purposes of an extractive industry, the consent authority must consider whether or not the development should be issued subject to the imposition of conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*

- a) that impacts on significant water resources, including surface and groundwater resources are avoided, or are minimised to the greatest extent practicable.*

Impacts on water resources has been assessed and detailed in the EIS.

Surface water that is not captured in onsite dams will flow into Bullala Creek a ephemeral water course that traverses the Northern and Western edges of the property. The quarry site is located at the top of the ridge and does not receive surface flows from upslope areas.

The quarry floor level is estimated to 67m above the artesian aquifer (being RL 346m to RL 279m). As such, it is expected that the quarry extraction will not intercept groundwater. The proponent has advised that no ground water has been encountered during quarrying operations to date. Due to the location of the quarry on top of a ridge, the rate of groundwater seepage into the quarry is expected to be low and it is considered that the 'removal' of this water from the groundwater system would have a negligible impact on the behaviour of the aquifer. Any groundwater entering the quarry will be collected in the stormwater collection systems.

The Office of Water has advised that they do not have any issues with groundwater in the quarry area, however if groundwater is intercepted at any time the proponent must contact the Office of Water.

The potential impacts from the quarry on water resources include contamination from erosion and sedimentation, increased surface water runoff from increased surface areas not covered by vegetation and groundwater contamination from spills of fuel or hazardous materials. A Soil and Water Management Strategy has been developed in accordance with *Managing Urban Stormwater: Soils and Construction: Volume 2E Mines and Quarries*. The mitigating measures proposed ensure that no significant impacts result from the quarry operations. The quarry will be required to operate in accordance with that Strategy.

- b) that impacts on threatened species and biodiversity are avoided, or are minimized to the greatest extent practicable,*

A Flora & Fauna Assessment forming part of the EIS and an Addendum to that report dated September 2014 assessed the impacts of the proposal on the threatened species and biodiversity.

No threatened flora species were identified during the surveys, however, 3 were identified as potentially or likely to occur on the property. No threatened fauna were

identified during surveys and a further 8 were considered to potentially occur on-site.

c) *that greenhouse gas emissions are minimised to the greatest extent possible*

A greenhouse gas (GHG) emissions report was submitted in support of the application. Overall, the greenhouse emissions generated from the development is considered to be minimal for both National and State emission levels. Notwithstanding this, there is a cumulative impact of GHG emissions over time. The applicant should adopt mitigating measures to ensure efficient use of fossil fuel on-site and in associated operations.

#### *Clause 15 Resource recovery*

Due to the type of material, being hard rock, to be extracted and the efficient extraction processing methods, minimal resource waste is anticipated.

#### *Clause 16 Transport*

The applicant and Council have previously agreed that a principal haulage route which includes various local roads, namely the Gwydir Highway, Mosquito Creek Road and Gil Gil Creek Road.

Road Safety Audit has previously been carried out by Council Staff. The application was referred to Moree Plains Shire Council, who raised objections to the developments impact on culverts in Pallamallawa in their response. They have been considered and included in the draft conditions of consent.

Several conditions of consent are proposed relating to transport. Road upgrading works to Gil Gil Creek Road and Mosquito Creek Road are required to ensure it is suitable for the proposed traffic movements. Preparation of a 'Traffic Management Plan and Truck Driver Code of Practice' is necessary to address a variety of matters including consideration of potential risk areas along the haulage route, such as the transport of children to school.

A condition is proposed in the consent for the quarry operator/owner to pay a \$94 contribution in accordance with Council's Traffic Generation Development Plan relating to the haulage route. The contribution will be calculated on the number and weight of trucks, the length of road and the current cost of maintaining it.

#### *Clause 17 Rehabilitation*

Rehabilitation works will be undertaken in accordance with the EIS and generally to be completed within 12 months of quarry operations closure.

### **5.3.6.5 SEPP (State and Regional Development) 2011**

#### **Proponent's Submission**

Under schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) the proposal is considered as Regional development. On this basis the proposal is to be notified and assessed by a Local Council and then determined by a Joint Regional Planning Panel as defined in Schedule 4A of the EP&A Act.

### **Issues Received in Submission**

No submissions were received

### **Authority Submission**

No Submissions were received.

### **Staff Comment**

The proposed development is classified as regionally significant development under Schedule 4A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and is subject to the provisions of Part 4 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

Regional panels are authorised to exercise the consent authority functions of Councils to which Part 4 of the SEPP applies.

### **5.3.7 Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act 1997**

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

- Matters of National Environmental Significance (NES); and
- The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

### **Proponents Submission**

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is a Commonwealth Government Act governing nationally significant matters of the environment. The EPBC Act requires the approval of the Commonwealth Minister for the Environment for actions such as major developments that are considered by the Minister to have a significant impact on matters of national environmental significance. The EPBC Act requires a referral of all potentially significant developments to the Minister for consideration.

The proposal was referred to the Commonwealth Minister for the Environment for consideration and advice. The Minister has advised that the proposal is not a

controlled action and that further assessment or approval under the Act is not required. The response from the Minister is attached as Appendix 4.

#### **Issues Raised in Submissions**

No submissions were received.

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

The EPBC Act commenced on 16<sup>th</sup> July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

- matters of National Environmental Significance (NES); and
- the environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places
3. RAMSAR wetlands of international significance;
4. National listed threatened species and ecological communities;
5. listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions

The Commonwealth Minister for the Environment has issued a Notice of Referral Decision dated the 23 September 2010 advising that the proposed action (quarry) is not a controlled action and does not need further assessment and approval under the EPBC Act.

It is considered that assessment under the Act has been complied with.

#### **5.4 S.79C (1) (a) (ii) Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

A draft environmental planning instrument is applicable to the development application. The draft Gwydir Local Environmental Plan (DGLP) was placed on public exhibition on the 20 February 2013

#### **Proponents Submission**

No submissions were received.

## Issues Raised in Submissions

No submissions were received.

## Authority Submission

No Submissions were received.

## Staff Comment

The Draft Gwydir Local Environment Plan (DGLP) has been written in accordance with the Department of Planning's LEP template. The land is now classed as RU1 Primary Production with new definitions for the following:

- extractive material  
*"means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992."*
- extractive industry  
*"means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.*  
**Note.** Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary."
- Offensive Industry  
*"means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.*  
**Note.** Offensive industries are a type of heavy **industry**—see the definition of that term in this Dictionary."
- Hazardous Industry  
*" means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:*

(a) to human health, life or property, or

(b) to the biophysical environment.

**Note.** Hazardous industries are a type of heavy **industry**—see the definition of that term in this Dictionary.”

## 5.5 S.79C (1) (a) (iii) Any Development Control Plan (DCP)

### ***Gwydir Development Contributions Plan No. 1 – Traffic Generating Development (GDCP)***

#### **Proponents Submission**

No submissions were received.

#### **Issues Raised in Submissions**

No submissions were received.

#### **Authority Submission**

No Submissions were received.

#### **Staff Comment**

The EIS does not refer to Council’s Development Control Plan for traffic generating development

This plan was developed to ensure the operation of Traffic Generating Development does not adversely impact on local roads and allow Council to assess the demand for road maintenance, repair and reconstruction arising from Traffic Generating Development.

The purpose of the plan, traffic generating developments is those developments that:-

- Require the use of road haulage vehicles to support the operation of the enterprise;
- Generate additional traffic movements above levels of traditional agricultural activities;

Traffic Generating Development includes the following enterprises:-

- Wool Scouring Plants
- Abattoirs
- Rendering Plants
- Saleyards
- Wood or timber milling or processing works including wood preservation works
- Wineries or associated works
- Warehouses
- Light industry
- Intensive Agricultural Enterprises
- feedlots



- poultry farms
- piggeries
- dairies
- Composting Works
- Transport Terminals
- Grain Storage Complex
- Feed mills
- **Extractive Industries**
- Mine
- Rural Industry

A condition will be included in the draft consent conditions applying the Development Control Plan – Traffic Generating Development to the proposed development.

**5.6 S.79C (1) (b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality**

So as to comment on the likely impacts of the proposal, the following matters have been considered:

**5.6.1 Access, Transport and Traffic**

**Proponents Submission**

Road transport is the only method of moving the product from the quarry to the end user. The proposed development includes increases in transport efficiencies by utilising road trains in replace of B-Double and single trailer haulage. The use of road trains will increase the capacity of each truck trip by doubling the amount per trip when compared to single semi-trailer loads. The use of road trains in conjunction with minor changes to operating hours over a normal 6 day and occasional 7 day week would result in a similar daily level of truck trips generated from the site and a lower cost of delivery of the materials fro projects, including major government projects in the region. Some additional vehicles would be generated as a result of a minor increase in staff and maintenance requirements.

The use of road trains to service the facility is supported by Council and NSW RMS. Works to upgrade a single haul road between the quarry and Moree Plains Shire boundary commenced in late2012 and are almost completed. Road train use was approved on the 18<sup>th</sup> of June 2013. The road works involved in this change will form part of the on-going contribution from the quarry to the local shire. This change is to be achieved by a variation to an existing agreement that was prepared as part of the original approval process.

**Issues Raised in Submission**

No submissions were received.

**Authority Submission**

The NSW Office of Environment and Heritage and the National Parks and Wildlife Service have requested that Gil Gil Creek Road be upgraded, sealed and the road reserve be moved to align with the existing road formation.

Further that the access road from Gil Gil Creek Road to the property boundary through the Bullala National Park be upgraded.

#### **Staff Comment**

Council has no Policy or Development Control Plan for off-street car parking. The EIS does not address on site parking, however due to the size of the property adequate sufficient parking space exists on site. This was confirmed during the site inspection.

The NSW Office of Environment and Heritage and the National Parks and Wildlife Service have requested that Gil Gil Creek Road be upgraded, sealed and the road reserve be moved to align with the existing road formation .

Further that the access road from Gil Gil Creek Road to the property boundary through the Bullala National Park be upgraded.

Gil Gil Creek Road is a Class D road. This road is an all weather sealed road which can support the additional traffic volumes.

Councils Director of Engineering has advised that Gil Gil Creek Road has substantial impacts as a result of truck movements.

Council has recently received funding to complete the Mosquito Creek Road intersection.

### **5.6.2 Utilities**

#### **Proponents Submission**

No submission was received

#### **Issues Raised in Submission**

No submission was received

#### **Authority Submission**

No submissions were received.

#### **Staff Comment**

The proposed expansion of the quarry will not impact on or require adjustment to the existing utility services for the property.

### **5.6.3 Heritage and Archaeological**

#### **Proponents Submission**

A detailed Aboriginal heritage assessment has been undertaken by Suzanne R Hudson Consulting in conjunction with Local Aboriginal Land Council site officers from Moree, Ashford and Inverell. Following the site inspection it was concluded that:

*“No Aboriginal objects , sites or places of significance were found during survey of this area and it is the opinion of the site officers present and the archaeologist that the development can proceed”.*

A search of the Yallaroi Local Environmental Plan 1991 and the online heritage databases of the NSW Heritage Office failed to discover any records of European heritage on the site, which was confirmed during several site inspections.

#### **Issues Raised in Submission**

No submission was received

#### **Authority Submission**

The NSW Office of Environment and Heritage advised the report fails deliver information that supports the conclusion in section 15.16.1 of the EIS and requested additional information.

#### **Staff Comment**

The proposal is not in the vicinity of any heritage items in accordance with Council’s Local Environmental Plan or under State or Federal Legislation.

The consultants concluded that the quarry expansion would not disturb any artifacts or sites of aboriginal significance.

### **5.6.4 Geology & Soils**

#### **Proponents Submission**

##### **Geology**

The geology of the quarry site comprises Tertiary basalts over Jurassic quartz and alluvial sediments derived from these. The Jurassic sandstones form an intake bed for the Great Artesian Basin. Local intake beds are blocked by the tertiary basalt outcrops similar to the formation found at Runnymede.

The basalt quality and extent have been confirmed by exploratory drilling and laboratory testing which has confirmed that the material satisfied NSW RMS requirements for construction aggregate and complies with AS 2758.1 *Aggregates and rock for engineering purposes – Concrete Aggregates*.

Heavy clay soils predominate in the plains to the west and on the alluvial flats associated with the Gwydir River floodplain.

##### **Soils**

Surface soils on the site of the quarry consist of shallow black loams with extensive rack content. The soils on the slopes consist of similar soil however they have been naturally affected by erosion and the extent of exposed rock increases with slope.

Soils on the lower flatter area on the western part of Runnymede consist of sands and sandy loams to a depth of 2 metres or more. These sands appear to exist as a result of erosion of the sandstone material available in the surrounding gullies.

Clay content of the surface soils increases to the west. On the western side of Bullala Creek only few areas of sand are present. The majority of the surface soils to the west consist of grey black and brown clays.

#### **Issues Raised in Submissions**

No submissions were received

#### **Authority Submission**

No submissions were received.

#### **Staff Comment**

No further comment, generally satisfied with the assessment of the soil.

### **5.6.5 Air and Microclimate**

#### **Proponents Submission**

Monitoring of deposited dust has been undertaken over an extended period at the quarry and at “Billandrie” homestead on Mosquito Creek Road. Monitoring for PM2.5 and PM10 was undertaken at the nearest sensitive receiver (“Kirkton”). The monitoring has demonstrated that deposited dust levels, PM2.5 and PM10 are below criteria set by the regulating agencies for NSW. Monitoring was carried out in accordance with the Approved Methods for the modelling and Assessment of Air Pollutants NSW guidelines. Predictions of increases that may occur as a result of increased production indicate that dust emissions are predicted to remain within acceptable levels. Appropriate mitigation proposals have been included in the Environmental Management Plan to maintain or reduce dust emission levels from the site once the production increases.

#### **Issues Raised in Submissions**

No submissions were received.

#### **Authority Submission**

The EPA initially raised concerns regarding the air/dust assessment and lack of modelling. Additional information was requested and subsequently, after additional information was provided the EPA issued its General Terms of Approval on the 11 July 2014

#### **Staff Comment**

Some dust issues have historically been reported to Council with the operation of the quarry. This has mainly been caused by onsite quarry operations and the haulage of material along unsealed local roads.

The EIS rightly states that other agricultural activities such as cropping, livestock and haulage of produce also result in the creation of dust emission.

The EPA requested additional dust modelling be undertaken and this was provided by the proponent. The EPA has included conditions in its General Terms of Approval for the mitigation of dust emissions.

## **5.6.6 Flora and Fauna**

### **Proponents Submission**

The footprint of the quarry will not change nor extend beyond the original boundary of the area identified for extraction of the resource. The boundaries contain previously cultivated farmland which is presently used for grazing. The immediate areas outside the approved quarry footprint have been logged and now contain various densities of regrowth comprising mostly *Callitris* species. The proposal to increase the annual output from the quarry is not considered to have any additional significant impact on threatened species, populations or ecological communities or their habitats in the area surrounding the site. The original habitat that may have been present on the site prior to clearing and farming is well represented in an adjoining area which now includes the gazetted Bullala National Park.

### **Issues Raised in Submission**

No submission was received.

### **Authority Submission**

The NSW Office of Environment and Heritage advised initially and with subsequent additional information that the Flora and Fauna Assessment Report is inadequate and does not address the Director General's requirements.

The Department did not provide a response to the last Flora and Fauna Assessment dated September 2014.

### **Staff Comment**

Threatened species are protected under the following three Acts which operate in conjunction with each other:

- The *Threatened Species Conservation Act 1995* deals with the listing of species, the declaration of critical habitat, recovery plans, threat abatement plans, licencing, biodiversity certification and biobanking;
- The *National Parks and Wildlife Act 1974* contains additional licencing provisions, and provisions for criminal offences; and
- The *Environmental Planning and Assessment Act 1979* imposes obligations on developers and consent authorities to assess and consider the impacts of proposed development on threatened species during the development assessment process (e.g. by requiring a species impact statement in some circumstances).
- Native Vegetation Act 2003

In deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, the Council must take into account the 7-Part Test set out in Section 5A of the Environmental Planning and Assessment Act, 1979. These 7 factors include whether a viable local population of the species is likely to be placed at risk of extinction, whether habitat will be removed or modified, and whether habitat is likely to become fragmented or isolated from other areas.

The 7 Part Test aims to improve the standard of consideration afforded to threatened species, populations and ecological communities, and their habitats throughout the planning and assessment process and to ensure this consideration is transparent.

Council agrees with the proponent's submission. Conditions controlling the operation of the proposed quarry will be included in the draft consent conditions.

#### **5.6.7 Ground & Water Supply**

##### **Proponents Submission**

Water balance calculations for the site indicate that adequate water would be available from natural rainfall for dust control measures during average and above average rainfall years. Once rainfall tends towards a low level, some back-up measures have been assessed including cessation of works due to a limited ability to suppress dust from the site or use of groundwater as a short term measure.

The proponent is in the process of applying for a zero share groundwater access licence to allow for ground water to be available for use for Industrial purposes if this is ever required during extended dry periods on the site. The aim of this is to purchase an allocation of groundwater in the Shallow Aquifer of the Eastern Recharge Zone of the Great Artesian Basin from which stock and domestic water is currently being drawn. No other suitable aquifers are present beneath the site.

##### **Issues Raised in Submission**

No submissions were received

##### **Authority Submission**

The EPA has raised concerns about the availability of rain events to meet dust suppression measures onsite.

Department of Primary Industries Office of Water advised that the holder of the water licence for this property will need to apply to amend/replace the current water licence so that an appropriate allocation for quarry operations.

### **Staff Comment**

It is proposed that groundwater will be used as the water source for the feedlot. An existing, licensed volume of groundwater will be used, which does not represent a new allocation (or "new water") from the Eastern Recharge Groundwater Source. Groundwater quality is not vulnerable as the groundwater is quite deep and protected by medium-heavy clay soils.

"Runnymede Quarry" could also use existing surface water through their harvestable right, which represents a large volume. Watercourses will be protected through good design of effluent controls, but also through the provision of generous buffers.

Staff agrees with the proponent's submission. Conditions controlling the use of water across the property will be included in the draft consent conditions.

No groundwater is expected to be intersected during the winning of quarry material

## **5.6.8 Waste**

### **Proponents Submission**

Runnymede Quarry presently disposes of its waste in a lawful manner and these disposal methods will continue

- Liquid waste – reuse onsite and contractor removal
- Solid waste – taken to closest waste facility

### **Authority Submission**

No Submission were received

### **Staff Comment**

Unrelated quarry waste will be reused, recycled, taken to the nearest waste facility or removed by licensed contractor.

Waste from the Onsite Sewerage Management System is disposed of onsite.

Greenhouse gas emissions do not meet the current Nation Greenhouse and Energy Reporting Act 2007 (NGER Act) thresholds.

Staff agree with the proponent's submission. Draft conditions have been included in the draft consent to manage and monitor the management of waste.

## **5.6.9 Noise**

### **Proponents Submission**

Noise modelling has been undertaken for the quarry operation and at the nearest sensitive receiver. The monitoring has demonstrated that due to the design of the quarry and the distance to the nearest sensitive, noise generated



by quarry operations is predicted to remain below the project specific noise level. The assessment predicted that the proposed production increase would not impact on the amenity of surrounding landowners or generate unacceptable intrusive noise nuisances.

#### **Issues Raised in Submissions**

No submissions were received.

#### **Authority Submission**

Additional information was requested by the NSW EPA regarding noise impacts. The claims in the WIS are incorrect and misleading. Noise impacts along haulage routes have not been assessed. The impact of local meteorological conditions have not been considered. The NSW EPA has since issued their General Terms of Approval for the proposed development.

#### **Staff Comment**

The proposed development has the potential to generate increased noise levels on the subject site, subsequently impacting on surrounding properties.

Activities likely to generate noise include:

- Drilling Equipment
- Dump Trucks
- Front End Loader
- Crushing Plant
- Vibrating Sieve Screens
- Conveyors
- "Pug Mill"
- Bitumen Waste Plant
- Haulage Vehicles
- Weigh Bridge

However, distances in excess of 3000 metres between the development proposal and surrounding residences, combined with the topography and vegetation between the adjoining property residences will assist in mitigating potential increased noise levels.

It is considered that noise from the proposal should be adequately managed through the recommended conditions.

#### **5.6.10 Energy**

Not applicable to this development.

#### **5.6.11 Natural Hazards**

##### **Proponents Submission**

The site is above the level of the one percent annual exceedances flood event and is geologically stable and not subject to subsidence, slip or mass movement.

Council's Bushfire Hazard Map indicates that the development site is not bushfire prone, however, surrounding land, including the Bullala National Park, is bushfire prone. Adequate fire breaks are maintained on Runnymede to protect from fire escaping from the national park. Furthermore, Runnymede is grazed which reduces bushfire risk by controlling fuel loads.

#### **Issues Raised in Submissions**

No submissions were received

#### **Authority Submission**

No submissions were received.

#### **Staff Comment**

The subject site is not subject to local flooding, subsidence or slip. The property is heavily timbered and has been identified as Bushfire Prone land. The land utilized by the quarry operations is generally cleared with isolated trees and grassland with a network of fire trials.

Conditions will be placed on the consent minimise the potential bushfire risk.

### **5.6.12 Technological Hazards**

Not applicable to this development

### **5.6.13 Social and Economic Impact in the Locality**

#### **Proponents Submission**

The Gwydir Shire suffers from some population and economic decline and population ageing. The Shire's major employer is agriculture although even this sector has shown decline. This project is expected to provide social and economic benefits at both the local and regional level in terms of job creation and the provision of high quality aggregates for use in civil construction, road and rail sectors in the northwest NSW region. A larger portion of the new employment and potential contract roles offered at the quarry will be retained within the Gwydir Shire, mainly Warialda

#### **Issues Raised in Submissions**

No submissions were received.

#### **Authority Submission**

No submissions were received.

#### **Staff Comment**

#### **Economic**

The proposed development has the potential to generate a positive economic impact on the surrounding locality by providing additional employment opportunities of up to 30 new full time positions if the quarry limits are reached. In addition, the proposal has the potential to increase economic activity in the related supply sector, transport sector, fuel supplies and associated maintenance and service industries.

The quarry provides aggregate material to the local and regional construction, road and rail sectors including local Council's across North Western NSW.

### **Social**

However, in the event that the facility is managed in a manner which does not control potential noise and dust nuisance, the proposal may have a social impact on residential dwelling-houses in the immediate and surrounding locality.

The mitigation and control measures outlined in the EIS and proposed in the consent conditions will result in a development that will operate with minimal impact on the local and surrounding communities and environment.

#### **5.6.14 Cumulative Impacts**

The quarry proposal's cumulative impact will be negligible as the main issues have been identified by the applicant and the government agencies, assessed and mitigation and control measures proposed. These have been included as conditions of consent.

That being said if the operation of the quarry, including haulage activity, is in accordance with "good management practices" there still may be at times some minor loss of amenity for surrounding rural residential users in respect of noise, dust and vibration.

#### **5.6.15 S.79C (1) (c) The suitability of the site for the development**

An existing quarry is currently located in the development site and has operated since 1995. The proposed expansion area is located on highly altered land previously used for farming activity. Potential impacts have been identified along with proposed mitigation measures will ensure that there will be little environmental impact.

It is predicted that proposed distances from the subject site to potentially impacted residents provide for an effective buffer for noise, dust and visibility impact.

According to Council's knowledge the property is not subject to local flooding, subsidence, slip.

The development proposal before the Panel will not have an effect on conserving and using prime / productive agricultural land.

The site is considered suitable for the proposed development and its ongoing operation.

**5.6.16 S.79C (1) (d) Any submission made in accordance with this Act or the Regulations.**

The proposed development was advertised and notified in accordance with the Environmental Planning and Assessment Regulation 2000. Adjoining landowners were directly notified along with the Local Aboriginal Land Council and Moree Plains Shire Council.

There are 5 submissions received by Council in relation to this proposal, the 1st from the Department of Primary Industries Office of Water, NSW Department Environmental Protection Authority, National Parks and Wildlife Services, Roads and Maritime Services and NSW Office of Environment and Heritage. They have requested that their conditions be included with Council's conditions of approval.

1 public submission has been received by Council with regard to the development application. Details regarding issues raised have been addressed in 5.6 of the report.

1 other submission has been received by Council with regard to the development application. Details regarding issues raised have been addressed in 5.6 of the report.

**5.6.17 S.79C (1) (e) The public interest**

***Federal, State and Local Government Interests and Community Interests.***

**Proponents Submission**

No Submissions were received.

**Issues Raised in Submissions**

No Submissions were received.

**Staff Comment**

There are no submissions received by Council directly relating to this proposal.

Submissions made by the public, state agencies and other groups/organisations have been assessed and addressed within this report. The approval of the proposed development will not be contrary to the public interest, subject to implementation of the recommended conditions of consent.

**6. Conclusion**

The application has been assessed along with the various submissions on the proposed modification; it is considered that the application submitted to Council by Mitchell Johnstone for the extraction of up to 300,000 tonnes satisfactorily addresses:

- S.79(C) matters for consideration of the *Environmental Planning and Assessment Act, 1979*, and
- the former *Yallaroi Local Environmental Plan, 1991*,

- potential impacts of the increased quarry extraction can either be mitigated or managed,
- the proposal is generally in the public interest, and
- the proposal would also provide socio-economic benefits to the locality and the region.

Based on this assessment, it is considered that the merits of the proposal warrant approval subject to conditions.

The conditions take into consideration issues raised by Government Departments and all other individuals and land owners. Conditions of consent establish compliance controls and performance and environmental audits to mitigate the environmental impacts of the proposal to an acceptable level.

## **RECOMMENDATION**

THAT the Joint Regional Planning Panel:

- Receive; consider the findings and recommendations of this report in relation to the proposal for the increased quarry extraction
- subject to the Conditions of Consent attached,

Further that the applicant is advised of Joint Regional Planning Panel decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

That the objectors are notified of Joint Regional Planning Panel's decision.

Annexure 1

RECEIVED  
23 OCT 2013  
Gwydir Shire Council

## GW & ND McDONALD Earthmoving Contractors

**McDonalds Ready Mixed Concrete – QA ISO9001**

"Bolwarra" (PO Box 534, Moree NSW 2400)

Phone/Fax: 02 67522260 Email: [gwndmcdonald@bigpond.com.au](mailto:gwndmcdonald@bigpond.com.au)

Mobile: Wal-0427 522260 Allan-0427 524403 Dean-0427 526040 David-0427 524405 Matt - 0427 524402

Licence No: 54172C

ABN: 72 644 727 905

\*Any specific compaction to be achieved at client cost

18<sup>th</sup> October 2013

The General Manager  
Gwydir Shire Council  
Locked Bag 5  
Bingara NSW 2404

Attn: Mr Glen Periera

Dear Mr Periera

We have no objection to the proposal set out in your notice – Development Application DA28/2013 if this development doesn't affect our future use of our licensed quarry on adjacent property, Milgi Park.

Our quarry has been used but an increase in our production may be required in the future.

Yours faithfully



G W McDonald (Wal)

## Annexure 2 - Schedule of Conditions

### PART A - GENERAL

#### 1. Obligation to Minimize Harm to the Environment

The Applicant/Owner/Operator shall implement all practicable measures to prevent and/or minimize any harm to the environment that may result from the construction, operation, and/or rehabilitation of the development.

#### 2. Scope of Approval

The Applicant/Owner shall carry out the development generally in accordance with:

- a) DA No 28/2013;
- b) Conditions of this consent; and
- c) The following documents & plans

Item	Council's Stamp No/Date	Drawing/Job No	Drawn by	Dated
Environmental Impact Statement	28/2013 TBA	Booklet called Environmental Impact Statement Proposed Increase In Annual Production From Runnymede Quarry	SMK Consultants	July 2013
Addendum	28/2013 TBA	Booklet called Addendum - Additional Information Development Application 28/2013 Increase In Annual Production From Runnymede Quarry	SMK Consultants	May 2014
Addendum II	28/2013 TBA	Booklet called Addendum II - Additional Information Development Application 28/2013 Increase In Annual Production From Runnymede Quarry	SMK Consultants	September 2014

2. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.

#### 3 *Surrender of Existing Development Consent*

Within 14 days from the issue of this development consent, the owner shall, in writing, surrender all previous development consents which relate to extractive industries on the subject land.

This consent does not operate until previous consents are surrendered in accordance with the Environment Protection and Assessment Act, 1979 and Environment Protection and Assessment Regulation 2000.

4. The Applicant/Owner/Operator shall comply with any reasonable requirement/s of the Council or authorised Officer of Council arising from the Council's assessment of:
- a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent; and
  - b) The implementation of any actions or measures contained in these reports, plans or correspondence.

**5. Limits on Production**

To confirm and clarify the terms of this approval, consent is given for the following;

- a. The Applicant/Owner shall not extract and/or transport more than 300,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any year.
- b. This consent lapses 40 years from the date of consent based on 125,000 tonnes of material per year, increasing extract to the limit set in a) will reduce consent period.
- c. The Applicant shall not import material onto the site or store off-site material on the site.
- d. The Applicant shall notify the Council, within three (3) months of the calendar year, the total quantity of material quarried and provide details of final output in terms of product. The quarrying operations shall not be varied without the Council or EPA being notified.

**6. Limits on Area**

The Applicant/Owner shall not develop/extract material from outside the currently cleared areas. The area shall be surveyed and marked, details to be provided to Council within 30 days of the date of Consent.

7. To confirm and clarify the terms used in this approval, the following definitions are provided:

- *Extraction Operations* means the removal of overburden, the extraction, processing, handling, storage and transportation of extracted material both on and off site in relation to this consent.

**8. Protection of Public Infrastructure**

The Applicant/Owner shall:

- a) Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
- b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

**9. Environmental Management Strategy**



- 1 The Applicant/Owner shall prepare and implement an Environmental Management Strategy for the development. This strategy must:
  - a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;
  - b) Identify the statutory requirements that apply to the development;
  - c) Describe in general how the environmental performance of the development would be monitored and managed
  - d) Describe the detailed procedures that would be implemented to:
    - Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
    - Receive, handle, respond to, and record complaints;
    - Resolve any disputes that may arise during the course of the development;
    - Respond to any non-compliance;
    - Manage cumulative impacts; and
    - Respond to emergencies; and
  - e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- 2 The Applicant/Owner shall not carry out any development at the development site before Council has approved the strategy referred to in Condition 3.1.
- 3 Within 14 days of receiving Council approval for the environmental management strategy, the Applicant/Owner shall:
  - a) Send copies of the approved environmental management strategy to the relevant agencies, and
  - b) Ensure the approved environmental management strategy is publicly available.

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

The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached in Annexure 3 to this consent.

#### **12. Conditions of Approval – Office of Water**

The development shall be carried out in accordance with the General Terms of Approval issued by the Office of Water, attached in Annexure 4 to this consent.

#### **PART A – HEALTH**

There are no relevant conditions for this section.

#### **PART A - BUILDING**

There are no relevant conditions for this section.

## PART B – PRIOR TO COMMENCEMENT OF WORKS

There are no relevant conditions for this section.

## PART C – DURING WORKS

### 1. Inspections

Inspections shall be carried out at the following stages of the development:

Stage	Work
Completion	Before occupation/use.

### 2. Operation of Plant and Equipment

The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:

- a) Maintained in a state of sound mechanical repair; and
- b) Operated in a proper and efficient manner

### 3. Bunding and Spill Management

The Applicant/Owner shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with;

- a) All relevant Australian Standards; and
- b) The EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed in a) and b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### 4. Section 94 Plan – Traffic Generating Development

The quarry operator shall pay a contribution to Gwydir Shire Council for the movement of trucks on Council's roads in accordance with Council's Section 94 Plan – Traffic Generating Development

### 5. Transport & Traffic

#### 5.1 Road Works

Design plans and documentation for the following works are required to be assessed and approved by Council. The applicant is to submit an application under section 138 of the Roads Act 1993. The works shall then be constructed by the applicant and approved by Council before undertaking the works.

- a) The road section known as access that provides access to the quarry site from the existing Council maintained Gil Gil Creek Road section, is to be constructed as a 7m wide unsealed gravel carriageway with 0.5m wide shoulders (minimum).

- b) Stormwater drainage culvert road crossings are to provide a minimum 1 in 5 year Average Recurrence Interval (ARI) immunity against flood and drainage flows.
- c) The section of Gil Gil Road, extending from the Mosquito Creek Road causeway, is to be constructed as a 8m wide carriageway with minimum 0.5m wide shoulders. Cross-road drainage culvert crossings are to provide a minimum 1 in 5 year Average Recurrence Interval (ARI) immunity against flood and drainage flows. The location of the existing road with respect to the public road reserve boundaries is to be determined by survey.
- d) Certification from the supervising professional engineer or registered land surveyor, that all works have been constructed in accordance with the Council approved plans and specifications are required.
- e) The Applicant/Owner shall ensure that all the road works associated with the development in the road reserve comply with current RMS and Austroads Design Standards, and the RMS's Quality Assurance Specifications.
- f) The Applicant/Owner shall bear all the costs associated with the design, survey, construction, maintenance, and removal of any development in the road reserve and the current Gil Gil Creek Road alignment.
- g) To ensure all works are completed in accordance with the appropriate specifications and approved plans compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - Final inspection of completed development – including all disturbed areas revegetated.
- k) These works shall be completed within 7 years for the date of this consent or when production levels reach 125,000 tonnes

## **5.2 Operating Conditions**

- a) The Applicant/Owner shall ensure that all vehicles, before they are allowed to leave the site, are cleaned of materials that may fall on the road.
- b) The Applicant/Owner shall ensure that trucks entering and leaving the site that are carrying loads are covered at all times, except during loading and unloading.
- c) All vehicles shall leave the site in a forward direction.

## **5.3 Pallamallawa Road Works**

The applicant owner shall provide written evidence to Council that satisfactory arrangements have been made between Johnstone Concrete and Quarries Pty Ltd and Moree Plain Shire Council to upgrade the culverts, road and

intersections along haulage routes through Pallamallawa to the Gwydir Highway.

#### **5.4 Public Road**

A Licenced agreement between the proponent and NPSW will be required for the continued use of the access road from Gil Gil Creek Road to the quarry/property boundary if and when Council obtains a public road proclamation over the access road.

#### **6. Road Maintenance Levy**

From the date of Commencement of the development consent the developer shall pay a cash contribution to Council at the rate determined under Councils Development Control Plan – Traffic Generating Development (indexed as described below) of material extracted and transported from the land towards the upgrading and maintenance of Council's road system in accordance with the following:

- a. Submission of a quarterly return to Council specifying the amount of material in tonnes extracted and transported within the previous three months. The quarterly return is to be submitted within fourteen days of the end of each period and is to be in the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
  - i) Copies of all invoices and Company records relating to the amount extracted
  - ii) Records of the weights recorded at the weigh bridge, or by any other approved method for weighing the material
  - iii) Payment of the required contribution.
- b. Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser.
- c. The contribution rate shall be subject to indexation in accordance with the "Price Index of Materials Used in Building Other than House Building", as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.
- d. Council shall have the right to request and inspect all relevant records at any time, subject to prior written notice being provided by Council.

#### **7. Waste Management**

Except as expressly permitted by Council, the Applicant/Owner shall not cause, permit or allow any waste generated outside the development site to be received at the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

## **8. Visual Impact**

The Applicant/Owner shall carry out the development in a way that prevents and/or minimises the visual impacts of the development.

## **9. Lighting Emissions**

- 1 The Applicant/Owner shall take all practicable measures to prevent and/or minimise any off-site lighting impacts including light spill and prevent contribution to sky glow from the development.
- 2 All external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

## **10. Bushfire Management**

The Applicant/Owner shall:

- a) Ensure that the development is suitably equipped to respond to any fires on-site.
- b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.

The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

## **11. Greenhouse Gas Management**

The developer shall:

- a. Implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
- b. Investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigation.

# **PART D – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

## **1. Compliance with Conditions**

The use or occupation of the approved development shall not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to the compliance with all conditions of development consent may make the applicant/developer liable to legal proceedings.

## **2 Advisory Note 2**

### **Road Damage**

The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

## **PART E – POST OCCUPATION**

### **1. Site Rehabilitation**

At cessation of the quarry operation or expiration of the consent the owner/operator shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the Environmental Impact Statement.

### **2. Environmental Management, Monitoring, Auditing and Report.**

#### **i Annual Reporting**

The Applicant/Owner shall submit an Annual Environmental Management Report to the Council and the relevant agencies. This report must:

- a) Identify the standards and performance measures that apply to the development;
- b) Include a detailed summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;
- c) Include a detailed summary of the monitoring results on the development during the past year;
- d) Include a detailed analysis of these monitoring results against the relevant:
  - Impact assessment criteria;
  - Monitoring results from previous years; and
  - Predictions in the SEE
- e) Identify any trends in the performance of the development shown by monitoring over the life of the development;
- e) Identify any non-compliance during the previous year; and
- f) Describe what actions were, or are being taken to ensure compliance.

#### **ii Complaints Procedure**

Throughout the life of the development, the Applicant/Owner shall ensure that the following contacts are available for community complaints;

- a) A telephone number on which complaints about the development may be registered;
- b) A postal address to which written complaints may be sent; and
- c) An email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site. These details shall also be provided on the Applicant/Owner's internet site.

#### **iii Complaints Register**

The Applicant/Owner shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time, where relevant of the complaint;
- b) The means by which the complaint was made (telephone, mail or email);
- c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) The nature of the complaint
- e) Any action(s) taken by the Applicant/Owner in relation to the complaint, including any follow-up contact with the complainant; and
- f) If no action was taken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being taken; and
- g) A sign shall be erected at the site boundary giving contact details.

The Complaints Register shall be made available for inspection by the Council or the Environmental Services Manager upon request. The Applicant/Owner shall also make summaries of the Register, without details of the complainants, available for public inspection.

## **PART F – OTHER APPROVALS**

There are no other approvals issued with this consent.

## **REASONS FOR CONDITIONS:**

The above conditions have been imposed:-

- (a) to ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;
- (b) having regard to Council's duties of consideration under *Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (as amended)* as well as Section 80A of the Act which authorises the imposing of consent conditions.
- (c) to protect the existing and likely future amenity of the locality;
- (d) prevent, minimise, and/or offset adverse environmental impacts;
- (e) set standards and performance measures for acceptable environmental performance;
- (f) require regular monitoring and reporting;
- (g) to protect the structure from bushfire and comply with Planning for Bushfire Protection 2006.
- (h) provide for the on-going environmental management of the development;
- (i) having regard to the circumstances of the case and the public interest; and
- (j) to ensure compliance with the *Building Code of Australia* and referenced standards.
- (k) for the protection & prevention of overloading of the sewerage system, safety of workers and the environment.

## Annexure 3 - EPA General Terms of Approval

Protection of the Environment Operations Act 1997

### General Terms of Approval - Issued

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Notice No: 1523371

### 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 DA28/2013 submitted to Gwydir Shire Council on 3 September 2013;
- any environmental impact statement including that titled "Environmental Impact Statement for a Proposed Increase in Annual Production from Runnymede Quarry, Lot 52 & 53 DP 751093 Parish of Bullala, County of Burnett" prepared by SMK Consultants dated July 2013 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including that titled "Addendum: Additional Information, Development Application 28/2013, Increase in Annual Production at Runnymede Quarry" prepared by SMK Consultants dated May 2014.

#### **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.

### 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. Production Limit**

L2.1 Extraction from the premises must not exceed 300,000 tonnes during any consecutive 12 month period.

L2.2 For the purposes of determining compliance with this condition, all trucks carrying loads from the quarry must be weighed at the site weigh bridge before leaving the site, and records of the weight of each load must be maintained by the applicant and provided to an EPA Authorised Officer upon request.

#### **L3. Concentration limits**

L3.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L3.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L3.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Page 3



## General Terms of Approval - Issued



Notice No: 1523371

### Water and Land

**POINT:** Overflow from the Spillway of each of the five sediment basins (exact locations are defined in the current environment protection licence no. 7379)

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil & Grease	milligrams per litre				10
pH	pH				6.5 - 8.5
Total Suspended Solids	milligrams per litre				50

**L3.4** The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharged from the sediment basins provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds a total of 42 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sedimentation basins within 5 days of rainfall such that they have sufficient capacity to store run off from a 42 millimetre, 5 day rainfall event.

### L4. Noise limits

**L4.1** Noise generated from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are defined in the document entitled "Report No. N601, Runnymede Quarry, Environmental Noise Impact Assessment" by Hushpak engineering dated 21 March 2014:

Locality and Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
The residence on the property "Kirkton" (if it is reconstructed following its destruction by fire in 2013) as marked in the document entitled "Report No. N601, Runnymede Quarry, Environmental Noise Impact Assessment" by Hushpak engineering dated 21 March 2014	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)
Any other affected residence not owned by the proponent	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

**L4.2** For the purpose of the condition above;

## General Terms of Approval - Issued



Notice No: 1523371

### Water and Land

**POINT:** Overflow from the Spillway of each of the five sediment basins (exact locations are defined in the current environment protection licence no. 7379)

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil & Grease	milligrams per litre				10
pH	pH				6.5 - 8.5
Total Suspended Solids	milligrams per litre				50

**L3.4** The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharged from the sediment basins provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds a total of 42 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sedimentation basins within 5 days of rainfall such that they have sufficient capacity to store run off from a 42 millimetre, 5 day rainfall event.

### L4. Noise limits

**L4.1** Noise generated from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are defined in the document entitled "Report No. N601, Runnymede Quarry, Environmental Noise Impact Assessment" by Hushpak engineering dated 21 March 2014:

Locality and Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
The residence on the property "Kirkton" (if it is reconstructed following its destruction by fire in 2013) as marked in the document entitled "Report No. N601, Runnymede Quarry, Environmental Noise Impact Assessment" by Hushpak engineering dated 21 March 2014	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)
Any other affected residence not owned by the proponent	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

**L4.2** For the purpose of the condition above;

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- (a) Day is defined as the period from 7am to 6pm on any day;
- (b) Evening is defined as the period 6pm to 10pm on any day; and
- (c) Night is defined as the period from 10pm to 7am on any day.

Note: For the purpose of the noise criteria for this condition, 5dBA must be added to the measurement level if the noise is substantially tonal or impulsive in character.

L4.3 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:

- (a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- (b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- (c) Stability category G temperature inversion conditions.

For the purposes of this condition:

- (d) Data recorded by an appropriate meteorological station (that is located in a situation where it will provide meteorological data that is representative of those at the site) to be nominated by the proponent in writing for approval by the EPA must be used to determine meteorological conditions; and
- (e) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.4 To determine compliance:

- (a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
  - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - ii) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- (b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- (c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
  - i) at the most affected point at a location where there is no dwelling at the location; or
  - ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- i) at a location other than an area prescribed in part (a) and part (b); and/or
- ii) at a point other than the most affected point at a location.

L4.5 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.



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### L5. Hours of operation

L5.1 Activities at the premises may only be carried out at the times specified in the table below:

Activity	Monday to Friday	Saturday	Sunday	Public Holidays
Dispatch of trucks to haul aggregate or arrival of trucks delivering products	7.00am to 6.00pm	7.00am to 3.00pm	8.00am to 3.00pm	Nil
Arrival and loading of trucks to haul aggregate	6.30am to 5.30pm	7.00am to 2.00pm	8.00am to 2.00pm	Nil
Light vehicle traffic associated with employees, site residents or light service vehicles entering or leaving the site	24 hours a day	24 hours a day	24 hours a day	24 hours a day
Maintenance of plant and equipment including workshop activity, repairs/alterations to processing equipment and unloaded test runs.	6.00am to 10.00pm	7.00am to 6.00pm	7.00am to 6.00pm	7.00am to 6.00pm
Operation of primary-crushers and associated equipment within the confines of the excavated quarry area	6.00am to 6.00pm	7.00am to 5.00pm	8.00am to 2.00pm	8.00am to 2.00pm
Operation of secondary crushers, sieves, separators, blending, pug-mill and conveyors outside quarry confines	7.00am to 6.00pm	7.00am to 5.00pm	8.00am to 2.00pm	8.00am to 2.00pm
Operation of loaders, excavators, trucks, pre-coating equipment within the lower storage yard area	6.00am to 10.00pm	7.00am to 6.00pm	7.00am to 6.00pm	7.00am to 6.00pm
Drilling	7.00am to 6.00pm	7.00am to 5.00pm	8.00am to 2.00pm	8.00am to 2.00pm
Blasting	9.00am to 4.00pm	Nil	Nil	Nil
Exceptional circumstances – all crushing, loading and product haulage activities within and from the site to enable manufacture and delivery to high priority RTA or Shire Projects only. Haulage outside normal operating hours is to be limited to four (4) trucks only.	24 hours with written notification and approval from Gwydir Shire Council and the Environment Protection Authority	24 hours with written notification and approval from Gwydir Shire Council and the Environment Protection Authority	24 hours in emergencies only with written notification and approval from Gwydir Shire Council and the Environment Protection Authority	Nil

### L6. Waste

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

L6.2 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.

### L7. Blasting

L7.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error

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

**L7.2** The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L7.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L7.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L7.5** To determine compliance with condition(s) L2.1, L2.2, L2.3 and L2.4:

(a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises [exact location to be confirmed] for all blasts carried out in or on the premises; and

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

**L7.6** Blasting operations on the premises must only be carried out between the hours 9am to 3pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays

**L7.7** The hours of operation for blasting operations specified in this licence may be varied by the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, and where the EPA gives written consent to the variation.

**L7.8** Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

### Operating conditions

#### ***O3. Dust***

**O3.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**O3.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

#### ***O4. Blast management protocol***

**O4.1** A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;
- mitigation measures;
- remedial action;

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- monitoring methods and program;
- monitoring program for flyrock distribution;
- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;
- measures to ensure no damage by flyrock to people, property, livestock and powerlines;
- measures to prevent/minimise blast fume emissions and ensure that fume does not drift beyond the boundary of premises.

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

##### Air Monitoring Requirements

**POINTS:** At the nearest surrounding residences [exact locations to be confirmed]

Pollutant	Units of Measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Special Frequency 1	AM-18
Solid Particles	grams per square metre per month	Continuous	AM-19

##### Water and/or Land Monitoring Requirements



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**POINTS: Overflow from the spillway of the 5 sediment basins [exact locations to be confirmed]**

Pollutant	Units of Measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Special Frequency 2	Representative Sample
pH	pH units	Special Frequency 2	Representative Sample
Total Suspended Solids	milligrams per litre	Special Frequency 2	Representative Sample

For the purposes of this condition, 'Special Frequency 1' means sampling as required from time to time in writing by the EPA.

For the purposes of this condition, 'Special Frequency 2' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L3.

### **M3. Testing methods - concentration limits**

**M3.1** 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* (POEO 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 *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

**M3.2** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2 must be done in accordance with:

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

unless otherwise expressly provided in the licence.

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### M4. Weather monitoring

#### M4.1 Weather Monitoring Requirements

For each monitoring point specified below the applicant must monitor the parameters specified in Column 1 of the table below. The applicant must use the sampling method, averaging period, units of measure specified in the table and sample at the frequency specified opposite in the other columns:

**POINT: W1 Site Meteorological Monitoring Station [exact location to be confirmed]**

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	millimetres per hour	Continuous	1 hour	AM-4
Wind speed @ 10 metres	metres per second	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	degrees Celsius	Continuous	15 minute	AM-4
Temperature @ 10 metres	degrees Celsius	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	degrees clockwise from true north	Continuous	15 minute	AM-4
Solar radiation	watts per square metre	Continuous	15 minute	AM-4
Additional requirements- Siting				AM-1, AM-4 and Special Method 1

**M4.2** For the purposes of this conditions 'Special Method 1' means that the applicant must install a permanent meteorological station and logger.

The location of the site chosen for the station and the details of the equipment, measurement and maintenance/service procedures and schedules to be installed/implemented must be submitted in writing to the EPA, and approved in writing by the EPA, before any sampling or analysis is carried out. The meteorological station must be calibrated at least once every 12 months. The EPA must be provided with the data from the station upon request in a Microsoft Office compatible format.

### M5. Noise monitoring

**M5.1** To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition L4.4 titled Determining Compliance, outlined above and:

- (a) at Locations 1 and 2 listed in the Noise Limits table;
- (b) occur every six months in a reporting period and where required in writing by the EPA, during extended 24 hour exceptional circumstances operations;
- (c) occur during each day, evening and night period as defined in the *NSW Industrial Noise Policy* for a minimum of:
  - i) 1.5 hours during the day;
  - ii) 30 minutes during the evening; and



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iii) 1 hour during the night.

(d) occur for three consecutive operating days.

Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established.

### 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.

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### **Attachment – Mandatory Conditions for all EPA licences**

#### **Administrative conditions**

##### **Other activities**

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

**Crushing, grinding and/or separating**

#### **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.

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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.

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.

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### ***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.

### ***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 *Protection of the Environment Operations Act 1997* 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 immediately 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;

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- 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.

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.



## **Annexure 4 – Office of Water Conditions of Approval**

**NSW OFFICE OF WATER  
RUNNYMEDE QUARRY DA28/2013  
RECOMMENDED CONDITIONS OF APPROVAL**

1. All appropriate licences under the *Water Management Act 2000* are to be obtained from the NSW Office of Water.
2. The applicant must ensure that it has sufficient water for all stages of the quarry operations, including rehabilitation and if necessary, adjust the scale of operations to match its water supply.
3. The proponent must maintain records of water taken from all water sources and make these available to the Office of Water when requested. Records of water taken must be included in an annual management report.
4. If groundwater is intercepted at any time during the quarry operations, the proponent must contact the NSW Office of Water.
5. Surface water monitoring should be in accordance with monitoring points outlined in the Environmental Protection Licence issued by the Office of Environment and Heritage.
6. The proponent must develop an Erosion and Sediment Control Plan, to the satisfaction of the relevant agencies.
7. The quarry operations should be undertaken in accordance with the Surface Water Management Plan and Environmental Management Plan included as part of the Environmental Impact Statement.