

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018WES019
<b>DA Number</b>	85/2018
<b>LGA</b>	Blayney Shire Council
<b>Proposed Development</b>	Quarry
<b>Street Address</b>	12 Greghamstown Road, Blayney, being Lot 2 DP847740. The proposed development would also affect an unnamed road reserve and the western portion of Marshalls Lane.
<b>Applicant/Owner</b>	Ben Volkofsky
<b>Date of DA lodgement</b>	4 October 2018
<b>Number of Submissions</b>	167
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Clause 7 particular designated development Development for the purposes of extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
<b>List of all relevant s4.15(1)(a) matters</b>	<p>Relevant environmental planning instruments:</p> <ul style="list-style-type: none"> <li>- Blayney Local Environmental Plan 2012;</li> <li>- State Environmental Planning Policy 55 – Remediation of Land;</li> <li>- State Environmental Planning Policy 33 – Hazardous and Offensive Development;</li> <li>- State Environmental Planning Policy (Infrastructure) 2007;</li> <li>- State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007;</li> <li>- State Environmental Planning Policy No. 44 Koala Habitat Protection;</li> </ul> <p>Relevant development control plan:</p> <ul style="list-style-type: none"> <li>- Blayney Development Control Plan 2018</li> </ul> <p>Relevant regulations:</p> <ul style="list-style-type: none"> <li>- Nil.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>a. The Environmental Impact Statement for the Blayney Quarry prepared by R.W. Corkery &amp; Co. Pty. Limited. Dated September 2018.</li> <li>b. The Response to Submissions for the Blayney Quarry prepared by R.W.Corkery &amp; Co. Pty. Limited.</li> <li>c. Noise Impact Assessment – Blayney Quarry, Additional Scenarios dated 9 July 2019.</li> <li>d. EPA General Terms of Approval.</li> <li>e. Submissions</li> </ol>
<b>Report prepared by</b>	<b>Daniel Drum – Manager Planning, Blayney Shire Council</b>
<b>Report date</b>	<b>06/09/2019</b>

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not  
Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## APPLICATION DETAILS:

### EXECUTIVE SUMMARY

Council's consent is sought to establish a quarry (*Extractive industry*) at 12 Greghamstown Road, Blayney, being Lot 2 DP847740 (the 'subject property').

The subject property is located to the north west of the Blayney Township and to the north of the Nestle Purina facility at 1 Jarman Crescent. The subject property and the Nestle Purina facility are separated by the Main Western Railway Line corridor.

The subject property comprises a total area in the order of 57ha in an irregular shape and is predominately used for extensive agriculture (i.e. grazing).

Properties surrounding and proximate to the subject property are used for a variety of purposes including:

- White's Quarry located to the immediate north at 52 Greghamstown Road;
- The Main Western Railway Line corridor located to the immediate south (Lot 1 DP 1184615);
- The Nestle Purina facility located to the south of the Main Western Railway Line corridor at 1 Jarman Crescent; and
- Residential properties to the south east of the subject property within Johnston Crescent, Palmer Street, Sturt Street and Ewin Street (generally being within 100 - 500m of the subject property).

Other adjoining and proximate properties are typically used for extensive agriculture or large lot residential purposes. It is noted that the properties to the east, beyond the unformed section of Palmer Street, were historically used in association with the former Blayney Abattoir.

The proposed quarry would involve the extraction of up to 250,000 tonnes of material per annum (tpa) at an average rate of 150, 000 tpa for a period of 21 years, with material to be extracted using a combination of rip, push, haul/load, drill and basting techniques.

Other elements of the proposed quarry include:

- Construction and use of a range of site infrastructure, including a transportable site office and ablutions facilities, surface water management structures, safety/amenity bunds and a visual screen;
- Crushing, screening, stockpiling and blending of extracted material using mobile plant;
- Construction and use of a site access road to permit access between the quarry and Marshalls Lane;
- Construction of a haul road and site entrance;
- Upgrading of the unnamed local road and the intersection with Marshalls Lane;
- Loading and transportation of material via Marshalls Lane and the Mid-Western Highway; and
- Rehabilitation of the project site to achieve a final land use of agriculture and / or nature conservation.

The key issues for consideration include the potential impact of the proposed quarry on the residents and occupants of proximate dwellings and businesses such as visual impact and the impact of noise and dust emissions, and vibration from blasting.

In summary, it is considered that proposed development can be established and operated in an acceptable manner and which is unlikely to have a significant or adverse effect on the surrounding

environment subject to the recommended conditions of consent. The relevant matters are dealt with in detail in the body of this report.

## **RECOMMENDATION**

That the Western Regional Planning Panel approve DA85/2018 for *Extractive Industry* at Lot 2 DP847740, being 12 Greghamstown Road, Blayney, subject to the recommended conditions of consent.

## **PROPOSED DEVELOPMENT**

Council's consent is sought for the use and development of a quarry. The location of the proposed quarry and other proximate land uses is illustrated in Figure 1.

The proposed quarry would involve the extraction of up to 250,000 tonnes of material per annum (tpa) at an average rate of 150, 000 tpa for a period of 21 years, with material to be extracted using a combination of rip, push, haul/load, drill and basting techniques.

Other elements of the proposed quarry will include:

- Construction and use of a range of site infrastructure, including a transportable site office and ablutions facilities, surface water management structures, safety/amenity bunds and a visual screen;
- Crushing, screening, stockpiling and blending of extracted material using mobile plant;
- Construction and use of a site access road to permit access between the project site and Marshalls Lane;
- Construction of a haul road and site entrance;
- Upgrading of the unnamed local road and the intersection with Marshalls Lane;
- Loading and transportation of material via Marshalls Lane and the Mid-Western Highway; and
- Rehabilitation of the project site to achieve a final land use of agriculture and / or nature conservation.

The EIS identifies that extraction would occur in four stages, with each stage designed purposively to minimise visual, noise and air quality related amenity impacts. The staging of extraction is demonstrated in Figure 2 and 3, below.

## **EXISTING CONDITIONS**

The existing conditions of the subject property are illustrated in Figures 4 – 10, below.



*Figure 1: Site Context Plan (Subject property denoted by heavy red line, approximate location of proposed quarry denoted by red star)*



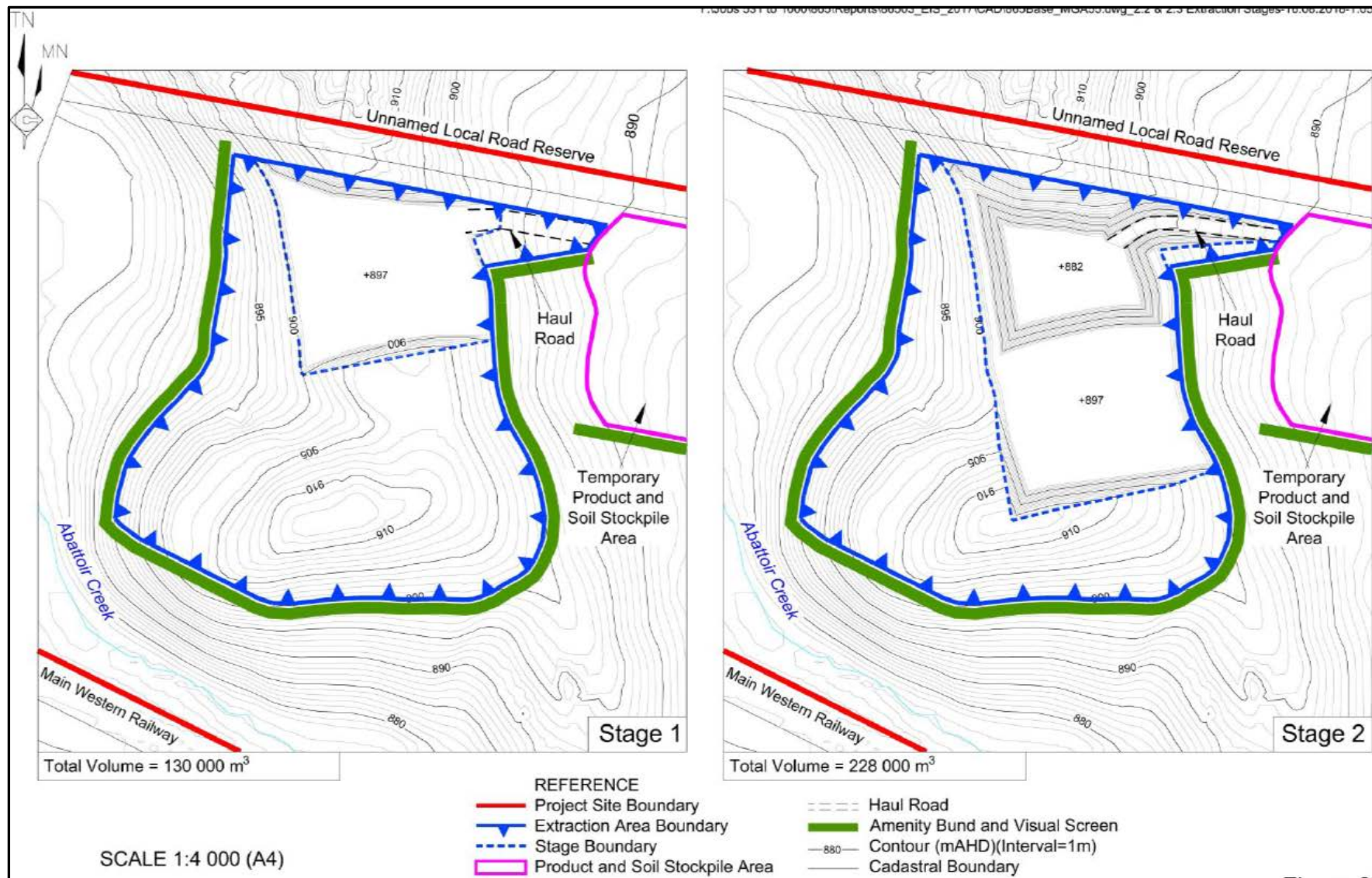


Figure 2: Extraction Stage 1 and 2

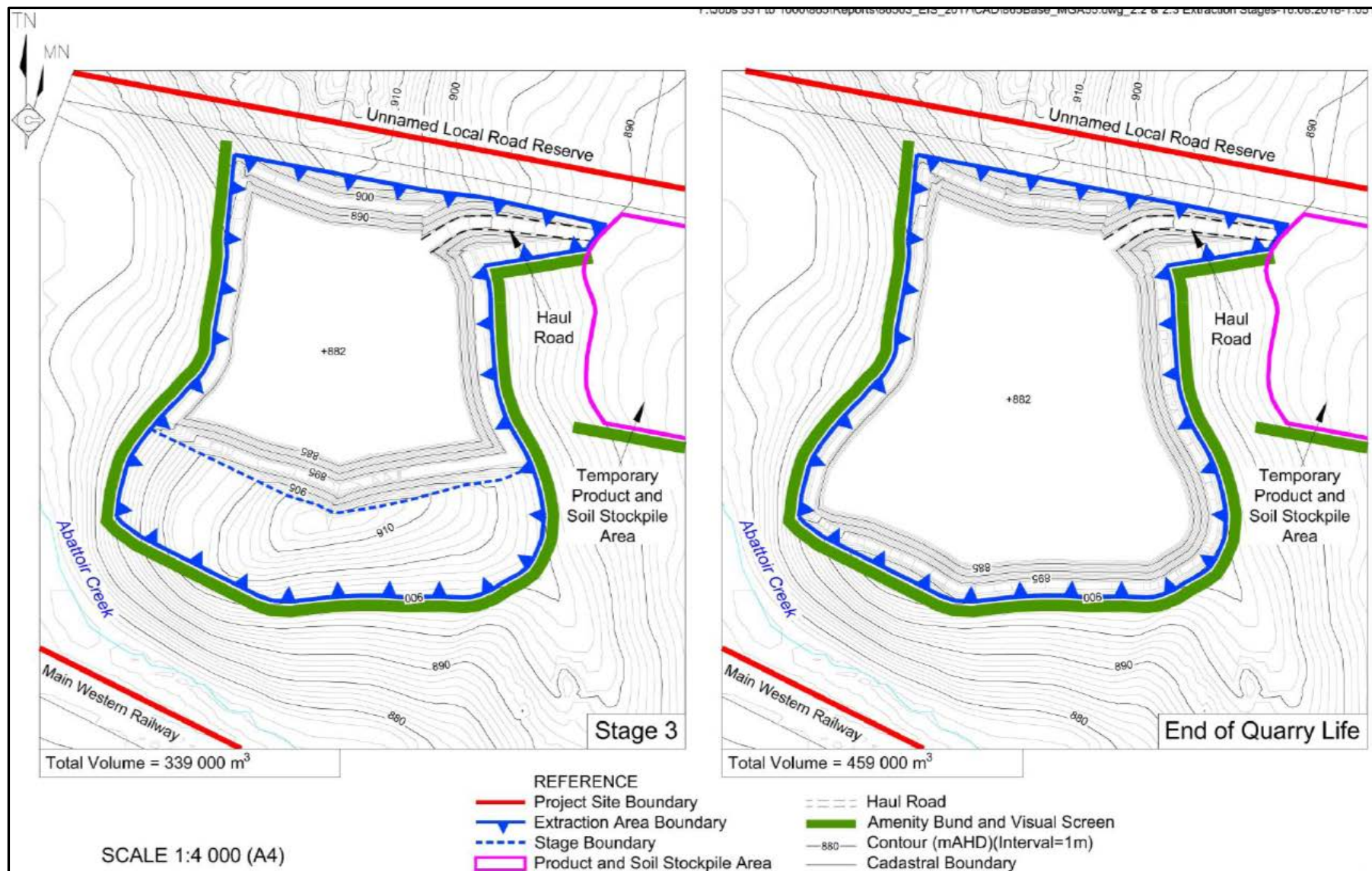


Figure 3: Extraction Stage 2 and 3





***Figure 4: Intersection of Marshalls Lane, Lowe Street and unnamed road.***



***Figure 5: The subject property (middle of photo) as viewed from Church Hill***





***Figure 6: The subject property as viewed from unnamed road (background)***



***Figure 7: The subject property viewed from unnamed road.***





***Figure 8: The subject property as viewed from intersection of unnamed road, Greghamstown Road and Millthorpe Road (approximate)***



***Figure 9: The subject property (background) as viewed from the corner of Palmer Street and Johnston Crescent***



**Figure 10: Whites Quarry as viewed from unnamed road.**

### **Designated Development**

The proposed quarry is designated development pursuant to Section 4.10 of the *Environmental Planning and Assessment Act 1979* (the 'Act') and Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (the 'Regulation').

Schedule 3 of the Regulation identifies that the proposed quarry is designated development as it is an *Extractive industry* that would:

- Obtain more than 30,000 cubic metres of extractive material per year;
- Includes land which slopes at more than 18° degrees to the horizontal;
- Includes blasting within 1,000m of a residential zone; and
- Is within 500m of another extractive industry.

As the proposed quarry is designated development, the development application must be accompanied by an Environmental Impact Statement (EIS) prepared in the form prescribed by the Regulation.

As part of that process, the Director of Resource Assessments as delegate for the Planning Secretary, Department of Planning and Environment, required that specific matters be addressed as part of the EIS (SEAR's). The key issues specified included a description of the proposal; a conclusion justifying why the development should be approved; an assessment of potential impacts including noise, blasting and vibration, air, water, biodiversity, heritage, traffic and transport, land resources, waste, hazards, visual, social and economic and rehabilitation.

These issues have generally been adopted to form the key issues for assessment of the likely impact of the proposed development and are addressed in the body of this report under the heading "*The Likely Impact of the Development*".



However, matters such as the description of the proposal and project justification do not amount to likely impacts, but are informative as to what the likely impacts are and why they might be considered to be acceptable/unacceptable. They are addressed below:

#### Description of the Proposal

The EIS and EIS (Response to Submissions) include a full description of the use and development of the proposed quarry.

The description of the proposal is considered to be adequate.

#### Project Justification

The SEAR's identified that the EIS must include a conclusion justifying why the development should be approved, taking into consideration alternatives; suitability of the site; the biophysical, economic and social impacts of the project, having regard to the principles of ecologically sustainable development; and whether the project is consistent with the objectives of the Act.

These requirements, amongst others, distinguish the minimum level of information to be provided with a development application for designated development from other forms of local development, recognising that designated development is typically high impact (e.g. likely to generate pollution). As such, in circumstances where the proposed development has the potential to have a significant environmental impact, it is considered that the information presented in an EIS to address the foregoing issues must be robust and well founded.

The project justification is considered to be adequate.

#### **Integrated Development**

The proposed quarry is integrated development pursuant to Section 4.46 of the Act, Section 43, 47 and 55 and Schedule 1 of the *Protection of the Environment Operations Act 1997* (the 'POEO Act'), and Section 138 of the *Roads Act 1993* (the 'Roads Act').

Schedule 1 of the POEO Act identifies that the proposed quarry is integrated development as it would involve the extraction of, processing and storage of more than 30,000 tonnes of extractive material per year.

The NSW EPA has advised Council that it has determined that it is able to issue an Environmental Protection Licence subject to a number of conditions. A copy of the General Terms of Approval are included as an attachment to this report.

Section 138 of the Roads Act identifies that the proposed quarry is integrated development as the proposal involves work in a public road.

Section 4.46 (3) identifies that development is not integrated development under Section 138 of the Roads Act if it requires the development consent of a council and the approval of the same council. However, in this circumstance it is noted that development consent is required from the Western Regional Planning Panel rather than Council. As such, the proposed development is considered to be integrated development pursuant to Section 138 of the Roads Act.

The Blayney Shire Council has indicated that it is able to issue an approval subject to recommended conditions of consent. The recommended conditions of are discussed in the body of this report.

#### **MATTERS FOR CONSIDERATION**

## **Section 1.7 – Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

These matters are addressed in further detail in the body of this report.

### **Section 4.15- Evaluation**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

#### **Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument**

##### **Blayney Local Environmental Plan 2012**

###### **Part 1 – Preliminary**

###### **Clause 1.2 Aims of Plan**

The aims of the *Blayney Local Environmental Plan 2012* (BLEP 2012) relevant to the application include:

- (a) to encourage development that complements and enhances the unique character and amenity of Blayney including its settlements, localities, and its rural areas,
- (b) to provide for a range of development opportunities that will contribute to the social, economic and environmental resources of Blayney in a way that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,
- (c) to facilitate and encourage sustainable growth and development that:
  - i. avoids and minimises risks to human life and property and minimises the cost of development by restricting development in areas prone to natural hazards and significant environmental constraints, and
  - ii. protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and
  - iii. avoids or minimises impact on drinking water catchments to protect and enhance water availability and safety for human consumption, and
  - iv. protects and enhances environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and
  - v. protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and

- vi. encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimising any environmental and social impacts, and
- vii. encourages a range of housing choices in planned urban and rural locations to address population growth and meet the diverse needs of the community, and
- viii. allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and
- ix. promotes the efficient and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

Based on the following assessment, it is considered that the proposed development is consistent with the relevant foregoing objectives.

In particular, it is considered that the proposed quarry would not significantly detract from the qualities of its rural landscape setting; will not significantly from prime agricultural land; and can be operated in a manner which will minimise conflict with adjoining land uses.

#### **Clause 1.7 Maps**

Land zoning:	RU2 Rural Landscape Zone
Lot size:	100ha
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	Yes
Flood:	N/A

#### **Clause 1.6 Consent Authority**

Clause 1.6 establishes that Council is the consent authority for the purpose of the Blayney Local Environmental Plan 2012.

However Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* identifies that extractive industries, which meet the requirements for designated development under Clause 19 of Schedule 3 to the Regulation is regionally significant development.

The Western Regional Planning Panel is the consent authority for regionally significant development within the Blayney Shire.

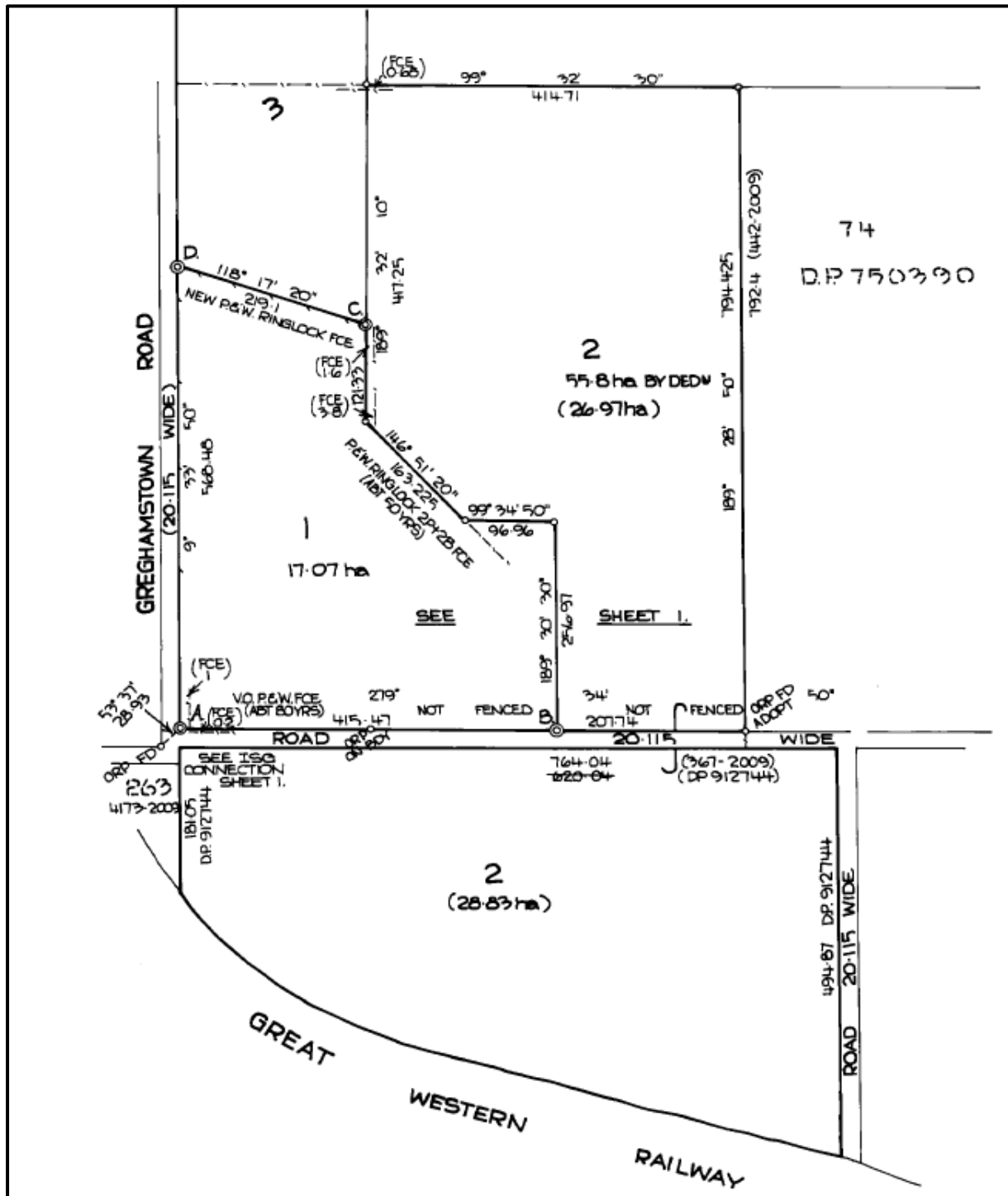
#### **Clause 1.9A – Suspension of Covenants, Agreements and Instruments**

Clause 1.9A provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
- any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
- any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.



An extract of DP847740 is shown below (Figure 11).

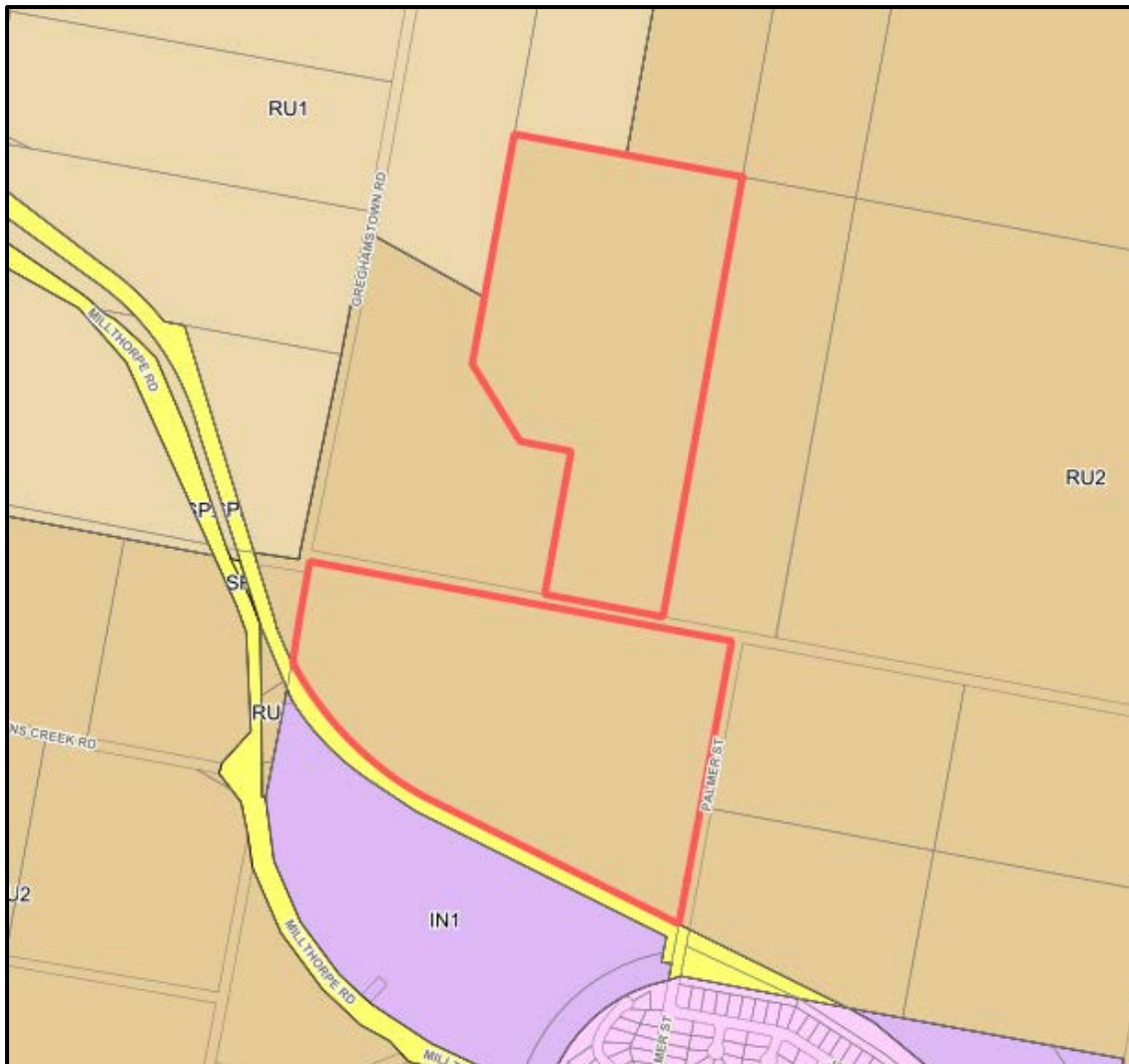


**Figure 11: Extract of DP847740 (subject property identified as Lot 2)**

## Part 2 – Permitted or Prohibited Development

### Clause 2.1 – Land Use Zones and Clause 2.3 Zone Objectives and Land Use Table

The subject property is zoned RU2 Rural Landscape (Figure 12).



**Figure 12: Zone context plan – RU2 Rural Landscape zone (subject property identified by heavy red line)**

The proposed use and development is defined as *Extractive industry* under Blayney LEP 2012, which means:

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

**Note.**

*Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.”*

Extractive industries are permissible within the RU2 Rural Landscape zone with the consent of Council

The objectives of the RU2 Rural Landscape zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage development that will not have an adverse impact on the environmental and scenic qualities of the existing landscape.

The objectives of the RU2 Landscape zone generally focus on encouraging and maintaining scenic rural qualities and natural resources of the existing landscape. However, it is noted that the third objective specifically seeks to provide for a range of compatible land uses.

With regard to the comments of Preston J at paragraph 18 in *Nessdee Pty Limited v Orange City Council [2017] NSWLEC 158*, it is considered that the third objective of the RU2 Rural Landscape zone is 'declaratory', in that the limited range of development that is permitted without or with consent in the Land Use Table is taken to be development that is compatible, including with the rural landscape character of the area.

In this regard, it is considered that the proposed use is consistent with the objectives of the zone.

## **Part 5 – Miscellaneous Provisions**

### **Clause 5.10 – Heritage Conservation**

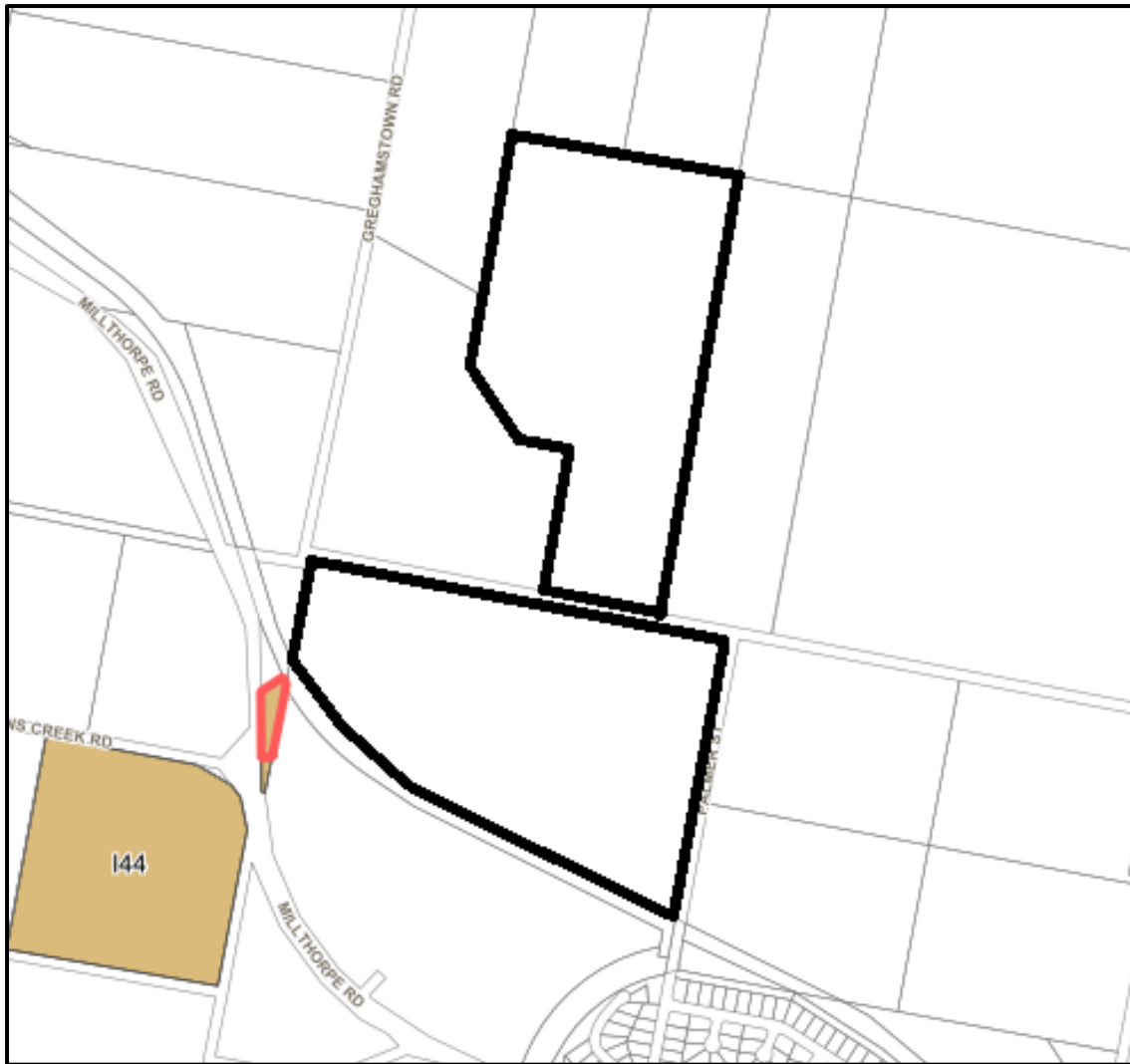
Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance.

Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area and heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.

### **Post –European Cultural Heritage**

The subject property is located proximate to the Lime Siding Cottage Heritage Item (I366) at 252-254 Millthorpe Road and the Blayney Lime Kilns Heritage Item (I44) at 339 Millthorpe Road, Blayney (Figure 13).





**Figure 13: Heritage context plan (the subject property denoted by heavy black line, Heritage Item I366 denoted by heavy red line)**

#### **Lime Siding Cottage**

The Statement of Significance for the Lime Siding Cottage outlines the following:

*"The precinct meets all of the criteria for listing as an item of local heritage significance, although it is in poor condition, and partly altered overtime. It would require significant intervention if it were decided to reoccupy most of the buildings, except the main dwelling and the hay shed. The buildings are located on the major thoroughfare from Millthorpe to Blayney, isolated on a hill site by road alignment alterations over time. The various elements are in need of further research and stabilisation, but as an almost complete suite of buildings, demonstrate the occupation of the site in association with the adjacent lime kilns and rail siding."*

#### **Blayney Lime Kilns**

The Statement of Significance for the Blayney Lime Kilns outlines the following:

*"The limekilns are significant because they are the only example in the area. They were the local suppliers of an important raw material for the building industry. Two of the original three are reasonably intact. Their significance is regional. The Blayney limekilns are an excellent*

*example in relatively good condition, of the small D-type intermittent kilns which were scattered around NSW for the production of lime for the local market. Although annual production of lime was not high this small plant testifies to the economic necessity of locating the kilns close to a supply of limestone and a nearby rail siding and market, thereby overcoming the high transport costs of the early twentieth century.”*

The applicant has provided a Historical Cultural Heritage Assessment Report with the development application.

Despite the presence of known local heritage items within the immediate vicinity of the subject property, the Historical Cultural Heritage Assessment Report confirms that the subject property does not contain any historic heritage items or sites.

Further, it is noted that the Blasting Assessment submitted with the development application identifies potential impact on identified heritage areas to the west of the quarry (i.e. Lime Siding Cottage and Blayney Lime Kilns) will be controlled by adopting ANZEC peak ground vibration guidelines (i.e. 5 to 10mm/s) at Lime Siding Cottage. The Blasting Assessment states that no adverse impact should arise at Blayney Lime Kilns and Blayney Cemetery, and infers the same for the Lime Siding Cottage.

Based on this assessment, it is considered that the proposed development is unlikely to have a significantly adverse impact on post-European Cultural Heritage and is consistent with the objectives of Clause 5.10.

### **Aboriginal Cultural Heritage**

The applicant has provided an Aboriginal Cultural Heritage Report and Aboriginal Cultural Heritage Information Management System (AHIMS) search statement with the development application.

The Aboriginal Cultural Heritage Report and AHIMS search statement indicate that no Aboriginal sites or Aboriginal places are located on the subject property. Notwithstanding, the Aboriginal Cultural Heritage Report makes the following recommendations:

- All land-disturbing activities of the project should be confined to within the project site. Should the parameters of the project extend beyond the assessed area, then further archaeological assessment may be required.
- The assessment has concluded that there is a low likelihood that the project will adversely harm Aboriginal cultural heritage items or sites. However, during the course of works, if Aboriginal artefacts or skeletal remains are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol* should be followed.
- The staff and contractors involved in the activities of the project should be made aware of the legislative protection of Aboriginal sites and objects and fines for non-compliance.

Based on this assessment and subsequent recommendations, it is considered that the proposed development is unlikely to have a significantly adverse impact on Aboriginal Cultural Heritage and is consistent with the objectives of Clause 5.10.

Notwithstanding, it is recommended that a condition of consent be applied requiring that the unanticipated finds protocol be implemented in the event of an unanticipated find.

## **Part 6 – Additional Local Provisions**

### **Clause 6.6 – Riparian land and watercourses**

Clause 6.6 seeks to protect and maintain water quality within watercourses; the stability of the bed and banks of watercourses; aquatic and riparian habitats; and ecological processes within watercourses and riparian areas.

The EIS did not address Clause 6.6 of the BLEP 2012. As a result Council staff sought further information from the applicant, with the key issue being the potential impact on water quality of the Abattoir Creek and how that may affect aquatic and riparian species, habitats and ecosystems.

The EIS (Response to Submissions) identifies that Clause 6.6 of the BLEP 2012 does not apply to the proposed development on the basis that the minimum distance between the extraction area and Abattoir Creek would be approximately 45m. In this regard it is noted that Clause 6.6 only applies to land within 40 metres of the top of the bank of the relevant watercourse.

Notwithstanding, the applicant has provided the following commentary:

- The closest point of the extraction area to Abattoir Creek is located at an elevation of approximately 890m AHD. The elevation of the creek by contrast is approximately 877m AHD or 13m lower than the extraction area;
- The Extraction Area would be internally draining and all surface water within the extraction area would be used for dust suppression; and
- The temporary stockpiling area would drain to a sediment basin that would be constructed in accordance with the requirements of Landcom (2004)<sup>i</sup> and DECC (2008)<sup>ii</sup>.

Based on this, the applicant contends that:

- The proposal would not adversely impact on water quality and flows within Abattoir Creek because no water would be permitted to flow to the creek and no water would be removed from it;
- The proposal would not adversely impact on aquatic and riparian species, habitats and ecosystems because there would be no direct or indirect impacts upon the creek;
- The proposal would not adversely impact on the stability of the bed and banks of the creek, free passage of fish and other aquatic organisms or any future rehabilitation of the watercourse and riparian areas because there would be no surface disturbing activities in the vicinity of the creek.

Further, the applicant states that Section 4.8.2 of the EIS presents all reasonable and feasible management and mitigation measures required to avoid, minimise or mitigate potential impacts to Abattoir Creek associated with the proposal.

Notwithstanding that Clause 6.6 does not apply to the proposed development, it is considered that the proposed development is consistent with the relevant objectives and is unlikely to result in an adverse impact on the water quality and flows within the watercourse, aquatic and riparian species, habitats and ecosystems of the watercourse, the stability of the bed and banks of the watercourse, the free passage of fish and other aquatic organisms within or along the watercourse, or any future rehabilitation of the watercourse and riparian areas.

It is noted that after ongoing correspondence with the Department of Industry Natural Resource Access Regulator (NRAR), formerly the Department of Industry Water (DPI Water), NRAR did not provide a submission.

#### **Clause 6.8 – Essential services**

Clause 6.8 identifies that development consent must not be granted to development unless the consent authority is satisfied that the services essential for the development are available or that adequate arrangements have been made to make them available when required.

Essential services include the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.

It is accepted that all applicable essential services are either available, or that adequate arrangements have been made to make them available when required.

In particular, it is noted that the EIS indicates that all electricity required would be produced by on-site generators and that additional water would be provided under commercial arrangement with Central Tablelands Water. In addition, the EIS (Response to Submissions) identifies that waste water would be directed to a pump-out septic facility that would be serviced by a suitably licenced contractor as required. Alternatively, an aerated waste water treatment facility may be installed accordance with Blayney Shire Council's requirements for such facilities. In the event that an aerated waste water treatment facility is installed, relevant approvals would be obtained from Blayney Shire Council.

### **State Environmental Planning Policy 55 – Remediation of Land**

*State Environmental Planning Policy 55 – Remediation of Land* (SEPP55) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, SEPP 55 requires that before determining an application to carry out development that would involve a change of use of land (specified in subclause 4 of the SEPP), the consent authority must consider a preliminary investigation of the land concerned.

Based on an inspection of the subject property, it is considered that it is unlikely to be contaminated. In particular, it is noted that while the property has been used for extensive agriculture, there is no sign of a sheep dip or chemical mixing shed in the vicinity of the proposed quarry.

Further, it is noted that the adjoining land historically associated with the former Blayney Abattoir is located down slope from the extraction area.

### **State Environmental Planning Policy 33 – Hazardous and Offensive Development**

*State Environmental Planning Policy 33 - Hazardous and Offensive Development* (SEPP 33) identifies that in determining whether a development is a hazardous storage establishment, hazardous industry or other potentially hazardous industry; or an offensive storage establishment, offensive industry or other potentially offensive industry, consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development. The applicable guideline is the *Hazardous and Offensive Development Application Guidelines Applying SEPP 33* (SEPP 33 Guidelines).

#### **Potentially Offensive Industry**

The SEPP 33 Guidelines identify that the key consideration of a potentially offensive industry is that the consent authority is satisfied that there are adequate safeguards to ensure that emissions from a facility can be controlled at levels which are not significant. The SEPP 33 Guidelines identify that an important factor in making this judgement is the view of the Department of Environment Climate Change and Water (DECCW) (now the NSW Environment Protection Authority) for those proposals requiring a pollution control licence under DECCW legislation. If DECCW considers that its licence requirements can be met, then the proposal is not likely to be an 'offensive industry'.

The NSW EPA identified that it is able to issue an Environmental Protection Licence for the proposed quarry. On this basis, it considered that the proposed quarry should not be considered to be a 'potentially offensive industry'.

### **Potentially Hazardous Industry**

Given the EIS identifies that no potentially hazardous goods would be used or stored within the project site, the proposed development should not be considered to be a potentially hazardous industry.

No further assessment is required.

### **State Environmental Planning Policy (Infrastructure) 2007**

#### **John Holland Referral**

Section 85 Development adjacent to rail corridors of the *State Environmental Planning Policy (Infrastructure) 2007* applies to development on land that is in or adjacent to a rail corridor, if the development:

- Is likely to have an adverse effect on rail safety, or
- Involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- Involves the use of a crane in air space above any rail corridor, or
- Is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

Given the nature of the proposed development, including the use of blasting, Council staff considered that the proposed quarry was likely to have an adverse effect on the safety of the Main Western Railway Line. As such, the development application was referred to John Holland. John Holland manages the Country Regional Network for Transport for NSW (TfNSW).

John Holland subsequently provided a submission addressing a number of matters, including proposed conditions of consent regarding the following matters:

- Risk assessment / management plan and safe work method statement;
- Excavation in, above, below or adjacent to the rail corridor;
- Traffic management;
- Noise, vibration and air quality;
- Cranes;
- Access to the rail corridor and work access and possessions;
- Procedures for blasting operations in close proximity to the Country Rail Network infrastructure;
- Stormwater management;
- Fencing;
- Access to the land; and
- Lighting, external finishes and design.

It is considered appropriate to accept the recommended conditions of consent, or intent thereof.

A copy of the John Holland submission is attached to this report.

### **Essential Energy Referral**



Section 45 Determination of development applications – other development of the *State Environmental Planning Policy (Infrastructure) 2007* applies to development carried out within 5m of an exposed overhead electricity power line, amongst other matters. As such the proposed development was referred to Essential Energy.

Following a request for further information, Essential Energy have advised that they do not have a concern with the proposal subject to Council applying conditions of consent described in the EIS and EIS (Response to Submissions) regarding works around essential energy powerlines and support infrastructure.

Essential Energy has also noted the following general requirements:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- The stockpile sites will need to be clear of Essential Energy's Assets;
- Any activities within the location of Essential Energy's Assets must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets especially when operating machinery on site.

It is recommended that the foregoing matters be incorporated as conditions of consent as relevant.

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

Part 3 Development application – matters for consideration of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* sets out specific matters which must be considered in the assessment of a development application for an *Extractive industry*. The relevant matters are addressed below.

### **Compatibility of proposed mine, petroleum, production or extractive industry with other land uses**

Clause 12 requires that before determining an application for consent for development for the purpose of an extractive industry, the consent authority must consider:

- The existing uses and approved uses of land in the vicinity of the development; and
- 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 trend, are likely to be the preferred uses of land in the vicinity of the development, and

- Any ways in which the development may be incompatible with any of those existing approved or likely preferred uses.

Further, Clause 12 requires the consent authority to evaluate and compare the respective public benefits of the development and the land uses referred to above.

As identified in the Executive Summary of this report, the key issues for consideration are focussed on the potential impact on the proposed quarry on the residents and occupants of proximate dwellings and businesses, with the potential impacts generally including visual impact and the impact of noise and dust emissions and vibration from blasting. Each of these matters are dealt with in detail in the body of this report.

In summary, it is assessed that the proposed quarry can be operated in a manner that is unlikely to have a significant impact on the existing uses land in the immediate vicinity subject to meeting the recommended conditions of consent. Further, it is considered that the preferred use of land in the immediate vicinity of the subject property is unlikely to change having regard to existing land uses zones and extent of development.

With regard to the public benefit of the proposed quarry, it is noted that the EIS and EIS (Response to Submissions) estimate that the anticipated direct economic benefit to the Blayney Local Government Area would be in the order of \$1,730,000.00 per year, consisting of:

- \$130,000 employee wages;
- \$450,000 contractor fees (mining);
- \$250,000 contractor fees (drill and blast);
- \$900,000 contractor fees (crushing and screening).

In addition to direct economic benefits, the EIS (Response to Submissions) indicates the quarry would generate competitively priced products for use in local projects such as road construction and maintenance, which would make a positive contribution to ongoing economic development of the area.

On the basis that it is assessed that the proposed quarry can be operated in a manner that is unlikely to have a significant impact on the existing and preferred future uses land in the immediate vicinity, it is considered that the operation of the quarry will result in a net community benefit.

#### **Compatibility of proposed development with mining, petroleum production or extractive industry**

Amongst other matters, Clause 13 applies to an application for development on land that is, immediately before the application is determined, in the vicinity of an existing extractive industry. Given the proximity of the proposed quarry to White's Quarry at 52 Gregghamstown Road, it is considered that Clause 13 applies to the proposed development.

Clause 13 requires that before determining an application, the consent authority must consider:

- The existing uses and approved uses of land in the vicinity of the development;
- Whether the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and
- 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.

In addition, the consent authority must evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to above, and evaluate any measures

proposed by the applicant to avoid or minimise any incompatibility associated with the ways in which the development may be incompatible with any existing or approved use or that of current or future extraction or recovery.

As previously noted, it is assessed that the proposed quarry can be operated in a manner that is unlikely to have a significant impact on the existing uses land in the immediate vicinity subject to meeting the recommended conditions of consent and that it is likely to result in a net community benefit.

While the proposed quarry is immediately adjacent to White's Quarry, it is considered that the operation of proposed quarry is unlikely to have a significant impact, or be incompatible with, current or future extraction. In particular, it is noted that White's Quarry is accessed from Greghamstown Road rather than the unnamed road, as is proposed by the current development application.

### **Natural resource management and environmental management**

Clause 14 requires that before granting consent, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:

- The impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable;
- That impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable;
- That greenhouse gas emissions are minimised to the greatest extent practicable.

Further, 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.

The potential impacts of the proposed quarry water resources and threatened species and biodiversity are addressed in the body this report. While it is assessed that the proposed quarry is unlikely to have any significant impact on biodiversity, threatened species or groundwater, it is recommended that conditions of consent be imposed to ensure that the proposed development will not have a detrimental impact on the Abattoir Creek.

This requirement has been achieved by the General Terms of Approval issued by the NSW EPA which include a requirement for a sediment basin within the temporary stockpile area.

The EIS which stated that such as greenhouse gases are likely to be negligible. Council's air quality consultant, Wilkinson Murray, agreed with the statement and confirmed that detailed modelling of greenhouse gas emissions was unnecessary in this particular circumstance.

### **Resource recovery**

Clause 15 requires that before granting consent for an extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery and 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.

Further, Clause 15 provides that 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 or processing of the extractive industry.

The EIS identifies that the principal waste to be generated would include less than 25kg of general solid waste per week. The applicant contends that this waste could be contained within an accessible rubbish bin. The EIS notes that a separate recycling bin would be kept on site.

It is not considered necessary to apply specific conditions aimed at optimising the efficiency of resource recovery other than those discussed elsewhere in the body of this report which seek to ensure that while the quarry operates at its maximum proposed rate of production, it does so without having an unacceptable environmental impact.

## **Transport**

Clause 16 requires that before granting consent for development for the purpose of an extractive industry that involves transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions to do any one or more of the following:

- Require that some or all of the transport of materials in connection with the development is not to be by public road;
- Limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools;
- Require the preparation and implementation, in relation to the development, of a code of conduct relating to transport of materials on public roads.

Further, Clause 16 states that if the consent authority considers that the development involves the transport of materials on public road, the consent authority must, within 7 days after receiving the development application, provide a copy to each roads authority for the road and the Roads and Traffic Authority (now Roads and Maritime Service) if it is not a roads authority for the road.

The development application was referred to both the Roads and Maritime Service and Blayney Shire Council.

The Roads and Maritime Service provided a submission including the following recommendations:

- In accordance with Clause 16(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.
- Haulage operations coinciding with local school bus pickup/drop off times are to be avoided.
- The lease of Marshall Lane is not to inhibit, or prevent the possibility of, extracted material from the nearby Council quarry being hauled east on Marshall Lane to and beyond its intersection with the Mid Western Highway.

It is considered that these recommendations, or intent thereof, should be included as conditions of consent.

In addition, it is noted that the proposed development has been assessed by Council's Infrastructure Services Department. Having regard to the likely volume of truck movements and travel routes, the Infrastructure Services Department has not made any recommendations which seek to limit of materials on public roads, or limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools.

## **Rehabilitation**

Clause 17 requires that before granting consent for development for the purpose of an extractive industry, the consent authority must consider whether or not the consent should be issued at ensuring the rehabilitation of land that will be affected by the development.

In particular, the consent authority must consider whether conditions of consent should:

- Require the preparation of a plan that identifies the proposed end use and landform of the land one rehabilitated, or
- Require waste generated by the development or rehabilitation to be dealt with appropriately, or
- Require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of schedule 6 to the Act and the *Contaminated Land Management Act 1997*), or
- 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 jeopardise public safety.

The EIS states that within 16 years of the date of granting development consent, or 5 years prior to the end of the life of the quarry, the applicant would prepare a Quarry Closure Plan in consultation with the Blayney Shire Council.

The Quarry Closure Plan would describe:

- The final land use and landform options considered, and justification of the preferred option selected;
- Rehabilitation methods to be implemented;
- Completion criteria; and
- Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The EIS also identifies that the Quarry Closure Plan would investigate alternative final land uses which may include the following:

- Industrial use, particularly taking into account the fact that the extraction area would provide a flat, screened area of approximately 6ha with substantial noise attenuation in the form of the extraction area walls.
- Water storage.

In addition, the EIS notes that in the absence of further development consent and/or rezoning of the land, the final land use must be permissible with consent within the RU2 Rural Landscape Zone, or relevant instrument applicable at the time. The EIS anticipates that the final land use would be agriculture and or nature conservation.

On the basis that the disturbed sections of the quarry would be the subject of ongoing operational activities and that the future land use is currently restricted to extensive agriculture, it is accepted that the preparation of detailed quarry closure plan be deferred until within 16 years of the date of granting development consent, or 5 years prior to the end of the life of the quarry.

Notwithstanding, it is recommended that any quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

It is recommended that a condition of consent to this affect be applied.

#### **State Environmental Planning Policy No. 44 Koala Habitat Protection**

*State Environmental Planning Policy No. 44 Koala Habitat Protection* (Koala Habitat SEPP) seeks to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline by:

- Requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and



- Encouraging the identification of areas of core koala habitat, and
- Encouraging the inclusion of areas of core koala habitat in environment protection zones.

While the Koala Habitat SEPP applies to the Blayney Shire Council Local Government Area, it is noted that Council's Supervisor Parks and Gardens, being a person who is qualified and experienced in tree identification, has confirmed that the subject property does not contain potential koala habitat.

In particular, it is noted that the subject property is generally devoid of trees with the exception of a narrow, planted windbreak.

**Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority**

Not applicable.

**Section 4.15(1)(a)(iii) Any Development Control Plan**

**Blayney Shire Development Control Plan 2018**

**Part E – Other Land Uses**

**E.10 Extractive Industries & Mining**

E.10 seeks to ensure that development does not adversely impact on areas of landscaping and conservation value; ensure that development is designed to minimise risks associated with geotechnical hazards; provide an effective barrier between quarrying and mining operations and other sensitive land uses; maintain the character and amenity of existing rural land uses; facilitate mining and extractive industries in suitable locations that facilitate employment and the local economy; and ensure development accords with best-practice operations and management.

E.10 includes specific controls to address the objectives. The relevant controls are addressed below:

**Traffic**

- **Estimated average and maximum hourly, daily and weekly truck movements, based upon the truck type and size proposed for the operation.**

The EIS (Traffic Impact Assessment Report) identifies that proposal would generate the following number of vehicle movements:

- An average of 40 truck movements (20 loads) per day;
- A maximum of 120 movements (60 loads) per day; and
- A maximum of 20 movements (10 loads) per hour.

- **Proposed truck routes (for both laden and unladen trucks) and possible alternative routes or other alternative transport modes such a rail transport.**
- **The physical condition of existing roads and / or bridges on the proposed truck routes to / from the site and any proposals to upgrade public or private roads to reduce dust and other impacts.**

The EIS (Traffic Impact Assessment Report) identifies that access to the proposed quarry would be from the Mid Western Highway via Marshalls Lane and a currently unconstructed, unnamed local road.

The applicant proposes to undertake minor upgrades to the local road network in order to achieve suitable access to the quarry. The proposed upgrades include:

Unnamed local road: a maximum gradient of 15.1%; 8m road width plus road-side drainage and bitumen sealed surface 150m west of the intersection of Lowe Street and Marshalls Lane.

Marshalls Lane: Extension of bitumen seal east of Lowe Street to 10m to achieve a minimum travel lane of 5m in each direction.

Marshalls Lane / Lowe Street intersection: Construction of four way sealed intersection consistent with cross junction intersection in accordance with the *Austrroads Guide to Road Design* and in consultation with Blayney Shire Council.

It is understood that an alternative access route to the proposed quarry from Millthorpe Road was considered during the project conception. However, as this route crossed the Main Western Railway Line at Gregghamstown Road it was opposed by John Holland Rail.

- **The traffic generation impact of both laden and unladen truck movements along the proposed truck routes to / from the site.**
- **Potential road safety impacts upon other road users arising from the additional truck movements occurring along the proposed truck routes to / from the site.**

The EIS (Traffic Impact Assessment Report) identifies that proposal would generate the following number of vehicle movements:

- An average of 40 truck movements (20 loads) per day;
- A maximum of 120 movements (60 loads) per day;
- A maximum of 20 movements (10 loads) per hour.

Notably, the EIS (Traffic Impact Assessment Report) identifies that the foregoing vehicle movements are based on the maximum rate of production of 250 000 tpa, as opposed to the anticipated average rate of production of 150 000 tpa.

Other vehicle movements would include up to six employee vehicle movements per day and four maintenance / delivery vehicle movements per week.

A detailed assessment of traffic impacts is presented in the EIS (Traffic Impact Assessment Report), including SIDRA modelling of the AM and PM peak hour conditions at the intersection of Marshalls Lane and Mid Western Highway and Mid Western Highway and Church Street.

In summary, the EIS (Traffic Impact Assessment Report) concludes that the additional traffic volumes generated by quarry will have minor impact on the road network with no noticeable impact on the road network or intersections in the Blayney Township.

The EIS (Traffic Impact Assessment Report) has been reviewed by Council's Infrastructure Services Department, which has confirmed that the proposed development is unlikely to result in a significant change existing traffic movements and road safety.

The EIS (Traffic Impact Assessment Report) has also been reviewed by the Roads and Maritime Service, which has made the following recommendations:

- In accordance with Clause 16(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads;
- Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided; and
- The lease of Marshalls Lane is not to inhibit, or prevent the possibility of, extracted material from the nearby Council quarry being hauled east on Marshall Lane to and beyond its intersection with the Mid Western Highway.

It is considered appropriate to accept the recommendations and apply them as conditions of consent.

- **Assessment of sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site.**

The EIS (Traffic Impact Assessment Report) outlines that the proposed development includes the construction of a site access road between the site entrance and Marshalls Lane in order to ensure safe and efficient access from the site entrance to Marshalls Lane.

In addition, the proposed development involves construction of a four way sealed intersection between the site access road, Marshalls Lane and Lowe Street. The intersection would be built in accordance with the *Austrroads Guide to Road Design* in consultation with Blayney Shire Council.

The EIS (Traffic Impact Assessment Report) otherwise indicates that a sight distance in excess of 300m at the intersection of Marshalls Lane and Mid Western Highway, which is considered to meet the Austrroads/RMS requirements for safe intersection sight distance for the posted speed limit of the Mid Western Highway.

The EIS (Traffic Impact Assessment Report) has been reviewed by Council's Infrastructure Services Department, which has confirmed that sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site are adequate.

#### **Other**

- **Efficient and safe movement of the extractive material from the source of supply to the end user.**

The EIS (Traffic Impact Assessment Report) identifies that the expected largest class of vehicle that would access the proposed quarry would be a general access 19m articulated truck, with low loaders transporting plant to access the site at the commencement and completion of each campaign.

The EIS (Traffic Impact Assessment Report) also identifies that any deliveries of equipment using oversize or higher mass limit vehicles will be in accordance with the National Heavy Vehicle Regulator (NHV) requirements and permit system.

Further, the EIS (Traffic Impact Assessment Report) states that all drivers that regularly access the quarry would be required to sign and abide by a Driver's Code of Conduct that would outline the applicant's expectations in relation to driver behaviour and courtesy when travelling on the public road network.

In addition, it is noted that the RMS has also reviewed the EIS (Traffic Impact Assessment Report), making a number of recommendations which would also generally ensure the safe and efficient movement of the quarried material to the end user.

- **Noise, dust and vibration abatement measures including any blasting or explosive use.**

Noise, dust and vibration impacts have been identified as key likely impacts of the proposed development. These matters are addressed in detail under the heading *"Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality"*

- **Visual impact assessment with particular reference to major roads, tourist routes / interest points and surrounding properties / structures.**

Visual impact has been identified as key likely impacts of the proposed development. Visual impact is addressed in detail under the heading *"Section 4.15(1)(b) The likely impacts of the development,*

*including environmental impacts both the natural and built environments, and social and economic impacts in the locality”*

- **Drainage implications including surface and groundwater impacts.**

Drainage implications are generally discussed under the heading *Clause 6.6 – Riparian land and watercourses*.

Notwithstanding that Clause 6.6 does not apply to the proposed development, it is considered that the proposed development is consistent with the relevant objectives and is unlikely to result in an adverse impact.

- **Rehabilitation of the site including materials, staging, source materials, re-contouring, replacement of topsoil, screen planting and vegetation.**

The EIS states that within 16 years of the date of granting development consent, or 5 years prior to the end of the life of the quarry, the applicant would prepare a Quarry Closure Plan in consultation with the Blayney Shire Council.

The Quarry Closure Plan would describe:

- The final land use and landform options considered, and justification of the preferred option selected;
- Rehabilitation methods to be implemented;
- Completion criteria; and
- Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The EIS also identifies that the Quarry Closure Plan would investigate alternative final land uses which may include the following:

- Industrial use, particularly taking into account the fact that the extraction area would provide a flat, screened area of approximately 6ha with substantial noise attenuation in the form of the extraction area walls.
- Water storage.

In addition, the EIS notes that in the absence of further development consent and/or rezoning of the land, the final land use must be permissible with consent within the RU2 Rural Landscape zone, or relevant instrument applicable at the time. The EIS anticipates that the final land use would be agriculture and or nature conservation.

While the information provided is useful, Council staff noted that the SEARS required that the EIS provide a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development and during the quarry closure.

As such, council staff advised the applicant that a Quarry Closure Plan should be provided as part of the Development Application. Alternatively, if this was not considered to be industry best practice, evidence was to be provided to justify why a detailed Quarry Closure Plan should not form part of the Development Application.

In addition, Council staff requested further information to address the rehabilitation measures that would be undertaken throughout the development and operation of the quarry.

In summary, the applicant provided the following response:

- With the exception of the temporary storage area, disturbed sections of the project site would be the subject of ongoing operational activities for the life of the quarry. As a result, limited potential exists for progressive rehabilitation of disturbed sections of the quarry.

- The applicant notes the emphasis on ensuring that extractive and other similarly disturbed sites are repurposed for beneficial use following the completion of extractive operations.
- The level of detail provided in Section 4.10 of the EIS is considered to be adequate based on the life of the proposal and the fact that limited progressive rehabilitation would be possible.

On the basis that the disturbed sections of the quarry would be the subject of ongoing operational activities and that the future land use is currently restricted to extensive agriculture, it is accepted that the preparation of detailed quarry closure plan be deferred until within 16 years of the date of granting development consent, or 5 years prior to the end of the life of the quarry.

Notwithstanding, it is recommended that any quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

It is recommended that a condition of consent to this effect be applied.

- **Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes; Any other assessment Council may require including heritage assessments, contaminated land assessments, ecological assessments and acid sulphate soil assessments.**

The relevant matters have been identified as key likely impacts of the proposed development. These matters are addressed in detail under the heading *“Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality”*.

## **CONTRIBUTIONS**

Section 7.11 contributions are a monetary contribution levied on developers at the development application stage to help pay for additional community facilities and/or infrastructure such as provision of libraries; community facilities; open space; roads; and bushfire facilities.

The *Blayney Local Infrastructure Contributions Plan 2013* identifies that levies apply to development Type B (Heavy Haulage Development).

A condition of consent has been recommended to capture the required contribution.

**Section 4.15(1)(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Not applicable.

### **Section 4.15(1)(a)(iv) The Regulations**

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**

Not applicable.

- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**

Not applicable.

- **Fire safety and other considerations (Clause 93)**

Not applicable.



- **Buildings to be Upgraded (Clause 94)**

Not applicable.

- **BASIX Commitments (Clause 97A)**

Not applicable.

**Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality**

The following matters have been identified by the NSW Department of Planning and Environment (DPE) as the key environmental impact/issues for consideration associated with the proposed quarry.

**Noise / Blasting and Vibration / Air Quality**

Given the technical matters associated with assessing noise, blasting and vibration and air quality impacts associated with the construction and operation of the quarry, Council engaged Wilkinson Murray to undertake a peer review of the Noise Impact Assessment prepared by Muller Acoustic Consulting dated September 2018, Blasting Assessment prepared by Prism Mining dated August 2018 and Air Quality Assessment prepared by Ramboll dated July 2018.

The peer review was undertaken by Directors of Wilkinson Murray, Neil Gross and John Wasserman, whom each have in excess of 20 years of experience in the respective fields.

Notably, Council staff were instructed by Wilkinson Murray to seek further information from the applicant on multiple occasions with regard to noise modelling undertaken Muller Acoustic Consulting.

Following the receipt of further information, Wilkinson Murray concluded that the proposed quarry could be operated to meet the recommended licence and limits set out in the NSW EPA General Terms of Approval provided that all commitments made by the applicant and conditions imposed by Council relating to managing potential impacts are documented in an approved Plan of Management and adhered to during operations.

For the sake of clarity, a full copy of the Wilkinson Murray Review is attached to this report.

**Water**

The EIS provides a detailed assessment of the proposed quarry on surface and ground water.

With regard to potential groundwater and surface water impacts, the EIS identifies the following:

- **Groundwater:** The extraction area would remain between 3m and 9m above the level of the Abbatoir Creek and would therefore be unlikely to intersect the saturated water table. With the exception of perched water tables, with limited volume, the proposed quarry would not intersect groundwater.

There are no identified Groundwater Dependant Ecosystems within or in the vicinity of the subject property and would not be impacted by the quarry.

- **Surface water:** The proposed area of disturbance would be small, compared with the catchment of the Abbatoir Creek. Given the isolation of the area from the catchment, it would have a negligible impact on the quantity of surface water in the watercourse.

Water would not be discharged from the quarry, except during an event exceeding a 1-in-50-year, 72-hour rainfall event.

In response to other specific issues identified in the SEARS, the EIS includes the following:

- **Site water balance:** Water balance for the quarry would be in deficit, with make-up water to be sourced from Central Tablelands Water under commercial agreement.
- **Licensing requirements:** No water licences would be required.
- **Water Sharing Plan:** Based in the information provided, it is assumed that there is no relevant water sharing plan as make-up water is to be sourced from Central Tablelands Water under a commercial arrangement
- **Erosion and sedimentation:** Sediment laden surface water to be discharged from the disturbed section of the quarry during an event exceeding a 1-in-50-year, 72-hour rainfall event. An Erosion and Sediment Control Plan would be prepared to minimise the impact of erosion and sedimentation.
- **Flooding:** Quarry activities would not be undertaken in the vicinity of Abattoir Creek and would not affect or be affected by flooding of the creek.

Based on the information provided within the EIS and the conditions of consent recommended by Council's Infrastructure Services Department and the requirements of the NSW EPA General Terms of Approval it is considered that proposed development is unlikely to have an adverse or significant impact on surface or groundwater quality.

### **Biodiversity**

The EIS identifies that the subject property has historically been used for extensive agriculture, including annual application of superphosphate fertiliser and that the subject property has also been cleared of native trees. As a result, the EIS concludes that the proposed quarry is unlikely to have a significant effect on any threatened flora or fauna, or endangered ecological community.

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

### **Heritage**

A detailed Aboriginal and Historic Cultural Heritage Assessment Report was submitted with the EIS.

In summary, the report identified that the subject property is unlikely to contain any Aboriginal sites or historic heritage items which may constrain the quarry. Notwithstanding, the report made the following recommendations in order to manage and mitigate the impact on any unexpected find:

#### **Aboriginal Cultural Heritage**

- All land-disturbing activities associated with the quarry should be confined to the Project Site. Should the parameters of the project extend beyond the assessed area, then further archaeological assessment may be required.
- This assessment has concluded that there is a low likelihood that the project will adversely harm Aboriginal cultural heritage items or sites. However, during the course of works, if

Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol should be followed.

- The staff and contractors involved in the activities of the project should be made aware of the legislative protection of Aboriginal sites and objects and fines for non-compliance.

### **Historic Heritage**

- The activities of the project can proceed without further historic heritage investigation provided that all ground disturbance activities are confined to within the Project Site. If the parameters of the proposed activity extend beyond the study area, then further archaeological assessment may be required.
- This assessment has concluded that there is a low likelihood that the proposed activity would harm historic items. If objects are encountered that are suspected to be historic heritage items, all work must stop and the Unanticipated Finds Protocol should be followed.
- Inductions for staff undertaking the proposed activity shall include the legislative protection requirements for historic sites and items in NSW and the relevant fines for non-compliance.

Aboriginal and post-European heritage have been addressed in detail under the heading “*Clause 5.10 – Heritage Conservation*”.

In summary, it is considered that the proposed development is unlikely to have a significantly adverse impact on Aboriginal or post-European Cultural Heritage and is consistent with the objectives of Clause 5.10.

Notwithstanding, it is recommended that a condition of consent be applied requiring that in the event that any previously unrecorded or unanticipated Aboriginal object / artefact or historic object is encountered, the unanticipated finds protocol contained within the approved *Aboriginal and Historic Cultural Heritage Report* by OzArk EHM dated September 2018 must be implemented.

### **Traffic and Transport**

A detailed Traffic Impact Assessment was submitted with the EIS.

The Traffic Impact Assessment concluded that the operational traffic impacts of the construction and operation of the quarry would be relatively minor, with traffic conditions on the road network to be satisfactory. Further, the Traffic Impact Assessment identifies that all principal intersections used by vehicles generated by the quarry have, or will have, safe intersection sight distances in accordance with Austroads<sup>iii</sup>/RMS.

Further, the Traffic Impact Assessment identifies that the applicant is to maintain the site access road and will pay a contribution based on tonnage towards the maintenance of Marshalls Lane between Lowe Street and Mid Western Highway.

The Traffic Impact Assessment has been assessed by Councils Infrastructure Services Department. The Infrastructure Services Department has commented that the Traffic Impact Assessment is adequate.

### **Land Resources**

#### Compatibility of the development with other land use

Refer to overall assessment.

#### Potential impacts on soil

Council staff considered that the EIS did not adequately address the potential impact of the proposed quarry on soils / land capability or the potential impacts on landforms and requested that the applicant provide further information.

The EIS (Response to Submissions) subsequently provided the following information.

Potential impacts on soils:

- The land capability within the proposed disturbance area is mapped as Class 4 or “land with moderate to severe limitations”. Further the applicant contends that the steeply sloped section of the project site would be classified as having “Severe” or “Very Severe” limitations.
- Section 4.9 of the EIS identifies that management and mitigation measures would be implemented to manage risks associated with unacceptable soil-related impacts. In summary, the applicant would strip, store and respread soil resources in a manner that would maximise the potential for reuse of the material during rehabilitation operations.
- An Erosion and Sediment Control Plan would be prepared in accordance with the requirements of Landcom (2004) and DECC (2018a and 2018b). The plan would describe the measures to be implemented to prevent erosion of soil resources and contamination of surrounding landforms during initial soil stripping operations.

The applicant contends that adequate information has been provided to permit determination of the proposal.

#### Landform and geotechnical stability

Council staff considered that the EIS did not adequately address the potential impacts of the proposed quarry on landform and geotechnical stability.

The EIS (Response to Submissions) identifies that the final landform would include a bunded, fenced and geotechnical stable extraction area. The applicant has conservatively assumed final wall angles of approximately 60°. Notwithstanding, the EIS (Response to Submissions) notes that the advice of a suitably qualified geotechnical engineer would be sought should steeper wall angles be proposed.

Further, the applicant notes that terminal faces are typically not developed until extraction operations are well established and the operator and advisors have developed a detailed understanding of the geotechnical behaviour of the material. Further, the EIS (Response to Submissions) notes that it is in the applicant’s interest to ensure that the terminal faces of the extraction area are stable in the long term because rectification of failures is both costly and has the potential to significantly impact on both production and the applicants approvals to operate.

The EIS (Response to Submissions) also notes that the landforms associated with other areas of proposed disturbance would remain unchanged

Based on this information, it is accepted that the proposed quarry will have an acceptable impact with regard to potential impacts on soil/land capability and landform/geotechnical stability.

#### **Waste**

The EIS identifies that the proposed quarry would generate less than 25kg of general solid waste per week. Waste would be stored in an accessible, animal proof rubbish bin to be located near the site office. A separate recycling bin would also be kept on site for the collection of recyclables. Collected waste would be delivered as required to an approved waste facility.

The EIS also identifies that any waste oil and oily rags would be stored temporarily in a sealed container and removed from the site by a licensed waste oil contractor on the day that they are generated. Further, the EIS states that no waste, crushed concrete or other materials would be accepted on site.

In addition, the EIS (Response to Submissions) identifies that waste water would be directed to a pump-out septic facility that would be serviced by a suitably licenced contractor as required. Alternatively, an aerated waste water treatment facility may be in accordance with Blayney Shire Council's requirements for such facilities. In the event that an aerated waste water treatment facility is installed, relevant approvals would be obtained from Blayney Shire Council.

Council's Senior Environmental Services Officer has commented that the proposed management of waste would be acceptable.

Notwithstanding, it is recommended that a condition of consent be applied requiring that in the event that any servicing, repair or maintenance of plant is required on-site any such work must be undertaken by a suitably qualified contractor with all waste to be disposed of in a suitable manner.

### **Hazards**

Hazardous and dangerous goods have previously been considered under the heading *State Environmental Planning Policy 33 – Hazardous and Offensive Development*.

On the basis that the EIS identifies that no potentially hazardous goods would be used or stored within the project site, the proposed development should not be considered to be a potentially hazardous industry.

### **Visual**

The EIS identifies that the location of the proposed quarry is highly visible from residential areas to south west and motorists travelling along Millthorpe Road to the west and north west. The proposed quarry location is otherwise highly visible from elevated land to the west, north west, east and north east.

In order to manage and mitigate the visual impact of the proposed quarry from key viewpoints, the applicant has proposed the following:

- Establish an amenity bund and visual screen around the western, southern and eastern perimeter of the extraction area and eastern and southern sections of the Temporary Stockpile within 12 months of activating the development consent;
- Undertake extraction operations in a staged manner to minimise the visibility of exposed faces from surrounding receivers and viewpoints.
- Ensure that soil stockpiles are progressively rehabilitated to establish a cover of vegetation as soon as practicable.
- Ensure that terminal quarry faces are progressively rehabilitated to establish a cover of vegetation as soon as practicable once complete.
- Implement active dust suppression to reduce the potential for the creation of a 'dust cloud' over the quarry.

In addition, the EIS includes the following commentary regarding the visual impacts of the proposed quarry:

- The processing and stockpiling area would be relocated within the extraction area as soon as adequate space is available, reducing or completely obscuring the visibility of mobile crushing and screening equipment and materials stockpiles.
- The temporary stock piling area would be decommissioned and rehabilitated once sufficient space is available to stockpile material within the quarry pit.
- Visibility of the extraction area from Church Hill Lookout at the southern end of Lowe Street to the east of the project site would be limited, as it would be largely concealed behind the eastern slope of the ridgeline within the project site. From this vantage point, the profile of this topographical feature would gradually reduce in height as extraction operations progress. However, as the visual screen becomes established, the ridgeline would effectively be obscured and this limited effect would no longer be evident.
- The extraction area would not be visible from residences to the southeast of the project site throughout the life of the quarry. The only change visible from these residences would be a gradual reduction in the height of the knoll and ridge within the project site during Stage 4 operations. By that time, the visual screen would be well established, and the ridgeline would effectively be obscured.
- The visibility of the extraction Area from residences to the west of the project site on Browns Creek Road would be filtered by existing intervening vegetation, and further obscured by the western slope of the ridgeline within the project site. Observers to the west of the project site would have limited views of the northern face of the extraction area. These views would become obscured as the visual screen becomes established.
- Views of the extraction Area from Millthorpe Road to the northwest of the project site would be partially concealed behind the western slope of the ridgeline within the project site. Views of the area from this direction would continue to be dominated by White's Quarry to the north of the Project Site. As the visual screen becomes established, views of the Extraction Area would gradually become obscured.

While the foregoing information is useful, Council staff sought further clarification from the applicant regarding a number of issues, including the following:

- The likely timeframe for the processing and stockpiling areas to be relocated to within the extraction area and how relocation could be ensured;
- The likely timeframe for the temporary stockpiling area to be decommissioned and rehabilitated and how relocation / rehabilitation can be ensured;
- Clarification of how the amenity bund / visual screen would be established.

In summary, the EIS (Response to Submissions) provided the following information:

- The applicant anticipates that stockpiling of the extracted material within the temporary stockpile area would be required during Stage 1 only. The EIS identifies that that Stage 1 would require approximately three years to be completed. As a result, the applicant anticipates that out-of-pit stockpiling operations would be complete between 3 and 5 years after commencement of extraction operations.
- The applicant has a commercial imperative to reduce the area required for quarry operations to maximise the agricultural productivity of the project site. In particular, hardstand areas are unsuitable for grazing operations and would be rehabilitated to pasture as soon as practicable once they are no longer required for the quarrying operation.



- The amenity bund would be constructed using subsoil or overburden and would be approximately 1.5m high. The outer face of the bund would be spread with topsoil and revegetated using native species to be determined in consultation with Council. The applicant anticipates that the planted vegetation may be watered as required to facilitate establishment of the visual screen.

In assessing the visual impact of the proposed quarry, it is to be acknowledged that the third objective of the RU2 Rural Landscape zone is 'declaratory', in that the limited range of development that is permitted without or with consent in the Land use Table is taken to be development that does not have an adverse effect on the land, including the rural landscape character.

In this regard, it is accepted that the visual appearance of a quarry is generally consistent with the rural landscape character of the area and will have an acceptable visual impact.

Notwithstanding the objectives of the RU2 Rural Landscape zone, it is noted *Part E.10 Extractive Industries and Mining* of the Blayney DCP requires specific consideration of potential impacts on major roads, tourist routes and surrounding properties. With regards to the proposed quarry, these vistas primarily include the approach towards Blayney along Millthorpe Road, the approach towards Blayney along Browns Creek Road, the north western views of properties generally within or north of Ewin Street, and Church Hill.

As noted above, the EIS states that the quarry and staging of extraction has been purposively designed to minimise the visual impact from the key vistas. In particular, it is noted that the main visual impact of the quarry will be the progressive reduction in height of the extraction area. While exposed areas of the extraction area may be visible from some locations, albeit limited, this would be progressively screened by the proposed amenity bund.

Further, it is to be acknowledged that the proposed quarry is located to the immediate south of the existing White's Quarry located at 56 Greghamstown Road, which has an obvious visual impact on the approach to Blayney along Millthorpe Road and the approach to Blayney along Browns Creek Road. The visual impact of White's Quarry is distinguished from the proposed quarry insofar as White's Quarry is generally not visible from any residential property within Blayney.

A condition of consent has been recommended to reinforce the requirement for an amenity bund to be established and consultation with Council regarding the planting and maintenance of suitable species.

### **Social and Economic**

The EIS concludes that the beneficial impacts of the quarry would outweigh any minor adverse impacts.

In particular, the EIS notes that the proposed quarry is unlikely to have an unacceptable impact with regard to noise, traffic, heritage, air quality and visual amenity.

Further, while the quarry is unlikely to have an unacceptable environmental impact, it is likely to provide full time employment for 1 – 3 people throughout its operational life which would contribute approximately \$130,000 in wages and other benefits to the Blayney Local Government Area per year.

The EIS (Response to Submissions) elaborates that the anticipated direct economic benefit to the Blayney Local Government Area would consist of:

- \$130,000 employee wages;
- \$450,000 contractor fees (mining);
- \$250,000 contractor fees (drill and blast);

- \$900,000 contractor fees (crushing and screening).

In addition, the EIS identifies that the quarry would produce a product which would benefit the local and surrounding community through the supply of a competitively priced, conveniently located, high quality road base for the maintenance and construction of the local road network.

A supplementary email from the applicant further clarified the significance of the resource, identifying that a number of other quarries operate within and surrounding the Blayney Local Government Area, including:

- East Guyong Quarry – Operated by Hanson, this quarry extracts basalt and has approval to transport up to 600,000tpa, with a significant proportion of the quarry’s production being aggregates for the Sydney market.
- Shadforth Quarry – Operated by Boral, this quarry also extracts basalt, with production divided between aggregates for the local and wider market and road base.
- Dog Trap Lane Quarry – Operated by Coleman’s Earthmoving, this quarry extracts basalt to produce roadbase for the local market.
- Kingham Lane Quarry – Operated by Coleman’s Earthmoving, this quarry extracts siltstone and shale to produce up to 50,000tpa of roadbase for the local market.
- White’s Quarry – Operated by Blayney Shire Council, this quarry is located immediately to the north of the Project Site and provides roadbase products for the local market, primarily for Council’s own projects.
- Spring Hill Quarry – This quarry produces limited quantities of roadbase for the local market.

The EIS (supplementary email) also stated that the proposed quarry would result in an additional, secure, long-term supplier of roadbase and aggregates in a convenient location, with access to the Mid Western Highway via an industrial area. Further, the EIS (supplementary email) states that should the quarry be approved, it would provide further competition and would ensure that users of quarry products within the Blayney Local Government Area, including Council, are able to access, competitively priced, high quality materials without incurring substantial transport costs.

The EIS (supplementary email) subsequently concluded that the identified resource represents a significant, high quality resource capable of being extracted and processed for the benefit of the surrounding community and that the resource is highly significant in the regional context.

## **Rehabilitation**

Rehabilitation has previously been addressed under the heading *E.10 Extractive Industries & Mining*.

On the basis that the disturbed sections of the quarry would be the subject of ongoing operational activities and that the future land use is currently restricted to extensive agriculture, it is accepted that the preparation of detailed quarry closure plan be deferred until within 16 years of the date of granting development consent, or 5 years prior to the end of the life of the quarry.

Notwithstanding, it is recommended that any quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

It is recommended that a condition of consent to this affect be applied.

## **Section 4.15(1)(c) The suitability of the site for the development**

The foregoing assessment demonstrates that the subject property is suitable for the proposed development.

#### **Section 4.15(1)(d) Any submissions made in accordance with this Act or the regulations**

The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* identify that designated development and nominated integrated development must be advertised. Accordingly, the development application was advertised from November 2018. Owing to an administrative oversight (i.e. advertising letters were not sent to some public authorities) the development application was re-advertised.

Many submissions were received from property owners, residents and other interested parties. Submissions were received from government departments, agencies and utility providers and emergency services.

The concerns raised in the submissions are addressed below.

#### **Local Residents and Interest Groups**

##### **Proximity to Residential Properties**

A number of submissions identified that the boundary of the proposed development is within 300m of the nearest dwelling and 700 – 800m of a number of houses within the area.

The submissions infer that the proximity of the quarry to residential dwellings would give rise to a number health concerns and other detrimental impacts. These concerns are generally related to air quality, noise, increased traffic, vibration, land values and cumulative impact.

These matters are addressed in detail below.

##### **Air Quality**

Many submissions identified health concerns associated with silica dust as a by-product of crushing limestone. Particular concerns related to illness such as lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease.

In response, the EIS (Response to Submissions) states that, in summary, the Air Quality Assessment determined that all relevant air quality assessment criteria would be complied with. In addition, the EIS (Response to Submissions) notes that the material to be extracted (micro-tonalite with approx. 20% quartz) does not present a particular risk for silicosis or silica related diseases.

Further, the EIS (Response to submissions) notes that in order to further mitigate health impacts associated with air quality, the applicant is committed to ensuring that all mobile plant is fitted with dust suppression equipment; progressive rehabilitation of soil stockpiles and the use of a water cart for active suppression of in the extraction area and along the haul road.

In addition, it is noted that Wilkinson Murray have commented that analysis of cumulative impacts accounting for existing air quality demonstrated that the predicted increments are comparatively low compared to ambient background levels. Wilkinson Murray is of the view that particulate matter in the form of air pollution can be managed from the site subject to dust deposition being monitored around the site and a dust management plan being prepared to manage day to day dust from the site and episodic dust events such as high wind dust storms.

It is considered that the proposed development is unlikely to have a significant or detrimental impact on human health as a result of reduced air quality.

### **Naturally Occurring Asbestos**

Many submissions noted there is a risk associated with the potential presence of naturally occurring asbestos, and that truck movements may 'blow' asbestos over houses in the surrounding area and be distributed across town.

In response, the EIS (Response to Submissions) notes that the majority of the residential area of Blayney has a similar risk level (i.e. moderate). Further, the EIS (Response to Submissions) notes that the applicant would inspect the site road and implement appropriate management measures if naturally occurring asbestos is present.

Notwithstanding the commentary contained within the EIS (Response to Submissions), Council's practice has been to apply a standard condition of consent for development sites affected by a moderate risk of Naturally Occurring Asbestos.

Specifically, the recommended condition notes that if Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, a site-specific Asbestos Management Plan is to be prepared in accordance with the *Work Health and Safety Regulations 2017* (as amended) and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

### **Noise (Operation)**

Many submissions noted that the operation of proposed development will have a detrimental noise impact.

In response, the EIS (Response to Submissions) notes that the operational noise assessment was prepared in accordance with the Environmental Protection Authority's *Noise Policy for Industry (2017)* which includes criteria for both intrusive and amenity criteria for commercial and residential receivers. For residential receivers, the intrusiveness criteria value is LAeq (15minutes) 40dBA and the amenity criteria value is LAeq (15 minutes) 58dBA. For commercial receivers, an amenity value of LAeq 63 dBA is reported.

The EIS (Response to Submissions) identifies that operational noise was modelled for a worst case scenario including drill and blast operations in addition to ripping and pushing activities at the natural surface of the project site. The EIS (Response to Submissions) concludes that the results of the modelling indicated that no residence is expected to receive noise emissions in excess of the 40dBA residential amenity criterion, and that noise emissions would remain well below the 63 dBA commercial amenity criterion at the Nestle Purina Petcare Facility.

The EIS (Response to Submissions) also identified that road traffic noise was modelled in accordance with the Environmental Protection Authority's Road Noise Policy, with modelling indicating that road traffic noise would be substantially below lower than the relevant criteria

In addition, it is noted that Wilkinson Murray have commented that while the applicant did not confirm predicted noise levels during worst case scenario, they have made a commitment that only 1 D8 bulldozer would be operated in the yellow 'Bulldozer only zone' shown on Figure 1 of the document *Noise Impact Assessment – Blayney Quarry, Additional Scenarios dated 9 July 2019*. Wilkinson Murray subsequently recommended that a condition of consent be applied requiring the applicant to demonstrate how this scenario could be managed.

It is recommended that a condition of consent to this affect be applied.

### **Noise (Blasting)**

A number of submissions noted that blasting associated with the proposed development would have a have a detrimental noise impact.

The EIS (Response to Submissions) identified that recommended levels specified by the Australian and New Zealand Environment and Conservation Council (ANZECC) based on the prevention of human discomfort were adopted as assessment criteria for residential receptors. The ANZECC recommend maximum air blast overpressure is 115 dB linear peak, a level which may be exceeded on up to 5% of the total number of blast over 12 months but should not exceed 120 dB linear peak at any time.

The EIS (Response to Submissions) notes that estimates of air blast overpressure detailed in the Blasting Assessment indicate that values can be controlled to remain below the recommended maximum air blast overpressure of 115 dB criterion at the closest sensitive receiver to the project site by adjusting a range of blasting parameters.

Further, the EIS (Response to Submissions) notes that in order to ensure that noise impacts associated with blasting are minimised, the applicant has committed to developing a blast management plan, including a rigorous monitoring program, prior to undertaking any blasting.

The EIS (Response to Submissions) notes that the Blast Management Plan would include a commitment to undertake air blast overpressure monitoring within the Project Site at locations closest to sensitive receivers during all blasting operations. Further, the Blast Management Plan would involve trial and small-scale blasts would be undertaken initially in the northernmost section of the Extraction Area in order to enable blasting engineers to appropriately adjust blast parameters to ensure compliance with applicable criteria.

Wilkinson Murray have commented that the *Blasting Assessment prepared by Prism Mining dated August 2018* seems fine and that the predicted overpressure and vibration appear reasonable, with the only minor issue being the orientation of blast faces relative to receivers in different directions and how the calculation have allowed for this.

Regardless of the comment, Wilkinson Murray note that in reality blasting comes down to trial blasts and measurements with refinement of design and ongoing monitoring.

Given that the NSW EPA General Terms of Approval include a requirement for all blasts to be monitored for determining compliance, it is considered unnecessary to recommend further controls.

### **Vibration**

A number of submissions raised concerns regarding the impact of blasting, particularly ground vibration.

The EIS (Response to Submissions) notes that blasting operations would comply with the ANZEC (1990) amenity criteria. Those criteria have been established to ensure the comfort and amenity of surrounding residents. Ground vibration and air blast over pressure levels that would result in structural or other damage to buildings or associated infrastructure substantially exceed the amenity criteria. As a result, by ensuring compliance with the amenity criteria, the Applicant would ensure that damage to surrounding buildings would also be avoided.

As noted above, Wilkinson Murray have commented that blasting comes down to trial blasts and measurements with refinement of design and ongoing monitoring and recommend that a condition of consent be applied regarding monitoring and reporting of trial blasts.

Given that the NSW EPA General Terms of Approval include a requirement for all blasts to be monitored for determining compliance, it is considered unnecessary to recommend further controls.

### **Property Values**

Many submissions indicated that property prices would decrease as a result of the proposed quarry.

Property value is not considered to be a relevant consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and has not been considered in any further detail.

Any reduction in property value would be as a consequence of the impacts of the proposed development. The impacts of the proposed development are the subject of this assessment.

### **Cumulative Impact**

Many submissions indicated that removal or lowering of the hill would result in proximate residential properties being affected by the noise from the proposed quarry and the existing Whites Quarry further to the north.

The EIS (Response to submissions) notes that the proposed development has been deliberately staged to maximise the acoustic shielding of its operations from surrounding residences. In particular, the EIS (Response to submissions) notes that at the end of the quarry's life, the elevation of the southern crest of the extraction area would be 13m lower than the current crest of the hill at 913m AHD. The EIS (Response to submissions) concludes that the interim and final landform would continue to provide acoustic shielding from both its own operations and those within Whites Quarry.

Further, it is noted that Wilkinson Murray did not identify any issue associated with potential cumulative impact.

It is accepted that the proposed development is unlikely to result in an unacceptable cumulative impact.

### **Visual Impact**

A number of submissions identified that residents will no longer be able to enjoy views of rolling hills and peaceful serenity.

In assessing the visual impact of the proposed quarry, it is to be acknowledged that the third objective of the RU2 Rural Landscape zone is 'declaratory', in that the limited range of development that is permitted without or with consent in the Land use Table is taken to be development that does not have an adverse effect on the land, including the rural landscape character.

In this regard, it is accepted that the visual appearance of a quarry is generally consistent with the rural landscape character of the area and will have an acceptable visual impact.

Notwithstanding the objectives of the RU2 Rural Landscape zone, it is noted *Part E.10 Extractive Industries and Mining* of the Blayney DCP requires specific consideration of potential impacts on major roads, tourist routes and surrounding properties. With regards to the proposed quarry, these vistas primarily include the approach towards Blayney along Millthorpe Road, the approach towards Blayney along Browns Creek Road, the north western views of properties generally within or north of Ewin Street, and Church Hill.



As noted above, the EIS states that the quarry and staging of extraction has been purposively designed to minimise the visual impact from the key vistas. In particular, it is noted that the main visual impact of the quarry will be the progressive reduction in height of the extraction area. While exposed areas of the extraction area may be visible from some locations, albeit limited, this would be progressively screened by the proposed amenity bund.

Further, it is to be acknowledged that the proposed quarry is located to the immediate south of the existing White's Quarry located at 56 Greghamstown Road, which has an obvious visual impact on the approach to Blayney along Millthorpe Road and the approach to Blayney along Browns Creek Road. The visual impact of White's Quarry is distinguished from the proposed quarry insofar as White's Quarry is generally not visible from any residential property within Blayney.

A condition of consent has been recommended to reinforce the requirement for an amenity bund to be established and consultation with Council regarding the planting and maintenance of suitable species.

### **Traffic Safety**

Many submissions identified that traffic volumes and type associated with the proposed quarry will increase the possibility of accidents.

The EIS (Response to Submissions) notes that a Traffic Impact Assessment was undertaken to assess potential impacts upon traffic conditions associated with the proposed quarry, with the assessment concluding that the proposed quarry would generate a relatively small number of truck movements which are not expected to have a negative impact on road safety or other road users.

Notwithstanding, the EIS (Response to Submissions) identifies the applicant has committed to developing a Drivers Code of Conduct. All heavy vehicle drivers accessing the project Site, including subcontractors, would be required to sign and abide by this Drivers Code of Conduct which would outline the Applicant's expectations in relation to driver behaviour and courtesy on the public road network as well as any necessary enforcement mechanisms. Additionally, drivers of product trucks would be sourced from local transport companies and would therefore be familiar with traffic conditions in the area.

In addition, it is noted that the Traffic Impact Assessment was reviewed by Council's Infrastructure Services Department and the Roads and Maritime Service, with each recommending conditions of consent to ensure traffic safety.

### **Accuracy of Meteorological Data**

A number of submissions noted that modelling was based on meteorological data from the Orange, Bathurst and the McPhillamy's Gold Project site. In particular, the submissions noted that the meteorological data from these areas would not be accurate for Blayney and would invalidate modelling.

In response, the EIS (Response to Submissions) stated that meteorological data used to summarise climatic conditions including temperature, rainfall, evaporation and flooding, wind and temperature inversions at the Project Site was sourced from the Bureau of Meteorology operated Orange Airport automated weather station. This station, despite being located approximately 18km northwest of the Project Site, provides the most complete meteorological data for the area and is located at a similar elevation to the project site.

With regard to air quality impact assessment, the EIS (Response to Submissions) noted that meteorological data used for modelling was sourced from a monitoring station at the proposed McPhillamys Gold Project Site, located approximately 6.5km east-northeast of the project site. Further, the EIS (Response to Submissions) identified that this data was supplemented by data from the Bureau of Meteorology operated Orange Airport automated weather station as well as from the Agricultural Institute, located approximately 26km northwest of the project site.

Finally, the EIS (Response to Submissions) identified that Particulate Monitoring data was sourced from the Bathurst monitoring station operated by the NSW Office of Environment and Heritage, located approximately 34km northeast of the project Site. While spatially distant, Ramboll considered these records to be appropriate in conservatively representing ambient PM<sub>10</sub> and PM<sub>2.5</sub> concentrations that would occur in the Blayney area.

In addition, it is noted that Wilkinson Murray have commented that the use of meteorological data for air quality modelling derived from measured data from the McPhillamys Project site, BoM data from the Orange Airport and the CSIRO meteorological model TAPM is appropriate for the assessment.

### **Road Damage**

A number of submissions identified the number of size of trucks accessing the proposed quarry would have a detrimental impact on the local road and street network.

The EIS (Response to Submissions) notes that all vehicles accessing the project site would do so via the Site Access Road, Marshalls Lane (within an industrial area) and the Mid Western Highway (a State Highway).

Further, the EIS (Response to Submissions) notes that the applicant would upgrade a 220m section of Marshalls Lane as well as the intersection of the Site Access Road, Lowe Street, and Marshalls Lane at its cost. In addition, the EIS (Response to Submissions) acknowledges that a contribution will be required to be paid based on tonnage, towards the maintenance costs of Marshalls Lane.

Council's Infrastructure Services Department have recommended a condition of consent regarding contributions.

As the Mid Western Highway is a State Road, there is no requirements to pay maintenance costs on the road.

### **Availability of Water**

A number of submissions raised concerns regarding the availability of water, particularly with regard to the impacts of drought and climate change.

The EIS (Response to Submissions) notes that water used on site for the irrigation of the visual screen vegetation and for the suppression of dust would, where practicable, be sourced from sediment basins on site. Where that water is not available, additional water would be supplied under a commercial arrangement via the Central Tablelands Water operated supply network in the same manner that other commercial operations in and around Blayney. The availability of water would therefore be determined by Central Tablelands Water as the commercial supplier.

### **Groundwater**

One submission identified that the proposed quarry could affect groundwater flow.

The EIS (Response to Submissions) notes that a fractured rock aquifer, characterised by limited porosity and permeability, underlies the project site. The EIS (Response to Submissions) notes that while perched groundwater may occur immediately following rainfall events, the extraction area is unlikely to intersect the saturated aquifer as the deepest section of this area would remain between 3m and 9m above the elevation of Abattoir Creek

### **Surface Water**

One submission noted that quarry could also pollute Abattoir Creek, which flows into the Belubula River and subsequently Carcoar Dam.

The EIS (Response to Submissions) states that in order to ensure that no polluted surface water leaves the site and enters receiving waters such as Abattoir Creek, the applicant has committed to several management and mitigation measures, including preparation of an Erosion and Sediment Control Plan which would identify surface water control and storage structures necessary to ensure that potentially sediment-laden water is not discharged from the project site. Key elements of the plan would include:

- Operational procedures required in order to ensure the appropriate implementation of the Plan; and
- Design criteria for surface water storages to contain a 1-in-50-year rainfall event

Based on the information provided within the EIS and the conditions of consent recommended by Council's Infrastructure Services Department and the requirements of the NSW EPA General Terms of Approval it is considered that proposed development will not have an adverse or significant impact on surface or groundwater quality.

It is noted that after ongoing correspondence with the Department of Industry Natural Resource Access Regulator (NRAR), formerly the Department of Industry Water (DPI Water), NRAR did not provide a submission.

### **Economic Factors**

A number of submissions indicated that the proposed quarry is likely to have a minimal benefit to the community only.

The EIS (Response to Submissions) estimates that the anticipated direct economic benefit to the Blayney Local Government Area would be in the order of \$1,730,000.00 per year, consisting of:

- \$130,000 employee wages;
- \$450,000 contractor fees (mining);
- \$250,000 contractor fees (drill and blast);
- \$900,000 contractor fees (crushing and screening).

In addition to direct economic benefits, the EIS (Response to Submissions) indicates the quarry would generate competitively priced products for use in local projects such as road construction and maintenance, which would make a positive contribution to ongoing economic development of the area.

### **Site Rehabilitation**

A number submissions raised the issue of site rehabilitation following the closure of the quarry.

The EIS (Response to Submissions) note that the applicant is committed to prepare a quarry closure plan in consultation with Council five years prior to the end of the quarry life (or within 16 years of the date of consent). The proposed quarry closure plan is discussed in further detail under the heading *E.10 Extractive Industries & Mining*.

### **Community Consultation**

A number of submissions queried the adequacy of community consultation undertaken during the preparation of the EIS.

The EIS (Response to Submissions) contends that the community consultation undertaken was consistent with what would typically be expected for similar projects.

Regardless of community consultation undertaken during the preparation of the EIS, it is noted that the proposed development was advertised in accordance with the requirements of the Act and the Regulations.

### **Government Agencies and Authorities**

#### **Environmental Protection Authority**

In addition to providing General Terms of Approval, the EPA noted the following matters for consideration:

1. Blasting: the proponent will need to work with infrastructure owners to identify sensitive equipment and appropriate criteria for overpressure and ground vibration.
2. Dust emissions: (off premises) the proponent has committed to sealing 220 metres of site access road, west of Marshalls Lane / Lowe Street. Sealing the entire length of the site access road (approximately 1000 metres) would provide a superior dust minimisation outcome.
3. Dust suppression: the proponent's proposed methods of dust suppression appear to rely heavily on site runoff and / or potable water. Dust suppression must prioritise dust control at the source.

With regard to blasting, it is considered appropriate to require the operator of the quarry to enter into an agreement with the Nestle Purina and APA Group to identify sensitive equipment and appropriate criteria for overpressure and ground vibration prior to blasting commencing.

With regard to dust suppression and emissions, it is recommended that a condition of consent be applied requiring the operator of the quarry to provide details to demonstrate how day – to – day dust and potential episodic dust events (i.e. high wind dust storms) will be managed in addition to air quality compliance testing being undertaken during each stage of the quarry.

#### **Water NSW**

Water NSW provided a submission indicating that no further information was required.

Notwithstanding, the submission noted that while a Basic Land Rights Bore is located on the subject property the proponent should be aware that the bore cannot be used for a commercial purpose such as the proposed quarry.

#### **Department of Industry – Crown Lands**

The Department of Primary Industries – Crown Lands and Water Division provided a submission indicating that it did not object to the proposed development subject to a number of requirements to ensure that the development does not detrimentally affect Crown Land.

It is recommended that these conditions be applied as conditions of consent where relevant.

#### **NSW Department of Planning and Environment – Division of Resources and Geoscience**

The NSW Department of Planning and Environment – Division of Resources and Geoscience provided a submission stating that it had no issues to raise with the EIS.

Notwithstanding, the submission stated that a condition of consent should be applied requiring the proponent to provide annual production data to the Division of Resources and Geoscience.

Given that the recommended condition does not relate to a planning purpose it is recommended that the proposed condition be applied as an advisory note only

#### **Roads and Maritime Services**

The Roads and Maritime Services provided a submission providing the following recommendations:

- In accordance with Clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.
- Haulage operations coinciding with local school bus pickup/drop off times are to be avoided.
- The lease of Marshall Lane is not to inhibit, or prevent the possibility of, extracted material from the nearby Council quarry being hauled east on Marshall Lane to and beyond its intersection with the Mid Western Highway.

It is considered appropriate to apply the recommendations as conditions of consent.

#### **Section 4.15(1)(e) The public interest**

The proposed development is considered to be of minor interest to the wider public due to the localised nature of potential impacts.

#### **Summary / Conclusion**

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP 2012. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

## Draft Conditions of Consent

### Reasons for Conditions

### Approved Documents

#### 1. Approved Documents

Except where modified by a condition imposed by the development consent, the development must be carried out in accordance with:

- f. The Environmental Impact Statement for the Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited. Dated September 2018.
- g. The Response to Submissions for the Blayney Quarry prepared by R.W.Corkery & Co. Pty. Limited.
- h. Noise Impact Assessment – Blayney Quarry, Additional Scenarios dated 9 July 2019.
- i. The NSW EPA General Terms of Approval – Issued, Attachment A: General terms of approval dated 24 May 2019.

### Prescribed Conditions

#### 2. Building Code of Australia – Site Office

The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### 3. Identification of Site – Site Office

The developer is to provide a clearly visible sign to the site during construction stating:

- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifying Authority, together with name, address & telephone number.

**Note:** Any such sign is to be maintained while the building work is being carried out.

### Prior to Issue of a Construction Certificate

#### 4. Plan of Management

Prior to the issue of a Construction Certificate, the operator must prepare a Plan of Management to demonstrate how the quarry can be operated and monitored to ensure that it is operating within acceptable limits with regard to noise, blasting and air quality.

The Plan of Management must be submitted to and approved by the Blayney Shire Council.

The Plan of Management must include methodology to achieve the following requirements:

**Operational scenarios detailed in the document *Noise Impact Assessment – Blayney Quarry, Additional Scenarios dated 9 July 2019***

The Plan of Management must include adequate measures to demonstrate that no more than one single item of plant would be operated within the yellow hatched area shown in Figure 1.



The Plan of Management must require that all plant operating on-site is fitted with an operational tracking device and that the location, date and time of all plant is recorded when operating. The location of all plant must be recorded at a maximum interval of 1 minute.

The Plan of Management must include details to demonstrate how the location, date and time of all plant operating on-site can be overlaid onto Figure 1.

The Plan of Management must include details to confirm how the foregoing information (i.e. the location, date and time of all plant operating on-site overlaid onto Figure 1) would be provided to Council within 7 days of the information being requested.

### **Noise Compliance Assessment Report**

The Plan of Management must provide that within 1 month of the date of commencement of extraction within the areas shown as Stage 1, Stage 2, Stage 3 and Stage 4 in the Environmental Impact Statement for the *Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited. Dated September 2018*, the operator must:

- a) Commission a suitably qualified person to assess whether the development is complying with the Plant Sound Power Levels and the noise impact assessment criteria identified in the Environmental Impact Statement for the *Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited. Dated September 2018* and the *Response to Submissions for the Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited*, in general accordance with the NSW Noise Policy for Industry and Australian Standard (AS) 1055-1997: Description and Measurement of Environmental Noise; and
- b) Provide the results of this assessment to the Blayney Shire Council within a month of commissioning the assessment.

### **Dust Management Plan**

The Plan of Management must include a Dust Management Plan. This Dust Management Plan must:

- (a) be prepared by suitably qualified consultant;
- (b) describes the measures that would be implemented to ensure:
  - best management practice is employed;
  - the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events; and
  - compliance with the relevant conditions of this consent;
- (c) describes the proposed air quality management system; and
- (d) includes an air quality monitoring program that:
  - is capable of evaluating the performance of the project;
  - includes a protocol for determining any exceedances of the relevant conditions of approval;
  - adequately supports the air quality management system; and
  - evaluates and reports on the adequacy of the air quality management system.

### **Complaints Register**

The Plan of Management must include details to confirm that the operator will establish telephone complaints hot line for the purpose of receiving complaints from members of the public in relation to activities conducted on-site or by vehicles and plant associated with the quarry.

The operator must notify the public of the complaints telephone line so that the impacted community is aware of the service.

The details of the complaints hotline are to be provided to adjoining owners and any property within 200m of the property boundary prior to the commence of any works.

### **Annual Report**

The Plan of Management must include details to confirm that the operator will prepare an Annual Report.

The operator is required to submit to the Blayney Shire Council an Annual Report on or before 31 July, annually. The annual report must include:

- Total extraction volume for the year;
- Total volume of material transported from the quarry for the year;
- A record of any complaints received, including the time / date of the complaint, details of the complaint, and any actions to rectify the complaint.

### **Driver Code of Conduct**

The Plan of Management must include a driver code of conduct that will be applied to the transport of materials from the site. The driver code of conduct is to be applied to all heavy vehicle operators that access the development, including haulage and delivery vehicles. All drivers shall be required to sign a register (or similar) acknowledging and accepting the driver code of conduct. The driver code of conduct is to include:

- a) A map detailing the approved haulage route highlighting critical locations and safety issues and other relevant traffic/transport issues
- b) Procedures and/or safety initiatives for trucks travelling through residential precincts, school zones and roads where school bus pick up/set down areas are located
- c) That a 40km speed limit applies to the quarry access road, all trucks should avoid the use of engine brakes and that poorly maintained vehicles can be refused entry to the quarry
- d) Procedures to minimise noise and dust emissions
- e) Procedure for complaints resolution and disciplinary action
- f) All activities including loading and unloading of goods associated with the development are to be carried out onsite and all loads are to be adequately covered before vehicles exit the quarry.

The Driver Code of Conduct must be prepared in consultation with the NSW Roads and Maritime Service (RMS).

### **5. Amenity Bund / Visual Screen Plan**

Prior to the issue of a Construction Certificate, detailed plans of the amenity bund and visual screen must be submitted to and approved by the Blayney Shire Council, Department of Planning and Environmental Services (DPES).

The detailed plans must include:

- A site plan which accurately shows the location of the amenity bund and visual screen on an aerial image of the subject property;
- A section detail which accurately shows the depth, width and soil profile of the amenity bund;
- A planting schedule of shrub and tree species which would form the visual screen, including details of the total number of species to be planted and minimum/maximum spacing between species.

Shrub and tree species, and maturity of species, must be determined in association with Blayney Shire Council to ensure selection of endemic species.

## **6. Blasting – Agreement**

Prior to the issue of a Construction Certificate, the operator of the quarry is to enter into an agreement with Nestle Purina and APA Group to identify a method to identify appropriate criteria for sensitive equipment and appropriate criteria for overpressure and ground vibration prior to blasting commencing.

A copy of the agreement must be provided to the Blayney Shire Council.

## **7. Engineering Plans**

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 8, 9, 12, 28, 29, 30, 31, 32, 56. Further, the works are to comply with WBC Guidelines for Engineering Works.

## **8. Traffic and Pedestrian Management Plan**

The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic and pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

## **9. Soil and Water Management Plan**

The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a Compliance Certificate pursuant to Division 6.2 of the Environmental Planning and Assessment Act 1979, as amended, or inspection report has been issued by Council or an accredited certifying authority, certifying that the plan is in accordance with Council's WBC Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

## **10. Public Liability Insurance**

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

## **11. Construction Certificate – Engineering Works**

The applicant is to obtain a Construction Certificate from Council, for the engineering work required by conditions 8, 9, 12, 28, 29, 30, 31, 32, 56. The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 8, 9, 12, 28, 29, 30, 31, 32, 56. Design shall be in accordance with WBC Guidelines for Engineering Works.

**Note:** Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Operational Plan.

## **12. Design New Road to Engineering Standard**

The section of Marshalls Lane, between the Marshalls Lane/Lowe St intersection and the Lawson St intersection is to be designed in accordance with *WBC Guidelines for Engineering Works* as an Industrial road

## **13. Clearance from Power Lines**

Prior to the issue of a Construction Certificate, the developer is to provide to Council documentary evidence from the relevant electrical authority indicating that satisfactory clearances from power lines will be maintained.

The developer shall provide further evidence of the electrical authority's consent to the proposed access road design, with regards to the stability of nearby infrastructure.

Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.

#### **14. Road Opening Permit**

The applicant is to obtain a Road Opening Permit from Council pursuant to Section 138 of the Roads Act 1993, for the engineering works required by conditions 12, 28, 29, 30, 31, 56. The Road Opening Permit is to be obtained prior to works. Design shall be in accordance with *WBC Guidelines for Engineering Works*.

**Note:** Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

#### **15. Adjoining Landowner's Consent**

Prior to the issue of a Construction Certificate, the developer is to provide to Council documentary evidence from all adjoining landowners affected by the works, consenting to the works relating to Condition 30.

#### **16. Access Road Lease**

Prior to the issue of a Construction Certificate, the developer is to arrange a short-term lease of the public road containing the proposed quarry access road, pursuant to Part 10 Division 2 of Roads Act 1993. The lease shall include the public road extending from the Marshalls Lane/Lowe Street intersection to the quarry site access.

The lease is not to inhibit, or prevent the possibility of, extracted material from the nearby Council quarry being hauled east on Marshall Lane to and beyond its intersection with the Mid Western Highway.

#### **17. John Holland Rail – Risk Assessment / Management Plan and Safe Work Method Statements**

Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statement must be prepared for each separable work activity. Each Risk Assessment/Management Plan and detailed Safe Work Method Statement

This requirement includes work involving rehabilitation following the closure of the quarry.

#### **18. John Holland Rail – Stormwater Management**

Prior to the issue of a Construction Certificate, a concept plan and engineering report showing the current and proposed stormwater systems must be provided to, and approved by, John Holland Rail.

<b>Prior to Works Commencing</b>
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#### **19. Commencement of Work & Appointment of PCA – Site Office**

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building works and Appointment of Principal Certifying Authority (PCA).

#### **20. John Holland Rail - Cranes**

The following condition only applies in the event that cranes are required to be used in air space above the rail corridor.

Prior to any works commencing a safety assessment of any works that may impact or intrude on the Danger Zone must be submitted to and approved by John Holland Rail. Any works undertaken must be undertaken by a qualified Protection Officer and must be in accordance with the AS2550 series of *Australian Standards, Cranes-Safe Use-Concrete Placing Equipment*.

The terms 'Danger Zone' and 'Protection Officer' are defined by the John Holland Rail Network Rules and Procedures.

#### **21. John Holland Rail - Fencing**

Prior to any works commencing boundary fencing along the rail corridor must be installed and remain installed during the operation of the quarry. The fence must be installed and maintained in accordance with John Holland Rails engineering standards.

Prior to construction of the fence, the Applicant is required to submit an application to install the boundary fence to John Holland Rail for endorsement and approval by Transport for NSW.

#### **22. Essential Energy – Dial before You Dig**

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

#### **23. Essential Energy – Safety Responsibilities**

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets especially when operating machinery on site.

<b>During Construction</b>
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#### **24. Hours for Construction Work**

Construction work is only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction work is to be carried out at any time on a Sunday or a public holiday.

**Note:** *The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*

#### **25. Cladding**

All roof and wall finishes of the buildings shall be comprised of low reflective surface materials.

*Note : Sheet metal shall be of factory prefinished (eg, colorbond or galvanised iron) type material.*

#### **26. Naturally Occurring Asbestos**

If Naturally Occuring Asbestos is identified, and it is likely to be affected by the proposed works, a site-specific Asbestos Management Plan is prepared in accordance with the *Work Health and Safety Regulations 2017* (as amended) and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

#### **27. Engineering Inspections**

The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

A	Road Construction	<ul style="list-style-type: none"> <li>* Following site regrading, and prior to installation of footway services;</li> <li>* Excavation and trimming of subgrade;</li> <li>* After compaction of sub-base;</li> <li>* After compaction of base, and prior to sealing;</li> <li>* Establishment of line and level for kerb and gutter placement;</li> <li>* Subsoil Drainage;</li> <li>* Road pavement surfacing;</li> <li>* Pavement test results (compaction, strength).</li> </ul>
B	Drainage	<ul style="list-style-type: none"> <li>* After laying of pipes and prior to backfill;</li> <li>* Pits after rendering openings and installation of step irons.</li> </ul>
F	New Gate – Rural Crossing	<ul style="list-style-type: none"> <li>* Prior to commencement of excavation works.</li> <li>* After compaction of base and prior to sealing</li> <li>* Road pavement surfacing</li> </ul>
H	All Development Works	<ul style="list-style-type: none"> <li>* Practical completion.</li> </ul>
I	Road Openings	<ul style="list-style-type: none"> <li>* Upon completion of works.</li> </ul>

## 28. Intersection Improvements

The intersection of the proposed access road and Marshalls Lane/ Lowe Street is to be reconstructed, to include:

- (a) a gate or stock grid set back a minimum distance of twenty five (25) metres from the edge of Marshalls Lane/Lowe Street.
- (b) a minimum 6.0 metre sealed all-weather 2WD vehicular access, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- (c) 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

Works are to be carried out in accordance with the provisions of *WBC Guidelines for Engineering Works and Austroads Guide to Road Design Set*. Full details of proposed works are to be submitted to and approved by Council prior to issue of the Construction Certificate.

## 29. New Gate – Lot 2 DP847740

An all-weather 2WD vehicular access is to be constructed at the proposed quarry site. Such access shall include:

- (a) a gate or stock grid set back a minimum distance of twenty five (25) metres from the edge of the proposed access road.
- (b) a minimum 6.0 metre gravel footway crossing, extending from the edge of the proposed access road to the entrance gate or stock grid.
- (c) a 200 mm thick 6.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the proposed access road.

**Note:** Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved

## 30. New Gate – Neighbouring Accesses

An all-weather 2WD vehicular access is to be constructed to each existing allotment access affected by the construction of the proposed road subject to landowner consent. Such access shall include:



(a) a gate or stock grid set back a minimum distance of fifteen (15) metres from the edge of the proposed access road.

(b) a minimum 4.0 metre gravel footway crossing (to be sealed if connecting to the sealed portion of the proposed access road), extending from the edge of the proposed access road to the entrance gate or stock grid.

(c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the proposed access road.

**Note:** Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved.

### **31. All-Weather Internal Road**

A minimum 6 metre wide all-weather 2WD vehicular access is to be constructed from the edge of the seal in Marshalls Lane/Lowe Street to the quarry site access.

This access roadway is to be appropriately formed and include:

(a) a minimum 6.0m wide seal extending a minimum of 200m west from the edge of existing seal in Marshalls Lane/Lowe Street.

(b) bank stabilisation measures for cut/fill batters exceeding values specified in Austroads' Guide to Road Design Part 3 – Geometric Design.

(c) suitable measures to minimise longitudinal grades exceeding values specified in Austroads' Guide to Road Design Part 3 – Geometric Design, and prevent errant vehicles from entering the intersection of Marshalls Lane/Lowe Street.

(d) suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary.

All such works are to comply with *WBC Guidelines for Engineering Works*.

### **32. Service Vehicles Manoeuvring**

The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed/redesigned so that a 19m prime mover and semi trailer may perform a left turn into the site, turn around, and exit the site in a forward direction. Further, this space shall accommodate vehicles queued for loading on site. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to issue of the Construction Certificate.

**Note:** All vehicle turning movements are to be based on the Austroads design vehicle.

### **33. Relocate Utility Services**

The developer is to relocate any utility services if required, at the developer's cost.

### **34. Traffic Classifier**

A traffic classifier to be installed (at the applicant's cost) at a suitable location to classify and count the number of heavy vehicles that enter or exit the development site over a set period. The classifier will be used to determine the number of ESAs that are subject to contributions.

Responsibility for keeping the traffic classifier in good working order throughout the life of the development will rest with the operator of the development,

Council officers are to be provided access to the traffic classifier data on a quarterly basis, or at any other time requested by Council staff.

In the event of the traffic data being corrupted, then the Council at its discretion may determine the levy for the preceding period.

**35. Maintain Access**

For the duration of works, the developer shall maintain access to all/any lots affected by the construction of the proposed access road.

**36. Road Reserve Fencing**

A fence shall be erected across the road reserve, immediately west of the proposed quarry site access. The fence shall include a vehicle access gate, centrally located over the existing gravel road, to remain locked during normal operation.

**37. Road Inspection Fee**

Payment of \$14.00 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**38. John Holland Rail – Traffic Management**

Vehicles must only access the quarry via Marshalls Lane. No access to the quarry is permitted from Greghamstown Road.

**39. Unanticipated Finds – Aboriginal Heritage / Historic Heritage**

In the event that any previously unrecorded or unanticipated Aboriginal object / artefact or historic object is encountered, the unanticipated finds protocol contained within the approved Aboriginal and Historic Cultural Heritage Report by OzArk EHM dated September 2018 must be implemented.

**40. Essential Energy – General Requirements**

All works around essential energy powerlines and support infrastructure must be undertaken in accordance with the commitments set out in the *Environmental Impact Statement for the Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited. Dated September 2018* and the *Response to Submissions for the Blayney Quarry prepared by R.W.Corkery & Co. Pty. Limited.*

**41. Department of Industry – Crown Lands and Water Division – Crown Road Reserve**

Road construction is not permitted within the adjoining Crown Road reserve.

**42. Department of Industry – Crown Lands and Water Division – Occupation of Crown Land**

Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the Department of Industry authorising such work or occupation.

<b>Prior to Commencement of Extraction of Quarry Product for Sale</b>
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**43. Occupation Certificate – Site Office**

Prior to the occupation or use of any building, an Occupation Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.

**44. Works as Executed Plan**

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Condition(s) 12, 28, 29, 30, 31, 32, 56 in AutoCAD 2000 (DWG) format. Further, the works are to comply with WBC Guidelines for Engineering Works.

**45. Compliance Certificate – Engineering Works**

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, or inspection report from either Council or an accredited certifying authority, certifying that the engineering work required by condition(s) 12, 28,

29, 30, 31, 32, 56 has/have been constructed in accordance with the approved plans and WBC Guidelines for Engineering Works.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

#### **46. Section 7.11 Contributions (type b - heavy haulage)**

Contributions are to be paid to Council towards the maintenance of Marshalls Lane under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions are to be paid on a quarterly basis from the date of **commencement of extraction of quarry product for sale**. The amount payable will be calculated using traffic data provided to Council on a quarterly basis (as per condition 34.) in accordance with the Blayney Local Infrastructure Contributions Plan 2013.

#### **47. Road Construction Bond – Marshalls Lane**

The developer is to lodge a bond with Council equal to 5% of the total civil construction costs for the upgrade of Marshalls Lane at practical completion, to be held by Council for a minimum period of six (6) months. The bond must be lodged with Council prior to the **commencement of extraction of quarry product for sale and is held by Council to ensure that works have been constructed to the required standard and can withstand the rigours of service constraints.**

### **Ongoing Matters**

#### **48. Plan of Management**

The requirements of the Plan of Management (See Condition 4) must be adhered to at all times.

#### **49. Dust**

The operator must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated on site do not exceed the criteria in Tables 1 to 2 at any residence on privately-owned land.

Table 1: Short Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	<sup>d</sup> Criterion
Particulate matter < 10 µm (PM10)	24 hour	50 µg/m <sup>3</sup>

Table 2: Long-Term Impact Assessment Criteria for Deposited Dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

a Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources);

b Incremental impact (ie incremental increase in concentrations due to the project on its own);

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by Council.

#### **50. On-site Servicing, Repair and Maintenance**

Any servicing, repair or maintenance of plant required on-site must be undertaken by a suitably qualified contractor with all waste to be disposed of in a suitable manner.

#### **51. Unanticipated Finds – Aboriginal Heritage / Historic Heritage**

In the event that any previously unrecorded or unanticipated Aboriginal object / artefact or historic object is encountered, the unanticipated finds protocol contained within the approved *Aboriginal and Historic Cultural Heritage Report* by OzArk EHM dated September 2018 must be implemented.

#### **52. Amenity Bund / Visual Screen Plan**

The amenity bund and visual screen required by Condition 5 must be established prior to commencement of extraction for quarry products for sale within the area shown as Stage 1 in the Environmental Impact Statement for the *Blayney Quarry prepared by R.W. Corkery & Co. Pty. Limited. Dated September 2018* (i.e. extraction may only occur for the purpose of creating the amenity bund and visual screen prior to extraction occurring to create saleable quarry products).

The amenity bund and visual screen required by Condition 5 must be maintained in perpetuity.

In the event that any tree or shrub dies or is removed and the efficacy of the amenity bund and visual screen is compromised, it must be replaced by the same species in a semi mature state to the satisfaction of the Blayney Shire Council.

#### **53. Quarry Closure Plan**

Within 16 years of the date that development consent was approved, or 5 years prior to the end of the life of the quarry, whichever occurs earliest, the operator of the quarry and owner of the subject property must prepare a Quarry Closure Plan.

The Quarry Closure Plan must be submitted to and approved by the Blayney Shire Council Department of Planning and Environmental Services (DPES) or equivalent department.

The Quarry Closure Plan must describe:

- The final land use and landform options considered, and justification of the preferred option selected;
- Rehabilitation methods to be implemented;
- Completion criteria; and
- Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

#### **54. Waste Management**

Any servicing, repair or maintenance of plant required on-site must be undertaken by a suitably qualified contractor with all waste to be disposed of in a suitable and legal manner.

#### **55. No New Access**

Access to the subject land is to occur only via:

- (a) the access from Marshalls Lane.
- (b) the new accesses required by Conditions 29, 31.

and no other entrance, exit, access, gate, grid or driveway is to be constructed without the prior consent of Council.

#### **56. Entrance and Exit Signs**

The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of signage to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises.

Entrance / exit points are to be clearly signposted and visible from both the street and the site at all times.

#### **57. Vehicle Loading/Unloading**

The loading and unloading of all vehicles must be done entirely within the property and not upon the road reserve or footpath.

#### **58. Ingress/Egress**

All vehicles entering or leaving the subject property shall be driven in a forward direction.

#### **59. Site Management**

The site shall be managed so that:

- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
- (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
- (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

#### **60. John Holland Rail – Access to the rail corridor and Work Access Possessions**

Approval to work, access and possess the railway line, or part thereof, must be assessed and endorsed by John Holland Rail prior to access.

Work, access and possession must be assessed and endorsed in accordance with the John Holland Rails Network Rules and Procedures and the John Holland Rail Possession Manual.

Once assessed and endorsed, John Holland Rail will submit the approval to Transport for NSW approval with conditions or no approval. The approval process includes the following:

- a. The Applicant is required to submit an application to John Holland Rail for approval in principle (AIP) for John Holland Rails endorsement and for Transport for NSW approval with conditions / no conditions or non-approval.
- b. Once an AIP is obtained, a Blasting Risk Management Workshop will be held between representatives of John Holland Rail and the Applicant to develop and agree with a Risk Management Plan.
- c. Once a Risk Management Plan is agreed, a John Holland Rail Maintenance Superintendent will sign off prior to a blasting operation.
- d. The blasting operation should be undertaken during pre-planned Track Occupancy Authority possession.
- e. The relevant Maintenance Superintendent must be notified at least 7 days prior to the blasting operation.
- f. Once the blasting operation is performed, the Applicant is required to carry out a post-blasting inspection of the rail corridor and to prepare an inspection report confirming that the rail track and the relevant rail infrastructure remain fit for traffic.
- g. Prior to a post-blasting inspection, the Applicant is required to submit an application to John Holland Rail for its endorsement and if endorsed, for the approval of Transport for NSW in order to access the rail corridor for the post blasting inspection.

Once it is approved by Transport for NSW, the Applicant is further required to enter into a licence on terms suitable to Transport for NSW in relation to access to the rail corridor. Terms of the licence may include provisions which allow Transport for NSW to terminate the licence at any time, will require the licensee to pay an annual licence fee, obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor to perform maintenance on the rail infrastructure (e.g. engaging rail protection officers) etc. The licence will require the Applicant to hold relevant levels of insurance, bank guarantees etc.

- h. Any changes/damage to the rail infrastructure must be reported immediately to the relevant Maintenance Superintendent. Any costs associated with repairs should be fully borne by the Applicant.
- i. Each blasting operation must be accessed in accordance with the John Holland Rail Blasting Guideline on a case by case basis.

**Note:** A track possession application must be submitted for each blasting operation.

**61. John Holland Rail – Access**

Access to the rail corridor is strictly prohibited during construction and occupation unless otherwise approved by Transport for NSW.

**62. John Holland Rail – Lighting, External Finishes and Design**

Red or green lights must not be used for any sign, lighting or building colour scheme for any part of a building which faces the rail corridor.

**63. Essential Energy - Stockpile Sites**

Stockpile sites must be clear of Essential Energy's Assets;

**64. Essential Energy - Activities within the Location of Essential Energy's Assets**

Any activities within the location of Essential Energy's Assets must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

<https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>

**65. Department of Industry – Crown Lands and Water Division – Water**

No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown land.

**66. Department of Industry – Crown Lands and Water Division – Materials**

No materials are permitted to be dumped or stored on crown land, roads or waterways.

**67. Department of Industry – Crown Lands and Water Division – Minimal Environmental Disturbance**

No materials are permitted to be dumped or stored on crown land, roads or waterways.

The quarry is to be operated with minimal environmental disturbance to the Crown land and is to avoid the removal or damage of any native trees located within the subject Crown lands or waterways.

**68. Department of Industry – Crown Lands and Water Division – Public Access on Crown Land**

Public access on Crown land is retained and not restricted on and along the Crown Land.

**69. Department of Industry – Crown Lands and Water Division – Pollution Control**

Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown land or waterways.

## **70. Department of Industry – Crown Lands and Water Division –Noxious Weeds**

Measures should be taken to ensure that work does not contribute to the spread of noxious weeds.

<b>Advisory Notes</b>
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### **71. Essential Energy – Advisory**

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

### **72. NSW Department of Planning and Environment – Division of Resources and Geoscience - Advisory**

The operator is to provide annual production data to the NSW Department of Planning and Environment -Division of Resources and Geoscience.

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<sup>i</sup> Managing Urban Stormwater: Soils and construction - Volume 1 4th edition

These guidelines, commonly known as the 'Blue Book', provide support for councils and industry to reduce the impacts of land disturbance activities on waterways by better management of soil erosion and sediment control.

<sup>ii</sup> Managing Urban Stormwater: Soils and construction - Volume 2E

This publication provides guidelines, principles and recommended minimum design standards for the management of erosion and sediment control at mines and quarries.

Mines and quarries, particularly those involving surface extraction, often involve significant areas of land disturbance and earthworks which require the planning, design, construction and maintenance of effective erosion and sediment control measures.

<sup>iii</sup> Austroads is the peak organisation of Australasian road transport and traffic agencies.

<https://austroads.com.au/about-austroads>