



Cristal Mining Hatfield Gravel Extraction

JRPP No. 2017WES008

JRPP No	2017WES008
DA Number	10/2018
Local Government Area	Balranald Shire Council
Proposed Development	Gravel Extraction Activity
Street Address	Magenta Wampo Rd
Title Details	2//1198331 and 1944//763848
Applicant	Mr Ray Roberts
Owner	State of NSW
Lessee	Minto Glen Pastoral Co. P/L
Public Submissions	Nil
Recommendation	Approve subject to conditions
Report by	Balranald Shire Council

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1.0 Introduction

1.1 Executive Summary

Ray Roberts is the applicant for Development Application 10/2018 which proposes to extract gravel at three (3) locations on the Magenta Wampo Rd for the purposes of internal mine and public road upgrading and maintenance to support the Atlas Campaspe mineral sands project mining traffic (subject of State Significant Development Consent SSD-5012). The location of the proposed activity is approximately 20km east of Mungo National Park and 80km north of the township of Balranald.

The current land use of the site and the area in general is extensive agriculture, principally dry land grazing. The land is held under Western Lands Leases 2611 and 4103 on Lot 2 DP 1198331 and Lot 1944 DP 763848 By Minto Glen Pastoral Company P/L. The existing pastoral holding incorporating these leases is approximately 32,000ha.

The lease purpose for Western Lands Lease 2611 is for 'pastoral purposes' and the lease purpose for Western Lands Lease 4103 is 'grazing'.

The proposal is for an extractive industry as defined under the Balranald Local Environmental Plan 2010 and is designated development under Clause 18A of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. The proposal is also Integrated Development in accordance with Section 91 of the Environmental Planning & Assessment Act 1979 (EP&A Act), being a scheduled activity under Clause 19 of Schedule 1 of the Protection of the Environment Operations Act 1997.

In accordance with the Environmental Planning & Assessment Act 1979, the Western Joint Regional Planning Panel is the determining authority.

The application for development has been assessed in accordance with Section 79C of the EP&A Act and relevant local and state environmental planning instruments. The application was publicly advertised for a period of 30 days, ending on the 28th of September 2017. No public submissions were received. The application was also referred to several State agencies for comment.

In accordance with the Section 79c assessment, the proposal is recommended for approval subject to the conditions detailed in draft form at Section 9.2 of this report.

1.2 Scope of Report

This report has been prepared to provide an overview of the proposal and the statutory assessment procedure used during the processing of the application, along with an assessment of the key environmental issues of the proposal and details a recommendation to the Western Joint Regional Planning Panel based on the environmental assessment.

1.3 The Proposal

The proposal is for a gravel extraction activity for internal mine and public road upgrading and maintenance to support mineral sand mining in the locality.

Proposal summary:

The proposal is for three (3) pits of varying sizes to support the construction and maintenance of the Atlas Campaspe mining project and the Magenta Wampo heavy mineral transport route. The pits are detailed in Table 1.1.

Pit Name	Area (ha)	Volume(m ³)
Pit A	54	187,500
Pit B	5.25	9000
Pit C	54.16	266,625
Total	113.41	463,125

Table 1.1: Resource Estimation

The indicated lifespan of the extractive activity is over the lifespan of the Atlas Campaspe mining activity, which is twenty (20) years. Apportionment of the extracted material is detailed in Table 1.2.

Pit Name	Haul Road volume (Kt)	Internal Mine Volume (Kt)	Road Maintenance over Mine Life (Kt)	Total
Pit A	100	20	20	140
Pit B	20	10	0	30
Pit C	140	20	20	180
Total	260	50	40	350

Table 1.2: Estimated gravel apportionment over the activity lifespan

The majority of the extracted material will be required during the first year of operation of the activity, being the mine construction phase.

The haulage route is the Magenta Wampo Rd to the Atlas Campaspe mine site for mine construction works and directly on the Magenta Wampo Rd and Hatfield the Vale Rd for road upgrading works.

Gravel pit operations include clearing, ripping, extracting, crushing, screening, stockpiling and loading with plant including bulldozer, front-end loader and crusher/screener. Heavy vehicle movements over the initial construction phase are interpreted to be in the order of 20 per day. During the operational phase, intermittent use of the pits for maintenance will occur.

1.4 Site Description and Land Use

The proposal is located approximately 80km north of the township of Balranald in predominately dryland grazing country, with small areas soon to be opened up to mineral sand mining. The subject land is leased by the State of NSW to Minto Glen Pastoral Company P/L under Western Lands Lease Numbers 2611 & 4103.

The vegetation can be loosely categorised as various chenopod shrub lands/woodlands with Belah, Rosewood, Sandhill pine and mallee communities. The activity will impact on approximately 108.8ha of remnant native vegetation, with the flora survey indicating that Sandhill Pine (4.89ha), Yarran Shrubland (0.53ha) and Mossgiel Daisy (9 individuals) are within the footprint of the proposal. A full flora report is included at Appendix D of the Environmental Impact Statement (EIS).

There is evidence of historic gravel extraction activity at Pit B and to a minor extent at Pit A northern section.

2.0 Statutory Assessment Framework

2.1 Environmental Planning & Assessment Act 1979

In accordance with Section 77A of the EP&A Act, the proposal is specified as designated development as defined by Clause 18A of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) being an extractive industry in the Western Division that:

obtain or process for sale, or reuse, more than 15,000 cubic metres of extractive material per year or more than 40,000 cubic metres in total is declared to be designated development for the purposes of the Act.

The proposal also identified as integrated development under Section 91 of the EP&A Act, being an activity identified in Schedule 1 of the Protection of the Environment Operations Act 1997 that is a land based activity that involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials.

In accordance with Section 79 of the EP&A Act the proposal was exhibited for a period not less than thirty (30) days, concluding on the 28/09/2017, along with written notification of the proposal to adjoining leaseholders and public notices displayed on the subject land.

2.2 Environmental Planning & Assessment Regulation 2000

Clause 19 of Schedule 3 of the Environmental Planning & Assessment Regulation 2000 is not applicable to Extractive Industries in the Western Division.

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

Clause 18A of the Mining SEPP specifies thresholds for designated development for the purposes of the EP&A Act, Clause 18A states:

18A Designated development

Development for the purposes of extractive industries that are located in the Western Division and that obtain or process for sale, or reuse, more than 15,000 cubic metres of extractive material per year or more than 40,000 cubic metres in total is declared to be designated development for the purposes of the Act.

The proposal is designated development in accordance with the Mining SEPP.

2.4 Notification and Statutory Referrals

Critical dates in relation to public notification and statutory referrals are listed in Table 2.1.

Development Application Lodged	23/08/2017	
Neighbour Notification Postmarked	24/08/2017	
Newspaper Notices	28/08/2017, 29/08/2017 and 11/09/2017	
Exhibition period	28/09/2017	
Integrated Referral	Environmental Protection Authority	28/08/2017
Referral for Comment	Roads & Maritime Services	29/08/2017
	Office of Environment and Heritage	28/08/2017
	Western Local Land Service	24/08/2017
	NSW Planning & Environment	04/09/2017
	Department Primary Industries (general)	29/08/2017
	Department Primary Industries Lands	29/08/2017
Internal Council Referral	29/08/2017	

Table 2.1 Timing of Notification and Referrals

3.0 Section 79C(1)(a), Environmental Planning & Assessment Act 1979

3.1 Planning Instruments

At the time of submission of the development application the Balranald Local Environmental Plan 2010 (the LEP) is the only local planning instrument applicable to the proposal. There are no draft instruments, development control plans or planning agreements under Section 93F of the EP&A Act. Additionally Clause 92 of the Environmental Planning & Assessment Regulation 2000 does not specify additional matters to be considered in relation to this proposal.

3.1.1 Balranald Local Environmental Plan 2010

The proposed extractive areas are located on land that is zoned RU1 (Primary Production) in accordance with the LEP. The proposal fits the definition of Extractive Industry, being:

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.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

The proposal is permissible with consent in accordance with the Land Use Table for the RU1 (Primary Production) Zone.

Relevant clauses of the LEP are listed in the following table:

Clause 1.2 Aims of plan: <i>This Plan aims to make local environmental planning provisions for land in Balranald in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</i>	
(a) to encourage sustainable economic growth and development,	A major aspect of the proposal is to improve the road network in the vicinity of the extractive activity to permit the use of the local roads as the Atlas Campaspe haul route; this also supports improved road access and safety for primary production activities such as livestock transportation and access for husbandry purposes.
(b) to encourage the retention of productive rural land in agriculture,	Remediation measures will permit the restoration of agricultural activity on the subject land.
(c) to identify, protect, conserve and enhance Balranald's natural assets,	The EIS identifies a Biodiversity Offset Strategy of 900ha (Option 2) under a conservation lease conversion to maintain or improve biodiversity outcomes for the locality. This measure is significantly consistent with OEH comments.
(d) to identify and protect Balranald's built and cultural heritage assets for future generations,	The EIS identifies measures to protect known items of cultural heritage in the vicinity of the proposal.
(e) to allow for the equitable provision of social services and facilities for the community,	It is considered that the proposal improves road facilities and access to road maintenance materials. This minimises the impact of the haul road use on public resources and is not likely to impair the provision of social services.
(f) to encourage and support growth in the Balranald and Euston townships,	The proposal is required to support an emerging industry in the local government area (LGA), thus potentially providing economic growth potential for the LGA.
(g) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.	The proposal is not associated with tourist or visitor accommodation and is not likely to significantly impact on existing accommodation due to the proposals remoteness and the potential use of the Atlas Campaspe mining camp.
Clause 2.3 Zone objectives and Land Use Table: <i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>	

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base	A major aspect of the proposal is to improve the road network in the vicinity of the extractive activity to permit the use of the local roads as the Atlas Campaspe haul route. This also supports improved road access and safety for primary production activities such as livestock transportation and access for husbandry purposes.
To encourage diversity in primary industry enterprises and systems appropriate for the area	The proposal is not likely to reduce the potential for diversity of primary industry in the area.
To minimise the fragmentation and alienation of resource lands	The proposal provides for improving access to resources lands, specifically the Atlas Campaspe mineral deposit, and reducing alienation of this resource area.
To minimise conflict between land uses within this zone and land uses within adjoining zones	The remoteness of the proposed activities to sensitive receptors and mitigation measures identified in the EIS are likely to minimise the potential for land use conflicts. The proposed location is remote from other land use zones.
To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality	The EIS identifies strategies and practices to minimise impacts and maintain or improve biodiversity outcomes based on the characteristics of the area.
To support rural communities	The proposal is required to support an emerging industry in the LGA, thus potentially providing economic growth potential for the LGA.
To ensure the provision of accommodation for itinerant workers	Multiple accommodation options are identified within the EIS, including provision in the Atlas Campaspe mining camp, local property accommodation and local motel facilities.
Clause 5.10 Heritage Conservation	
(a) to conserve the environmental heritage of Balranald	The proposal is not in close proximity to items listed in Schedule 5 of the LEP and mitigation measures identified in the EIS provide protection to an object identified within the Pit C boundary. The EIS also describes a protocol for chance finds.
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	The proposal is not in close proximity to items listed in Schedule 5 of the LEP and mitigation measures identified in the EIS provide

	protection to an object identified within the Pit C boundary.
(c) to conserve archaeological sites	There are no archaeological sites identified in close proximity to the proposal. Mungo National Park is somewhat remote from the site being more than 20km to the north west.
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance	Mitigation measures identified in the EIS provide protection to an object identified within the Pit C boundary. The EIS also describes a protocol for chance finds.
Clause 6.1 Biodiversity <i>(1) The objectives of this clause are to manage and maintain the integrity of identified areas of terrestrial and aquatic biodiversity significance</i>	
(a) the biological diversity of native flora and fauna and their habitats	The EIS identifies 108.78ha of native vegetation clearing to facilitate the proposal and details a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes for the locality, along with vegetation and threatened species protocols and rehabilitation works.
(b) the ecological processes necessary for ecosystems health	The EIS describes remediation works to mitigate long term impacts and a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes.
Clause 6.1 Biodiversity <i>(3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on:</i>	
(a) native flora and fauna, their habitat, and their interrelationship with the environment	The EIS identifies 108.78ha of native vegetation clearing to facilitate the proposal and details a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes for the locality, along with vegetation and threatened species protocols and rehabilitation works.
(b) the movement and dispersal of native flora and fauna	The EIS describes remediation works to mitigate long term impacts and a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes.
(c) the physical and biological functions of the ecosystem	The EIS describes remediation works to mitigate long term impacts and a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes.
Clause 6.1 Biodiversity <i>(4) Before granting development consent to development on land to which this clause applies, the consent authority must be satisfied that the development is designed, sited and</i>	The EIS identifies 108.78ha of native vegetation clearing to facilitate the proposal and details a 900ha Biodiversity Offset to maintain or improve biodiversity outcomes for the locality. The EIS also includes vegetation and

<i>managed to minimise, remedy or mitigate those impacts identified in subclause (3) as much as practicable.</i>	threatened species protocols and rehabilitation works. These measure are significantly consistent with OEH comments.
Schedule 5 Environmental Heritage	
• Aboriginal Cemetery, Island Road Balranald • Diplo Ceremonial Ground, Balranald • Fire Station, Market St Balranald • Fish Traps, Balranald • Lock & Weir, Euston • Courthouse, Murray Tce Euston • Burial Ground, Euston • Willandra Lakes Region	The proposal is significantly distant to items listed as Environmental Heritage on Schedule 5 of the LEP to mitigate any potential impacts. There is greater than 30km separation distance between listed items and the proposed locations of the activity.

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

The proposed activity is an Extractive Industry as defined under the LEP requiring consideration under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP).

12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses <i>Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:</i>	
(a) consider: (i) the existing uses and approved uses of land in the vicinity of the development, and (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, and (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and	The proposal supports the development of approved (mineral sand mining) uses in the area along with providing improved road infrastructure in the area for existing agricultural uses. The proposal is permissible within the zone and supports the development of emerging land uses (mineral sand mining) in the area along with providing improved road infrastructure in the area for existing agricultural uses. The proposal supports the development of emerging land uses (mineral sand mining) in the area along with providing improved road infrastructure in the area for existing agricultural uses.

	The proposal will occupy a small proportion of the 32,000ha agricultural holding with progressive remediation works rendering the impact on the use of the land as negligible.
(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii)	The EIS describes that the major use of the extracted materials will be to upgrade and maintain the public road between the Atlas Campaspe mine site and Main Road 67, creating public benefit in relation to traffic safety and accessibility.
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii)	No incompatibilities identified.
13 Compatibility of proposed development with mining, petroleum production or extractive industry <i>(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:</i>	
(a) in the vicinity of an existing mine, petroleum production facility or extractive industry	Nil active mines, petroleum facilities or extractive industries in the vicinity.
(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	At the date of submission of the development application, no land was identified as referred to in paragraph (b).
(c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.	The area is not identified in an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.
13 Compatibility of proposed development with mining, petroleum production or extractive industry <i>(2) Before determining an application to which this clause applies, the consent authority must:</i>	
(a) consider: (i) the existing uses and approved uses of land in the vicinity of the development (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive	 The proposal is not considered to impair the existing or approved uses in the area. The proposal will improve access and traffic safety of road users. The proposed extractive material is the predominate road construction material used in the local government area and its occurrence

materials (including by limiting access to, or impeding assessment of, those resources) (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery	is widespread as indicated by Council's Infrastructure & Development Department. The proposal is unlikely to unduly impair access or assessment of the extractive material resource within the local government area due to this widespread occurrence. The proposal is not significantly incompatible with existing or approved uses in the locality
(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and	The public benefit is considered satisfied as the majority of the material is proposed to be used on public road upgrading and maintenance and the proposal supports emerging economic opportunities in the area.
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii)	The proposal is not significantly incompatible with existing or approved uses in the locality
14 Natural resource management and environmental management <i>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:</i>	
(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable	The EIS details a risk assessment, including controls that indicate minimal potential impacts on surface and ground water resources.
(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable	The EIS identifies 108.78ha of native vegetation clearing to facilitate the proposal and details a Biodiversity Offset Strategy to maintain or improve biodiversity outcomes for the locality. Along with vegetation and threatened species protocols and rehabilitation works.
(c) that greenhouse gas emissions are minimised to the greatest extent practicable	The EIS identifies a report that indicates that greenhouse gas emissions from vehicle fuels are expected to be negligible. The extractive areas are located so as to minimise transport distances, thus minimising burning of vehicle fuels.
14 Natural resource management and environmental management <i>(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining,</i>	The EIS identifies a report that indicates that greenhouse gas emissions from vehicle fuels are expected to be negligible.

<i>petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.</i>	The extractive areas are located so as to minimise transport distances, thus minimising burning of vehicle fuels.
14 Natural resource management and environmental management <i>(3) Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.</i>	Nil certification issued in accordance with this clause, OEH have requested imposition of conditions in relation an unexpected finds protocol.
15 Resource recovery	
(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.	The EIS details proposed extraction methods which are currently considered best practice as described by the local road authority.
(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.	Nil conditions in relation to efficiency considered to be required.
(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.	The proposed extractive method is considered appropriate.
16 Transport	
<i>(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:</i>	

(a) require that some or all of the transport of materials in connection with the development is not to be by public road,	The transport routes are considered appropriate, the pits are located so as to minimise transport distances to the mine site and the public road construction areas.
(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,	Restrictions in vehicle movements are not considered necessary due to the extractive sites and haul routes being remote from residential areas and schools.
(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.	The EIS specifies conformity with the Atlas Campaspe Mineral Sands Mine EIS in relation to transport of materials.
16 Transport (2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:	
(a) each roads authority for the road	Balranald Shire Council is the Road Authority for the proposed haul route, Council's Infrastructure & Development Department's response is listed at Appendix 8, with suggested conditions listed in draft conditions.
(b) the Roads and Traffic Authority (if it is not a roads authority for the road)	RMS response listed at Appendix 5, with suggested conditions listed in draft conditions.
16 Transport (3) The consent authority:	
(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and	RMS response listed at Appendix 5, with suggested conditions adopted into draft conditions.
17 Rehabilitation (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.	
(2) In particular, the consent authority must consider whether conditions of the consent should:	
(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or	Considered in draft conditions in relation to rehabilitation. Reporting mechanisms will identify issues in rehabilitated areas.
(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or	Considered in draft conditions.

(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or	Soil contamination is considered as unlikely as a result of this proposal, draft condition to identify responsibilities under the Contaminated Land Management Act 1997.
(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.	The rehabilitation strategy detailed in the EIS minimises the impact of the proposal on public safety and the specified traffic management plan also aids this issue.

3.1.3 State Environmental Planning Policy No 33—Hazardous and Offensive Development

The guidelines to SEPP 33 indicate that any proposal that requires a licence under any pollution control legislation should be considered potentially offensive. This proposal is subject to a Licence under the Protection of the Environment Operations Act 1997 to authorise the carrying out of the activity.

13 Matters for consideration by consent authorities <i>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):</i>	
(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and	The proposal has been reviewed in conjunction with the Hazardous and Offensive Development Application Guidelines and Hazardous Industry Planning Advisory Papers
(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and	Integrated referral to the EPA was undertaken to satisfy this element of the SEPP. General Terms of Approval as notified by the EPA have been included in the draft conditions of consent.
(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and	The proposal is not defined as a potentially hazardous industry.
(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and	The upgrading of the Magenta Wampo Road is a condition of consent for the Atlas Campaspe mine project. The EIS identifies that alternatives to the proposed development have been considered, however, the more distance locations of suitable materials would likely create additional impacts on the public road infrastructure and it could be considered that greater environmental impact may occur from additional transport distances.

(e) any likely future use of the land surrounding the development.	The proposal is permissible within the zone and supports the development of emerging land uses (mineral sand mining) in the area along with providing improved road infrastructure in the area for existing agricultural uses.
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There are no identified potentially hazardous substances to be stored on site in a manner that may result in the project being classified as a 'potentially hazardous industry'. The proposed development is, therefore, not considered a 'potentially hazardous industry'.

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

3.1.4 State Environmental Planning Policy No 55 – Remediation of Land

The land is not listed on Council's Contaminated Land register and no significant activities are known to Council to have occurred on the land that would require the assessment or consideration of the proposal in relation to this SEPP.

The area has historically been used for extensive grazing agriculture which is unlikely to have caused contamination issues as no items such as stock dips, yards or husbandry sheds occur in proximity to the extraction sites.

Small areas of historic gravel extraction have occurred in the northern section of Pit A (approx. 1000m²) and at Pit B (1.5ha). A review of Council data by the Infrastructure & Development Dept. reveals that no potentially contaminating events have been recorded at the sites.

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

3.1.5 Draft Environmental Planning Instruments

At the time of submission of the development application there are no draft planning instruments that apply to the assessment of the application.

3.1.6 Development Control Plan

At the time of submission of the development application there are no development control plans that apply to the assessment of the application.

3.2 Environmental Planning & Assessment Regulation 2000

Relevant Clauses of the Environmental Planning & Assessment Regulation 2000 have been considered in relation to the processing and assessment of the proposal.

4.0 Protection of the Environment Operations Act 1997

The proposal is integrated development as defined under Section 91 of the EP&A Act as the activity requires an Environment Protection Licence under the Protection of the Environment Operations Act

1997 to authorise the carrying out of the activity. The application was referred to the Environment Protection Authority in accordance with Clause 66 of the Environmental Planning & Assessment Regulation 2000.

General Terms of Approval, Notice number 1556598, have been provided (see Appendix 9) and are included in the draft conditions of consent.

5.0 Section 79C(1)(b) Environmental Planning & Assessment Act 1979

Secretary's Environmental Assessment Requirements (EARs) were issued on the 23/11/2015 EAR Number 996. The EARs identify the key issues in relation to the potential impacts of the proposed activity.

5.1 Biodiversity

The EIS documents detailed surveys undertaken to inform biodiversity impact assessment and has provided various options to offset the biodiversity impact. 108.78ha of native vegetation clearing is required to facilitate the proposal. Two (2) vulnerable plant species, *Pterostylis cobarensis* and *Brachyscome papillosa*, along with two (2) endangered communities, Sandhill Pine Woodland and Yarran Shrubland occur or are likely to occur in the area.

Suitable habitat for *P. cobarensis* has not been identified at the proposed extractive sites, however, 9 individual *B. papillosa* have been identified within the extractive areas. 4.89ha of Sandhill Pine Woodland and 0.53ha of Yarran Shrubland are proposed to be cleared, both are identified as endangered ecological communities (EEC).

At risk fauna identified during the investigation include Corben's Long Eared Bat, Little Pied Bat and Inland Forest Bat. Other species, such as Yellow-bellied Sheath-tail Bat may occur in the area, however, were not recorded during the investigation. Additional historic survey information relating to the Atlas Campaspe EIS has also been used to inform the biodiversity assessment within the EIS.

7.3 of Appendix D of the EIS quantifies a minimum biodiversity offset requirement of 716ha calculated in accordance with precedent within the region using OEH's Ecosystem Credit Converter for developing used offset multipliers, ranging from 3.5:1 to 15:1. The offset multiplier of 15:1 is used for EEC. The use of the Credit Converter is permitted by the transitional arrangements under the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, as the development application was submitted prior to the *three months from 25 August 2017* cut-off date.

A range of options for the biodiversity offset strategy have been identified within the EIS, with Option 2 being the selected option. This option provides for 900ha of offset, being greater than the minimum offset calculation. This option has the largest shared boundary with the adjacent Atlas Campaspe Conversation Area and includes some Yarran shrubland and significant areas of habitat that may support locally known and predicted threatened species, such as spinifex mallee.

While not the preferred option described by the OEH response, the option is generally consistent with the comments in that *‘while the option does not contain sandhill pine woodland, it is contiguous with the mine offset area, contains a large area of belah-rosewood woodland, includes a sizable patch of yarran shrubland, contains a range of habitats for threatened species’*. The offset report indicates a patch of Yarran Shrubland in the area of option 2 (described as approximately 5ha, see additional information at Appendix 11).

5.2 Water

Ground water resources in the area of the proposed extractive areas are not likely to be impacted upon by the activity. The excavation is generally to one (1) metre maximum depth, the water table is variable throughout the area (<http://allwaterdata.water.nsw.gov.au/water.stm>) with Bore GW600353 being one of the closest bores with water level detail indicating water occurring at 17m. Ground water will not be extracted at the extractive sites.

There are no natural waterways that traverse the proposed sites. The extractive sites are likely to retain significant portion of rainfall with the shallow depressions caused by the extraction, rehabilitation methods and somewhat flat nature of the sites.

Potential water contamination risks will be further managed with appropriate management plan controls such as hydrocarbon storage methods, location of spill kits and operator inductions.

Water required for dust suppression for extraction, haulage and construction elements is proposed to be transported from existing bores or new bores to be developed as part of the Atlas Campaspe Mineral Sand project. No new bores are proposed at this time.

5.3 Air

The EIS indicates that dust will be the primary issue in relation to the operation of the extractive activity, greenhouse gas emissions from vehicle fuels are expected to be negligible as identified in the 2012 Katestone air quality report developed for the Atlas Campaspe EIS.

The closest sensitive receptor would be considered the Langleydale homestead 2.5km east of Pit B, with road users in the vicinity of all of the extractive sites also potential impacted by dust.

Dust generation from vegetation clearance, material processing and transport are the main sources of emissions with the EIS identifying appropriate control measures to minimise the impact of dust on sensitive receptors and traffic. Mitigation measures include the use of water trucks on the extraction sites and haul route, adjusting extractive activity with wind conditions in mind and the monitoring of air quality in line with the Atlas Campaspe air quality management plan.

5.4 Noise

The main noise emissions will be generated from excavators, crushers, loaders and haulage vehicles used in the extraction, processing and transport of extractive materials. The closest sensitive

receptor is 2.5km from the closest extractive area. A simple noise attenuation over distance calculation indicates that machinery noise, estimated to be in the order of 85dB(A) at one (1) metre, estimates noise reduction factor of 79dB(A) at the closest sensitive receptor.

The noise assessment for the Atlas Campaspe Mine EIS indicates that the proposal, being consistent with expected traffic volumes considered in that report, will meet the 55/50 L_{Aeq} , 1 hour criteria of the NSW Road Noise Policy.

5.5 Heritage

Specific desktop and on-ground investigation in relation to Aboriginal cultural heritage has been undertaken to inform the EIS. One (1) non-stratified item was located in the area of Pit C. Specific controls in relation to this item have been described to ensure protection of the item, namely exclusion fencing with appropriate employee/visitor instruction. An unexpected finds protocol is described in the EIS and Office of Environment & Heritage's standard protocol is included in the draft conditions of consent listed at Section 9.2 of this report.

No sites of European heritage have been identified at the proposed locations.

The proposal is not in close proximity to items listed in Schedule 5 of the LEP, with the closest listing being the Willandra Lakes World Heritage Area being around 30km to the west of the project sites, minimising any potential impacts.

5.6 Transport

The EIS specifies that proposal related traffic will be managed in accordance with the Traffic Management Plan required by the Atlas Campaspe Mineral Sand Mine Development Consent (Condition 9 requiring a Traffic Management Plan). The Traffic Management Plan will address access signage, loading zones, traffic flow, routes and dust and noise management to minimise transport related impacts.

Council's Infrastructure and Development Department has also identified conditions of consent, listed at Section 9.2 of this report, that provide additional protections to public infrastructure and aid traffic safety.

5.7 Land

Vegetation clearing and topsoil stripping are described as the major impact activities in relation to land resources. The rehabilitation strategy is likely to mitigate the long term impacts of the activity by the progressive replacing of topsoils, stockpiled vegetation and revegetation. The rehabilitation is also likely to return the land subject to the activity to productive agricultural use in the medium term.

5.8 Waste

The EIS describes a small number and volume of waste materials expected to be generated from the operation of the proposal. Material type and estimated volumes are indicated in Table 3-4 of the EIS.

The EIS indicates that a waste management plan will be implemented for the extractive activity and have described controls and a recording mechanism that will ensure appropriate handling and reporting of waste generated from the proposal.

5.9 Public Safety

Various areas within the EIS describe measures to minimise public safety impacts of the proposed activity. Inclusion of the proposal in various management plans to be developed in conjunction with the Atlas Campaspe management plans, such as a traffic management plan and a safety management plan, along with access restrictions and dust suppression controls will minimise potential impacts on public safety.

5.10 Visual

The EIS indicates that visual impacts from the development will be managed in a manner consistent with the conditions of consent for the Atlas Campaspe Mine Project approval. This includes a site management plan containing controls such as progressive rehabilitation, operational hours, waste management and decommissioning.

5.11 Social

The proposed extractive areas support the development of the Atlas Campaspe Mine Project and the Hatfield Gravel Pit EIS draws on Gillespie economic analysis for the Atlas Campaspe EIS, Resource Strategies (2012). The report notes that while there are some impacts in relation to cultural and social values, local employment opportunities, consultation, biodiversity offsets and compensation offset any impact.

5.12 Rehabilitation

Section 6 of the EIS describes a comprehensive rehabilitation strategy that includes the framing of a rehabilitation management plan. The strategy states a clear set of objectives that aim to create a final landform that closely matches the surrounding topography, re-establish native vegetation characteristic of the communities cleared to facilitate the proposal and return the sites to a condition that permits the use of the land for extensive agriculture.

The Section also details methodologies and management strategies that are likely to achieve the stated objectives. This includes, but is not limited to, preclearance survey, stockpiling vegetation and topsoils for rehabilitation use, a progressive approach to the rehabilitation, direct seeding of targeted species, fauna refuge, pest animal/plant control along with survey and a monitoring reporting mechanism to provide verification of the performance monitoring.

6.0 Other Matters

6.1 Hazards

The site is not identified as flood prone in Council's LEP mapping, however, the land is identified as being bushfire prone.

The EIS identifies management strategies to be incorporated into the Atlas Campaspe bushfire management plan to mitigate potential risks of bushfire. These controls include training, provision of firefighting equipment, asset protection zones, fuel management and appropriate risk management for the storage of hydrocarbons.

Materials such as hydrocarbons are identified as being stored in small quantities on the proposed extractive sites. Appropriate mitigations are proposed in line with applicable legislation, guidelines and Australian Standards.

6.2 Cumulative Impacts

The assessment of the proposal has not identified any significant cumulative impacts. It is considered that the rehabilitation strategy, biodiversity offset strategy and management planning minimise any potential cumulative impacts.

6.3 Ecologically Sustainable Development

Ecologically Sustainable Development (ESD) principles are not specifically addressed by the EIS, however, the assessment of the proposal indicates that the consideration of rehabilitation strategy, biodiversity offset strategy, management planning, economic development and siting of the proposal do not significantly impair ESD principles.

6.4 Public Interest

The proposal was advertised and notified in accordance with the EP&A Act with nil submissions received; referral agency submissions have been addressed within the EIS with potential impacts being identified and appropriate management planning and control or mitigation measures proposed to ensure the proposal is not contrary to the public interest.

6.5 Site Suitability

The proposed sites are considered suitable to carry out the extractive activity. The EIS has demonstrated that suitable resource exists at the sites and potential impacts have been addressed with appropriate management planning and control or mitigation measures.

The activity is also permissible with consent within the Zone under the LEP and is relatively remote from sensitive receptors further increasing the sites suitability.

7.0 The Environment Protection and Biodiversity Conservation Act 1999

Cristal Mining submitted the application to the federal Department of the Environment and Energy for advice of whether the extractive industry is a controlled activity under the Environment Protection and Biodiversity Conservation Act 1999. The department has advised that the proposal is not a controlled activity under the Act (Notification Reference EPBC 2017/7990).

8.0 Public Submissions

The proposal was advertised in accordance with the EP&A Act and Regulations, with notices advertised in newspapers, display notices at the subject sites, written notices to adjoining land holders and land holders in the general area that may have interest in the proposal. Critical dates are detailed in Table 2.1.

Nil public submissions have been received.

9.0 Recommendation

9.1 Conclusion

The development application is for an extractive activity on the Magenta Wampo Rd, Balranald that proposes to extract a volume of 463,125m³ of calcrete gravel road building and hardstand material. The extractive activity is expected to be undertaken over the life of the Atlas Campaspe heavy mineral sand mine project estimated to be 20 years. Initial extraction is estimated to be in the order of 310,000m³ during the construction phase of the mine and haul route, with 50,000m³ to be extracted over the life of the Atlas Campaspe Mine.

The proposal was identified as designated and integrated development necessitating the submission of an EIS and referral to the EPA for an environmental protection licence. It is considered that the EIS has been prepared in accordance with the Environmental Assessment Requirements, EARs Number 996, issued on the 23/11/2015.

The application was notified and advertised in accordance with the requirements of the EP&A Act and Regulations.

The proposal was assessed in accordance with Section 79C of the EP&A Act and based on this assessment, it is recommended that the application for and extractive industry on Lot 2 DP 1198331 and Lot 1944 DP 763848 Magenta Wampo Road Balranald be granted approval subject to the conditions listed at Section 9.2 of this report.

9.2 Draft Conditions

DA 10/2018 Cristal Mining Hatfield Gravel Pit Project, Lot 2 DP 1198331 and Lot 1944 DP 763848, Magenta Wampo Rd, Balranald.

1. The development authorised by this consent must be carried out in accordance with the conditions of this consent and the listed approved documents:
 - Cristal Mining Hatfield Gravel Pit Project Environmental Impact Statement (22/08/2017) prepared by ENVIROCOM.
 - Amended Appendix F (16/10/2017) prepared by Landskape.
 - Supplementary Information for Cristal Mining Hatfield Gravel Pit Development Application (3/08/2017) prepared by ENVIROCOM.
 - Email from Andrew Minns to Cedelia Duke regarding land description misdescription (29/08/2017).
 - Email from Andrew Minns to Ray Mitchell describing proposed offset option and unexpected finds protocol (3/10/2017).

Where there is inconsistency between the Environmental Impact Statement and supporting or additional information and the conditions of approval, the conditions of approval prevail to the extent of the inconsistency.

2. This approval is for an Extractive Industry, specifically the establishment, operation and rehabilitation of gravel extraction quarries.
3. This consent does not authorise clearing, removal of material or other disturbance outside of the areas defined in the approved Environmental Impact Statement and supporting or additional information.
4. No fixed building, plant or machinery shall be erected or installed on the site without the prior approval of Council (excluding any structures, fixtures or amenities approved by this consent).

Reason: To confirm and clarify the terms of consent (condition 1-4).

5. Without further written consent of the Balranald Shire Council, this approval will lapse and have no effect unless the activity authorised by this consent is substantially commenced within five (5) years of the date of this consent.

Reason: To confirm Section 95(1) of the Environmental Planning & Assessment Act 1979.

6. A self-contained toilet facility must be provided on or in the vicinity of active extractive operations for use by workers engaged in the approved activity.

Reason: Environmental protection and worker amenity.

7. Any waste materials generated from the carrying out of the activity must be disposed of to an appropriate facility for that waste.

Reason: Environmental protection.

8. Internal unsealed roadways, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on surrounding properties.

Reason: To minimise impact on the amenity of the locality.

9. An annual statement, prepared by an appropriately qualified and experienced person, must be submitted to Council each year within thirty (30) days of the first anniversary of the date of consent, and thence every year for the life of the extractive activity. The statement is to include a map and statement demonstrating compliance with this consent and the approved documentation, the statement is to include:

- the amount of material extracted
- the areas intended for extraction in the next twelve months
- extraction cells completed
- extraction cells rehabilitated
- areas intended for rehabilitation in the next twelve months
- performance monitoring of rehabilitation areas

The proponent must ensure that a copy of the statements is available to the public at all times.

Reason: To demonstrate compliance with the rehabilitation objectives of the EIS.

10. Office of Environment & Heritage unexpected finds protocol:

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object;
- Immediately cease all work at the particular location;
- Secure the area so as to avoid further harm to the Aboriginal object;

- Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
- Not recommence any work at the particular location unless authorised in writing by OEH.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

Reason: To provide protections for unexpected Aboriginal cultural heritage finds.

11. Native vegetation clearing for fencing of the area of offset must be restricted to the minimum extent necessary to permit the construction of the exclusion fence.

Reason: To minimise environmental impact of exclusion fencing.

12. If the area of offset is converted to freehold by the current or future leaseholders, a suitable offset mechanism be identified and approved by Balranald Shire Council and the Office of Environment & Heritage prior to the freeholding of the land containing the area of offset.

Reason: To ensure the long term protection of the area of offset.

13. The applicant must prepare a Plan of Management for the area of offset that addresses the commitments of Table 5-12 of the Environmental Impact Statement. This may be incorporated into the Biodiversity Management Plan required by State Significant Development Approval SSD-5012.

Reason: To ensure the long term protection of the area of offset.

Roads & Maritime

14. Any driveway to the public road network is to be located and maintained so as to comply with the required Sight Distance requirements in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
15. As a minimum any driveway to the public road network shall be constructed as a “Rural Property Access” type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
16. Where the driveway is to a sealed road any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the Austroads Guide to Road Design. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.

17. Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
18. Measures to minimise dust generation from the site impacting on road users on the adjoining public roads shall be implemented for each of the quarry sites.
19. Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
20. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.
21. "Truck Entering" signs, specification W5-22C, must be installed on both approaches to quarrying sites to warn motorists of possible truck movements during periods of active haulage of extractive materials.

Reason: To ensure traffic safety (condition 11-18).

22. Works associated with the development shall be at no cost to Roads and Maritime Services.

Reason: To clarify cost burden.

23. The quarry operator is to record and maintain a log of the extraction quantities and traffic movement in and out of the subject site. This log is to be kept on site and be available for inspection at the request of the consent authority.
24. The proponent must provide annual production data to the Division of Resources and Geoscience.

Reason: To inform natural resource management planning (condition 20-21).

BSC QUARRY SITE & ACCESS DRIVEWAY CONDITIONS

25. The applicant must obtain a road opening permit prior to the commencement of construction of rural driveway accesses to proposed extractive sites.

Reason: Statutory requirement under S138 of the Roads Act 1993.

26. As a minimum any driveway to the public road network, the applicant must construct as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design (see attached specification SD265). The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site. The access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the existing public road. Any entry gate to the site shall be located a minimum of 40m offset from the edge of the carriageway or at the property boundary

whichever is the greater. Gates are to be splayed as necessary to accommodate this offset. This is to allow for the standing of the longest expected heavy vehicles on the driveway approach – clear of the public road, when gates are to be opened.

Reason: To ensure traffic safety.

27. The applicant must construct culverts where rural property accesses are to cross road swale drains so as to not inhibit drainage flow. They must utilise materials and be installed to a standard that accommodates the largest vehicle mass likely to access the quarry site. The culvert is to be constructed with traversable type headwalls.

Reason: To ensure the correct operation of roadway drainage systems and traffic safety.

28. The applicant must locate and maintain the driveway approach to the public road network so as to comply with the required Sight Distance requirements in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
29. The applicant must implement measures to minimise and suppress dust generation from the gravel extraction quarries that might impact on road users visibility on the adjoining public roads.

Reason: To ensure traffic safety (condition 25-26).

30. The quarry operator is to record and maintain a log of the extraction quantities and traffic movement in and out of the subject site. This log is to be kept on site and be available for inspection at the request of the consent authority. Records are to be supplied to Balranald Shire Council, on a quarterly basis, preferably in the form of a data report from an automatic vehicle classifier located at quarry entrances.

Reason: To inform resource management planning for the built environment.

31. The applicant must install “Truck Entering” signs – specification W5-22C (hinged) – on both the approaches to the Rural Property Access and the signs are to be open and visible during periods of active gravel extraction and haulage to warn motorists.

Reason: To ensure traffic safety.

BSC HEAVY HAULAGE OF EXTRACTIVE MATERIALS CONDITIONS

32. Any damage or disturbance to the road reserve (other than the driveway) by the applicant must be restored to match surrounding landform in accordance with Council requirements.
33. The Applicant must ensure that no gravel-haulage-related traffic (including employees and contractors) uses local roads to access the site, other than those local roads that form part of the haulage route shown in Appendix 3 of State Significant Development Consent

SSD_5012, except in an emergency to avoid injury, the loss of life, property and/or to prevent environmental harm.

Reason: To minimise the impact of the proposal on the built environment (condition 29-30).

34. All gravel-loaded heavy haulage vehicles leaving the site must be loaded so as not to exceed the legal weight limitations and must enter and leave the site in a forward direction.

Reason: Statutory compliance.

35. The applicant must ensure all heavy haulage vehicles and associated plant are fitted with properly maintained emission controls relevant to their date of manufacture.

Reason: Statutory compliance.

36. During periods of wet weather or in a declared state of emergency, the applicant must adhere to any road closures enforced by the designated road authority, Balranald Shire Council.

Reason: Statutory compliance.

37. The applicant must ensure all heavy haulage vehicles loaded with gravel be suitably covered so as to prevent accidental spillage or dust falling from loads or sediment being tracked onto any public road.

Reason: To ensure traffic safety.

38. The applicant must ensure all loading and unloading take place within designated property bounds, including the parking of construction and private vehicles associated with the development.

Reason: To ensure traffic safety.

General Terms of Approval Notice No: 1556598 issued by the Environment Protection Authority on 11/10/17:

Attachment 'A'

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 no. 10/2018 submitted to Balranald Shire Council;
- the environmental impact statement titled "Cristal Mining Hatfield Gravel Pit Project" dated 22 August 2017 relating to the development; and

- the supplementary documents provided with the EIS and supplied to the EPA in relation to the development.

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.

A3. Premises to which the General Terms of Approval applies

A3.1 These General Terms of Approval apply to the following premises:

- Pit A (Lot 1 DP 1198331), Pit B (Lot 1944 DP 763848) and Pit C (Lot 2 DP 1198331) as described in Appendix B of the Environmental Impact Statement titled 'Cristal Mining Hatfield Gravel Pit Project' prepared by R. Mills and A. Minns and dated 22 August 2017, kept on EPA file DOC17/442482-02.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

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

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

L3. Noise limits

L3.1 Noise from the premises must not exceed:

An LAeq (15 minute) noise emission criterion of 35 dB(A) at any time.

L3.2 Noise from the premises is to be measured at nearest sensitive receptor not related to the development to determine compliance with this condition.

L4. Blasting

L4.1 Blasting is not permitted at the premises.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2. Soil and water management

O2.1 A management plan that includes measures to minimise soil erosion and sediment laden water discharges must be prepared and implemented by the applicant.

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. Volume monitoring

M2.1 The total volume of gravel extracted at the premises must be recorded and kept.

Reporting conditions

R1. Annual Return

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.

Attachment 'B' – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

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

- **processing of gravel (crushing)**

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. 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:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

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
- b. 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,

- a. 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
- b. 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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

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 Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment 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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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

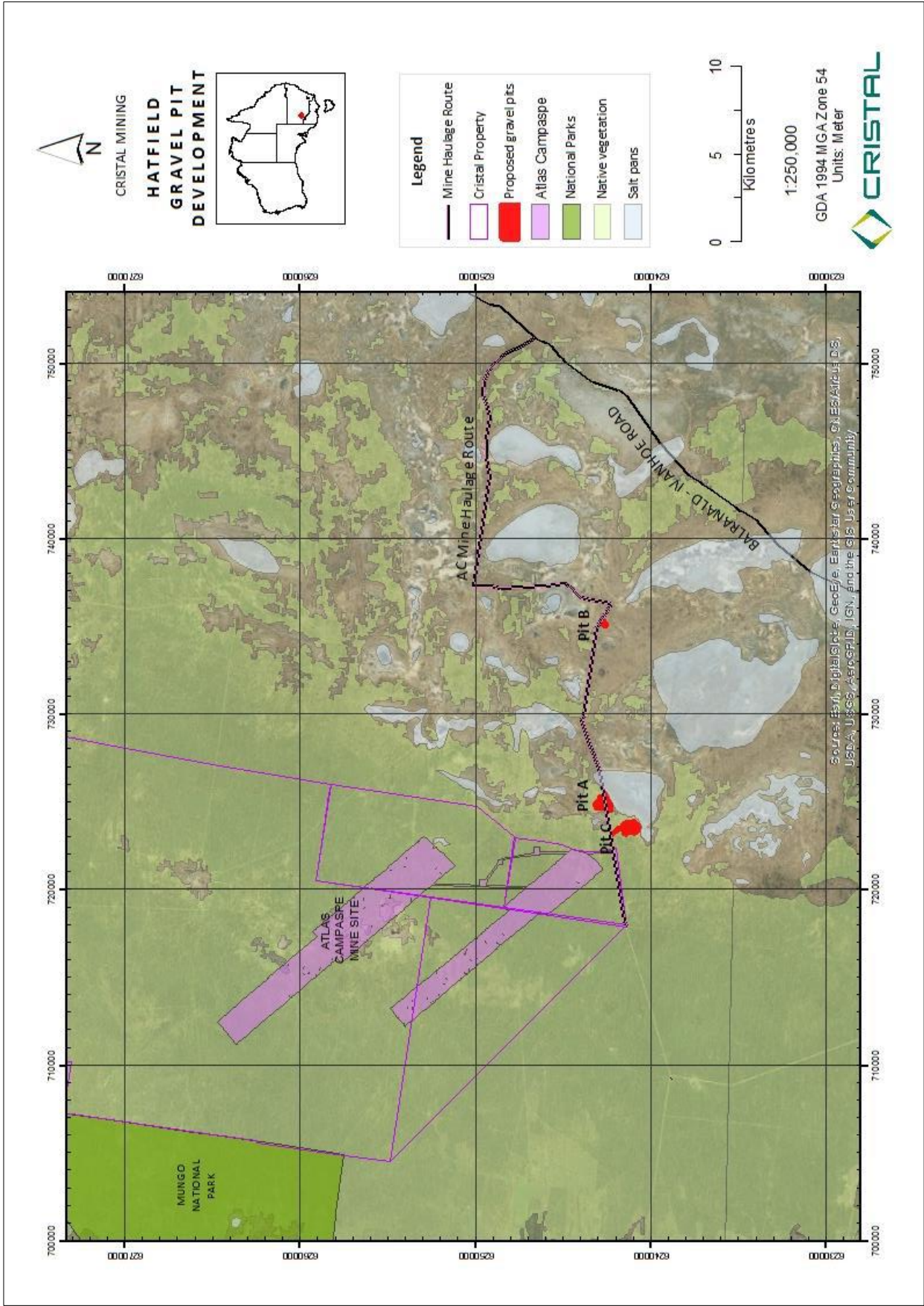
Copy of licence kept at the premises or on the vehicle or mobile plant

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.

Appendix 1: Site Locality



Appendix 2: Rates Card

Rates Display

Assessment: 00000-38361740-000 Prop ID: 3836174 Primary Property Address: 'CARAWATHA' BALRANALD NSW 2715

Owner: MINTO GLEN PASTORAL CO. PTY LTD Key Name: MINTO Multi Owner: ☐

HAS WARNINGS Rates Payment Reference: 1-002162-4 Water Payment Reference: 2-002162-2

Lot	Section	Plan	Land No.	Tenure	Zoning	Area	Address Method	Primary Addr.
5792		768691				0	Urban	☐
6651		769423				0	Urban	☐
5794		768693				0	Urban	☐
1944		763848				0	Urban	☐
2		1198330				0	N	☐
2		1198331				0	N	☐

Notes

Service	Units	Meter Number	Type	Parcel Address
<No data to display>				

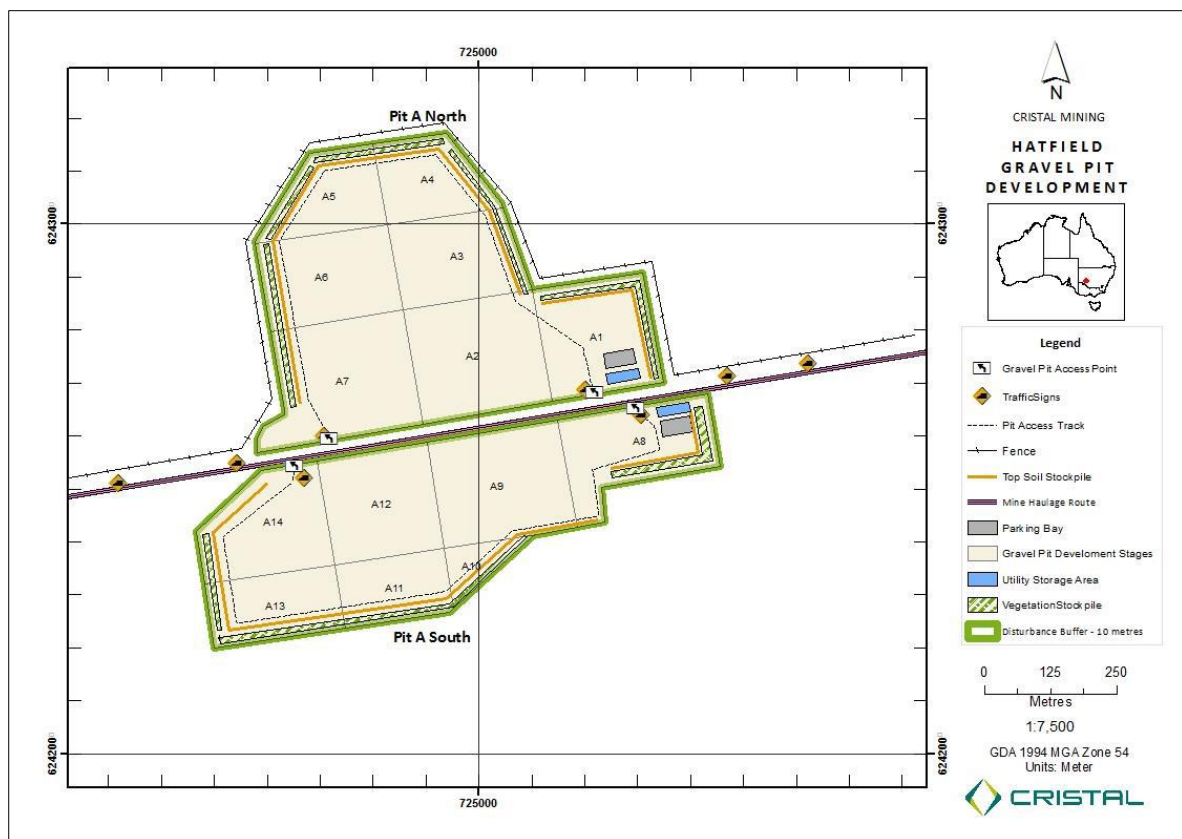
Type	Field	Date /	Changed From	/	Changed To
<No data to display>					

Summary VG Owner General Services Balances Arrears Transactions Arrangements Pensioners Parcels

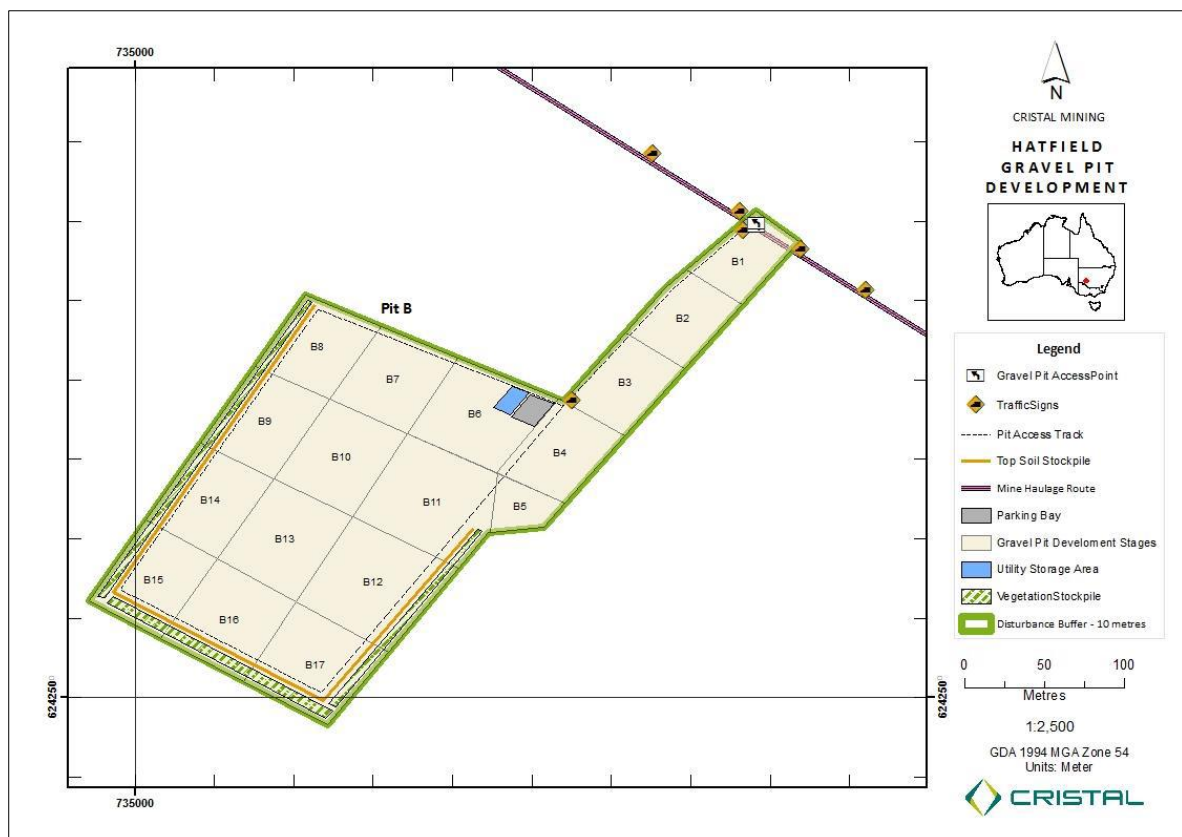
Addresses Meters Allowances Instalments Audit Documents Water/Sewer General Keys Notes

Max < > Find minto By Key Name Map Print Exit

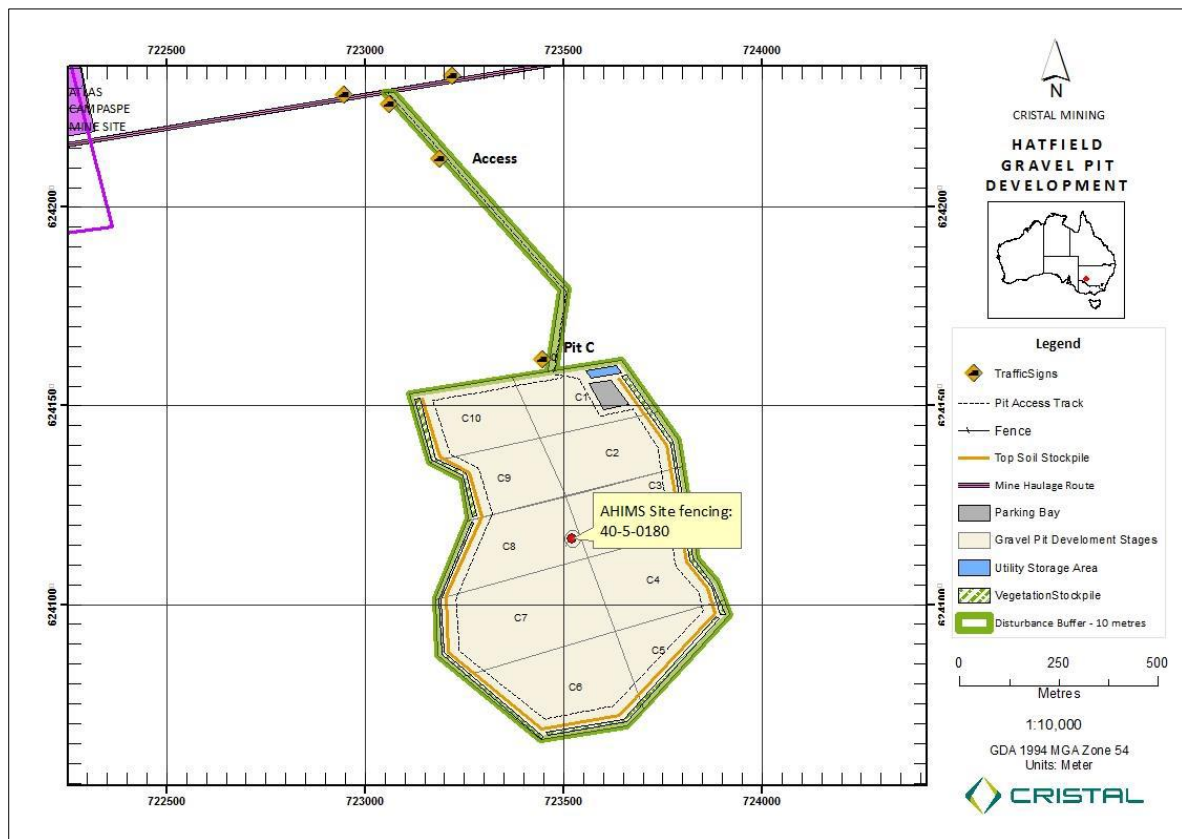
Appendix 3: Site Plans



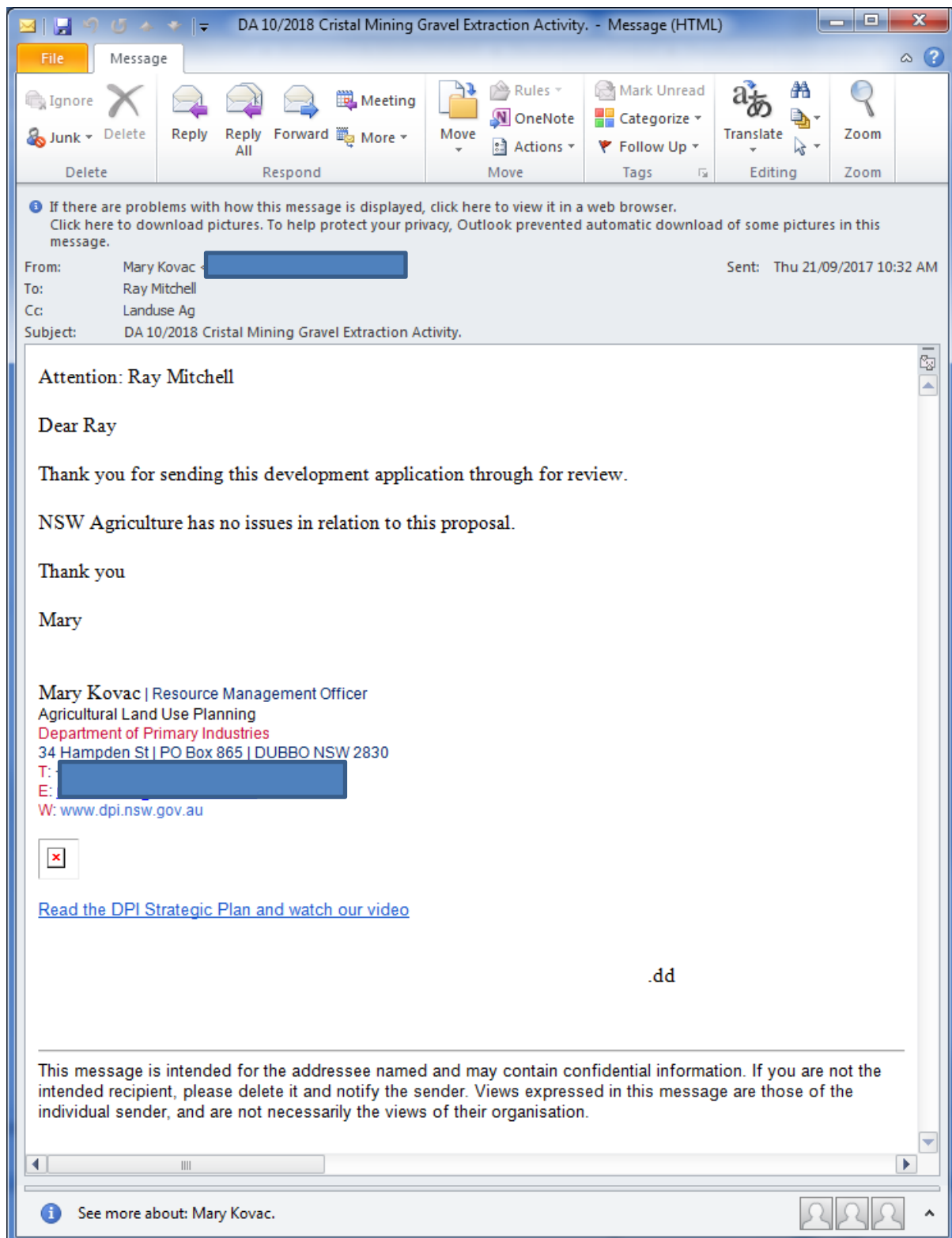
Site Plan: Pit A



Site Plan: Pit B



Appendix 4: NSW Agriculture Response



Appendix 5: RMS Response



Transport
Roads & Maritime
Services

18 September 2017

SWT17/000114
SF2017/201233
MM

The General Manager
Balranald Shire Council
P.O. Box 120
BALRANALD NSW 2715

Attention: Ray Mitchell

DA10/2018 - PROPOSED GRAVEL PITS – HATFIELD, LOT 1 & 2 DP1198331, 1944 DP763848, STURT HIGHWAY, BALRANALD.

I refer to your correspondence regarding the subject Application which was referred to the Roads and Maritime Services for assessment and comment.

From the Environmental Impact Statement prepared by Envirocom dated 22 August 2017 it is understood that the proposal is for the creation of 3 gravel pits to provide material for road and site maintenance purposes for the Atlas Campaspe Mineral Sands Development. The proposed pits are located with frontage to local roads (the Wampo-Langleydale Road and the Langleydale-Balranald Road) which form part of the approved mineral haulage route between the Atlas Campaspe Mineral Sands Mine site and the Ivanhoe – Balranald Road. The Ivanhoe – Balranald Road is a classified regional road

State Environmental Planning Policy (Mining, Petroleum Production and extractive industries) 2007 via Clause 16(2) requires that the Development Application be referred to Roads and Maritime Services for consideration prior to determination by the Consent Authority if the material extracted from the proposed quarry is to be transported on a public road.

The submitted documentation indicates that gravel from these pits will be used to upgrade and maintain the haulage route between the mine site and the Balranald – Ivanhoe road and for internal roads within the mine site. It is noted that the quarry sites are restricted sites and not open to the public. As the quarry is to be operated as a source of material to maintain local roads the actual traffic generation will vary depending on the demand for the quarried materials. As the quarry may be used on a needs basis rather than a continual basis consideration should also be given to temporary roadside warning signage when the quarry is in use.

The supporting information refers to access to the Wampo-Langleydale Road and the Langleydale-Balranald Road for the transportation of the extracted material. These roads are both classed as a local road under the provisions of the Roads Act, 1993. As the material extracted from the proposed pits is to be used for establishment and maintenance of the mine site and local roads between the mine site and the Ivanhoe – Balranald Road it is not considered that the proposal will detrimentally impact on the Classified Road Network.

Roads and Maritime Services

193-195 Morgan Street Wagga Wagga NSW 2650 |
PO Box 484 Wagga Wagga NSW 2650 |

www.rms.nsw.gov.au | 13 17 82

The proposed standard of the accesses for the quarry sites is not fully detailed in the information provided. In relation to traffic related issues the consent authority in its assessment of the proposed development should consider safe access to the quarry sites in accordance with the Austroads Guide to Road Design and measures to address dust.

In this case Roads and Maritime is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety of the road network. As the subject site is located with frontage to the High Darling Road within a 100km/h speed zone the following conditions are suggested for safety reasons.

Roads and Maritime Services has reviewed the Development Application based on the supporting documentation provided and would raise no objection to the proposed development. The following are provided for the consideration of Council in its determination of the proposal:

1. Any driveway to the public road network is to be located and maintained so as to comply with the required Sight Distance requirements in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
2. As a minimum any driveway to the public road network shall be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
3. Where the driveway is to a sealed road any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the Austroads Guide to Road Design. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.
4. Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
5. Measures to minimise dust generation from the site impacting on road users on the adjoining public roads shall be implemented for each of the quarry sites.
6. Any Damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
7. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.
8. Works associated with the development shall be at no cost to Roads and Maritime Services.

Further to the above the Council in its assessment of the proposal may consider the following:

9. The quarry operator is to record and maintain a log of the extraction quantities and traffic movement in and out of the subject site. This log is to be kept on site and be available for inspection at the request of the consent authority.
10. When the quarry is in operation consideration is to be given to install "Truck Entering" signs on both the approaches to warn motorists of the possible truck movements.

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) [REDACTED]

Please forward a copy of the Notice of Determination for this Development Application to the Roads and Maritime Services at the same time as advising the applicant.

Yours faithfully



Per:
Jonathan Tasker
Acting Director
South West NSW

Appendix 6: OEH Response



Office of
Environment
& Heritage

Your reference: DA 10/2018
Our reference: DOC17-443316
Contact: Simon Stirrat

Ray Mitchell
Balranald Shire Council
70 Market Street
BALRANALD NSW 2715

Dear Mr Mitchell

RE: DA 10/2018 - Cristal Mining gravel extraction - Hatfield

I refer to your email dated 28 August 2017 seeking advice from the Office of Environment and Heritage (OEH) on the above development proposal. This response is in regard to statutory matters relating to application of the *Biodiversity Conservation Act 2016* and the *National Parks and Wildlife Act 1974*.

OEH has reviewed the documentation provided and offers the following comments.

The development application describes seven biodiversity offset options, but neither the report nor the final EIS recommend a specific offset proposal from these options. We recommend that prior to approval Council request the proponent to:

- State their intended offset option.
- Provide a clear mechanism for protecting the offset area.

With regard to Aboriginal cultural heritage (ACH), OEH considers that the information provided on the single artefact identified at Pit B requires clarification. It should also be clearly justified why full survey coverage was not undertaken. Conclusions in relation to ACH must be supported by adequate data and details of any visual inspections clearly documented.

We recommend that should approval be granted for this proposal, Council condition it to include the following unexpected finds protocol:

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. *Not further harm the object;*
2. *Immediately cease all work at the particular location;*
3. *Secure the area so as to avoid further harm to the Aboriginal object;*
4. *Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and*
5. *Not recommence any work at the particular location unless authorised in writing by OEH.*

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

Should you require any additional assistance or wish to discuss the matter further please contact Simon Stirrat on telephone (03) [REDACTED].

PO Box 1040 Albury NSW 2640
Second Floor, Government Offices
512 Dean Street Albury NSW 2640
Tel: (02) 6022 0624 Fax: (02) 6022 0610
ABN 30 841 387 271
www.environment.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to be 'A. Fisher', followed by the date '28/9/17' written in the same ink.

ANDREW FISHER
A/Senior Team Leader Planning
South West Region
Regional Operations
Office of Environment and Heritage

Enclosure: ATTACHMENT A – Detailed comments on Cristal Mining gravel extraction - DA 10/2018 - Hatfield

ATTACHMENT A – Detailed comments on Cristal Mining gravel extraction - DA 10/2018 - Hatfield

Biodiversity

The development application includes a biodiversity offset report that describes seven offset options, but neither the report nor the final Environmental Impact Statement recommend a specific offset proposal from these options. OEH recommends that council should ask the proponent to state their preferred offset option. Based on the details provided, OEH believes that Option 1 north of Boree Plains Homestead would be the best outcome for several reasons. While it does not contain sandhill pine woodland it is contiguous with the mine offset area, contains a large area of belah-rosewood woodland, includes a sizeable patch of yarran shrubland, contains a range of habitats for threatened species, and will not require vegetation clearing to build boundary fences. It would be most effective if this offset was incorporated into the overall offset management framework for the mine.

OEH also recommends that council request the proponent to provide a clear mechanism for protecting the offset area. Under the *Biodiversity Conservation Act 2016* (BC Act), a biodiversity stewardship agreement would be the most appropriate method. Details on the different mechanisms for biodiversity protection under the BC Act can be found on the NSW government website at <https://www.landmanagement.nsw.gov.au/nsw-biodiversity-conservation-trust/>.

Based on the above we recommend that prior to approval Council request the proponent to:

- State their intended offset option.
- Provide a clear mechanism for protecting the offset area.

Aboriginal cultural heritage

The three gravel pit locations are all situated within sandplain landscape settings within proximity to natural water sources and demonstrate some potential for the occurrence of Aboriginal cultural heritage (ACH). We note that Pit B is highly modified and has already been the subject of significant ground disturbance through historic gravel extraction while Pit A has also experienced prior gravel extraction, although not as extensive. We also note that Pits A and C are within close proximity to a natural waterbody (non-perennial lake) occurring to the east and consists mainly of native vegetation with no known ACH, though this is likely a reflection of prior survey efforts.

A single artefact (40-5-0180: Iona Artefact 1) was identified at the Pit B site during the visual inspection undertaken 12 November 2016. It is proposed that impacts to this object can be avoided through establishing a 20 m exclusion zone centred on the artefact and having it fenced off with an appropriate barrier. We note that the EIS and Hatfield Aboriginal Heritage Report – Aboriginal Cultural Heritage Due Diligence Assessment (Appendix F) provide no detail on its depositional context and it is unclear to OEH whether this artefact, a grinding dish fragment, was found in-situ or transferred to its location through other means. We consider this artefact may be indicative of landscape use not considered by the Aboriginal heritage assessment. The heritage report should also demonstrate that this artefact was used to assist interpretation of Aboriginal use of the subject area.

It is indicated (7.1) that the predictive model applied to the subject area identified the potential for artefacts and hearths to occur as 'moderate' (Table 1: Probability of encountering ACH within gravel pits). However there appears to be no consideration for the potential of subsurface ACH to occur or for the landscape to accumulate and preserve objects over time. The predictive model must produce statements of archaeological potential and clearly identify where in the landscape ACH is likely to remain/occur (Requirement 4b). The landscape description should also consider the range of resources available to Aboriginal peoples occupying the area including any relic water features and micro water features which may only function after flood episodes, and not focus solely on sources of permanent water.

Despite the predicted potential for artefacts and hearths to occur, the visual inspection was limited to 14% of surface areas despite 80% visibility. According to the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010), it should be clearly justified why full survey coverage was not undertaken. Although some detail associated with the visual inspection has been provided, including ground surface visibility, percent effective coverage, transect size and focal points (scalds, deflation hollows, fence-lines and vehicle tracks), it is unclear where the 10 m wide pedestrian survey transects were carried out and whether they occurred in areas identified as having increased archaeological potential. Of particular concern is whether the ACH assessment, including visual inspection, considered all areas of impact including the 800 m of access road required for Pit C (Section 2.2 - Proposed Activities). The heritage report should accurately map survey coverage including recording the start and end points of transects or survey units. The field assessment should not only include inspection of ground surface but also identify any areas with potential for subsurface ACH (PADs). It is important that all conclusions in relation to ACH are supported by adequate data and details of any visual inspection undertaken are sufficiently documented.

We recommend that the proponent update Section 9 (Recommendations) of the Heritage Report in relation to unexpected finds to be consistent with legislation in place to protect ACH in NSW. We recommend that should approval be granted for this proposal, Council condition it to include the following unexpected finds protocol:

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- *Not further harm the object;*
- *Immediately cease all work at the particular location;*
- *Secure the area so as to avoid further harm to the Aboriginal object;*
- *Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and*
- *Not recommence any work at the particular location unless authorised in writing by OEH.*

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

OEH Comments on additional information - OEH Response RE: DA 10/2018 Ray Roberts Gravel Extraction Activity - Message (...)

File Message

If there are problems with how this message is displayed, click here to view it in a web browser.

From: Peter Ewin
 To: Ray Mitchell
 Cc: Simon Stirrat; Daniel Clegg; Andrew Fisher
 Subject: OEH Comments on additional information - OEH Response RE: DA 10/2018 Ray Roberts Gravel Extraction Activity

Sent: Mon 30/10/2017 3:11 PM

Message 1. Atlas-Campaspe Mineral Sands Project - Development Consent.pdf (7 MB)

Ray,
 We have reviewed the additional information provided and offer the following comments.

The additional information regarding the Aboriginal cultural heritage assessment addresses our initial comments. The unexpected finds protocol identified matches the standard recommended by OEH and so we recommend that this be included as a condition of approval as follows:
If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. *Not further harm the object;*
2. *Immediately cease all work at the particular location;*
3. *Secure the area so as to avoid further harm to the Aboriginal object;*
4. *Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and*
5. *Not recommence any work at the particular location unless authorised in writing by OEH.*

In the event that Aboriginal burials are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

OEH acknowledges that it is sometimes difficult to find single offset areas that contain all biodiversity values (communities and threatened species) that are impacted by a development. Option 2 from the Ogyris Ecological Research Offset Report for Boree Plains contains most of the values in this case and OEH considers that it is a satisfactory offset proposal for the gravel pit development, particularly given that this is a voluntary process to mitigate the impacts of the associated works. The option will protect a large area of good quality belah community as well as spinifex mallee, and a small patch of yarran shrubland. While this is less than the area of yarran shrubland in Option 1 it is still a good outcome. Option 2 also has a relatively long shared boundary with the proposed conservation offset area for the mine which will provide good connectivity between the two areas. OEH supported Option 1 because it required no clearing of vegetation to build a boundary fence. OEH recommends that clearing be minimised for the fencing of the Option 2 area.

The proposed offset mechanism for the identified offset is conversion of the Western Lands Lease conditions to conservation. OEH has not supported this mechanism in the past because it does not guarantee "in-perpetuity" protection of the offsets areas, but recognise that it is consistent with the current approval for the Atlas-Campaspe Mineral Sands Mine (attached). Recent legislative change in relation to the Crown Lands Act means that holders have Western Lands Lease may in the future be able to convert these leases to freehold. OEH has concerns that if this were to occur that the offsets for these projects would be lost through the conversion process. We recommend that condition be included within the approval stating that if the area of offset is converted to freehold by the current or future leaseholders, that a suitable offset mechanism be identified (to the satisfaction of Balranald Shire Council and OEH) to ensure the long term protection of this area. Note, this is consistent with requirements under the *Biodiversity Conservation Act 2016* which for future Part 4 proposals that impact on native vegetation will require offsets to be put in place through a limited range of options. Further information on this can be found at the OEH website - www.environment.nsw.gov.au/biodiversity/offsetscheme.htm.

The Atlas-Campaspe Mineral Sands Mine approval also requires the preparation of a Biodiversity Management Plan to ensure that the impacts on biodiversity (including the management of the offset) are adequately addressed. To ensure that the commitments identified in Table 5-12 of the EIS are met, we recommend that a condition be incorporated into any approval that requires the preparation of a Management Plan for the offset area. If this can be linked to the requirement in the Major Project approval (i.e. the area is addressed in the BMP for the overall mine) this may be the simplest approach (rather than two separate plans) but I am not exactly certain if this is possible.

If you would like any additional information on this response or have questions about the proposed conditions, do not hesitate to give me a call.

Thanks,
 Peter

Peter Ewin

See more about: Peter Ewin.

Appendix 7: NSW Department of Planning & Environment Response



12 October 2017

Ray Mitchell
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Your Reference: DA10/2018
Our Reference: OUT17/36981

Emailed: [REDACTED]

Dear Mr Mitchell

Re: Hatfield Gravel Quarries – DA10/2018, Wagenta Wampo Rd, Hatfield

Thank you for the opportunity to provide comment on the development application for the Hatfield Gravel Quarries lodged by Ray Roberts on behalf of the proponent Cristal Mining Australia Limited (Cristal). This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

The Hatfield Gravel Quarries proposal (DA10/2018) includes the development, operation and rehabilitation of three gravel pits located along the mineral haulage route for the approved Cristal Atlas Campaspe Mineral Sands Project (the 'Atlas Campaspe Project') at Hatfield. Calcrete gravel extracted is proposed for haulage road upgrades, internal mine site roads and ongoing local road realignments and maintenance associated with the Atlas Campaspe Project. The development application was lodged with the Balranald Shire Council and is subject to approval by the Western Joint Regional Planning Panel.

Specific Issues

GSNSW has reviewed the Environmental Impact Statement (EIS) and supplementary information in regards to the Secretary's Environmental Assessment Requirements (SEAR 996) for the Hatfield Gravel Quarries (DA10/2018).

The proponent has demonstrated an extractable resource within the project area. GSNSW does not have any issues or concerns in regard to the proposal and supports the use of existing onsite resources for maintenance of access roads and mine infrastructure, reducing the need for sourcing materials elsewhere.

As requested by GSNSW in response to the SEARs for this project (Our ref: OUT15/31032), a condition of development consent should be the provision of annual production data to the Division of Resources and Geoscience. The statistical data collected

NSW Department of Planning & Environment
DIVISION of RESOURCES & GEOSCIENCE
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4931 6666 Fax: 02 4931 6726
ABN 38 755 709 681

is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data for individual operations is kept strictly confidential.

Geoscience Information Services

The GSNSW has a range of online data related to mineral exploration, land use and general geoscience topics:

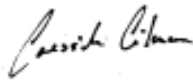
<http://www.resources.nsw.gov.au/geological/online-services>

The location of current exploration and mining titles in NSW, explanations of mining and production titles and the roles of community and government in the decision making process for mining/resource projects may be accessed by the general public using the following online utilities:

<http://www.commonground.nsw.gov.au/#/>

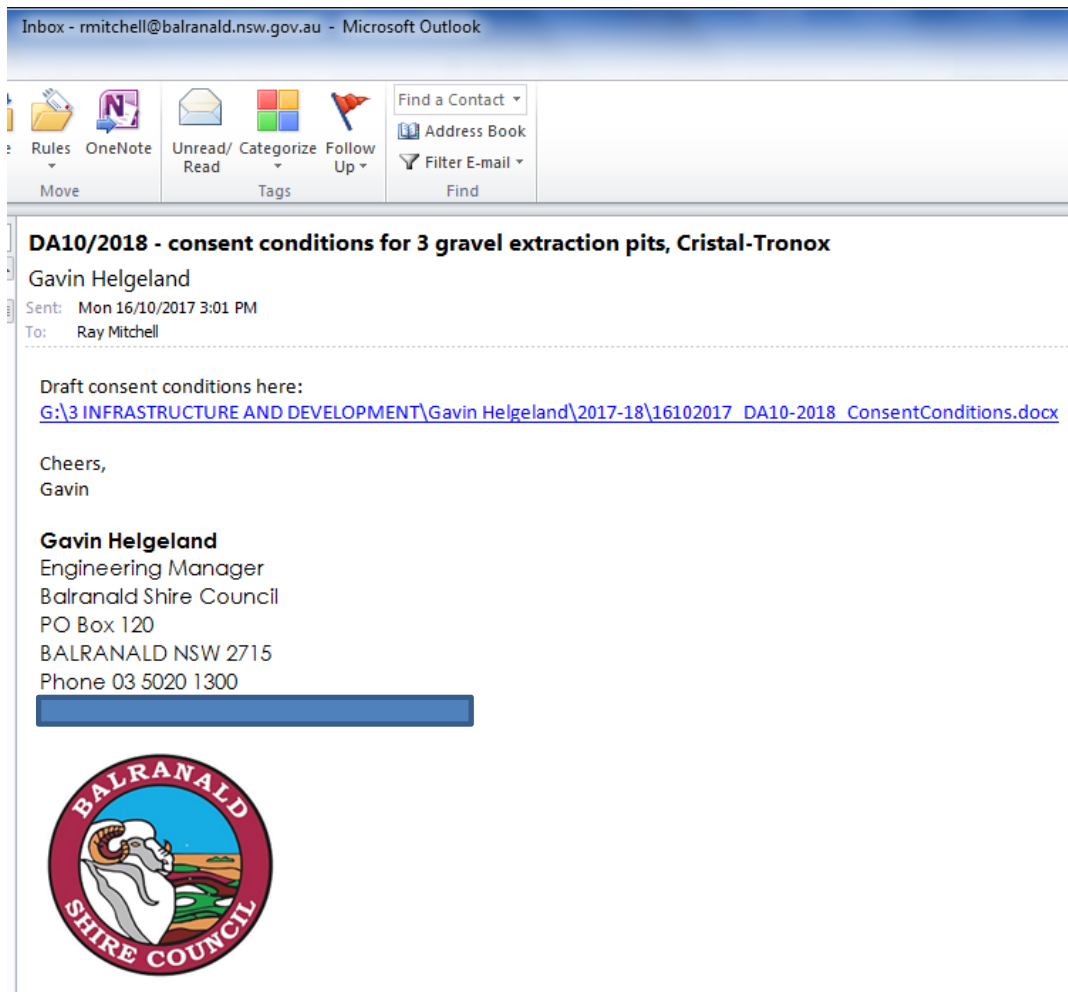
Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely



Cressida Gilmore
Manager - Land Use

Appendix 8: Balranald Shire Council Response



Appendix 9: Environment Protection Authority response, including General Terms of Approval



DOC17/442482-05

The General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

By email: council@balranald.nsw.gov.au

Attention: Ray Mitchell

Dear Mr Drenovski

Re Development Application No 10/2018

I refer to your electronic mail dated 28 August 2017 to the Environment Protection Authority (EPA) about the development application received by Balranald Shire Council for the proposed gravel extraction pits at Lots 1 and 2 DP 1198331 and Lot 1944 DP 763848 north of Balranald.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the information provided by the applicant we are able to issue our General Terms of Approval (GTA) for the proposed development.

The GTA are provided at Attachment 'A' and relate to the development as proposed in the documents and information provided by the applicant. Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should council grant approval for this proposal, we recommend that these conditions are incorporated into the consent.

In the event that the development is modified or as a result of conditions imposed by council, we request that further consultation occurs with us about the proposed changes prior to the any approval being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

Should development approval be granted it will also be necessary for the proponent to make application to the EPA for an Environment Protection Licence consistent with the development application and our GTA prior to any construction works.

If you have any further enquiries about this matter please contact Jason Price by telephoning 02 6969 0700.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Darren Wallett', written over a horizontal line.

11/10/17

DARREN WALLETT
Head, Griffith Unit
Environment Protection Authority

Phone 131 555	Fax +61 2 6969 0710	PO Box 397	Suite 7
Phone +61 2 6969 0700	TTY 133 677	Griffith	130-140 Banna Ave
(from outside NSW)	ABN 43 692 285 758	NSW 2680 Australia	Griffith NSW
			2680 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

General Terms of Approval - Issued



Notice No: 1556598

Attachment 'A'

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 no. 10/2018 submitted to Balranald Shire Council;
- the environmental impact statement titled "Cristal Mining Hatfield Gravel Pit Project" dated 22 August 2017 relating to the development; and
- the supplementary documents provided with the EIS and supplied to the EPA in relation to the development.

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.

A3. Premises to which the General Terms of Approval applies

A3.1 These General Terms of Approval apply to the following premises:

- Pit A (Lot 1 DP 1198331), Pit B (Lot 1944 DP 763848) and Pit C (Lot 2 DP 1198331) as described in Appendix B of the Environmental Impact Statement titled 'Cristal Mining Hatfield Gravel Pit Project' prepared by R. Mills and A. Minns and dated 22 August 2017, kept on EPA file DOC17/442482-02.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

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

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

General Terms of Approval - Issued



Notice No: 1556598

L3. Noise limits

L3.1 Noise from the premises must not exceed:
An LAeq (15 minute) noise emission criterion of 35 dB(A) at any time.

L3.2 Noise from the premises is to be measured at nearest sensitive receptor not related to the development to determine compliance with this condition.

L4. Blasting

L4.1 Blasting is not permitted at the premises.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2. Soil and water management

O2.1 A management plan that includes measures to minimise soil erosion and sediment laden water discharges must be prepared and implemented by the applicant.

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.

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M2. Volume monitoring

M2.1 The total volume of gravel extracted at the premises must be recorded and kept.

Reporting conditions

R1. Annual Return

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.

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Attachment 'B' – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

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

- processing of gravel (crushing)

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. 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:

- a. must be maintained in a proper and efficient condition; and
- b. 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

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- if no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

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
- b. 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,

- a. 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
- b. 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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

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- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

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 Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment 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

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- 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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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.

Appendix 10: The Environment Protection and Biodiversity Conservation Act 1999

Notification of Referral Decision



Australian Government

Department of the Environment and Energy

Notification of

REFERRAL DECISION – not controlled action

2017/7990 Cristal Mining Hatfield Gravel Pit Development, 70 km North of Balranald, NSW
(EPBC 2017/7990)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person proposing to take the action	Cristal Mining Australia Limited ACN: 009 247 858
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proposed action	To develop and operate gravel quarrying operations at three locations near Hatfield, NSW [see EPBC Referral 2017/7990].
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Referral decision: Not a controlled action

status of proposed action	The proposed action is not a controlled action.
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Person authorised to make decision

Name and position	Antonella Bates Acting Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
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signature

date of decision	11 October 2017
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Appendix 11: Additional Information

From: Andrew Minns [REDACTED]
 To: 'Cedelia Duke'
 Cc: Ray Mitchell
 Subject: RE: DA10/2018 Gravel Extraction Activity application

Sent: Tue 29/08/2017 1:01 PM

Hi Cedelia

Ray Mitchell from Balranald Shire Council has picked up an error in the Land Tenure table in the Cristal Mining Gravel Pit EIS.

The error is in Table 1-2 in the EIS. It should state Lot No. 2, not Lot No. 1.

The error is also repeated in the:

- supplementary information attached to the DA in Site Details section
- supplementary information attached to the Licence Application in Site Details section
- site identification details in the Landowners Consent form, and
- particulars of adjoining land held by applicant in the Licence Application form

Thanks Ray for picking this up.

Cedelia – please let me know if you require the documents to be updated and reissued?

Table 1-2: Proposed gravel land tenure details.

Pit		Lot Number	Type	Lessee	Area (Ha)
Pit A	Local Government Area (LGA) of Balranald, Parish of Willilbah, County of Kilfera	Lot No. 2, DP 1198331	Western Lands Lease (WLL) 2611 issued under Western Lands Act 1901 for "Pastoral Purposes" for a term in perpetuity.	Minto Glen Pastoral Company Pty Ltd.	53.24
Pit B	Local Government Area (LGA) of Balranald, Parish of Willilbah East, County of Kilfera	Lot No. 1944, DP 763848	Western Lands Lease (WLL) 4103 issued under Western Lands Act 1901 for the purpose of "Grazing" in perpetuity.	Minto Glen Pastoral Company Pty Ltd.	5.25
Pit C	Local Government Area (LGA) of Balranald, Parish of Willilbah, County of Kilfera	Lot No. 2, DP 1198331	Western Lands Lease (WLL) 2611 issued under Western Lands Act 1901 for "Pastoral Purposes" for a term in perpetuity.	Minto Glen Pastoral Company Pty Ltd.	54.16

Regards
Andrew

Andrew Minns
Principal



Envirocom

99 Sir Donald Bradman Drive,
Hilton, SA 5033



