

Annexure 6

General Terms of Approval - Issued



Notice No: 1567098

The General Manager
Gwydir Shire Council
Locked Bag 5, BINGARA NSW 2404
mail@gwydir.nsw.gov.au

Attention: Patsy Cox

Notice Number 1567098

Re: Re-advertised Development Proposal 5/2018, Proposed Extractive industry on the property "Tikitere", Lot 5 DP755984, 1135 Croppa Creek Road, North Star NSW

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the revised development application and accompanying information for the Tikitere Quarry received by the Environment Protection Authority (EPA) on 3 July 2018. I understand the proposal will be determined by the Joint Regional Planning Panel.

The EPA has reviewed the information provided and is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA for this licence.

The general terms of approval for this proposal are provided at **Attachment A**. If Gwydir Shire Council grants development consent for this proposal these conditions should be incorporated into the consent. The general terms of approval supersede those provided to council on 12 April 2018 (Notice 1562405).

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. If the development is further modified by the applicant prior to the granting of consent, or as a result of the conditions proposed to be attached to the consent, council needs to consult with the EPA about the changes before the consent is issued. This will allow the EPA to determine whether its general terms need to be modified in light of the changes.

The Noise Impact Assessment dated 25 May 2018 did not assess the road traffic noise impacts of the project. The EPA therefore recommends that any consent does not allow quarried material to be transported by road, unless a satisfactory road noise assessment is provided to demonstrate compliance with the *NSW Road Noise Policy* (DECCW 2011).

I note that the proposed activity is predicted to not exceed the relevant noise criteria, but is likely to be audible to nearby residences and noticed as a change in the acoustic environment. The EPA encourages the proponent to:

- schedule noisy operations to occur after 7am, where practicable

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- set the site out to maximise forward movements and minimise reversing, to avoid unnecessary movement alarm noise
- use alternatives to tonal movement alarms ("beepers") such as broadband alarms, reversing cameras, proximity alarms or a combination of these, to minimise potential noise impacts associated with movement alarms.

I note that the proponent intends to operate between 6am and 6pm, Monday to Saturday, but that there is potential for 24 hour a day operation. Because sound power levels have been assumed for some plant and equipment, the EPA would require actual sound power levels to be measured before allowing 24-hour operation, to make sure that noise limits and criteria remain appropriate.

The location of weather monitoring required by Condition L4.4 can be negotiated before being included on any consent for the project.

Our assessment is limited to activities on the premises and has not considered noise or dust issues related to activity related traffic on public roads.

Standard conditions that are on all environment protection licences are provided at **Attachment B** for your information, and do not necessarily need to be included in any consent for the proposal.

If you have any questions, or wish to discuss this matter further please contact Duncan McGregor on 6773 7000 or armidale@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Robert O'Hern'.

.....
Robert O'Hern
Head Regional Operation Unit
North - Armidale
(by Delegation)

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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 DA 05/2018 submitted to Gwydir Shire Council on 21 February 2018;
 - the "Tikitere" Quarry Environmental Impact Statement dated February 2018; and
 - all additional documents supplied to the EPA in relation to the development, including the revised *Noise Impact Assessment* dated 25 May 2018.

A2. Fit and Proper Person

- A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

- L.1.1** 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. Concentration limits

- L2.1** The only discharge point is the spillway of the sediment dam to be built on the premises. The exact location and coordinates must be provided to council and the EPA as soon as practicable once the dam is built.
- L2.2** For each discharge point, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in Table 1.
- L2.3** Where a pH quality limit is specified in Table 1, the specified percentage of samples must be within the specified ranges.
- L2.4** To avoid any doubt, Conditions L2.1, L2.2 and L2.3 do not authorise the discharge or emission of any other pollutants.

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L2.5 The total suspended solids concentration limits specified in Table 1 may be exceeded for water discharged from the sediment dam provided that:

- the discharge occurs solely as a result of rainfall measured at the premises exceeding 36.3 millimetres over any consecutive 5 day period immediately before the discharge occurred, and
- all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall so they have sufficient capacity to store runoff from a 36.3 millimetre, 5-day rainfall event.

Note: 36.3 millimetres is the 5-day 90th percentile rainfall depth for Moree in Table 6.3a of Volume 1 of *Managing urban stormwater: soils and construction* (4th edition, March 2004).

Table 1 - Discharge Point: Overflow from the spillway of sediment dam (exact location to be confirmed)

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil & grease	mg/L	-	-	-	10
pH	pH	-	-	-	6.5-8.5
Total suspended solids	mg/L	-	-	-	50

L3. Waste

L3.1 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*.

L3.2 Condition L3.1 only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Note: Condition L3 ensures that a premised based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise from the premises must not exceed the noise limits in the table below:

Location	NOISE LIMITS dB(A)			
	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LAmax
1137 Croppa Creek Road, North Star	40	35	35	52
1176 Oaklands Road, North Star	40	35	35	52
141 Boonery Park Road, North Star	40	35	35	52
1216 Croppa Creek Road, North Star	40	35	35	52

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L4.2 For the purposes of Condition L4.1:

- a) Day is the period from 7am to 6pm Monday to Saturday, and 8am to 6pm Sundays and Public Holidays.
- b) Evening is the period from 6pm to 10pm.
- c) Night is the period from 10pm to 7am Monday to Saturday, and 10pm to 8am Sundays and Public Holidays.

L4.3 The noise limits in Condition L4.1 apply under all meteorological conditions except for:

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

L4.4 Noise from the premises must not exceed the limits in L4.1 positively adjusted by 5dB, during these meteorological conditions:

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

L4.5 For the purposes of Conditions L4.3 and L4.4:

- a) Data recorded by a Bureau of Meteorology meteorological station at Moree must be used to determine meteorological conditions, and
- b) Temperature inversion conditions (stability category) must be determined by the sigma-theta method referred to in Fact Sheet D of the Noise Policy for Industry.

Note: The location of the Bureau of Meteorology Meteorological Station is to be negotiated with the Proponent by the EPA and Consent Authority.

L4.6 To determine compliance:

- a) with the Leq(15 minute) noise limits in Condition L4.1 and L4.4, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises, or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the noise limits in Condition L4.1 and L4.4, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location, or
 - at the most affected point within an area at a location prescribed by Condition L4.5(a).

L4.7 A non-compliance of Condition L4.1 or L4.4, as applicable, will still occur where noise generated from the premises in excess of the appropriate limit is measured:

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- at a location other than an area prescribed by conditions L4.6(a) and L4.6(b), and/or
- at a point other than the most affected point at a location.

L4.8 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L5. Hours of operation

L5.1 The hours of operation must be limited to 6am to 6pm, Monday to Saturday. No work is to be carried out on Sunday or public holidays. For the purpose of this licence, "work" includes all activities on the premises associated with the project, during construction and operation.

L5.2 The following activities may take place outside the hours specified in Condition L5.1:

- a) the delivery of materials required by the police or other authorities for safety reasons
- b) activities required in an emergency to avoid loss of life, property, and/or to prevent environmental harm
- c) activities approved through the process in Condition L5.3.

L5.3 The hours of operation specified in condition L5.1 may be varied with the prior written approval of the EPA. Any request to vary the hours of operation must include:

- a) details of the nature and justification for activities to be conducted during the varied construction hours
- b) evidence that appropriate consultation has been undertaken with potentially affected sensitive receivers and Gwydir Shire Council
- c) a noise impact assessment using the guidelines in the *Noise Policy for Industry* (EPA 2017), and other relevant EPA noise guidelines in force at the time of assessment.

L6. Blasting

Overpressure

L6.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive location for more than five per cent of the total number of blasts in each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground vibration (ppv)

L6.3 Ground vibration peak particle velocity from blasting operations at the premises must not exceed 10 millimetres per second at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

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- L6.4** Ground vibration peak particle velocity from blasting operations at the premises must not exceed 5 millimetres per second at any noise sensitive location for more than five per cent of the total number of blasts in each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Time of blasting

- L6.5** Blasting at the premises may only take place between 9am and 5pm, Monday to Saturday. Blasting must not take place on public holidays
- L6.6** Blasting outside the hours specified in Condition L6.5 can only take place with the written approval of the EPA.

Frequency of blasting

- L6.5** Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

L7. Production Limit

- L7.1** Extraction from the premises must not exceed 500,000 tonnes during any consecutive 12 month period.
- L7.2** For the purposes of determining compliance with this condition, a record of each vehicle carrying each load from the premises must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of loads for each vehicle type by the known capacity of each relevant vehicle.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours.

O2. Dust

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater/sediment control - Construction Phase

- O3.1** A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and waters during construction activities, and be prepared in accordance with the guidance in *Managing*

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Urban Stormwater: Soils and Construction (available at
<http://www.environment.nsw.gov.au/stormwater/publications.htm>).

04. Stormwater/sediment control - Operation Phase

- 04.1** An erosion and sediment control plan must be prepared and implemented. The plan must describe the measures that will be used to minimise soil erosion and the discharge of sediment and other pollutants to lands and waters for the life of the project, and be prepared in accordance with the guidance in *Managing Urban Stormwater: Soils and Construction*, particularly *Volume 2E: Mines and quarries* (available at <http://www.environment.nsw.gov.au/stormwater/publications.htm>).

05. Emergency Response

- 05.1** The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

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, 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:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) 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:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

- M2.1** For each monitoring/ discharge point or utilisation area specified below, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must

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use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Table 2 - Discharge Point: Overflow from the spillway of water sediment basin (exact location to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Oil & grease	mg/L	Special frequency 1	Representative sample
pH	pH	Special frequency 1	Representative sample
Total suspended solids	mg/L	Special frequency 1	Representative sample

M2.2 For the purposes of Condition M2.1, "Special frequency 1" means as soon as practicable, and no more than 12 hours, after overflow commences, and before any controlled discharge from the sediment basin.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication, by the general terms of approval or by the licence under the *Protection of the Environment Operations Act 1997*, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

Blast Monitoring

M4.1 To determine compliance with Conditions L6.1 to L6.4:

- a) Airblast overpressure and ground vibration levels must be measured and recorded, for all blasts carried out at the premises, at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels.
- b) Instrumentation used to measure and record airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach will still occur if airblast overpressure or ground vibration levels from blasting at the premises exceeds a limit specified in Conditions L6.1 to L6.4 at any "noise sensitive location" other than the one specified in Condition M4.1.

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- M4.2** The airblast overpressure and ground vibration limits in Conditions L6.1 to L6.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration, between the applicant and owner of the noise sensitive location.

Noise Monitoring

- M5.1** Noise monitoring requirements may be added to the environment protection licence for the premises if the EPA receives complaints about noise emissions from the premises, or otherwise suspects that noise limits have not been complied with.

Reporting conditions

- R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Definitions

- Approved Methods Publication - the document entitled "Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales", prepared by the EPA and published in the Gazette, as in force from time to time.
- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise - 'sound pressure levels' for the purposes of Conditions L4.1 to L4.7.
- "Noise sensitive locations" are buildings used as a residence, hospital, school, child care centre, place of public worship and nursing homes, as well as the land within 30 metres of any such building.

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Attachment B – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- 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:

- c) must be maintained in a proper and efficient condition; and
- d) 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.

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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.

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Deadline for Annual Return

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

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.

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,

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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

A copy of this licence must be kept at the premises 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.



Department
of Industry

Contact: Jeanette Nestor
Phone: 02 6841 7447
Fax: 02 6884 0096
Email: Jeanette.nestor@dpi.nsw.gov.au

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

Our ref: V18/314#19
Your Ref: DA5/2018

Attention: Patsy Cox

09 April 2018

Dear Patsy

**Re: Proposed Designated Development - DA- – Extractive Industry – Lot 5
DP755984, "Tikitere" 1135 Croppa Creek Rd, North Star.**

I refer to the Development Application and associated Environmental Impact Statement (EIS) for the Tikitere Quarry construction and operation, received by the Department of Industry – Water (DoI water) on the 2nd March 2018, and Councils request for comment. DoI Water has reviewed the EIS and provides the following key comments.

Key Comments

Controlled Activity Approval - Works and activities do not appear to be within 40 meters of any watercourse, therefore no controlled activity approval is required. Council is advised that if any works are to occur within 40 meters of a watercourse, the proponent must contact DoI Water to discuss the requirement for a controlled activity approval. Please refer to the following web site for further information on controlled activities:

<https://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>

Water Supply - It is noted that total water supply requirements are yet to be determined. A primary water supply has been identified as GAB water authorised under an existing licence of 486ML (WAL 15704) with the secondary water supply option being Harvestable rights dams located on the property. It is not clear if water needs will exceed the available water therefore it is recommended that the proponent prepare a site water balance and investigate water supply options with WaterNSW if additional water is required prior to the development being approved.

Groundwater – The EIS indicates that groundwater is not likely to be intercepted. Should groundwater be intercepted, licence requirements would need to be discussed with WaterNSW.

Site Decommissioning and Rehabilitation – Final landform will result in a void that is proposed to be utilised as on-farm storage. A licence may be required to maintain water in the storage post operation. It is recommended that the proponent seek advice from WaterNSW regarding potential licensing requirements.

Further information on water licensing under the *Water Management Act 2000* can be obtained from the DoI Water website:

<http://www.water.nsw.gov.au/water-licensing>

Should you have any questions please contact **Jeanette Nestor** on **0268417447** or **Jeanette.nestor@dpi.nsw.gov.au**.

Yours sincerely

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

Tim Baker
Senior Water Regulation Officer
Water Regulatory Operations
NSW Department of Industry – Water



**Office of
Environment
& Heritage**

Our Ref. DOC18/452285-9
Your Ref. 5/2018: 18/12411:pmc:kag

Mr Max Eastcott
General Manager
Gwydir Shire Council
Locked Bag 5
BINGARA NSW 2404
mail@gwydir.nsw.gov.au

Attention: Patsy Cox

Dear Mr Eastcott

Proposed Tikitere Hard Rock Quarry, 1135 Croppa Creek Road, North Star

I refer to Gwydir Shire Council's request dated 3 July 2018 seeking comment from the Office of Environment and Heritage (OEH) on the re-advertised development application for the proposed Tikitere Quarry at 1135 Croppa Creek Road, North Star.

OEH have reviewed the information provided and notes that the re-advertised development did not alter the Biodiversity Impact Assessment or Aboriginal cultural impacts. As a result, OEH has no additional comments, and reiterates our correspondence dated 6 April 2018 detailed in **Attachment A**.

If you have any questions regarding this matter please contact Ellie Dean, Conservation Planning Officer on 02 6883 5358 or email ellie.dean@environment.nsw.gov.au.

Yours sincerely

SAMANTHA WYNN
Senior Team Leader Planning - North West
Regional Operations Division

11 July 2018

Contact officer: ELLIE DEAN
02 6883 5358

ATTACHMENT B

OEH Detailed Comments

Tikitere Hard Rock Quarry – Environmental Impact Statement

Acronyms

OEH	Office of Environment and Heritage
EIS	Environmental Impact Statement
PCT	Plant Community Type

Impacts to native vegetation that cannot be avoided should be offset

While OEH has no statutory role in the approval of offsetting strategies for projects being assessed under Part 4 of the Environmental Planning and Assessment Act 1978 (EP&A Act), many Councils seek guidance from OEH on the suitability of offset proposals.

OEH note that the proposal will result in the clearing of approximately 2.8 hectares of Mixed vine thicket low eucalypt woodland of the northern-western Brigalow Belt South Bioregion (PCT 445) which is consistent with Brigalow within the Brigalow Belt South, Nandewar and Darling Riverine Plains Bioregions listed as endangered under the NSW Biodiversity Conservation Act 2016 and Semi evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions listed as endangered under the commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

Impacts to native vegetation that cannot be avoided using avoidance and mitigation measures should be offset. The vegetation to be impacted is listed as endangered by both the state and the commonwealth therefore we strongly recommended that an offset package is developed to adequately offset the impacts of the proposal. It is recommended that a requirement for an offset be conditioned in the consent. Offsets should be based on quantitative assessment of the loss in biodiversity from the development and the gain in biodiversity from the offset. The methodology must be based on the best available science, be reliable and used for calculating both the loss from the development and the gain from the offset. Offsets should be targeted and they should offset on a basis of like-for-like or better conservation outcome.

The offset package should include an appropriate Management Plan that has been developed as a key amelioration measure to ensure the offsets are appropriately managed and funded. Management activities included in the management plan should result in an improvement of the offset area over time.

For the biodiversity objectives of the offset to be met, an appropriate legal mechanism is required to secure the offset. This mechanism should secure the offset in perpetuity to ensure long term protection and management of the site. OEH's preferred mechanism for securing offsets is a Biodiversity Stewardship Agreement or payment into the Biodiversity Conservation Fund.

Recommendations:

1. A requirement for an offset be included in the conditions of consent
2. An offset package be prepared that adequately offsets the impacts below:
 - i. 2.8 hectares of Mixed vine thicket low eucalypt woodland of the northern-western Brigalow Belt South Bioregion (PCT 445)
3. A Biodiversity Offset Management Plan be developed to ensure the offsets are appropriately managed and funded. Management activities included in the management plan should result in an improvement of the offset area over time.
4. Secure the offset in perpetuity to ensure long term protection and management of the site.



Department of Primary Industries

OUT18/4395

14 March 2018

General Manager
Gwydir Shire Council
Locked Bag 5
BINGARA NSW 2404

mail@gwydir.nsw.gov.au
attn: Ms Patsy Cox

Dear Madam/Sir

**DA 2017/146 Development of a 500,000 tonne/year Hard Rock Quarry – “Tikitere” 1135
Croppa Creek Road, North Star NSW 2408**

Thank you for the opportunity to provide comment for the above proposal as per your correspondence dated 22 February 2018. The NSW Department of Primary Industries (NSW DPI) provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI has reviewed the Environmental Impact Statement (EIS) and it is satisfied that the measures outlined in the EIS ensure that there are minimal impacts on surrounding agricultural lands and neighbours.

Should you require clarification on any of the information contained in this response, please contact Agricultural Land Use Planning Officer John Galea on (02) 9842 8607.

Yours sincerely

Lilian Parker
Manager
Agriculture Landuse Planning



Transport Roads & Maritime Services

File No: NTH17/00128
Your Ref: 5/2018:18/3892:pmc:kag

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

Attention: Patsy Cox

Dear Sir / Madam,

Construction and Operation of a Hard Rock Quarry – Development Application Tikitere Quarry – 1135 Croppa Creek Road, North Star

Reference is made to your letter of 25 February 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

In accordance with Clause 104 of the *State Environmental Planning Policy Infrastructure 2007* (ISEPP), Roads and Maritime is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;

1. The applicant has stated that there will be no haulage vehicles utilising the road network during the operational phase of the development.
2. The Consent Authority should be satisfied that the impact of through and turning traffic has been adequately addressed.
3. Service vehicles should enter and leave the site in a forward manner. The design should cater for the turning paths of the largest vehicle requiring access to the site.
4. Regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council approval.

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact John Perkins, A/Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

For Monica Sirol
Network & Safety Manager, Northern Region
Date: 29/03/2018