



Appendix 2

Secretary's Environmental Assessment Requirements and Requirements of the Consulted Government Agencies

(Total No. of pages including blank pages = 54)



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DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



**Planning &
Environment**

**Planning Services
Resource Assessments**
 Contact: Nathan Heath
 Phone: (02) 8289 6617
 Email: Nathan.heath@planning.nsw.gov.au

Nicholas Warren
 Senior Environmental Consultant
 RW Corkery & Co Pty Ltd
 Level 1, 12 Dangar Road
 BROOKLYN NSW 2083

Via email: nick@rwcorkery.com

Dear Mr Warren

**Planning Secretary's Environmental Assessment Requirements
 Dowe's Quarry Expansion (EAR 1341)**

I refer to your request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for the above development, which is designated local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Please find attached a copy of the SEARs for the Environmental Impact Statement (EIS) for the proposed development. These requirements have been prepared in consultation with relevant government agencies based on the information your company has provided to date. The agencies' comments are attached for your information (see Attachment 2). You must have regard to these comments in the preparation of the EIS.

In your request for SEARs, you have also indicated that the proposal is classified as integrated development under section 4.46 of the EP&A Act as it requires additional statutory authorisations. You are encouraged to consult with the relevant agencies with respect to licence/approval requirements. If further integrated approvals are required, you must undertake your own consultation with the relevant public authorities, and address their requirements in the EIS.

The Department wishes to emphasise the importance of effective and genuine community consultation during the preparation of the EIS. This process should provide the community with a clear understanding of the proposal and its potential impacts and include active engagement with the community regarding key issues of concern. The development application (DA) for the proposed development must be accompanied by clear evidence of the consent to the lodgement of the DA of all owners of land directly subject to the DA.

Please contact the consent authority at least two weeks before you propose to submit your DA. This will enable the consent authority to:

- confirm the applicable fees; and
- determine the number of copies (hard-copy and digital) of the EIS that will be required for reviewing purposes.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will also require separate approval under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of the Environment and Energy to determine if an approval under the EPBC Act is required (<http://www.environment.gov.au> or 6274 111).

You should contact the Mine Safety branch of the NSW Resources Regulator in regard to this and other matters relating to compliance with the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

If you have any enquiries about these requirements, please contact Nathan Heath on the details listed above.

Yours sincerely

Howard Reed

Howard Reed
 Director
 Resource Assessments
 as delegate for the Planning Secretary

28.5.19



Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

Designated Development

EAR Number	EAR 1341
Proposal	Expansion of an existing extractive industry to extract and process up to 230,000 tonnes of quartzose material per annum over a 26 year period
Location	668 Mount Lindesay Highway, Tenterfield, NSW (Lot 239 DP 751540, Lot 244 DP 751540, Lot 260 DP 751540, Lot 308 DP 751540, Lot 309 DP 751540, Lot 3 DP 42044, Lot 4 DP 42044, Lot 1 DP 1092215, Lot 246 DP 751540, Lot 3 DP 42044, Lots 2, 3 and 4 DP 1092215)
Applicant	Darryl McCarthy Constructions Pty Ltd
Date of Issue	28 May 2019
Date of Expiry	28 May 2021
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none">• an executive summary;• a comprehensive description of the development, including:<ul style="list-style-type: none">- a detailed site description and history of any previous quarrying on the site, including a current survey plan;- identification of the resource, including the amount, type, composition;- the layout of the proposed works and components (including any existing infrastructure that would be used for the development);- an assessment of the potential impacts of the development, as well as any cumulative impacts, including the measures that would be used to minimise, manage or offset these impacts;- a detailed rehabilitation plan for the site;- any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development;- a list of any other approvals that must be obtained before the development may commence;- the permissibility of the development, including identification of the land use zoning of the site;- identification of sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways;• a conclusion justifying why the development should be approved, taking into consideration:<ul style="list-style-type: none">- alternatives;- the 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 objects of the <i>Environmental Planning and Assessment Act 1979</i>; and• a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.
Consultation	<p>In preparing the EIS for the development, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners or Crown land stakeholders that may be impacted by the development.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>



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Expansion of the Dowe's Quarry via Tenterfield

Key Issues	<p>The EIS must assess the potential impacts of the proposal at all stages of the development, including the establishment, operation and decommissioning of the development.</p> <p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Noise – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction and operational noise and off-site transport noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i>, <i>NSW Noise Policy for Industry</i> and <i>NSW Road Noise Policy</i> respectively; - reasonable and feasible mitigation measures to minimise noise emissions; and - monitoring and management measures; • Blasting & Vibration – including: <ul style="list-style-type: none"> - a description of the proposed blasting hours, frequency and methods; and - an assessment of the likely blasting and vibration impacts of the development, having regard to the relevant ANZEC guidelines and paying particular attention to impacts on people, buildings, livestock, infrastructure and significant natural features; • Air – including an assessment of the likely air quality impacts of the development in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>. The assessment is to give particular attention to potential dust impacts on any nearby private receivers due to construction activities, the operation of the quarry and/or road haulage; • Water – including: <ul style="list-style-type: none"> - a detailed site water balance and an assessment of any volumetric water licensing requirements, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and water storage structures; - identification of any licensing requirements or other approvals required under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>; - demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP); - a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo; - an assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts; - an assessment of any likely flooding impacts of the development; - an assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; and - a detailed description of the proposed water management system, water monitoring program and other measures to mitigate surface and groundwater impacts; • Biodiversity – including: <ul style="list-style-type: none"> - accurate predictions of any vegetation clearing on site, including the location and amount of clearing and types of communities and species affected; - a detailed assessment of the potential biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems undertaken in accordance with Sections 7.2 and 7.7 of the <i>Biodiversity Conservation Act 2016</i>, and having regard to OEH advice (see Attachment 2); - a detailed description of the proposed measures to maintain or improve the biodiversity values of the site in the medium to long term, as relevant. • Heritage – including: <ul style="list-style-type: none"> - an assessment of the potential impacts on Aboriginal heritage (cultural and archaeological), having regard to OEH advice (see Attachment 2); and - identification of Historic heritage in the vicinity of the development and an assessment of the likelihood and significance of impacts on heritage items, having regard to the relevant policies and guidelines listed in Attachment 1; • Traffic & Transport – including: <ul style="list-style-type: none"> - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products; - an assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road networks, detailing the nature of the traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads; - a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network (particularly the proposed transport routes) over the life of the development; - evidence of any consultation with relevant roads authorities, regarding the establishment of agreed contributions towards road upgrades or maintenance; and - a description of access roads to the quarry, specifically in relation to the road corridor crossing Crown Reserve 1149 (Lot 245 DP 751540) and fire trails, having regard to advice received from DoI Crown Lands and RMS (see Attachment 2);
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	<ul style="list-style-type: none"> • Land Resources – including an assessment of: <ul style="list-style-type: none"> - potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate); - potential impacts on landforms (topography), paying particular attention to the long-term geotechnical stability of any new landforms (such as overburden dumps, bunds etc); and - the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Clause 12 of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • Waste – including estimates of the quantity and nature of the waste streams that would be generated or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams; • Hazards – including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks, and the transport, storage, handling and use of any hazardous or dangerous goods; • Visual – including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, including with respect to any new landforms; • Social & Economic – an assessment of the likely social and economic impacts of the development, including consideration of both the significance of the resource and the costs and benefits of the project; and • Rehabilitation – including: <ul style="list-style-type: none"> - a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development and during quarry closure; - a detailed rehabilitation strategy for the site, including justification for the proposed final landform and consideration of the objectives of any relevant strategic land use plans or policies; and - the measures that would be undertaken to ensure sufficient financial resources are available to implement the proposed rehabilitation strategy, recognising that a rehabilitation bond will likely be required as a condition of any future development consent.
Environmental Planning Instruments	<p>The EIS must take into account all relevant State Government environmental planning instruments, guidelines, policies, and plans. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies and plans that may be relevant to the environmental assessment of this development.</p> <p>During the preparation of the EIS you must also consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available at http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/extractive-industries-quarries-eis-guideline-1996-10.ashx.</p> <p>In addition, the EIS must assess the development against the <i>Tenterfield Local Environmental Plan (LEP) 2013</i> and any relevant development control plans/strategies.</p>



ATTACHMENT 1

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

Environmental Planning Instruments, Policies, Guidelines & Plans

Environmental Planning Instruments - General	
	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
	State Environmental Planning Policy (State and Regional Development) 2011
	State Environmental Planning Policy (Infrastructure) 2007
	State Environmental Planning Policy 44 (Koala Habitat Protection)
	Tenterfield LEP 2013
Risk Assessment	
	AS/NZS 4360:2004 Risk Management (Standards Australia)
	HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Land	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Agricultural Land Classification (DPI)
	Rural Land Capability Mapping (OEH)
	Soil and Landscape Issues in Environmental Impact Assessment (NOW)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA)
	Agricultural Issues for Extractive Industry Development (DPI)
Water	
Groundwater	NSW Aquifer Interference Policy 2012 (NOW)
	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	NSW State Groundwater Dependent Ecosystems Policy (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW)
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
	NSW Water Extraction Monitoring Policy (NOW)
Surface Water	NSW State Rivers and Estuary Policy (NOW)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)



Flooding	Floodplain Development Manual (OEH) Floodplain Risk Management Guideline (OEH)
Biodiversity	Biodiversity Assessment Method (OEH 2017) Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH 2017) Ancillary rules: Biodiversity conservation actions Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying variation rules NSW Guide to Surveying Threatened Plants (OEH 2016) Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians (DECC 2009) Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DEC 2004) Threatened Species Assessment Guideline – The Assessment of Significance (DECC 2007) OEH principles for the use of biodiversity offsets in NSW NSW State Groundwater Dependent Ecosystem Policy (NOW)
Heritage	The Burra Charter (The Australia ICOMOS charter for places of cultural significance) Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH) 2011 Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH) Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH) NSW Heritage Manual (OEH) Statements of Heritage Impact (OEH)
Noise & Blasting	NSW Noise Policy for Industry (EPA) Interim Construction Noise Guideline (EPA) NSW Road Noise Policy (EPA) Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC) Assessing Vibration: a technical guideline (EPA)
Air	Protection of the Environment Operations (Clean Air) Regulation 2002 Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA) Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA) Assessment and Management of Odour from Stationary Sources in NSW (DEC) National Greenhouse Accounts Factors (Commonwealth)
Transport	Guide to Traffic Generating Development (RTA) Road Design Guide (RMS) & relevant Austroads Standards
Hazards	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis Planning for Bushfire Protection 2006 (RFS)
Resource	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
Waste	Waste Classification Guidelines (EPA) Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 (EPA)
Rehabilitation	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Strategic Framework for Mine Closure (ANZMEC-MCA)



ATTACHMENT 2

AGENCIES' CORRESPONDENCE



Nathan Heath

From: Tamai Davidson <t.davidson@tenterfield.nsw.gov.au>
Sent: Thursday, 23 May 2019 2:03 PM
To: Nathan Heath
Subject: RE: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield
Attachments: Doves Quarry consent.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nathan,
Please find Council's requirements below;

Biodiversity

- Existing consent requires biodiversity offset area to be established (condition 14) – Council is not aware that this has been completed. (consent attached).
- Parts of the site are mapped on the Native Vegetation Regulatory Map
- Clearing associated with realigned access road triggers Biodiversity Conservation Act provisions in terms of clearing thresholds – Biodiversity Offset Scheme applies - BDAR

Traffic & Transport

- The capacity of the road and safety of Mt Lindesay (especially between Leeches Gully Road and Bryans Gap Rd) and Old Ballandean Road
- The capacity of bridges, including large culverts, to cater for increased traffic and the impact of the higher mass vehicles
- The safety of intersections such as Boundary Road, Sommerlads Road, Leeches Gully Road and Bryans Gap Road

I would also highlight the proposed addition to the weekly maximum to be averaged over a four week period that may allow up to 40% increase in heavy vehicles, at the higher mass, for a peak period of three weeks.

Site Developments

- on-site processing plant – need to address, but not limited to;
 - staff
 - equipment
 - noise
 - dust
 - vibration
 - lighting
 - waste management
 - amenities
- consideration of visibility of the development from adjoining/adjacent properties – aesthetics.
- Figure 3 – Updated Land Ownership and surrounding residences – 2 additional residences on Bryans Gap Road
- Consideration of aboriginal and cultural heritage
- Surface water treatment

Please contact me if you require any further information.



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield

Kind regards,

From: Nathan Heath [mailto:Nathan.Heath@planning.nsw.gov.au]
Sent: Wednesday, 22 May 2019 2:13 PM
To: Tamai Davidson <t.davidson@tenterfield.nsw.gov.au>
Subject: RE: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield

Hi Tamai,

Yes tomorrow is ok.

Thank you,
Kind regards

Nathan Heath
Environmental Assessment Officer
Resource Assessments
320 Pitt Street | GPO Box 39 City | Sydney NSW 2001
T 02 8289 6617 E: nathan.heath@planning.nsw.gov.au



**Planning &
Environment**

 Please consider the environment before printing this e-mail.

From: Tamai Davidson <t.davidson@tenterfield.nsw.gov.au>
Sent: Wednesday, 22 May 2019 2:05 PM
To: Nathan Heath <Nathan.Heath@planning.nsw.gov.au>
Subject: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield

Hi Nathan,

If it is OK, I will send through Council's requirements for the EIS tomorrow? Just finalising some comments from our engineers.

Thanks

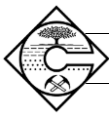
Tamai Davidson
Manager Planning and Development Services
Tenterfield Shire Council
PO Box 214, Tenterfield NSW 2372

Phone: (02) 6736 6000
Direct Phone: -
Mobile: -
Fax: -
Email: t.davidson@tenterfield.nsw.gov.au
Website: www.tenterfield.nsw.gov.au

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Nathan Heath

From: kirstyn.goulding@crownland.nsw.gov.au on behalf of Lands Ministerials
<lands.ministerials@industry.nsw.gov.au>
Sent: Monday, 20 May 2019 10:33 AM
To: Nathan Heath
Subject: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield_Reminder Email

Hi Nathan

Dol Crown Lands has the following comments for the proposal:-

The quarry access (haulage) route between the quarry and Mt Lindsay Road crosses Crown Reserve 1149 (245/751540) on an alignment different from that of the legal road corridor. **Prior to approval of the expanded operation, the status of the legal road corridor (Crown or Council) requires clarification.** Realignment of the legal road corridor should be undertaken as a road opening by Tenterfield Council along the existing road in use.

Thank you
Kirstyn

Lands Ministerial Unit
NSW Department of Industry - Crown Lands
Level 4, 437 Hunter Street, NEWCASTLE NSW 2300
E: lands.ministerials@industry.nsw.gov.au W: www.industry.nsw.gov.au

Please contact Kirstyn Goulding on (02) 4920 5058 for any inquiries



This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield

Nathan Heath

Subject: RE: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield_Final Follow up

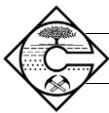
From: lilian.parker@dpi.nsw.gov.au <lilian.parker@dpi.nsw.gov.au> **On Behalf Of** Landuse Ag
Sent: Friday, 24 May 2019 10:35 AM
To: Nathan Heath <Nathan.Heath@planning.nsw.gov.au>
Cc: Landuse Ag <landuse.ag@dpi.nsw.gov.au>; Andrew Scott <andrew.scott@dpi.nsw.gov.au>
Subject: Re: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield_Final Follow up

Apologies Nathan

Please find attached SEARs requirements from DPI Agriculture.

Lilian
Agriculture
Land Use Planning | Strategic Programs
DPI Agriculture | Department of Primary Industries
C/- 161 Kite Street | Locked Bag 21 | Orange NSW 2800
T: 02 6391 3369 | F: 02 6391 3543 | E: landuse.ag@dpi.nsw.gov.au
www.trade.nsw.gov.au | www.dpi.nsw.gov.au

Primary Contact: Lilian Parker
E
mail
: lilian.parker@dpi.nsw.gov.au



Attachment A: SEARs Recommendations

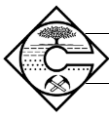
Issue and desired outcome	Detail / Requirement
Site Suitable for development	<ul style="list-style-type: none"> Detail that the quarry is consistent with strategic plans and zone requirements Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors.
Consideration for impacts to agricultural resources and land	<ul style="list-style-type: none"> Describe the current and potential <i>Important Agriculture Land</i> on the proposed development site and surrounding locality including the land capability and agricultural productivity. Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. Consider possible cumulative effects to agricultural enterprises and landholders. Detail the expected life span of the proposed development
Bushfire risk identified and managed	<ul style="list-style-type: none"> Risk assessment level and mitigation plan developed to address bush fire risk.
Suitable and secure water supply	<ul style="list-style-type: none"> Estimated water demand and water availability should be clearly outlined in the proposal. The source of water and any sanitisation methods to be detailed in the application. Outline any impacts to water use from agriculture and mitigation measures if required.
Surface & Groundwater protected	<ul style="list-style-type: none"> Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession. The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed.
Biosecurity Standards met	<ul style="list-style-type: none"> Include a biosecurity (pests and weeds) risk assessment outlining the likely plant, animal and community risks. Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed and pest management plans.
Suitable traffic movements	<ul style="list-style-type: none"> Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves¹ (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Visual amenity achieved	<ul style="list-style-type: none"> Amenity impacts are assessed and any necessary response to mitigate visual impacts is described and illustrated.



Issue and desired outcome	Detail / Requirement
Land stewardship met	<ul style="list-style-type: none"> Develop Rehabilitation and Decommissioning/Closure Plans that describes the design criteria of the final landuse and landform along with the expected timeline for the rehabilitation program. Outline monitoring and mitigation measures to be adopted for rehabilitation remedial actions.
Adequate consultation with community	<ul style="list-style-type: none"> Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure. Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.
Contingency and Environmental Management Plan developed	<ul style="list-style-type: none"> Contingency plans should be developed to enable the operation to deal with emergency situations. Commitment to the preparation of an Emergency Management plan that outlines procedures and responsibilities for responding to bushfire threats which might result from extreme climatic conditions.

Attachment B: Guidelines for assessment

Title	Location
Land Use Conflict Risk Assessment Guide	www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra
Agricultural Issues for Extractive industry Development	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/extractive-industries



Nathan Heath

From: Jonathan Yantsch <jonathan.yantsch@dpi.nsw.gov.au>
Sent: Wednesday, 22 May 2019 8:48 AM
To: Nathan Heath
Subject: Fwd: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield
Attachments: 19.05.08_Background Paper_20190508.pdf; 19.05.08_Form A_20190508.pdf

Hi Nathan

As the proposed modification will not impact upon key fish habitat, DPI Fisheries has nil comment in relation to the proposal.

Regards

Jonathan

Jonathan Yantsch | Senior Fisheries Manager - Coastal Systems (North Coast)
Aquatic Environment
NSW Department of Primary Industries | Fisheries
1243 Bruxner Hwy | Wollongbar | NSW 2477
T: 02 6626 1375 | M: 0447 537 168 | E: jonathan.yantsch@dpi.nsw.gov.au



PERMIT APPLICATION FORMS & FISH HABITAT POLICIES:

www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit

Submit permit applications via email to ahp.central@dpi.nsw.gov.au

NB: From date of receipt of application, please allow:
- 28 days for Permits, Consultations and Land Owner's Consent responses
- 40 days for Integrated Development Applications

KNOWN & EXPECTED DISTRIBUTION OF THREATENED FISH SPECIES:

www.dpi.nsw.gov.au/fishing/threatened-species/threatened-species-distributions-in-nsw

----- Forwarded message -----

From: **Nathan Heath** <Nathan.Heath@planning.nsw.gov.au>
Date: Wed, 8 May 2019 at 16:03
Subject: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield
To: Adam Oehlman <landuse.enquiries@dpi.nsw.gov.au>, development.northern@rms.nsw.gov.au
<development.northern@rms.nsw.gov.au>, records@rfs.nsw.gov.au <records@rfs.nsw.gov.au>, EPA Planning
Matters Mailbox <planning.matters@epa.nsw.gov.au>, DRG RO Assessment Coordination Mailbox
<assessment.coordination@planning.nsw.gov.au>, environmental.assessments@water.nsw.com.au
<environmental.assessments@water.nsw.com.au>, Planning Matters Mailbox
<planning.matters@environment.nsw.gov.au>, RRD EO Resources Regulator Mailbox
<resources.regulator@planning.nsw.gov.au>, OLG - Tenterfield Shire Council <council@tenterfield.nsw.gov.au>



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield

Good afternoon,

Proposal – Dowe's Quarry, Tenterfield

EAR ID No. 1341

R.W Corkery & Co. Pty. Limited on behalf of Darryl McCarthy Constructions Pty Ltd (the Applicant) has requested the requirements of the Secretary of the Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS) for the above local designated development located in Tenterfield Shire local government area.

I have attached a copy of the Applicant's request for your reference.

Under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary is requesting your requirements for the EIS.

It would be greatly appreciated if we could receive your advice by **Wednesday 22 May 2019**.

If you have any queries, please contact me on the details below.

Thank you,

Kind regards

Nathan Heath

Environmental Assessment Officer

Resource Assessments

320 Pitt Street | GPO Box 39 City | Sydney NSW 2001
T 02 8289 6617 E: nathan.heath@planning.nsw.gov.au



Planning &
Environment



Please consider the environment before printing this e-mail.

--

Alistair Drew | Policy Officer Assessments

NSW Department of Industry | Lands & Water | Strategic Relations

Level 3 | 26 Honeysuckle Drive | Newcastle | NSW 2300

M: 0417 626 567

E: landuse.enquiries@dpi.nsw.gov.au

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DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



**Planning &
Environment**

22 May 2019

Nathan Heath
Environmental Assessment Officer - Resource Assessments
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Emailed: Nathan.heath@planning.nsw.gov.au

Your Reference: SEARs 1341
Our Reference: DOC19/400060

Dear Mr Heath,

**Re: Request for Secretary's Environmental Assessment Requirements
Dowe's Quarry – SEARs 1341.**

Thank you for the opportunity to provide advice on the Secretary's Environmental Assessment Requirements (SEARs 1341) for the Dowe's Quarry. This is a response from NSW Department of Planning & Environment – Division of Resources & Geoscience (the Division).

Quartzose is not a prescribed mineral under the *Mining Act 1992*. However, the Division is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

All environmental reports (EIS or similar) accompanying Development Applications for extractive industry lodged under the *Environmental Planning & Assessment Act 1979* should include a resource assessment which:

- Documents the size and quality of the resource and demonstrates that both have been adequately assessed; and
- Documents the methods used to assess the resource and its suitability for the intended applications.

The above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource assessment summary included in the EIS should commit to providing the Division with full resource assessment documentation separately. Applications to modify, expand, extend or intensify an existing consent that has already been adequately reported using the above protocol in publicly available documents, may restrict detailed documentation to the additional resources to be used, if accompanied by a summary of past resource assessments and of past production.

NSW Department of Planning and Environment
DIVISION of RESOURCES & GEOSCIENCE
PO Box 344 Hunter Region Mail Centre NSW 2310
E: landuse.minerals@geoscience.nsw.gov.au
Tel: 02 4063 6500
ABN 38 755 709 681



The Division collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

During the preparation of the EIS, The Division recommends that the proponent consult NSW Department of Planning & Environment's '*EIS Guideline - Extractive Industries – Quarries*'. This guideline is available from:

<http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/~media/4A89C0947A8C4D70A983F8EE1D7B9790.ashx>

Should any biodiversity conservation measures become necessary, the Division requests early consultation to ensure there is no consequent reduction in access to prospective land for mineral exploration, or potential for sterilisation of mineral or extractive resources.

Queries regarding the above information should be directed to the Division of Resources & Geoscience - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely

Steven Palmer
Acting Manager - Land Use



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



Resource Assessments
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Nathan Heath

Notice Number 1579953
File Number DOC19/419086
Date 22-May-2019

**RE: Environmental Assessment Requirements for expansion of Dowe's Quarry –
668 Mount Lindesay Road, Tenterfield**

I refer to your request for the Environment Protection Authority's (EPA) requirements for the environmental impact statement (EIS) for the above project, received by the EPA on 9 May 2019.

The EPA has considered the details of the project as provided by the Department of Planning and Environment (DPE) and has identified the information it requires to issue its general terms of approval in **Attachment A**.

In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

- 1. Air quality:** Dust generation and management of potential impacts on sensitive receivers during operation from larger exposed areas, blasting, on-site processing and heavy vehicle movements.
- 2. Soil and water:** Surface and ground water management systems and the implementation of adequate erosion and sediment controls to control runoff from the site.
- 3. Noise and vibration:** Proximity to sensitive receivers adjacent to the site and impacts of blasts, on-site processing, plant, equipment, and traffic associated with the quarry during the proposed operations.

The EPA is aware that the applicant has stockpiled a significant amount of material at their "Sunnyside" processing site, which receives material from the Dowe's quarry. The EIS for this project must therefore include a plan for the appropriate **management of all waste** generated by the quarry.

In carrying out the assessment, the proponent should refer to the relevant guidelines in **Attachment A**, any relevant industry codes of practice and best practice management guidelines.

If the project is approved, the applicant will need a variation to their current Environment Protection Licence 20598 to operate the expanded quarry. They will need to apply for the EPA to vary the licence once they receive development consent.

To assist the EPA to assess the EIS it is requested that the document follows the format of DPE's EIS guidelines and addresses the EPA's specific requirements outlined in the following attachments.



If the necessary information is not adequately provided in the EIS, delays may occur in the development assessment process.

The Proponent should be made aware that any commitments made in the EIS may be formalised as approval conditions and may also be placed as formal licence conditions.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* ("the Act") the EPA may require the provision of a financial assurance and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an Environment Protection Licence ("EPL").

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.

The EPA requests that the proponent provide one (1) electronic copy of the EIS when lodging its application with the EPA. These documents should be sent to the EPA's Armidale office by email to: armidale@epa.nsw.gov.au.

If you have any queries regarding this matter please contact me on (02) 6773 7000.

Yours sincerely

Duncan McGregor

Acting Unit Head

North - Armidale

(by Delegation)



ATTACHMENT A: Environmental Assessment Requirements – EAR 1341 – Expansion of Dowe's Quarry – 668 Mount Lindesay Road Tenterfield NSW 2372

1. Environmental impacts of the project

- 2.1. The EIS must address the requirements of Section 45 of the Protection of the Environment Operations Act 1997 (POEO Act) by determining the extent of each impact and providing sufficient information to enable the EPA to determine appropriate conditions, limits and monitoring requirements for the Environment Protection Licence (EPL).
- 2.2. Impacts related to the following environmental issues need to be assessed, quantified and reported on:
 - **Air Issues:** air quality including dust generation from the operation on the surrounding landscape and community;
 - **Water and Soils** including a site water balance, and sediment and erosion controls during construction and operational phases.
 - **Noise and vibration impacts** associated with blasting, and operational noise particularly machinery and plant movements;
 - **Waste** including hazardous materials and radiation. Consideration needs to be given to disposal options for general waste, sanitary waste as well as hazardous materials and radiation, where relevant.

The Environmental Impact Statement (EIS) should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned.

2. Licensing requirements

- 2.1. Should project approval be granted, the proponent will need to make an application to the EPA to vary its EPL before undertaking the project. Additional information is available through the EPA's *Guide to Licensing* (www.epa.nsw.gov.au/licensing/licenceguide.htm).

SPECIFIC ISSUES

3. Air issues

- 3.1. The EIS must demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations (POEO) Act (1997)* and the *POEO (Clean Air) Regulation 2002*. Particular consideration should be given to section 129 of the POEO Act concerning control of "offensive odour".
- 3.2. The EIS must include an air quality impact assessment (AQIA).
- 3.3. The AQIA must be carried out in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2005)*, available at: <http://www.epa.nsw.gov.au/resources/air/ammmodelling05361.pdf>.



- 3.4. The EIS must detail emission control techniques and practices that will be employed at the site and identify how the proposed control techniques and practices will meet the requirements of the POEO Act, *POEO (Clean Air) Regulation* and associated air quality limits or guideline criteria.

4. Soil and water

- 4.1. The EIS must demonstrate how the proposed development will meet the requirements of section 120 of the POEO Act.
- 4.2. The EIS must include a water balance for the development including water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.
- 4.3. If the proposed development intends to discharge waters to the environment, the EIS must demonstrate how the discharge(s) will be managed in terms of water quantity, quality and frequency of discharge and include an impact assessment of the discharge on the receiving environment. This should include:
- Description of the proposal including position of any intakes and discharges, volumes, water quality and frequency of all water discharges.
 - Description of the receiving waters including upstream and downstream water quality as well as any other water users.
 - Demonstration that all practical options to avoid discharge have been implemented and environmental impact minimised where discharge is necessary.
- 4.4. The EIS must refer to Water Quality Objectives for the receiving waters and indicators and associated trigger values or criteria for the identified environmental values of the receiving environment. This information should be sourced from the ANZECC (2000) Guidelines for Fresh and Marine Water Quality (<http://www.environment.gov.au/water/policy-programs/nwqms/>).
- 4.5. The EIS must describe how stormwater will be managed in all phases of the project, including details of how stormwater and runoff will be managed to minimise pollution. Information should include measures to be implemented to minimise erosion and sediment mobilisation at the site. The EIS should consider the guidelines *Managing urban stormwater: soils and construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC, 2008).
- 4.6. The EIS must describe any water quality monitoring programs to be carried out at the project site. Water quality monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutant in NSW* (2004) which is available at: <http://www.epa.nsw.gov.au/resources/legislation/approvedmethods-water.pdf>.

5. Noise and Vibration

The EIS must assess the following noise and vibration aspects of the proposed development.



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Expansion of the Dowe's Quarry via Tenterfield



- 5.1. Construction noise associated with the proposed development should be assessed using the *Interim Construction Noise Guideline* (DECC, 2009). The guideline is available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline>
- 5.2. Vibration from all activities (including construction and operation) to be undertaken on the premises should be assessed using the guidelines contained in the *Assessing Vibration: a technical guideline* (DEC, 2006). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration>
- 5.3. If blasting is required for any reasons during the construction or operational stage of the proposed development, blast impacts should be demonstrated to be capable of complying with the guidelines contained in *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990). This is available at: <http://www.epa.nsw.gov.au/noise/blasting.htm>
- 5.4. Operational noise from all industrial activities (including private haul roads and private railway lines) to be undertaken on the premises should be assessed using the guidelines contained in the *NSW Noise Policy for Industry* (EPA, 2017). The policy is available at: [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))
- 5.5. Noise on public roads from increased road traffic generated by land use developments should be assessed using the guidelines contained in the *NSW Road Noise Policy* and associated application notes (EPA, 2011), available at <https://www.epa.nsw.gov.au/your-environment/noise/transport-noise>

6. Waste, chemicals and hazardous materials

- 6.1. The EIS must assess all aspects of waste generation, management and disposal associated with the proposed development.
- 6.2. The EIS must demonstrate compliance with all regulatory requirements outlined in the POEO Act and associated waste regulations.
- 6.3. The EIS must identify, characterise and classify the following in accordance with the EPA's *Waste Classification Guidelines (2014)* and associated addendums:
 - (i) all waste that will be generated onsite through excavation, demolition or construction activities, including proposed quantities of the waste;
 - (ii) all waste that is proposed to be disposed of to an offsite location, including proposed quantities of the waste and the disposal locations for the waste. This includes waste that is intended for re-use or recycling.

Note: The EPA's *Waste Classification Guidelines (2014)* and associated addendums are available at: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste>

- 6.4. The EIS must outline relevant resource recovery orders or exemptions for any proposed reuse or recycling of waste material. If the proponent intends to apply for a specific exemption, the EIS should outline what is proposed including identification of proposed sites for the application of the composted material to land, whether it be on the same property or another site.



- 6.5. The EIS must outline contingency plans for any event that may result in environmental harm, such as excessive stockpiling of material, or dirty water volumes exceeding the storage capacity available on-site.
- 6.6. The EIS must demonstrate that appropriate spill containment will be provided for storage, filling and loading of all fuels and other chemicals to be used on site, in accordance with the relevant Australian Standard.



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



**Natural Resources
Access Regulator**

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Contact: Shavaun Tasker
Phone: (03) 5881 9944
Email: shavaun.tasker@nrar.nsw.gov.au

Our ref: V15/3876 – 3#76
Your Ref: SEAR 1341

Mr. Nathan Heath
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

20 May 2019

Email: nathan.heath@planning.nsw.gov.au

Dear Nathan,

**Re: Expansion of Dowe's Quarry in the Tenterfield Shire Council LGA –
Environmental Assessment Requirements ID No. 1341 Designated Development.**

Thank you for your email on 8 May 2019 seeking input into the Secretary's Environmental Assessment Requirements (SEARs) for the above development. The Natural Resource Access Regulator (NRAR) has reviewed the supporting documentation accompanying the request for SEARs and recommends the Environmental Impact Statement (EIS) be required to include the following;

- Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.
- Existing and proposed water licensing requirements in accordance with the *Water Act 1912/Water Management Act 2000* (whichever is relevant). This is to demonstrate that existing licences and/or approvals and licensed uses are appropriate, and to identify where additional licences and/or approvals are required.
- The identification of an adequate and secure water supply for the life of the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and groundwater sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.
- A statement of where each element of the SEARs is addressed in the EIS in the form of a table.



**Natural Resources
Access Regulator**

Natural Resources Access Regulator
Locked Bag 5123,
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www.industry.nsw.gov.au/nrar

- Full technical details and data of all surface and groundwater modelling.
- Details of licensing requirements under the *Water Management Act 2000* or the *Water Act 1912*.
- Where groundwater may be intercepted or impacted a detailed assessment against the NSW Aquifer Interference Policy (2012) using DoI Water's assessment framework. Justification is required to support a statement that groundwater is not to be intercepted.
- Details of the proposed overburden storage and treatment.
- Details of the final landform of the site, including final void management (where relevant) and rehabilitation measures.

For further information please contact Shavaun Tasker, Water Regulation Officer at NRAR (Deniliquin) on t: (03) 5881 9944; e: shavaun.tasker@nrar.nsw.gov.au

Yours sincerely

Tim Baker
Senior Water Regulation Operations - West
Water Regulation Operations



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



Our Ref: DOC19/388495
Your Ref: EAR ID 1341

Mr Nathan Heath
Environmental Assessments Officer
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Heath

Re: Request for OEH Environmental Impact Statement Environmental Assessment Requirements – Dowe's Quarry, Tenterfield EAR ID No. 1341

Thank you for your letter email dated 8 May 2019 about the expansion of Dowe's Quarry seeking Environmental Assessment Requirements (EARs) from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We note that the project will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Environmental Impact Statement (EIS) EARs provided by the OEH are limited to Aboriginal cultural heritage, biodiversity, OEH estate, historic heritage, acid sulphate soils, flooding, stormwater and coastal erosion.

The proponent should ensure that the EIS will be sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposal.

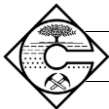
We consider that this information is necessary for a comprehensive EIS for the proposal.

The full list of our requirements that may need to be addressed in the EIS is provided in **Attachment 1**.

In preparing the EIS, the proponent should refer to the relevant guidance material listed in **Attachment 2**.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Conservation and Regional Delivery, OEH, can be contacted on 6640 2503 or at krister.waern@environment.nsw.gov.au.

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Federation House, Level 8, 24 Moonee Street
Coffs Harbour NSW
Tel: (02) 6659 8200 Fax: (02) 6659 8281
ABN 30 841 387 271
www.environment.nsw.gov.au



Yours sincerely

Dimitri Young 27 May 2019

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Conservation and Regional Delivery

Contact officer: Krister Waern 6640 2503

Enclosure: Attachment 1: EIS requirements; Attachment 2 Guidance Material



Attachment 1

OEH's Recommended Secretary's Environmental Assessment Requirements (SEARs) for Preparation of an Environmental Impact Statement

for the

Dowe's Quarry, Tenterfield

EAR ID No. 1341



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OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

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OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

A. The Proposal

The Environmental Impact Statement (EIS) should identify the environmental objectives for the proposal and clearly describe the proposal. These environmental objectives will guide decisions on environmental controls and management throughout the life of the proposal.

The objectives of the proposal should be clearly stated and refer to:

1. the size and type of the proposal and its operation;
2. all anticipated environment impacts, both direct and indirect, including level of vegetation / habitat clearing
3. the anticipated level of performance in meeting required environmental standards;
4. threatened species, populations, ecological communities and their habitats impacted upon;
5. the staging and timing of the proposal; and
6. the proposal's relationship to any other proposal.

The EIS should fully identify all of the processes and activities intended for the site and during the life of the proposal, including details of:

7. the location of the proposal and details of the surrounding environment;
8. the proposed layout of the site;
9. appropriate land use zoning;
10. ownership details of any residence and/or land likely to be affected by the proposal;
11. maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas, wetlands, etc. in the locality that may be affected by the proposal;
12. all equipment proposed for use at the site;
13. chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
14. waste generation, storage and disposal;
15. a plan showing the distribution of any threatened flora or fauna species and the vegetation communities on or adjacent to the subject site, and the extent of vegetation proposed to be cleared should be provided; and
16. methods to mitigate any expected environmental impacts of the proposal.



OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

B. Environmental Impacts of the Proposal

Impacts related to the following environmental issues need to be assessed, quantified and reported on:

- Aboriginal cultural heritage
- Biodiversity
- OEH Estate (land reserved or acquired under the *National Parks and Wildlife Act 1974*)
- Historic heritage
- Acid Sulfate Soils
- Flooding, Stormwater and Coastal Erosion
- Cumulative Impacts

The EIS should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at **Attachment 2**.



C. Aboriginal Cultural Heritage

The EIS should contain:

1. A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposal.
2. A description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places, that exist across the whole area that will be affected by the proposal, and the significance of these values for the Aboriginal people who have a cultural association with the land.
3. A description of any consultation with Aboriginal people regarding the proposal and the significance of any Aboriginal cultural heritage values identified through that consultation. The OEH advises that the proponent may utilise the OEH's *Aboriginal Consultation Requirements for Proponents 2010* as best practice guidelines for such consultation (these OEH requirements for consultation must be followed if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing).
4. The views of those Aboriginal people regarding the likely impact of the proposal on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.
5. A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposal, with reference to the cultural heritage values identified.
6. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places.
7. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.

In addressing these requirements, the proponent may refer to the following documents:

- a. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (OEH, 2010) - www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf. These guidelines identify a process that could be used to prepare Aboriginal cultural heritage assessments for development proposals assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- b. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the National Parks and Wildlife Regulation 2009. The process set out in this document must be followed and documented in the EIS if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing.



OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

- c. *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) - www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires archaeological testing to be undertaken.

Notes:

- An Aboriginal Site Impact Recording Form (<http://www.environment.nsw.gov.au/licences/DECCAHIIMSSiteRecordingForm.htm>) must be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through archaeological investigations required or permitted through these environmental assessment requirements.
- Under section 89A of the *National Parks and Wildlife Act 1974*, it is an offence for a person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar (<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>), for each Aboriginal site found during investigations.



D. Biodiversity

1. The EIS must assess the impacts of the proposed development on biodiversity values to determine if the proposed development is “likely to significantly affect threatened species” for the purposes of Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) as follows:
 - A. The EIS must demonstrate whether or not the proposed development is to be carried out in a declared area of outstanding biodiversity value.
 - B. If the proposed development is not carried out in a declared area of outstanding biodiversity value, then the EIS must demonstrate and document how the proposed development exceeds, or does not exceed, the biodiversity offset scheme threshold, as set out in section 7.4 of the BC Act and clause 7.1 of the Biodiversity Conservation Regulation 2017 (BC Regulation) by determining whether the proposed development involves:
 - I. The clearing of native vegetation of an area declared by clause 7.23 of the BC Regulation as exceeding the threshold, or
 - II. The clearing of native vegetation, or other action prescribed by clause 6.1 of the BC Regulation, on land included on the Biodiversity Values Map published under clause 7.3 of the BC Regulation.
 - C. If the biodiversity offset scheme threshold is not exceeded, then the EIS must document *the test for determining whether proposed development is likely to significantly affect threatened species or ecological communities* as outlined in Section 7.3 of the BC Act, by preparing an ecological assessment that includes:
 - I. A field survey of the site conducted and documented in accordance with relevant guidelines, including:
 - a. the *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians* (DECCW, 2009), <http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf>
 - b. *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004), <http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf>
 - c. Field survey methods and assessment information on the OEHS website: <http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments>

If a proposed survey methodology is likely to vary significantly from the above methods, the proponent should discuss the proposed methodology with OEHS prior to undertaking the EIS, to determine whether OEHS considers that it is appropriate.

Recent (less than five years old) surveys and assessments may be used. However, previous surveys should not be used if they have:



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- been undertaken in seasons, weather conditions or following extensive disturbance events when the subject species are unlikely to be detected or present, or
- utilised methodologies, survey sampling intensities, timeframes or baits that are not the most appropriate for detecting the target subject species,

unless these differences can be clearly demonstrated to have had an insignificant impact upon the outcomes of the surveys. If a previous survey is used, surveys for any additional entities listed under the BC Act since the previous survey took place, must be undertaken and documented.

Determining the list of potential threatened species for the site should be done in accordance with the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004) and the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005). The OEH internet resources:

- Bionet Atlas
http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_ATLASSearch.aspx and
- Threatened species profile
<http://www.environment.nsw.gov.au/threatenedSpeciesApp/>
- Bionet Vegetation Classification
<http://www.environment.nsw.gov.au/research/Visclassification.htm>
- Other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (<http://www.ozcam.org/>), previous or nearby surveys etc.) may also be used to compile the list.

II. The following information as a minimum:

- a. The requirements set out in the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005)
- b. A description and geo-referenced mapping of study area (and spatial data files), e.g. overlays on topographic maps, satellite images and/or aerial photos, including details of map datum, projection and zone, all survey locations, vegetation communities in accordance with the BioNet Vegetation Classification (<http://www.environment.nsw.gov.au/research/Visclassification.htm>), key habitat features and reported locations of threatened species and ecological communities present in the subject site and study area.
- c. A description of survey methodologies used, including timing, location and weather conditions.
- d. Details, including qualifications and experience of all staff undertaking the surveys, mapping and assessment of impacts as part of the EIS.
- e. Identification of national and state listed threatened biota known or likely to occur in the study area and their conservation status.
- f. A description of the likely impacts of the proposal on biodiversity and wildlife corridors, including direct and indirect and construction and operation impacts. Wherever possible, quantify these impacts such as the amount of



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each vegetation community or species habitat to be cleared or impacted, or any fragmentation of a wildlife corridor.

- g. Identification of the avoidance, mitigation and management measures that will be put in place as part of the proposal to avoid or minimise impacts, including details about alternative options considered and how long-term management arrangements will be guaranteed.
 - h. A description of the residual impacts of the proposal. If the proposal cannot adequately avoid or mitigate impacts on biodiversity, then a biodiversity offset package is expected (see the requirements for this at point 4 below).
- III. The 'test for determining whether proposed development is likely to significantly affect threatened species or ecological communities, or their habitats' as outlined in Section 7.3 of the BC Act.
2. If the EIS determines under Section 7.2 of the BC Act as set out in 1 above that the proposed development is likely to significantly affect threatened species, then in accordance with Section 7.7 of the BC Act the EIS must be accompanied by a Biodiversity Development Assessment Report prepared in accordance with Part 6 of the BC Act.

Note:

For the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, the EIS should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.



OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

E. OEH Estate

The EIS should address the following with respect to land reserved under the *National Parks and Wildlife Act 1974*.

1. Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby OEH estate reserved under the *National Parks and Wildlife Act 1974* should be considered. Refer to the *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* (OEH, 2013). The guideline is available at:

<http://www.environment.nsw.gov.au/resources/protectedareas/development-land-adjoining-130122.pdf>

Note: Proposals which may impact marine protected areas should be referred to the Department of Primary Industries to determine the assessment and approval requirements.



F. Historic Heritage

The EIS should address the following:

1. The heritage significance of the site and any impacts the proposal may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site.
2. The Heritage Council maintains the State Heritage Inventory which lists some items protected under the *Heritage Act 1977* and other statutory instruments. This register can be accessed through the Heritage Branch home page on the internet (<http://www.heritage.nsw.gov.au>). In addition, lists maintained by the National Trust, any heritage listed under the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 and the local council should be consulted in order to identify any known items of heritage significance in the area affected by the proposal. These lists are constantly evolving and items with potential heritage significance may not yet be listed
3. Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified. This assessment should be undertaken in accordance with the guidelines in the NSW Heritage Manual. The field survey and assessment should be undertaken by a qualified practitioner/consultant with historic sites experience. The Manager, OEHS Heritage Division Conservation Team, can be contacted on telephone (02) 9873 8599 for a list of suitable consultants.



OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

G. Acid Sulfate Soils

The EIS should address the following:

1. The potential impacts of the proposal on acid sulfate soils must be assessed in accordance with the relevant guidelines in the Acid Sulfate Soils Manual (Stone et al. 1998) and the Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004).
2. Describe mitigation and management options that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.



H. Flooding, Stormwater and Coastal Erosion

The EIS should include an assessment of the following referring to the relevant guidelines in Attachment 2:

1. The potential effect of coastal processes and coastal hazards including potential impacts of sea level rise:
 - a. on the proposal; and
 - b. arising from the proposal.
2. Whether the proposal is consistent with any coastal zone management plans.
3. Whether the proposal is consistent with any floodplain risk management plans.
4. Whether the proposal is compatible with the flood hazard of the land.
5. Whether the proposal will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.
6. Whether the proposal will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
7. Whether the proposal incorporates appropriate measures to manage risk to life from flood.
8. Whether the proposal is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
9. The implications of flooding over the full range of potential flooding, including the probable maximum flood, should be considered as set out in the NSW Government Floodplain Development Manual. This should include the provision of:
 - a. Full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 year flood levels.
 - b. A sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable.
10. All site drainage, stormwater quality devices and erosion / sedimentation control measures should be identified and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposal should be detailed.



OEH Recommended EARs – EIS – Dowe's Quarry EAR 1341.

I. Cumulative Impacts

The EIS should include an assessment of the following:

1. The cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and OEH Estate in accordance with the *Environmental Planning and Assessment Act 1979*.
2. The cumulative impacts, including both construction and operational impacts, of the proponent's existing and proposed development and associated infrastructure (such as access tracks etc.) as well as the cumulative impact of the development in the context of other developments located in the vicinity.



Attachment 2 – EIS Guidance Material

<i>Title</i>	<i>Web address</i>
<u>Relevant Legislation</u>	
<i>Coastal Protection Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1979+cd+0+N
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Floodplain Development Manual</i>	http://www.environment.nsw.gov.au/floodplains/manual.htm
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/~view/act/2016/63
<i>Biodiversity Conservation Regulation 2017</i>	https://www.legislation.nsw.gov.au/~view/regulation/2017/432
<i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>	https://www.legislation.nsw.gov.au/~view/regulation/2017/433
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<u>Aboriginal Cultural Heritage</u>	
<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)</i>	http://www.environment.nsw.gov.au/licences/consultation.htm
<i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)</i>	http://www.environment.nsw.gov.au/licences/archinvestigations.htm
<i>Aboriginal Site Impact Recording Form</i>	http://www.environment.nsw.gov.au/licences/DECCAHISSiteRecordingForm.htm
<i>Aboriginal Heritage Information Management System (AHIMS) Registrar</i>	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm



Attachment 2 - EIS Guidance Material

Biodiversity

Biodiversity Assessment Method (OEH 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Assessment Calculator	https://www.lmbc.nsw.gov.au/bamcalc
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECCW, 2009)	http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
Species credit threatened bats and their habitat – NSW survey guide for the Biodiversity Assessment Method (OEH 2018).	https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method
NSW Guide to Surveying Threatened Plants (OEH 2016)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants
Field Survey Methods	http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments/field-survey-methods
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DEC, 2004)	http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
OEH Threatened Species website	http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species
Atlas of NSW Wildlife	http://www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification (NSW Vegetation Classification System)	http://www.environment.nsw.gov.au/research/Visclassification.htm
PlantNET	http://plantnet.rbgsyd.nsw.gov.au/
Online Zoological Collections of Australian Museums	http://www.ozcam.org/
Threatened Species Assessment Guidelines: the Assessment of Significance (DECC 2007)	http://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-assessment-guidelines
Principles for the use of biodiversity offsets in NSW	http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm

OEH Estate**Land reserved or acquired under the NPW Act**

List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
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Attachment 2 - EIS Guidance Material

OEH Revocation of Land Policy

<http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm>

Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)

<http://www.environment.nsw.gov.au/resources/protectedareas/10509devadjdeccw.pdf>**Water and Soils****Acid sulphate soils**

Acid Sulfate Soils Planning Maps

<http://canri.nsw.gov.au/download/>

Acid Sulfate Soils Manual (Stone et al. 1998)

Manual available for purchase from:

<http://www.landcom.com.au/whats-new/the-blue-book.aspx>

Chapters 1 and 2 are on DPI's Guidelines Register at:

Chapter 1 Acid Sulfate Soils Planning Guidelines:

<http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf>

Chapter 2 Acid Sulfate Soils Assessment Guidelines:

<http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf>

Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)

<http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf>

This replaces Chapter 4 of the Acid Sulfate Soils Manual above.

Flooding and Coastal Erosion

Reforms to coastal erosion management

<http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm>

Floodplain development manual

<http://www.dnr.nsw.gov.au/floodplains/manual.shtml>

Guidelines for Preparing Coastal Zone Management Plans

<http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf>

Climate Change Impacts and Risk Management

<http://www.environment.gov.au/climate-change>**Water**

Water Quality Objectives

<http://www.environment.nsw.gov.au/ieo/index.htm>

ANZECC (2000) Guidelines for Fresh and Marine Water Quality

http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality

Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones

<http://deccnet/water/resources/AWQGuidance7.pdf>

Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)

http://www.environment.nsw.gov.au/resources/legislation/approved_methods-water.pdf



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



Our Ref: DOC19/427029

Nathan Heath
Environmental Assessment Officer
Resource Assessments
Planning Services
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

By email: nathan.heath@planning.nsw.gov.au

Dowe's Quarry Project (EAR ID No.1341): Request for Resources Regulator Secretary's Environmental Assessment Requirements

Dear Mr Heath,

I refer to the Department of Planning and Environment – Resources Assessments (DPE – Resources & Assessment) email dated 8 May 2019 inviting the Resources Regulator to provide Secretary's Environmental Assessment Requirements (SEARs) for the Dowe's Quarry Project (EAR ID No. 1341).

Compliance Operations within the Resources Regulator has responsibility for providing strategic advice for environmental issues pertaining to the proposed development in so far as they relate to or affect rehabilitation.

Mine Safety Operations within the Resources Regulator is responsible for ensuring mine operators manage the risk to worker health and safety through compliance with the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the subordinate mining legislation. In particular the effective management of risk associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Development Details and Assessment

The proposed Dowe's Quarry Project is a quartzose quarry located approximately 10 kilometres from Tenterfield, NSW. The development application proposes to:

- Extract approximately 4 million tonnes of quartzose at a rate of up to 230,000 tonnes per annum.

Response

The proposed development is not a mining operation and does not involve the extraction of material classified as a mineral under Schedule 1 of the Mining Regulation 2016.

In addition, the land comprising the proposed development is not the subject of a mining lease granted pursuant to the *Mining Act 1992*.

The Resources Regulator has not identified any matter that would require further comment.

Resources Regulator
516 High Street MAITLAND NSW 2320 Australia | PO Box 344 HRMC NSW 2310 Australia
Tel: +61 2 4063 6666



For enquiries regarding this matter please contact me on 4063 6444 or
minres.environment@planning.nsw.gov.au

Yours sincerely

Catherine Lewis
Senior Inspector Environment

On behalf of
Matthew Newton
Director Compliance Operations
Resources Regulator
NSW Department of Planning and Environment

22 May 2019



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield



Transport
**Roads & Maritime
Services**

File No: NTH14/00038
Your Ref:

Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Nathan Heath

Dear Sir,

New England Highway [HW9] SEARS Request 1341 – Dowe's Quarry, Tenterfield.

I refer to your email of 8 May 2019 requesting comments from Roads and Maritime in relation to the proposed modification of consent conditions for the subject quarry.

Roles and Responsibilities

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

New England Highway is a classified (State) road under the *Roads Act 1993* (Roads Act). Tenterfield Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

Roads and Maritime is given the opportunity to review and provide comment on the subject development under Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Roads and Maritime Response

Roads and Maritime requests that a Traffic Impact Assessment (TIA) be prepared by a suitably qualified person/s in accordance with the Austroads Guide to Traffic Management Part 12, the complementary Roads and Maritime Supplement and RTA Guide to Traffic Generating Developments. The TIA should at least include the following;

- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.
- The volume and distribution of traffic generated by the proposed development.
- Existing traffic volumes and background traffic growth expected along the proposed haulage routes.
- Identification of impacted intersections along the proposed haulage routes; including the intersections with the New England Highway.
- Consideration of turning lane warrants and identification of appropriate intersection treatments for the identified intersections along the proposed haulage routes, based on Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A.
- Swept path analysis for the largest design vehicle at identified intersections along the proposed haulage routes, at accesses to the quarry and crushing plant.
- Sight distance measurements at identified intersections along the proposed haulage routes.



- Details of proposed improvements required at identified intersections and accesses to mitigate impacts on safety and capacity.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
- Impacts of road traffic noise and dust generated along the proposed haulage routes.
- Consideration for Clause 16(1) of the Mining SEPP regarding;
 - Impact on school zones and residential areas.
 - Code of Conduct for haulage operators
 - Road safety assessment of approved haulage routes
- Roads and Maritime recommends consideration should be given to the development of an Operation Traffic Management Plan (OTMP) by a qualified person to manage the quarry's operations. This should at least include measures to mitigate the impacts of haulage on transport, road safety and other users.
- Condition 26 Point.1 of Tenterfield Shire Council's development approval dated 26 March 2015 required that in order to retain the northern access further consideration of its use and design will need to be demonstrated and approved by Roads and Maritime. This requirement has not been undertaken.

Where road safety concerns are identified at a specific location along the proposed haulage routes, Roads and Maritime suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

The current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements are to be adopted for any proposed works on the classified road network.

The Developer would be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any works deemed necessary on the classified (State) road network. The developer would be responsible for all costs associated with the works and administration for the WAD.

Further information on undertaking private developments adjacent to classified roads can be accessed at: <http://www.rms.nsw.gov.au/projects/planning-principles/index.html>

If you have any further enquiries regarding the above comments please contact Greg Sciffer, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

for Matt Adams
A/Manager Land Use Assessment, Northern

22 May 2019



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield

Nathan Heath

From: Alison Kniha <Alison.Kniha@waterNSW.com.au>
Sent: Wednesday, 15 May 2019 10:04 AM
To: Nathan Heath
Subject: WaterNSW Response RE: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield

Good Morning

Thank you for your referral for the above proposal. The subject site is not located near any WaterNSW land, assets or infrastructure and as such we have no comments or particular requirements for the preparation of the EIS.

WaterNSW requests the Department continue to request WaterNSW's input on proposals that have the potential to impact our land and infrastructure, using the email address Environmental.Assessments@waterNSW.com.au.

Regards

Alison Kniha
 Catchment Protection Planning Manager



PO Box 398, Parramatta NSW 2124
 Level 14, 169 Macquarie Street
 Parramatta NSW 2150
T: 02 9865 2505
M: 0407 088 372
alison.kniha@waterNSW.com.au
www.waterNSW.com.au

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From: Nathan Heath <Nathan.Heath@planning.nsw.gov.au>
Sent: Wednesday, 8 May 2019 4:03 PM
To: Adam Oehlman <landuse.enquiries@dpi.nsw.gov.au>; development.northern@rms.nsw.gov.au;
 'records@rfs.nsw.gov.au' <records@rfs.nsw.gov.au>; EPA Planning Matters Mailbox
 <planning.matters@epa.nsw.gov.au>; DRG RO Assessment Coordination Mailbox
 <assessment.coordination@planning.nsw.gov.au>; Environmental Assessments
 <Environmental.Assessments@waterNSW.com.au>; Planning Matters Mailbox
 <planning.matters@environment.nsw.gov.au>; RRD EO Resources Regulator Mailbox
 <resources.regulator@planning.nsw.gov.au>; OLG - Tenterfield Shire Council <council@tenterfield.nsw.gov.au>
Subject: Request for Requirements - EAR 1341 - Dowe's Quarry, Tenterfield

Good afternoon,

Proposal – Dowe's Quarry, Tenterfield
EAR ID No. 1341



DARRYL MCCARTHY CONSTRUCTIONS PTY LTD
Expansion of the Dowe's Quarry via Tenterfield

R.W Corkery & Co. Pty. Limited on behalf of Darryl McCarthy Constructions Pty Ltd (the Applicant) has requested the requirements of the Secretary of the Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS) for the above local designated development located in Tenterfield Shire local government area.

I have attached a copy of the Applicant's request for your reference.

Under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary is requesting your requirements for the EIS.

It would be greatly appreciated if we could receive your advice by **Wednesday 22 May 2019**.

If you have any queries, please contact me on the details below.

Thank you,
Kind regards

Nathan Heath
Environmental Assessment Officer
Resource Assessments
320 Pitt Street | GPO Box 39 City | Sydney NSW 2001
T 02 8289 6617 E: nathan.heath@planning.nsw.gov.au



**Planning &
Environment**



Please consider the environment before printing this e-mail.