

# COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSNTH-56</b>
<b>DA Number</b>	<b>DA 2020/85</b>
<b>LGA</b>	<b>Narrabri</b>
<b>Proposed Development</b>	<b>Wave Hill Quarry Expansion to 500,000tpa</b>
<b>Street Address</b>	<b>975 Wave Hill Road, Tarriaro</b>
<b>Applicant/Owner</b>	Johnstone Concrete and Landscape Supplies/ Johnstone Family Pty Limited
<b>Date of DA lodgement</b>	3 August 2020
<b>Total number of Submissions</b>	• 7
<b>Number of Unique Objections</b>	• 7
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<b>Clause 7(a) – Extractive industries that are Designated Development</b>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning Instruments <ul style="list-style-type: none"> <li>○ SEPP 33 – Hazardous &amp; Offensive Development</li> <li>○ SEPP 55 – Remediation of Land</li> <li>○ SEPP Infrastructure 2007</li> <li>○ SEPP Koala Habitat Protection 2020</li> <li>○ SEPP Mining, Petroleum Production &amp; Extractive Industries 2007</li> <li>○ SEPP State &amp; Regional Development 2011</li> <li>○ Narrabri LEP 2012</li> </ul> </li> <li>• Development Control Plans <ul style="list-style-type: none"> <li>○ DCP Parking Code No.1</li> <li>○ DCP Building Line</li> <li>○ Drainage to Buildings DCP</li> </ul> </li> <li>• Voluntary Planning Agreements <ul style="list-style-type: none"> <li>○ Existing VPA associated with DA 60/2013</li> <li>○ Proposed VPA offered to be entered into</li> </ul> </li> <li>• EP&amp;A Regulations <ul style="list-style-type: none"> <li>○ Clause 92(d) – Dark Sky Planning Guidelines</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Assessment Report (including draft conditions)</li> <li>• Plans</li> <li>• EPA GTAs</li> </ul>
<b>Clause 4.6 requests</b>	Please list: <ul style="list-style-type: none"> <li>• Nil</li> </ul>
<b>Summary of key submissions</b>	i.e any: <ul style="list-style-type: none"> <li>• Traffic safety</li> <li>• Incorrect information</li> <li>• Existing development issues</li> <li>• Consultation</li> <li>• Noise impacts</li> <li>• Dust impacts</li> <li>• Water quality</li> <li>• Visual privacy</li> <li>• Hours of operation</li> <li>• Quarry footprint</li> <li>• Fencing</li> <li>• Notification extents</li> </ul>
<b>Report prepared by</b>	<b>Erika Dawson</b>
<b>Report date</b>	<b>16 April 2021</b>

## Summary of s4.15 matters

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

**Yes**

**Legislative clauses requiring consent authority satisfaction**

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

**Yes**

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

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**Clause 4.6 Exceptions to development standards**

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

**Not applicable**

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**Special Infrastructure Contributions**

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

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

**Not applicable**

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**Conditions**

Have draft conditions been provided to the applicant for comment?

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

**Yes**

# DEVELOPMENT APPLICATION ASSESSMENT

## 1 Executive Summary

### 1.1 Development Overview

Narrabri Shire Council (Council) has received a development Application (DA) to increase the extraction and processing limited on the Wave Hill Quarry from 200,000 tonnes per year to 500,000 tonnes per year. The quarrying would be undertaken within the existing footprint that has been approved previously under DA 60/2013.

The development site is 975 Wave Hill Road, Tarriaro, which is comprised of Lot 77 DP 754937 and Lot 89 DP 821255.

The development is:

- Designated Development,
- Integrated Development, and
- Regional Development.

The Northern Region Planning Panel the is consent authority for the proposed development.

### 1.2 Consultation

#### 1.2.1 Advertising & Notification

The DA was notified from Thursday 6 August 2020 and ended on Friday 4 September 2020, for a minimum of 28 days pursuant to clauses 8 and 8A of Schedule 1 of the EP&A Act.

Seven (7) submissions were received, all providing objecting to the development on traffic safety, incorrect information, existing development issues, consultation, noise impacts, dust impacts, water quality, visual privacy, hours of operation, quarry footprint, fencing, and notification extents issues. Responses to the issues raised in the submissions have been provided in the main report to adequately address the issues raised.

#### 1.2.2 State Government/Agency Referrals

The development requires an Environmental Protection Licence (EPL) from the NSW Environment Protection Authority (EPA). The DA was referred the EPA as Integrated Development for its General Terms of Approval (GTA), which were issued on 24 February 2021

The DA was required to be referred to Transport for NSW (TfNSW) pursuant to clause 16 of the Mining SEPP and clause 104 of the Infrastructure SEPP. TfNSW provided a response on the DA on 21 September 2020, did not object to the DA and provided recommended conditions of consent. These have been incorporated into the draft consent attached to this report.

The DA was referred to the Siding Springs Observatory Director as an interested public authority under clause 77 of the EP&A Regulations, as the DA is for an extractive industry within 200m of the Siding Spring Observatory, which also requires consideration of the Dark Sky Planning Guidelines. The Director provided a response on 4 August 2020, not objecting to the DA and provided recommended conditions.

The DA was referred to the Surveyor General of NSW as an interested public authority under clause 77 of the EP&A Regulations relating to:

- The development is located in proximity to TS6956 Eulah and involves blasting; and
- The existing right of carriageway that provides for access to Lot 88 (on which the TS is located) appears to have been impacted by the existing quarrying activities on site and may not provide for access.

A referral response was received on 9 September 2020, not objecting to the DA subject to the imposition of conditions.

The DA was referred to Essential Energy pursuant to clause 45 of the Infrastructure SEPP. A response was provided on 21 August 2020, not objecting to the DA subject to the imposition of conditions.

### 1.2.3 Internal Council Referrals

Council internal departments have provided comment on the development proposal and their recommended conditions/actions have been incorporated into the evaluation process. No comments were provided that prevent approval of the application.

## 1.3 Statutory Matters

### 1.3.1 Section 4.15 - Evaluation

Section 4.15 of the Environmental Planning & Assessment Act 1979 (NSW) specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined. A Section 4.15 Evaluation Report is provided as Appendix B to this report.

The following environmental planning instruments are relevant to assessment of this application:

- SEPP 33 – Hazardous & Offensive Development
- SEPP 55 – Remediation of Land
- SEPP Infrastructure 2007
- SEPP Koala Habitat Protection 2020
- SEPP Mining, Petroleum Production & Extractive Industries 2007
- SEPP State & Regional Development 2011
- Narrabri LEP 2012

The application is identified as ‘Regional Development’ under State Environmental Planning Policy (State and Regional Development) 2011 and as a consequence the application is to be determined by the Northern Regional Planning Panel.

The following Development Control Plans are applicable to the development assessment:

- DCP Parking Code No.1
- DCP Building Line
- Drainage to Buildings DCP

The following Voluntary Planning Agreements are applicable to the development:

- Existing VPA associated with DA 60/2013
- Proposed VPA offered to be entered into

The following provisions of the EP&A Regulation are applicable

- Clause 92(d) – Dark Sky Planning Guidelines

A full assessment of each of the above matters is provided in the Section 4.15 assessment in the main part of the report.

### 1.3.2 Issues

#### 1.3.2.1 Amenity Impacts

A quarry has been operating on site since around 1997. Concern has been raised by adjoining landowners regarding amenity impacts from the existing quarry operation, including noise, dust, vibration and privacy. The quarry has been operating under an EPL from the EPA since around 2012.

The EPA has assessed the DA as an Integrated Development and has issued its GTAs for the revised EPL. Given that the EPA has issued its GTAs, it is reasonable to conclude that any pollution (noise, air quality, vibration, water) generated by the development can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors.

#### 1.3.2.2 Road Safety

A number of submissions were received regarding the standard of Wave Hill Road and the speed at which haulage trucks operate. The current DA for the quarry operation included a Voluntary Planning Agreement (VPA) that covered upgrading of Wave Hill Road, both by the quarry operator (Segment “B” as shown on **Figure 6**) and Council (Segment “A” as shown on **Figure 6**), and ongoing maintenance contributions. The existing VPA was to extend over a period of 15 years from the previous consent commencement and included incremental upgrade works for the section of road upgrades that Council

was responsible for. The upgrading works included the bend to the west of the Boral Quarry Site, which has been reported in several submissions as being unsafe.

The applicant has offered to enter into a new VPA to effectively continue the existing upgrade contributions and associated works. This will result in Wave Hill Road being upgraded for the area of Segment “A” as shown in **Figure 6**, which includes the referenced bend.

In relation to vehicle speeds, a Traffic Management Plan (TMP) that includes a Driver Code of Conduct is recommended as a consent condition by TfNSW. The TMP is required to be approved by both Council and TfNSW and implemented as part of the development.

## **1.4 Summary**

The proposed development is generally consistent with the current planning controls, including relevant SEPPs, LEP and DCP. The application is considered suitable for approval subject to conditions.

## **1.5 Recommendation**

1. That Development Application 2020/85 for an increase of extraction and processing limit on quarry from 200,000 tonnes/year to 500,000 tonnes/year at 975 Wave Hill Road, Tarriaro be approved, subject to conditions as appended to this report.
2. That persons who have made submissions on the application be informed of the determination.

## 2 Preliminary Scoping

### 2.1 Application Details

DA No.	2020/85
Lot/DP	Lot 77 DP 754937 Lot 89 DP 821255
Street Address	975 Wave Hill Road, Tarriaro
Lot Area	Lot 77 = 80 acres = 32.3748ha Lot 89 = 90.93ha
Applicant	Johnstone Concrete and Landscape Supplies
Land Owner(s)	Johnstone Family Pty Limited
Detailed Description of Development	Increase of extraction and processing limit on quarry from 200,000 tonnes/year to 500,000 tonnes/year
Land Use Definition	Extractive industry
Date	16/4/2021
Officer	Erika Dawson

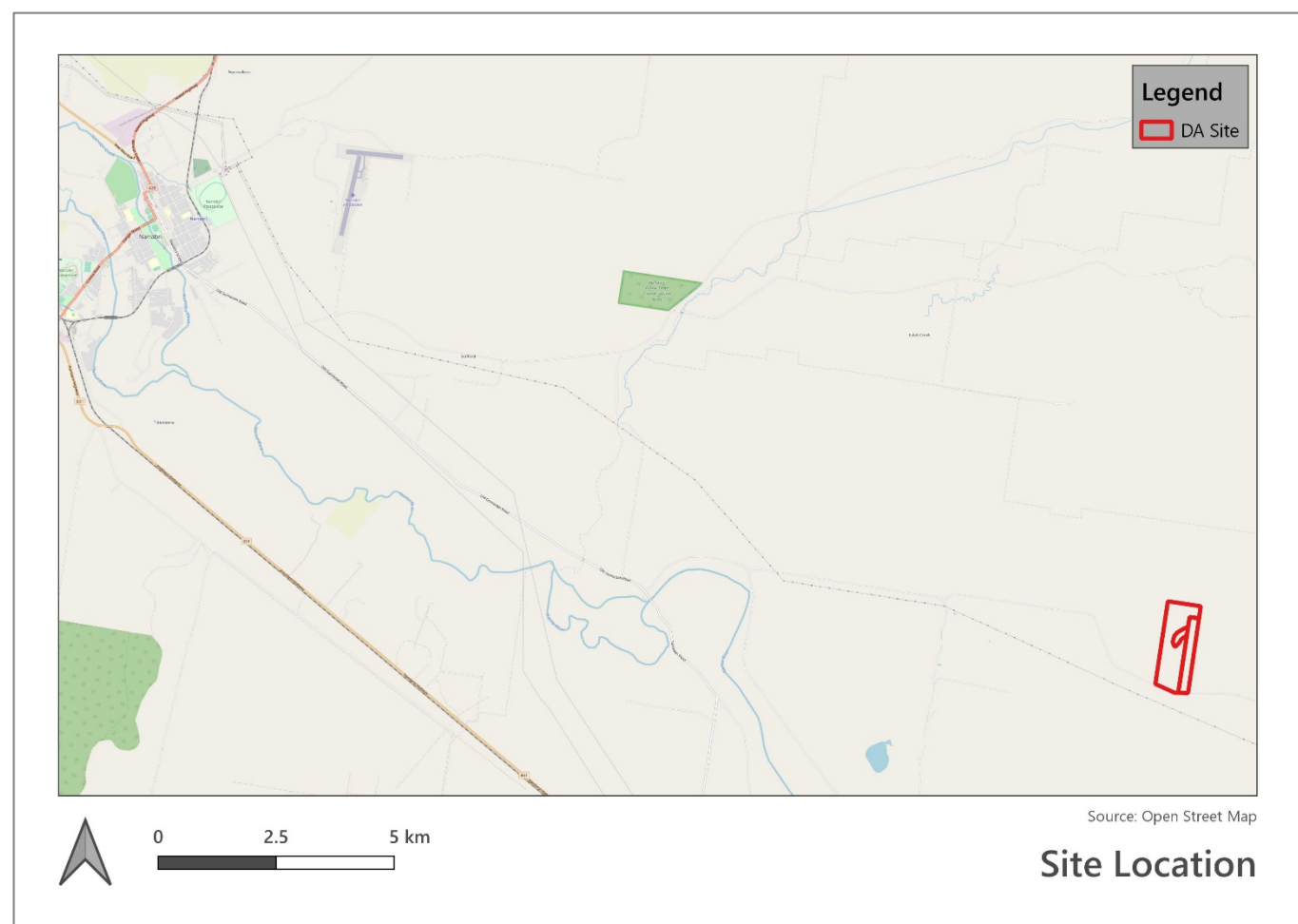


Figure 1: Site Location Plan





Figure 2: Site Aerial Photograph



Figure 3: Close up Site Aerial Photograph

## 2.2 History

- DA 52/1997 – granted consent by Council for an extractive industry on the site on 28/7/1997. Capacity approved appears to be 25,000m<sup>3</sup> by virtue of condition 3 of the consent.
- DA 60/2013 – granted consent by the Northern Region JRPP – for expansion of the existing quarry on 19/6/2014. Condition 5 of the consent limits extraction to 200,000 tonnes per year.
- Modification to DA 60/2013 – approved by Council on 7/4/2015.
- DA 60/2013 included a Voluntary Planning Agreement associated with road upgrade and maintenance works.

## 2.3 Development Description

The proposed development involves the increased extraction and processing for the existing Wave Hill Quarry. It is proposed to increase the rates from 200,000 tonnes/year to 500,000 tonnes/year.

The development incorporates:

- Drilling and blasting;
- Crushing and screening within the quarry pit;
- Stockpiling and loading of materials;
- Transporting of materials on and off site; and
- Maintenance and servicing of equipment on site.

The quarrying would be undertaken within the existing footprint that has been approved.

The application proposes a peak daily production rate of 2,000 tonnes and contends that this would not result in a change to the existing peak daily production. A review of the previous DA documentation did not indicate a peak production rate, with only reference to the annual limits of 200,000 tonnes per annum.

The quarry is seeking to operate from 6:00am to 6:00pm Monday to Saturdays. The application also notes the potential for operation 24 hour per day, subject to the approval of Council and the EPA.

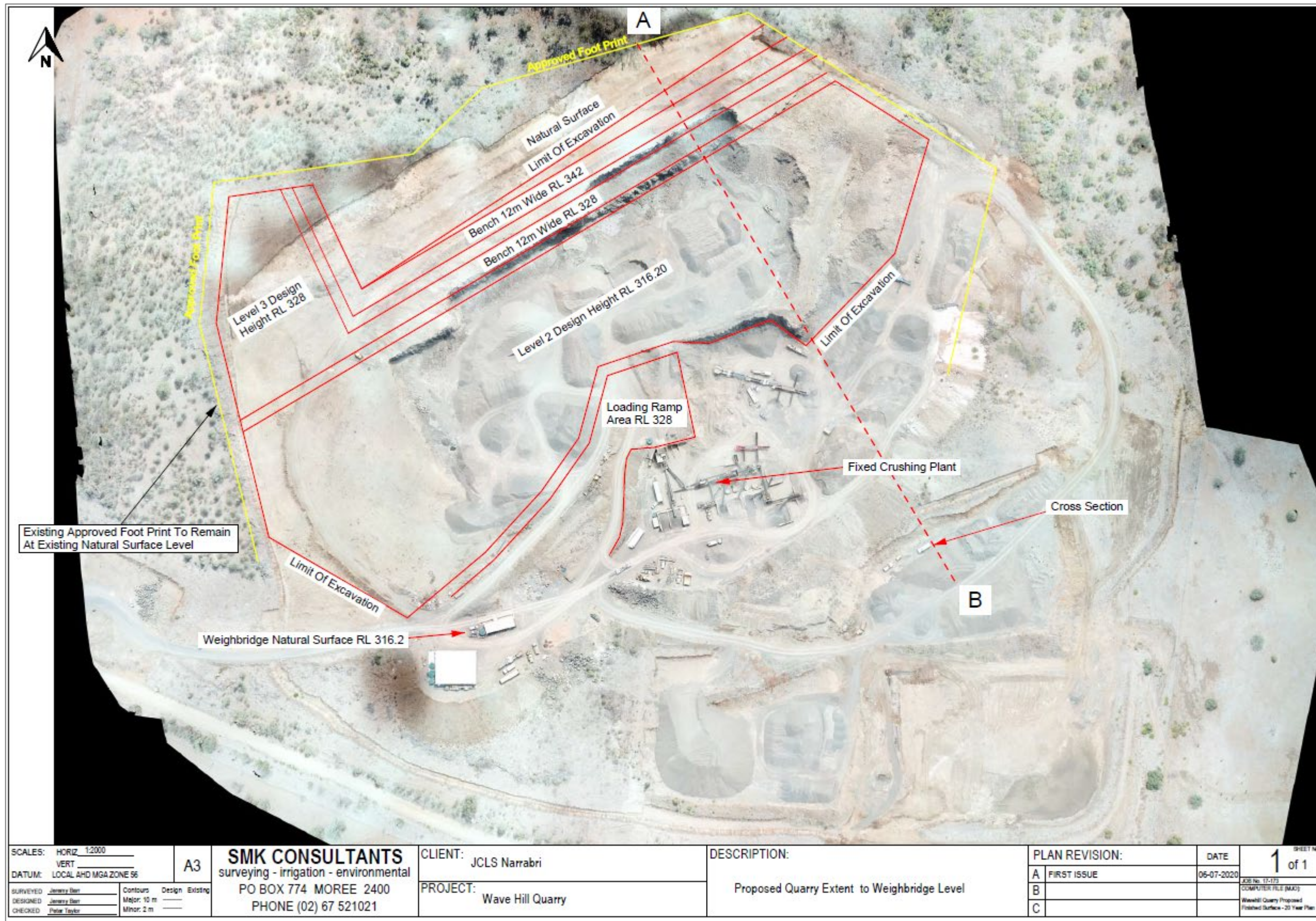
The purpose of the increase is to enable the quarry to supply large civil projects in the region including the inland rail project.

The applicant has advised that it is estimated that approximately 3 million tonne of basalt remains available within the existing quarry footprint if the quarry floor is lowered to the level of the existing weighbridge (RL 315). An additional 1 million tonne of rock could be extracted if the Proponent opts to lower the quarry floor further. The SEARs stipulate a maximum extraction limit of 4 million tonne of rock during the lifetime of the quarry. Discussions with the Proponent indicate that the lifetime of the quarry is estimated to be 15 years – 40 years, depending on whether the Proponent is awarded a contract to supply the Inland Rail Project. Current annual production for local demand is in the order of 100,000 to 150,000 tonnes per annum.

Plans of the proposed development are provided below.

The development would utilise all existing infrastructure on site. Access would remain the same as currently is being used.



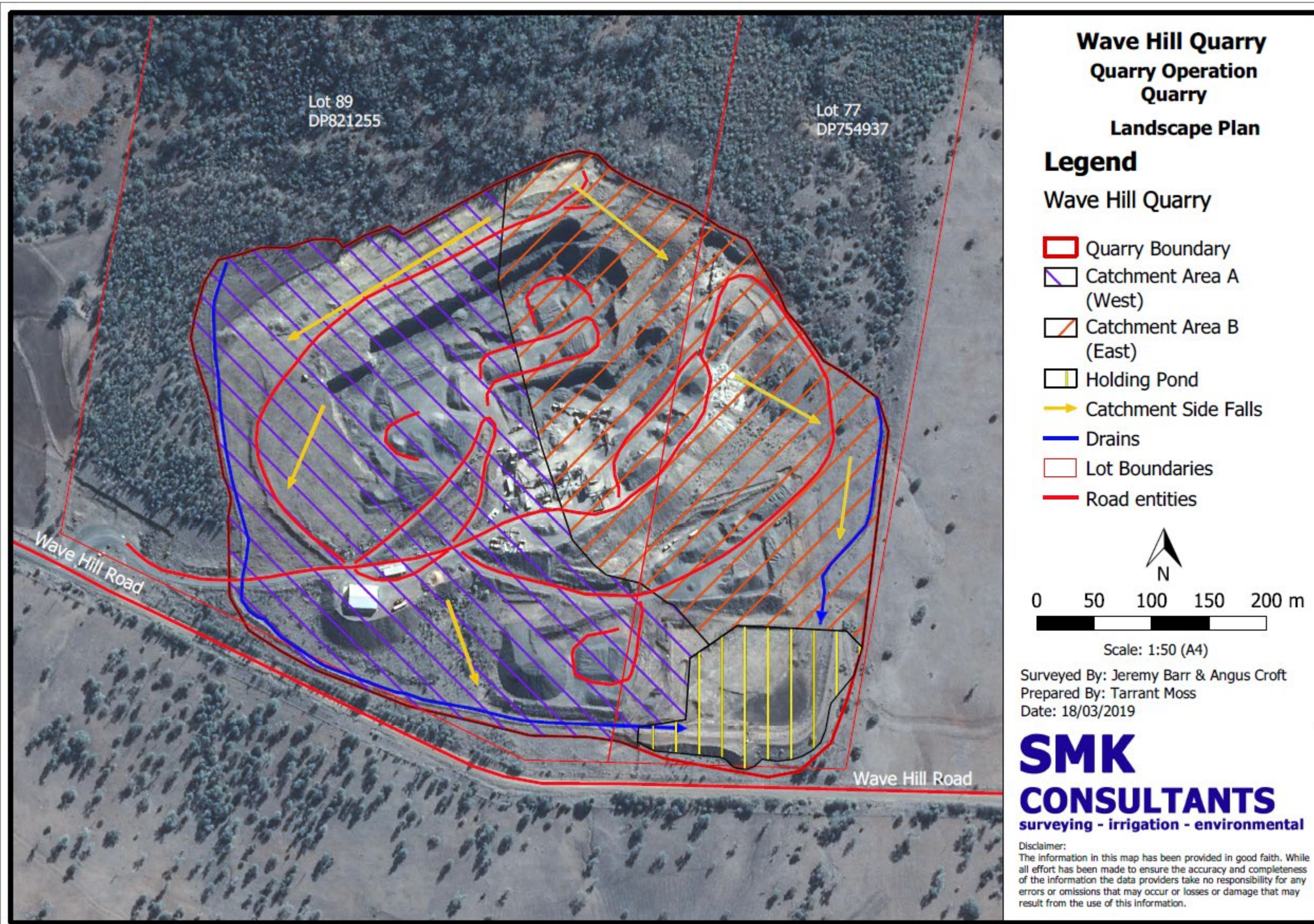


SCALES: HORIZ 1:2000 VERT _____ DATUM: LOCAL AHD MGA ZONE 56		A3	SMK CONSULTANTS surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021	CLIENT: JCLS Narrabri	DESCRIPTION:  Proposed Quarry Extent to Weighbridge Level	PLAN REVISION:		DATE	1 of 1 <small>JCS No. 17-173</small> COMPUTER FILE (MKG) Wavehill Quarry Proposed Finished Surface - 20 Year Plan
SURVEYED <u>Jeremy Barr</u> DESIGNED <u>Jeremy Barr</u> CHECKED <u>Peter Taylor</u>				PROJECT: Wave Hill Quarry		A	FIRST ISSUE	06-07-2020	
Contours _____ Design _____ Existing _____ Major: 10 m _____ Minor: 2 m _____				B					
				C					

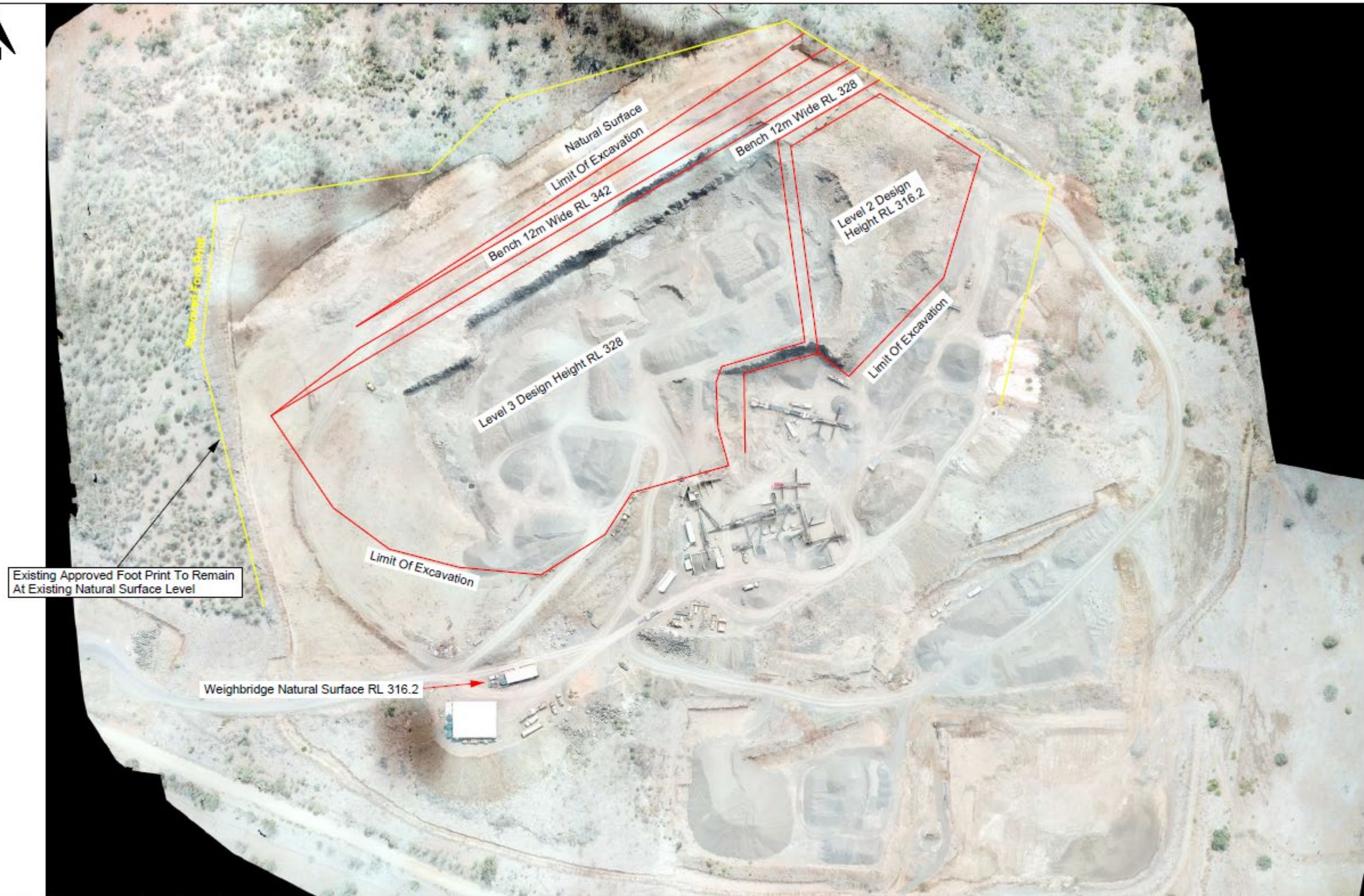












SCALES: HORIZ 1:2000  
VERT 1:  
DATUM: LOCAL AHD MGA ZONE 56

A3

**SMK CONSULTANTS**  
surveying - irrigation - environmental  
PO BOX 774 MOREE 2400  
PHONE (02) 67 521021

CLIENT: JCLS Narrabri  
PROJECT: Wave Hill Quarry

DESCRIPTION:  
Wave Hill Quarry 5 Year Plan

PLAN REVISION:

A	FIRST ISSUE
B	
C	

DATE  
06-07-2020

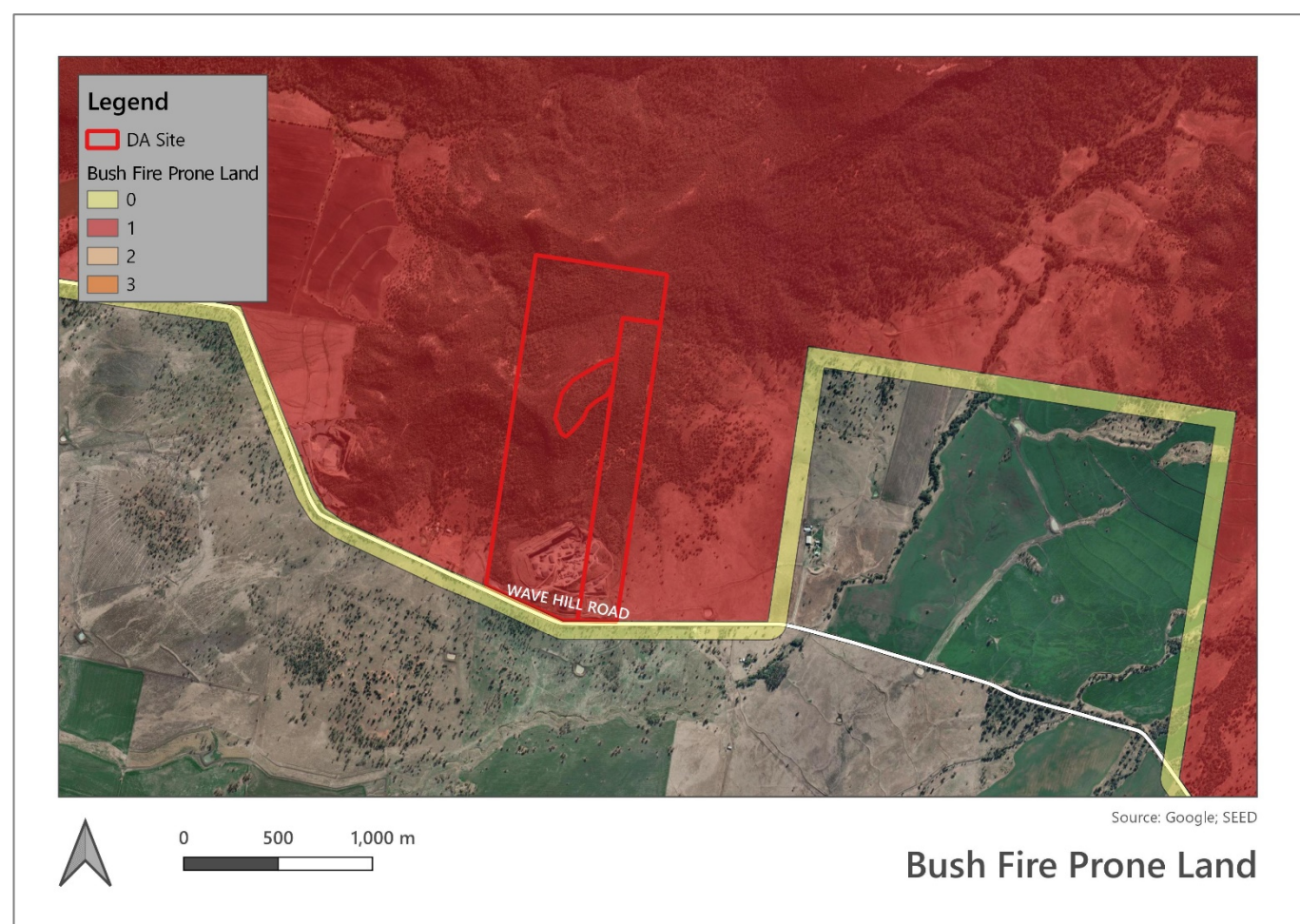
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**1** of 1

JOB No. 17-175  
COMPUTER FILE (MKT)  
Wavehill Quarry Proposed  
Finished Surface - 5 Year Plan



## 2.4 Constraints

Issue	Yes	No	Issue	Yes	No
<b>Bushfire Prone</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heritage (State Heritage Register)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood Prone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage (LEP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Flora &amp; Fauna (BioNet search)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Indigenous Heritage (AHIMS Search)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Biodiversity Values Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Any easements other applicable restrictions on use etc?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Clearing Native Vegetation (PCT Map)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mine Subsidence Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contamination (check SEPP 55 Table 1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



**Figure 4: Bush Fire Prone Land Map**

### Comments:

- Both lots have a registered dealing (AJ746192) for a planning agreement pursuant to section 7.6 *Environmental Planning and Assessment Act 1979*
- Lot 89 is encumbered by a right of carriageway 20m wide
- Lot 89 AHIMS Search returned a recorded Aboriginal site.



## 2.5 Applicable Environmental Planning Instruments

### 2.5.1 Local Environmental Plan (LEP)

<b>LEP Name:</b>	Narrabri LEP 2012				
<b>Zoning:</b>	RU1 Primary Production				
<b>Proposed Land Use/Development</b>	Extractive Industry				
<b>Minimum Lot Size</b> <i>(relevant to the development, i.e. might relate to MDH or dual occ MLS)</i>	100 ha				
<b>Check LEP maps for the following:</b>	Map sheet 4				
<b>Issue</b>	<b>Yes</b>	<b>No</b>	<b>Issue</b>	<b>Yes</b>	<b>No</b>
LEP Heritage Conservation Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Obstacle Limitation Surface	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LEP Heritage Item	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Active Street Frontages	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood Planning Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional permitted uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Reservation Acquisition	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
<b>List other LEP clauses needing to be addressed:</b>	1.9A Suspension of covenants, agreements and instruments 2.3 Zone Objectives & Land Use Table Land use table 5.10 Heritage conservation 6.1 Earthworks 6.5 Essential services				

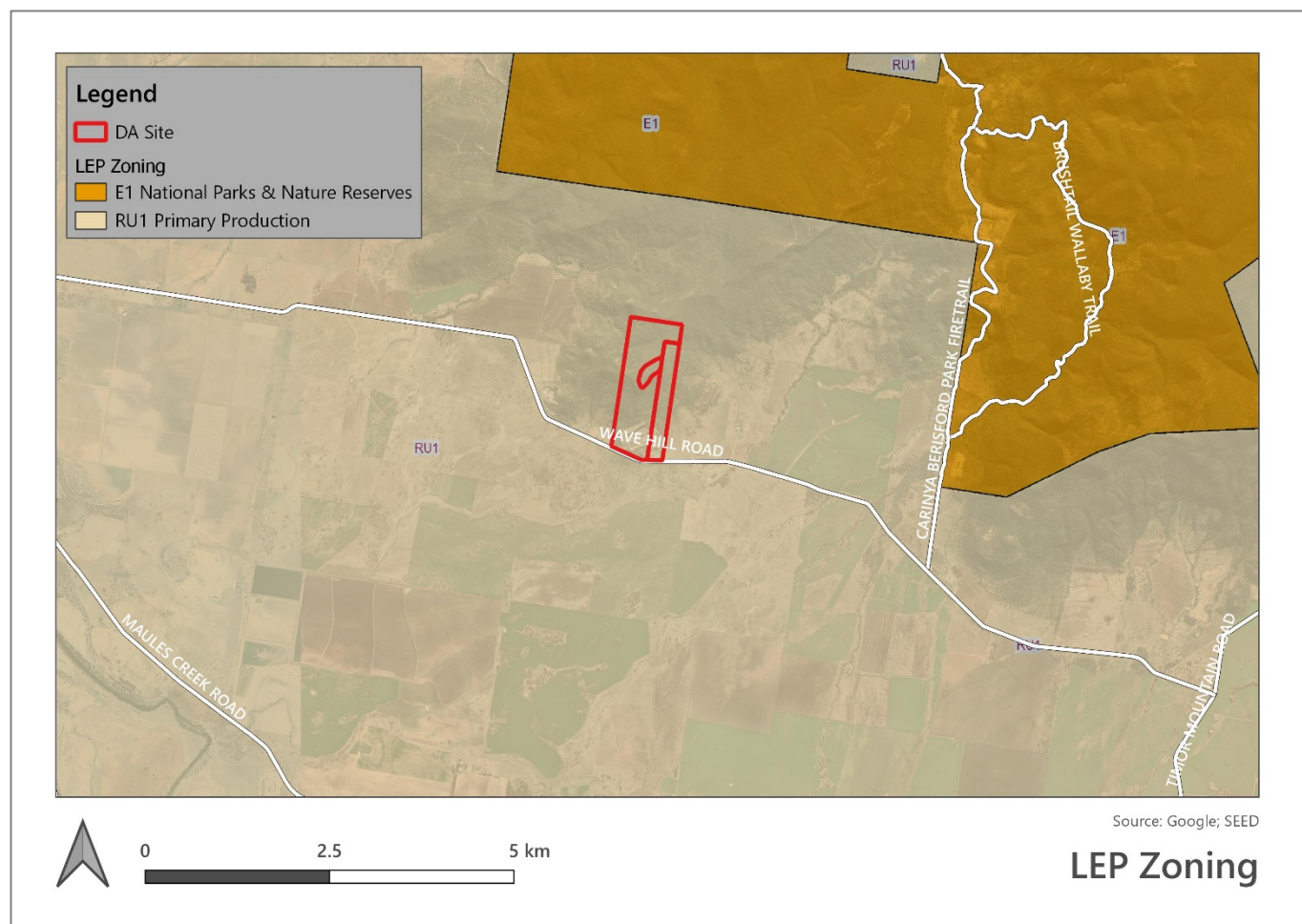


Figure 5: LEP Zoning Map

## 2.5.2 State Environmental Planning Policies (SEPPs)

The following outlines the SEPPs that are applicable to the development.

SEPP	Yes	No	SEPP	Yes	No
SEPP 21 – Caravan Parks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 33 – Hazardous & Offensive Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP 36 – Manufactured Home Estates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 50 – Canal Estate Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SEPP 55 – Remediation of Land</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEPP 64 – Advertising & Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP 65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 70 – Affordable Housing (Revised Schemes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Aboriginal Land 2019	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Affordable Rental Housing 2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP BASIX 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Concurrences 2018	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Educational Establishments & CC Facilities 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Exempt & Complying Development Codes 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Housing for Seniors & People with a Disability 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>SEPP Infrastructure 2007 (cl.104)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SEPP Koala Habitat Protection 2020</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>SEPP Mining, Petroleum Production &amp; Extractive Industries 2007</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP Primary Production & Rural Development 2019	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>SEPP State &amp; Regional Development 2011</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP Vegetation in Non-Rural Areas 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

## 2.6 Other Matters for consideration

### 2.6.1 Designated Development

The development is an extractive industry that will obtain and process for sale more than 30,00 cubic metres of extractive material per year and will disturb a surface area of more than 2 hectares. Pursuant to clause 19 of Schedule 3 of the EP&A Regulation, the proposed development is Designated Development.

### 2.6.2 Integrated Development

The following outlines which other approvals are required which would constitute “integrated development” for the purpose of Section 4.46 of the EP&A Act.

Issue	Yes	No	Issue	Yes	No
Coal Mine Subsidence Compensation Act 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Petroleum (Onshore) Act 1991	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fisheries Management Act 1994	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>POEO Act 1997</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heritage Act 1977	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Roads Act 1993	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mining Act 1992	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rural Fires Act 1997	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NPWS Act 1974	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Management Act 2000	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The development is Integrated Development. General Terms of Approval are required to be obtained from the EPA before the application can be determined.

The EP&A Regulation defined as nominated integrated development as:

*... integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under—*

- (a) *a provision of the Heritage Act 1977 specified in section 4.46(1) of the Act, or*
- (b) *a provision of the Water Management Act 2000 specified in section 4.46(1) of the Act, or*
- (c) *a provision of the Protection of the Environment Operations Act 1997 specified in section 4.46(1) of the Act.*

### 2.6.3 Regional Development

Being an Extractive Industry that is Designated Development, the development is Regionally Significant development pursuant to clause 20 and clause 7 of Schedule 7 *State Environmental Planning Policy (State and Regional Development) 2011*. In this regard, the Northern Region Planning Panel as the consent authority for this DA.

## 2.7 Permissibility

The development is defined as an Extractive Industry, which is permissible with consent in the RU1 Zone under Narrabri LEP and under Clause 7 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

## 2.8 Notification & Referrals

### 2.8.1 Notification

#### 2.8.1.1 Notification Period

The DA notification period is required to be a minimum of 28 days pursuant to clauses 8 and 8A of Schedule 1 of the EP&A Act. The notification period commenced on Thursday 6 August 2020 and ended on Friday 4 September 2020.

#### 2.8.1.2 Website

A notice is required to be published on Council’s website in accordance with clause 77 of the EP&A Regulations.

The notice was published on 6 August 2020 and remained on the website until Friday 4 September 2020.

### 2.8.1.3 Site Sign

A sign is required to be erected on the development site in accordance with clause 78 of the EP&A Regulation.

The sign was erected on Thursday 6 August 2020 adjacent to the entry to the property off Wave Hill Road.

### 2.8.1.4 Newspaper

Whilst not specifically required, a notice was placed in the following newspapers:

- The Courier – 18 August 2020
- Courier Classifieds – 6 August 2020

### 2.8.1.5 Submissions Received

The submissions received have been addressed in **Section 2.8**.

## 2.8.2 External Referrals

### 2.8.2.1 Environment Protection Authority (EPA)

#### Requirement

The DA is required to be referred to the EPA to obtain its General Terms of Approvals (GTAs) for the required Environmental Protection Licence. The DA was referred to the EPA on 3 August 2020.

#### Referral Response

The EPA issued its GTAs for the development on 24 February 2021. The Response letter also provided specific comments on the air quality and noise assessments:

##### **Air Quality Impact Assessment**

*The EPA has reviewed the additional information provided by the proponent and considers that while there are some residual assessment deficiencies, additional exceedances of the EPA's impact assessment criteria are not predicted and any assessment deficiencies can be resolved through conditions of approval.*

*The assessment includes cumulative impacts from the proposed operation increase, background levels and the approved activities at the Boral Quarry. Results from a contemporaneous assessment presented in the revised Air Quality Impact Assessment (AQIA) show that there are no predicted additional exceedances of the 24-hr PM<sub>10</sub> and PM<sub>2.5</sub> EPA impact assessment criteria.*

*The predicted cumulative annual PM<sub>2.5</sub> impacts are above the EPA impact assessment criteria. However, it is noted that the adopted background is already above the criteria. It is also noted that the predicted annual PM<sub>2.5</sub> increment (from both the proposed operations and approved activities at the Boral quarry) at the identified receptors (R1, R2, R3) range between 0.1 – 0.3 µg/m<sup>3</sup>, which are less than 4% of the impact assessment criterion.*

*The revised Air Quality Impact Assessment (AQIA) has;*

- *Adequately addressed the issues on the meteorological parameters adopted for modelling and assessment of air quality impacts;*
- *Adequately addressed some of the issues on the request for further information on the parameters, assumption and estimations of emissions in the impact assessment*
- *Partially addressed some of the issues around assessment of potential impacts associated with proposed blasting operations.*

*The assessment deficiencies identified within the revised AQIA can be resolved through the recommended conditions of approval included in Attachment A. These include, but are not limited to;*

- *No more than 500,000 tonnes per annum (tpa) of material can be extracted and processed at the site;*
- *The maximum daily number of truck movements must not exceed 72 trucks movements (total in and out of the premises);*
- *A condition for the installation, ongoing operation and maintenance of a meteorological weather station;*
- *Prior to the commencement of activities at an increased capacity the applicant must prepare a Blast Management Plan that, as a minimum, includes appropriate blast management practices and the analysis of representative meteorological data to identify sub-optimal dispersion conditions during which blasting should not be undertaken;*
- *The Blast Management Plan must be implemented once the activities at an increased capacity commence.*

- The applicant must develop and implement an air quality management plan prior to the commencement of project operations. As a minimum, the air quality management plan must include the following parts:
  - i. Objectives and targets;
  - ii. Risk assessment;
  - iii. Proactive and reactive mitigation measures of all significant, and potentially significant, emissions sources
  - iv. Key performance indicator(s);
  - v. Monitoring method(s);
  - vi. Location, frequency and duration of monitoring;
  - vii. Record keeping;
  - viii. Response mechanisms and contingency measures,
  - ix. System and performance review for continuous improvement
  - x. Compliance reporting.

#### **Noise Impact Assessment**

The EPA has reviewed the revised Noise Impact Assessment (NIA) prepared by Advitech (Ref. J0191228 F21586, Revision 1, dated 18 January 2021). It is considered that the revised NIA satisfactorily addresses the EPA's comments and recommended noise conditions are included at Attachment A.

The EPA notes that the applicant has adopted the minimum background noise levels, and hence the most stringent noise criteria, available under the Noise Policy for Industry (NPI).

The applicant has committed to maintaining a stockpile bund of minimum height 5 metres along the south-eastern edge of the crushing pad. This will be maintained so as to block line of sight to Receiver R2 ('Brenowen' – 1092 Wave Hill Road) at all times when the crushing plant is in use. This measure should be included as a condition of any approval, if given.

The applicant has also committed to orienting the drill rig such that the noisiest part of the machine is oriented away from Receiver R2 when in use. If this is not possible, all plant involved in fixed quarry operations will not operate while drilling is underway. The applicant will also endeavour to progress drilling operations in a direction to increase the distance to Receiver R2, and schedule concurrent drilling and quarrying operations to occur during less sensitive, noisier times of the day. These measures should also be included as conditions of any approval, if given.

The EPA also notes that the applicant has indicated that the NIA reference to 24 hour operations has been included for emergency provisions and is referenced in the existing operating hours for the quarry. The applicant must seek EPA approval before proposing to move to 24 hour operation under these provisions.

These general terms of approval relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms of approval need to be modified in light of the changes.

### **Assessment Response**

It is recommended that the following conditions be imposed on any consent issued:

- Compliance with the EPA's GTAs,
- Preparation of a blast management plan in accordance with the EPA's requirements
- Preparation of an air quality management plan in accordance with the EPA's requirements
- Orienting the drill rig such that the noisiest part of the machine is oriented away from Receiver R2 when in use. If this is not possible, all plant involved in fixed quarry operations will not operate while drilling is underway.
- Progress drilling operations in a direction to increase the distance to Receiver R2, and schedule concurrent drilling and quarrying operations to occur during less sensitive, noisier times of the day.

#### **2.8.2.2 Transport for NSW (TfNSW)**

##### **Requirement**

The DA is required to be referred to the TfNSW pursuant to clause 16 of the Mining SEPP and clause 104 of the Infrastructure SEPP. The DA was referred to TfNSW on 3 August 2020.

##### **Referral Response**

A referral response was received on 21 September 2020:

*TfNSW does not object to the proposal and offers the following advice to Council as the consent authority for inclusion as conditions of consent:*



- The consent holder shall ensure that no more than:
  - 500,000 tonnes of quarry products are transported by road from site during any yearly period,
  - 2,000 tonnes of quarry products are transported by road from site each day, and
  - 53 truck movements inbound and 53 outbound in any day, and 5 inbound and 5 outbound in any hourly period occur, as measured at any point on the road network.

Reason: To ensure that traffic impacts are consistent with those assessed under the consent.

- The quarry operator shall maintain and operate a dedicated weighbridge onsite and electronically record details of all inbound and outbound truck movements, including gross vehicle or load mass, arrival and departure times. Such records shall be provided upon request to an authorised representative of any regulatory authority (such as TfNSW).

Reason: To assist effective management and demonstrate compliance.

- Transport of material (including empty return trips) after the first 200,000 tonnes in any yearly period, and any transport using truck combinations larger than 19m:
  - Shall be restricted to the designated haul route comprised of Wave Hill Road – Maules Creek Road – Turrawan Road – Kamilaroi HW29, and then to the receiving sites via approved routes shown on the NSW Restricted Access Vehicle (RAV) and Road Train maps.
  - Shall not commence until the entire designated haul route is reclassified to authorise trucks up to Type 1 A-Doubles on both the RAV and Road Train maps. Council staff should review and initiate this change at the request of the applicant.
  - Shall not commence until Lots 77 DP 754937 and 89 DP 821255 which benefit from this consent are consolidated into a single lot, to negate future issues with extraction and vehicular access rights and responsibilities in the event either lot were to be sold separately.
  - Shall not commence until advance warning ‘trucks turning’ signage (W5-22 Size B) with distance plate under (W8-5 Size B) is installed at a distance of 300m on the Kamilaroi Highway southbound approach to the Turrawan Road intersection.
  - Shall not commence operations until the consent holder has prepared a Traffic Management Plan (TMP) including Driver Code of Conduct, and concurrence to the plan is obtained from TfNSW. The preparation of the TMP will require consultation with TfNSW, Narrabri Shire Council, principal contractor(s) and other relevant stakeholders. The requirements of the TMP and Driver Code of Conduct are to cover the matters referred to within the TMP Annexure (attached).
- For the life of the development, the TMP and Driver Code of Conduct is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP is to be provided to contractors and employees as a part of the site induction and a copy is to be made available to TfNSW with each major update.

## Assessment Response

The above conditions to be imposed on any consent.

### 2.8.2.3 Siding Springs Observatory Director

#### Requirement

The DA was referred to the Siding Springs Observatory Director as an interested public authority under clause 77 of the EP&A Regulations. The DA was referred to the Siding Springs Observatory Director on 3 August 2020.

#### Referral Response

A response was provided by the Director on 4 August 2020:

- I have read the introductory sections and paid special attention to section 4.3.2. The measures they plan to implement to reduce the impact of lighting required for night time operations are appropriate.
- I look forward to seeing a lighting plan prior to installation of the lights. This should include an estimate of the total number of lumens.

## Assessment Response

Conditions to be applied in accordance with Siding Springs Observatory comments above.

### 2.8.2.4 Surveyor General of NSW

#### Requirement

The DA was referred to the Surveyor General of NSW as an interested public authority under clause 77 of the EP&A Regulations relating to:

- The development is located in proximity to TS6956 Eulah and involves blasting; and
- The existing right of carriageway that provides for access to Lot 88 (on which the TS is located) appears to have been impacted by the existing quarrying activities on site and may not provide for access.

The DA was referred to the Surveyor General of NSW on 3 August 2020.

## Referral Response

A referral response was received on 9 September 2020:

OSG raises no objection to the proponent's application subject to the following conditions:

1. Due to the severance of the existing Right of Carriage Way (ROCW) by quarry operations as shown below, an Easement for Public Access (20 Wide) or ROCW (20 wide) is to be provided to Lot 88 in DP821255 such that legal access is maintained from Lot 88 to Wave Hill Road. The choice of these two options is at the discretion of Crown Lands.



2. Below are extracts from prior correspondence between OSG and SMK Consultants in 2018 and the options previously submitted by SMK for the new access.

Consent was provided by OSG (refer email below) to either of these options and remains subject to approval by Crown Lands.

It should be noted that the original Right of Carriageway 20 Wide created by DP821255 appeared to be coincident with the ridgeline, thereby facilitating the easiest possible access to lot 88. The proponent is therefore required to select the easiest, most practical of the two options provided. If access via either of these is impractical, OSG is to be contacted to negotiate other satisfactory options.

If an Easement for Public Access is created, the template to be used for the Section 88B instrument of the Easement for Public Access must be the latest version of the document named on the Crown Lands "Roads" website as "sec88b\_instrument\_trig\_reserve\_access.docx".

If a ROCW is created, the standard expression contained in Schedule 8 of the Conveyancing Act 1919 is considered acceptable to OSG.

The existing Right of Carriageway (ROCW) 20 Wide shown on DP821255 may only be released either concurrently with (or subsequent to) registration of the new plan or dealing. Crown Lands will need to provide consent for this action also.

Please note:

- All survey marks of this nature are important parts of the State's geodetic infrastructure; they are also protected marks under the Surveying and Spatial Information Act 2002 which has penalties for disturbance of such marks.
- If any survey marks within Lot 88 in DP 821255 are proposed to be disturbed or destroyed, a formal application to the OSG must be submitted. For all requests to remove a survey mark please use the Application for Surveyor General Approval - Survey Mark Removal form on our website under Surveyor Generals Directions No.11 [https://www.spatial.nsw.gov.au/surveying/surveying\\_services/forms\\_and\\_applications/survey\\_marks\\_removal](https://www.spatial.nsw.gov.au/surveying/surveying_services/forms_and_applications/survey_marks_removal)

## Assessment Response

It is in the public interest to maintain the integrity of the state survey infrastructure and the access to this infrastructure. Therefore, the above conditions to be imposed on any consent.

### 2.8.2.5 Essential Energy

#### Requirement

The DA is required to be referred to the Essential Energy pursuant to clause 45 of the Infrastructure SEPP. The DA was referred to Essential Energy on 3 August 2020.

#### Referral Response

A response was provided on 21 August 2020:

*We refer to the above matter and to your correspondence via the NSW Planning Portal seeking comment from Essential Energy in relation to the proposed development.*

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

*Essential Energy makes the following general comments:*

1. *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
2. *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.*
3. *Essential Energy has existing overhead powerlines and easement on the properties. As to that:*
  - a. *No stockpiling can occur under the existing powerlines or within the easement;*
  - b. *All works around Essential Energy's powerlines must comply with relevant SafeWork NSW requirements;*
  - c. *Access to the powerlines and easement must be maintained and available 24 hours a day, 7 days a week; and*
  - d. *Ground levels within the easement / around the powerlines must not be altered/change, unless relevant information has been provided first to Essential Energy for review, comment and approval.*
4. *In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
5. *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
6. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

*Should you require any clarification, please do not hesitate to contact us.*

## Assessment Response

Conditions to be applied in accordance with Essential Energy comments above.

## 2.9 Internal Referrals

### 2.9.1 Infrastructure Delivery

#### 2.9.1.1 Referral Response

*The DA appears to be for the expansion of an existing quarry from 200,000 tonne/year to 500,000 tonne/year. It is noted that the proposal does not require any construction activity or expansion of the current operations.*

*In 2014, a development application (DA 60/2013) was approved to increase the annual extraction limit to 200,000 tonnes/annum. This approval required the reconstruction and sealing of Wave Hill Road to ensure the road could handle the heavy vehicle traffic generated from this development.*

##### **Services (Water/Sewer/Stormwater)**

*There are no Council services located in this area and the majority of stormwater runoff from the site will be captured in sediment ponds and tanks for the purposes of dust mitigation.*

- Therefore, there are no Engineering comments/conditions relating to Council utility services.

##### **Transport & Traffic**

*The DA submission states that although the quarry may generate an additional 300,000 tonnes, the increase in traffic volume will be minimal due to the use of larger/heavier vehicles. This increase in volume and size of vehicle needs to be taken into consideration with this development. The Engineering conditions regarding these proposed changes are;*

- All vehicles requiring a permit from the National Heavy Vehicle Regulator (NHVR) must adhere to the following route only;
  - Wave Hill Road (right turn only from quarry site)
  - Maules Creek Road (right turn only)
  - Turrawan Road (left turn over Tariaro Bridge)
  - Kamilaroi Highway
- All vehicles (regardless of size) must turn right onto Wave Hill Road when exiting the quarry site (i.e. no approval for access on the unsealed section of Wave Hill Road).
- Intersection plans for the quarry site entry/exit indicating the safe turning movement of A-Double (Road Train) type vehicles shall be submitted to Council.

*It should be noted that permit approval for vehicle access (as stated above) is subject to Transport for NSW conference. Therefore, TfNSW/RMS approval of this DA is required.*

##### **General Comments**

*The DA submission identifies a section of unsealed road between the end of seal on Wave Hill Road for approximately 1.5km. This section of road was subject to a Voluntary Planning Agreement (in place with Council for DA60/2013) which involved funding arrangements for the upgrade of sections of Wave Hill Road to a sealed condition and payment of a contribution levy per tonne for road maintenance on selected roads.*

*Council has yet to complete these works and it is recommended that these works are programmed for completion as part of this approval process.*

#### 2.9.1.2 Assessment Response

It is recommended that the following conditions be applied to any consent issued:

- All vehicles must only access the site to/from the western part of Wave Hill Road.
- Requirement for the access driveway from Wave Hill Road to be upgraded to accommodate a A-Double (Road Train) type vehicles.
- The applicant has offered to enter into a new Voluntary Planning Agreement that includes the continuation of the contributions for the upgrading of Wave Hill Road.
- Designation of the permitted haul route.

### 2.9.2 Liquid Trade Waste/Plumbing

#### 2.9.2.1 Referral Response

*As part of the proposed amendment to this approval the proponent will need to assure Council that the existing septic system for the site is suitable and complies with Current legislation.*

*There are two options for this to be able to be achieved:*

- 1. The proponent may invite Council's Officer to the site to conduct a compliance inspection and comply with any recommendations required (Council inspection fee applies)*
- 2. The proponent may engage a suitably qualified consultant to conduct an audit on the system and deliver a report to Council detailing the suitability of the systems use.*

*Note: If it is found that there is any major failure, the system may require replacement. Any major modification or the replacement of the system will require an approval pursuant to section 68 of the Local Government Act and clause 26 of the Local Government (General) Regulation.*

## 2.9.2.2 Assessment Response

Conditions to be applied in accordance with Liquid Trade Waste/Plumbing comments above.



## 3 DA Assessment (s.4.15 EP&A Act)

### 3.1 Environmental Planning Instruments (EPI)

The following provides an assessment of the applicable EPIs as identified in **Section 1.4.2**.

#### 3.1.1 SEPP 33 – Hazardous & Offensive Development

##### 3.1.1.1 Application

State Environmental Planning Policy No. 33 – Hazardous & Offensive Development (**SEPP 33**) applies to “potentially hazardous industry” and “potentially offensive industry”. Clause 8 of the SEPP requires consideration of the *Hazardous and Offensive Development Application Guidelines Applying SEPP 33 (Guideline)* in determining whether a development is a potentially hazardous or potentially offensive industry.

It should be noted that the definitions include potentially hazardous/offensive storage establishments and as such a development can still be classified as potentially hazardous or potentially offensive whilst not being an “industry” per se.

##### 3.1.1.2 Determination of Potentially Hazardous Industry & Potentially Offensive Industry

#### Potentially Hazardous Industry

##### Definition

The SEPP defines Potentially Hazardous Industry (**PHI**) as:

*a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—*

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

(b) to the biophysical environment,

*and includes a hazardous industry and a hazardous storage establishment.*

The Guideline provides a screening method to determine whether a development constitutes a PHI. This is outlined below for the proposed development.

##### Screening

The information provided by the applicant demonstrates that the storage and transportation would not exceed the screening thresholds.

##### Summary

Therefore, the development would not be considered to be a PHI.

#### Potentially Offensive Industry

##### Definition

The SEPP defines Potentially Offensive Industry (**POI**) as:

*a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.*

The development is defined as a potentially offensive development as it requires an EPL from the EPA.

### 3.1.1.3 Development Considerations

**Table 1: SEPP 33 Assessment**

Provision	Comment/Response	Compliance
<b>11 Development to which Part 3 applies</b>		
(1) This Part applies to: (a) development for the purposes of a potentially hazardous industry, and (b) development for the purposes of a potentially offensive industry, and (c) development notified, for the purposes of this Part, by the Director in the Gazette as being a potentially hazardous or potentially offensive development.	The development is a POI as outlined above.	✓
<b>12 Preparation of preliminary hazard analysis</b>		
A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.	Not a PHI, therefore a PHA is not required.	N/A
<b>13 Matters for consideration by consent authorities</b>		
In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):		
(a) circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and	The guide to applying SEPP 33 has been considered.	✓
(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and	The EPA was consulted as part of the requirement to obtain GTAs for the EPL.	✓
(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and	Not a PHI, therefore a PHA is not required.	N/A
(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and	The development is the expansion of an existing quarry. Therefore, the location cannot be reasonably changed. The resource has proven feasible.  The only real alternatives would be to vary the level of extraction or to do nothing (i.e. continue as per current consent). Given the EPA has issued its GTAs, it is considered the environmental impacts of the proposed development are acceptable.	✓
(e) any likely future use of the land surrounding the development.	It is expected that the land surrounding the development will remain as rural land.	✓

**Table 1: SEPP 33 Assessment**

Provision	Comment/Response	Compliance
<b>14 Advertising of applications</b>		
Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development to which this Part applies in the same way as those provisions apply to and in respect of designated development.	The DA has been advertised as designated development.	✓

#### 3.1.1.4 Conclusion

No further consideration of SEPP 33 is considered required as the development is not considered to be either PHI or POI.

### 3.1.2 SEPP 55 – Remediation of Land

**Table 2: SEPP 55 Assessment**

Provision	Comment/Response	Compliance
<b>7 Contamination and remediation to be considered in determining development application</b>		
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <ul style="list-style-type: none"> <li>(a) it has considered whether the land is contaminated, and</li> <li>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</li> <li>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</li> </ul>	<p>The applicant has advised:</p> <p><i>A review of the site has indicated that the majority the land on which Wave Hill quarry is operating was previously cleared and used for livestock grazing. A smaller section was cleared in recent years to facilitate extractive activities. A visual inspection of the land did not reveal any signs of chemical contamination such as sheep dips, chemically affected patches of vegetation or bare or discoloured areas. No refuse or waste has been disposed on the site intentionally or indiscriminately. Fuel is only kept on the site in sealed portable containers such as fuel trailers and no spillages are present. The visual inspection and consideration of the land area's past and its present use have led to the conclusion that it is unlikely for there to be contamination which would render the land unsuitable for use as a quarry.</i></p> <p>Based on this information it is considered unlikely that the land would be contaminated.</p>	✓
<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>No change of use proposed.</p> <p>No further consideration of SEPP 55 is required.</p>	✓

### 3.1.3 SEPP Infrastructure 2007

**Table 3: SEPP Infrastructure 2007**

Provision	Comment/Response	Compliance
<b>Division 5 Electricity transmission or distribution</b>		
<b>45 Determination of development applications—other development</b>		
<p>(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:</p> <ul style="list-style-type: none"> <li>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</li> <li>(b) development carried out: <ul style="list-style-type: none"> <li>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</li> <li>(ii) immediately adjacent to an electricity substation, or</li> <li>(iii) within 5m of an exposed overhead electricity power line,</li> </ul> </li> <li>(c) installation of a swimming pool any part of which is: <ul style="list-style-type: none"> <li>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</li> <li>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</li> </ul> </li> <li>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</li> </ul>	<p>Development is to be carried out in the vicinity of Essential Energy powerlines.</p>	<p>✓</p>
<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:</p> <ul style="list-style-type: none"> <li>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</li> </ul>	<p>The DA was referred to Essential Energy. The response received is provided in <b>Section 1.8.2.5</b> with assessment comments provided in the same section.</p>	<p>✓</p>



**Table 3: SEPP Infrastructure 2007**

Provision	Comment/Response	Compliance
(b) take into consideration any response to the notice that is received within 21 days after the notice is given.		
<b>Division 17 Roads and traffic</b>		
<b>104 Traffic-generating development</b>		
<p>(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	The development is for enlargement of an existing extractive industry that has a site area of more than 20,000m <sup>2</sup> .	✓
<p>(2) In this clause, relevant size or capacity means:</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p> <p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p>		
(3) Before determining a development application for development to which this clause applies, the consent authority must:		
(a) give written notice of the application to RMS within 7 days after the application is made, and	The DA has been referred to TfNSW (RMS)	✓
(b) take into consideration:		
(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and	TfNSW provided a response on 21 September 2020, which is provided in <b>Section 1.8.2.2</b> . Consideration of the response is provided in the same section.	✓
(ii) the accessibility of the site concerned, including:	The applicant is proposing to use larger vehicles than the current operation. This will provide for greater efficiencies through reduction in vehicle trips.	✓

**Table 3: SEPP Infrastructure 2007**

Provision	Comment/Response	Compliance
(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and	No access to rail.	
(iii) any potential traffic safety, road congestion or parking implications of the development.	This has been addressed in <b>Section 2.6.2.</b>	✓
(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.	Noted.	✓

### 3.1.4 SEPP Koala Habitat Protection 2020

**Table 4: SEPP Koala Habitat Assessment**

Provision	Comment/Response	Compliance
<b>Part 1 Preliminary</b>		
<b>5 Land to which Policy applies</b>		
(1) This Policy applies to each local government area listed in Schedule 1.	Narrabri LGA is listed in Schedule 1	✓
<b>Part 2 Development control of koala habitats</b>		
<b>7 Land to which this Part applies</b>		
This Part applies to land— (a) that is land to which this Policy applies, and (b) that is land in relation to which a development application has been made, and (c) that, whether or not the development application applies to the whole, or only part, of the land— (i) has an area of more than 1 hectare, or (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.	The land has an area of more than 1ha.	✓

**Table 4: SEPP Koala Habitat Assessment**

Provision	Comment/Response	Compliance
<b>8 Step 1—Is the land potential koala habitat?</b>		
(1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.	potential koala habitat (PKH) is defined as: <i>areas of native vegetation where trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</i>	✓
(2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.	The applicant has advised that None of the Koala Feed Tree species listed in Schedule 2 of the KHP SEPP were identified within the proposed development footprint. The land is therefore not determined to be Potential Koala Habitat. Therefore, the KHP does not require further consideration.	✓
(3) If the council is satisfied— (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or (b) that the land is a potential koala habitat, it must comply with clause 9.	The applicant has advised that the land is not PKH.	✓

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

The relevant provisions of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (**Mining SEPP**) are considered below.

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
<b>7 Development permissible with consent</b>		
(3) Extractive industry Development for any of the following purposes may be carried out with development consent: (a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),	Extensive agriculture and Intensive Plant Agriculture are permitted without consent in the RU1 Zone under Narrabri LEP.	✓

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
(b) extractive industry in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone.		
<b>12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses</b>		
Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:		
<p>(a) consider:</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</p>	<p>(i) The site is located in a rural area, characterised by cropping and grazing activities with scattered rural dwellings. Mount Kaputar National Park is located to the north east of the site, which is a heavily vegetated area which extends towards the site outside of the park. There is another quarry located approximately 1km to the west of the site. The nearest dwelling not associated with the development is 440m away. This quarry was first approved in 1997.</p> <p>(ii) The development will have an EPL to manage pollution. It is considered with appropriate mitigation measures the development is not likely to have a significant impact on the preferred land uses in the vicinity of the development.</p> <p>(iii) the development has the potential to have adverse noise, air quality, and traffic impacts that may result in incompatibility with the existing, approved or likely preferred land uses. It is considered that the EPL will appropriately control any adverse environmental/pollution impacts. Similarly, traffic impacts can be appropriately managed to avoid incompatibility.</p>	✓
<p>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and</p>	<p>The quarry will supply material for the construction of the inland rail project. It is a demonstrated resource in the vicinity of the inland rail project. It is located in relatively close proximity to the project. The intensity of extraction will be high for a period of approximately three (3) years to service the project, afterwards reducing to service local projects.</p> <p>The surrounding agricultural land uses (and associated dwellings) support the long standing local economy.</p> <p>Whilst the project has a more short term focus compared to the existing agricultural land uses, the assessment shows that the quarry would have a public benefit through sale of the resource and can be appropriately managed not to have unreasonable adverse impacts on the existing agricultural land use and its public benefits.</p>	✓

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).	Measures are to be included as conditions of consent to avoid and minimise any potential incompatibility. Detailed in <b>Section 2.6</b> .	✓
<b>13 Compatibility of proposed development with mining, petroleum production or extractive industry</b>		
(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined: (a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or (b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.	There are no known existing mines or petroleum production facilities in the vicinity of the site. An existing extractive industry is located approximately 1km west of the site.	✓
(2) Before determining an application to which this clause applies, the consent authority must—		
(a) consider—		
(i) the existing uses and approved uses of land in the vicinity of the development, and	The site is located in a rural area, characterised by cropping and grazing activities with scattered rural dwellings. Mount Kaputar National Park is located to the north east of the site, which is a heavily vegetated area which extends towards the site outside of the park. There is another quarry located approximately 1km to the west of the site. The nearest dwelling not associated with the development is 440m away. This quarry was first approved in 1997.	✓
(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and	The development will facilitate the extraction of extractive materials. It is not considered that the development would otherwise adversely impact on the current or future extraction of extractive materials.	✓
(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and	The development has the potential to have adverse noise, air quality, and traffic impacts that may result in incompatibility with the existing, approved or likely preferred land uses. It is considered that the EPL will appropriately control any adverse environmental/pollution impacts. Similarly, traffic impacts can be appropriately managed to avoid incompatibility.	✓

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and	<p>The quarry will supply material for the construction of the inland rail project. It is a demonstrated resource in the vicinity of the inland rail project. It is located in relatively close proximity to the project. The intensity of extraction will be high for a period of approximately three (3) years to service the project, afterwards reducing to service local projects.</p> <p>The surrounding agricultural land uses (and associated dwellings) support the long standing local economy.</p> <p>Whilst the project has a more short term focus compared to the existing agricultural land uses, the assessment shows that the quarry would have a public benefit through sale of the resource and can be appropriately managed not to have unreasonable adverse impacts on the existing agricultural land use and its public benefits.</p>	✓
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).	Measures are to be included as conditions of consent to avoid and minimise any potential incompatibility. Detailed in <b>Section 2.6</b> .	✓
<b>14 Natural resource management and environmental management</b>		
(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:		
(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,	The EPA as issued its GTAs and as such it is expected that the development will not have significant impacts on water resources with the appropriate mitigation measures applied.	✓
(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,	Addressed in <b>Section 3.1</b> . The development achieves this requirement.	✓
(c) that greenhouse gas emissions are minimised to the greatest extent practicable.	The primary contributors to GHG generation, from the applicant's documentation, is from combustion of diesel and electricity use. It is in the applicant's interest to minimise use in order to minimise operational costs.	✓
(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any	The applicant has provided an assessment of GHG emissions.	✓

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.		
(3) Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.	N/A not for the purpose of mining.	N/A
15 Resource recovery		
(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.	Modern equipment and best practice management principles are used in the operation of the quarry to ensure that resource recovery is efficient and economically viable.	✓
(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.		
(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.		
16 Transport		
(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:		
(a) require that some or all of the transport of materials in connection with the development is not to be by public road,	No other options available.	✓
(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,	Truck movements are not expected to occur on roads in residential areas or on roads near schools. However, the road is a school bus route. A Transport Code of Conduct is to be conditionally required for the development, including measures to address haulage during school bus times.	✓



**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.	A Transport Code of Conduct is to be conditionally required for the development.	✓
(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to: (a) each roads authority for the road, and (b) the Roads and Traffic Authority (if it is not a roads authority for the road).	The DA was referred to TfNSW on 3 August 2020.	✓
(3) The consent authority: (a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and (b) must provide them with a copy of the determination.	A response from TfNSW was provided on 21 September 2020 which is outlined in <b>Section 1.8.2.2</b> . The conditions recommended to be applied by TfNSW are to be included in any consent to be issued.	✓
(4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.	Noted.	✓
<b>17 Rehabilitation</b>		
(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.	Conditions requiring a rehabilitation plan to be prepared and implemented to be imposed should the development be approved to provide for appropriate rehabilitation of the site.	✓
(2) In particular, the consent authority must consider whether conditions of the consent should:		
(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or		

**Table 5: Mining SEPP Assessment**

Provision	Comment/Response	Compliance
(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or		
(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or		
(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.		

### 3.1.6 SEPP (State and Regional Development) 2011

Clause 20 of *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**) provides that developments listed in Schedule 7 are declared to be Regionally Significant. Extractive Industries that are categorised as designated development under Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (**EP&A Regulation**) are listed in Schedule 7 of SEPP SRD and as such the development is Regionally Significant Development.

Pursuant to section 4.5(b) of the EP&A Act, the consent authority for the development is the Regional Planning Panel for the area.

### 3.1.7 LEP

The relevant LEP clauses identified in **Section 1.4.1** are addressed below.

**Table 6: Narrabri LEP 2012**

Provision	Comment/Response	Compliance
<b>1.9A Suspension of covenants, agreements and instruments</b>		
<p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply—</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or</p> <p>(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or</p> <p>(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or</p> <p>(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or</p> <p>(g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>	<p>Both lots have a registered dealing (AJ746192) for a planning agreement pursuant to section 7.6 <i>Environmental Planning and Assessment Act 1979</i></p> <p>Lot 89 is encumbered by a right of carriageway 20m wide which provides access to Lot 88 in the same DP. Lot 88 is owned by the state of NSW and contains a trig station. The access is required for maintenance of the trig station.</p>	✓
<b>2.3 Zone objectives and Land Use Table</b>		
<p>(1) The Land Use Table at the end of this Part specifies for each zone:</p> <p>(a) the objectives for development, and</p>	<p>The objectives of the RU1 Zone are:</p>	✓

**Table 6: Narrabri LEP 2012**

Provision	Comment/Response	Compliance
(b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and (d) development that is prohibited.	<ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> </ul>	
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	<ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.</li> </ul> <p>The development will continue to extract materials from an existing quarry, albeit at a greater intensity. The development will use all existing infrastructure and not increase the footprint thus minimising impact on existing primary production activities on site and fragmentation of the land.</p> <p>The development has been demonstrated to appropriately manage adverse impacts in order to minimise land use conflict. The development is considered to be consistent with the zone objectives.</p> <p>The development is defined as an 'Extractive Industry' which means:  <i>... the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</i></p> <p>extractive material are defined as:  <i>... sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.</i></p> <p>Basalt is not listed as a mineral within the meaning of the Mining Act.            Extractive Industries are permissible with consent in the RU1 zone.</p>	
<b>6.1 Earthworks</b>		
(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:		
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	With the implementation of the appropriate mitigation measures, it is not expected that the development will result in the disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality.	✓

**Table 6: Narrabri LEP 2012**

Provision	Comment/Response	Compliance
(b) the effect of the development on the likely future use or redevelopment of the land,	The development will continue extraction of an existing quarry. It is not expected to result in significant change to likely future use or redevelopment of the land compared to the existing development.	✓
(c) the quality of the fill or the soil to be excavated, or both,	The material to be excavated has been determined to be suitable for the inland rail project as outlined in Appendix 3 of the EIS.	✓
(d) the effect of the development on the existing and likely amenity of adjoining properties,	It is considered, by virtue of the EPA issuing its GTAs, that the development can be operated without unreasonably adversely impacting the amenity of adjoining properties.	✓
(e) the source of any fill material and the destination of any excavated material,	No fill required. The excavated material will initially be used as part of the inland rail project for ballast etc. The excavated material would be used for other local road/rail projects once the inland rail project is completed, consistent with the current approved project.	✓
(f) the likelihood of disturbing relics,	From assessments undertaken it is not expected that any relics are likely to be disturbed. A condition would be imposed for any unexpected finds.	✓
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The development is not located within close proximity to any waterway, drinking water catchment or environmentally sensitive area. It is not expected to adversely impact any waterway, drinking water catchment or environmentally sensitive area with the application of the mitigation measures.	✓
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Conditional requirements for erosion and sediment control measures.	✓
<b>6.5 Essential services</b>		
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:		
(a) the supply of water,	See <b>Section 2.6.7.</b>	✓
(b) the supply of electricity,	The site has access to 3 phase power, with small 2kVa generators on site which serve as a backup power source for the weighbridge in the event of a power outage.	✓
(c) the disposal and management of sewage,	See <b>Section 1.9.2.</b>	✓
(d) stormwater drainage or on-site conservation,	See <b>Section 2.6.6.3.</b>	✓

**Table 6: Narrabri LEP 2012**

Provision	Comment/Response	Compliance
(e) suitable vehicular access.	See <b>Section 2.6.2</b>	✓

## 3.2 Proposed EPIs

Nil known to be applicable.

## 3.3 DCPs

### 3.3.1 DCP Parking Code No.1

<i>Table 7: DCP Parking Code No.1</i>		
Required	Provided	Compliance
<b>Parking Provision</b>		
<p>Level of provision to comply with RTS's Guide to Traffic Generating Developments.</p> <ul style="list-style-type: none"> <li>No parking requirements specified for extractive industries.</li> </ul>	<p>The development provides employment for four (4) permanent staff at the quarry site and two (2) casual staff in the town office.</p> <p>The development will not increase employment at the site however will result in 5-10 additional truck drivers. These drivers do not park on site.</p> <p>Sufficient area exists within the quarry office area for the parking of associated vehicles.</p>	✓
<b>Parking Design</b>		
The design of tenant/customer parking is to conform to Australian Standard AS2890.1 – Car Parking.	Parking areas to be conditioned to comply with requirements.	✓
All parking areas are to be paved, and the manoeuvring and parking spaces are to be clearly delineated. The parking area is to be drained to Council's stormwater network.	Parking areas to be conditioned to comply with requirements.	✓
It is suggested that car parking areas be landscaped, especially with shade trees.	Not appropriate for the proposed development	

### 3.3.2 DCP Building Line

<i>Table 8: DCP Building Line</i>		
Required	Provided	Compliance
Land zoned <b>general business</b> under a Local Environmental Plan applicable to the subject land shall not be required to observe a building line.	N/A	N/A
Land zoned <b>1(a) General Rural</b> under a Local Environmental Plan applicable to the subject land Council recommends a minimum distance from a <b>gravel/natural earth road</b> of 200metres.	No change to the location of buildings on site.	N/A
<p>All other buildings are to be erected a minimum of 6m from the front boundary of an allotment, however, the Director of Environmental Services may vary this requirement under the following circumstances:-</p> <ul style="list-style-type: none"> <li>Properties having frontages to two streets must observe the building line to the street which the building faces only.</li> </ul>	N/A	N/A



**Table 8: DCP Building Line**

Required	Provided	Compliance
<ul style="list-style-type: none"> <li>Open type structures such as verandahs, patios, pergolas, trellises and carports may extend into the building line setback if Council considers there will be no significant detrimental affect on adjoining properties or the streetscape and that there are no other reasonable opportunities elsewhere on the allotment.</li> <li>Existing buildings in the street are generally erected at a lesser distance and the proposed structure is intended to be erected in conformity with existing buildings.</li> <li>Where there are no other viable opportunities on the site the application will be considered having regard to the likely affect on adjoining properties and streetscape.</li> <li>The topography of the land and shape of the allotment will also be considered.</li> </ul>		

### 3.3.3 Drainage to Buildings DCP

**Table 9: DCP Drainage to Buildings**

Required	Provided	Compliance
<b>Roof Water Drainage</b>		
<p>All buildings, (except those exempted from the need to obtain approval in the circumstances listed in Part 1.2) shall be fitted with roof guttering, downpipes and drainage system connected to either:-</p> <ul style="list-style-type: none"> <li>The street gutter (using an approved outlet); or</li> <li>A Council stormwater main (at an approved point of connection or to Council's direction); or where is not possible to comply with Subclause 2.1.1 or 2.1.2.</li> <li>An absorption trench (located a minimum of 3 metres from any buildings and the boundaries of the allotment); or</li> <li>3 metres from the Building in a downhill direction and splayed for even distribution (buildings on rural land only).</li> </ul>	No change to existing buildings and associated roof water drainage.	✓
<b>Sanitary Drainage</b>		
<p>Where an application is received to erect or alter a building, all soil and waste fixtures shall be connected to either:</p> <p>2.2. The sewer if sewer is available or</p>	No new sewage generation as part of the development.	NA

**Table 9: DCP Drainage to Buildings**

Required	Provided	Compliance
2.2.2 A septic tank (or sullage trench in the case of approved waste fixtures) if sewer is not available.		
<b>Effluent Disposal</b>		
Effluent is to be piped to a transpiration area of a type specified in AS 1547 – Small Septic Tanks and NSW Department of Health Guidelines or disposed of in accordance with written directions given by Council's Environmental Services Department to suit the particular conditions of the site. The number of persons deemed to occupy a dwelling shall be the greater of:- <ul style="list-style-type: none"> <li>the number of person specified in the application; or</li> <li>one person for each bedroom plus one person.</li> </ul>	N/A	N/A

### 3.4 Planning Agreements Entered into or Draft Planning Agreements Offered to be Entered into

#### 3.4.1 Existing VPA

An existing Voluntary Planning Agreement (VPA) is registered on the titles for the site pursuant to (the former) section 93H of the EP&A Act. The VPA requires:

- Monetary contribution to be put towards upgrading of Wave Hill Road (Segment A)
- Monetary contributions to be put towards maintenance of Wave Hill Road
- Preparation of a road maintenance plan
- Carrying out of road upgrading works (Segment B)

**Figure 6** show the approximate location of the referenced segments of the road works.

The VPA excludes the operation of (the former) section 94 and 94A of the EP&A Act in relation to the DA.

Council has received legal advice requiring the existing VPA to be either modified to reflect the new consent or brought to an end, prior to the application being determined.

The existing VPA is to be brought to an end and a new VPA (as outlined below) is to be executed.

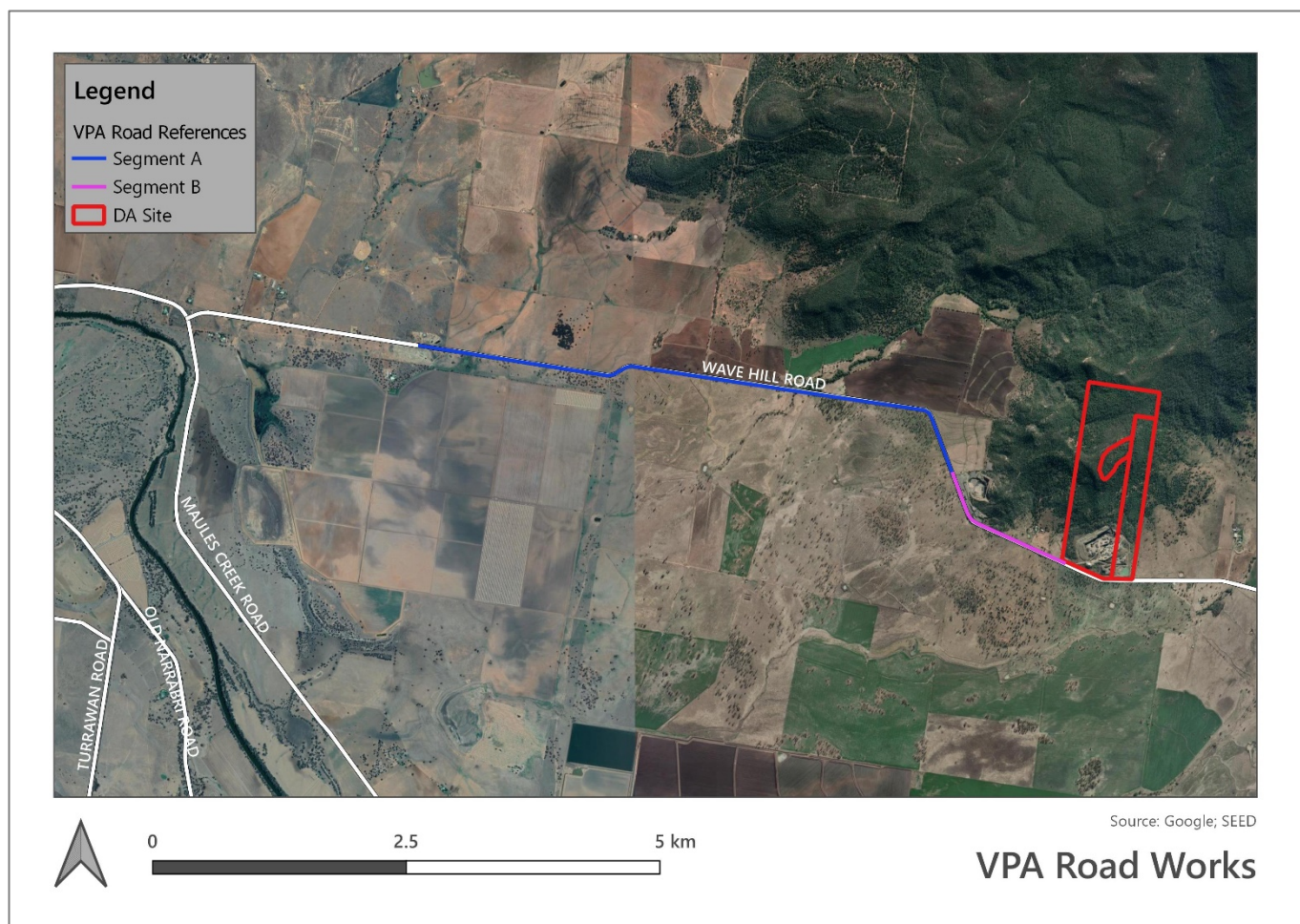


Figure 6: Existing VPA Road Works Segments

### 3.4.2 Offered VPA

The applicant has offered to enter into a new VPA for this DA which is essentially a continuation of the current VPA as follows:

- \$1.23 per tonne of product for Upgrade Works (indexed in accordance with cl.5.3 of existing VPA); and
- \$0.22 per tonne of product for ongoing maintenance works (indexed in accordance with cl.5.3 of existing VPA)

The first bullet point is funding for the initial capital upgrade for the road; which has the 15 year sunset/capital contribution as per the existing VPA.

The second bullet point is an ongoing contribution for maintenance of the section of the road upgraded.

The portion for upgrade (\$1.23/tonne + annual CPI) would continue for the remaining balance of the 15 years (as per the existing VPA) and the maintenance contribution (\$0.22/tonne + annual CPI) would be payable for the lifetime of the quarry.

## 3.5 The Regulations

### 3.5.1 Dark Sky Planning Guideline

Clause 92(d) of the EP&A Regulations requires the consideration of the Dark Sky Planning Guidelines for designated development located on land less than 200km from the Siding Spring Observatory. The site is located approximately 13 km from the Observatory. The Dark Sky Planning Guidelines are considered in **Section 2.9.2**.

## 3.6 Likely Impacts of the Development

### 3.6.1 Context & Setting

The site is located in a rural area. It is characterised by remnant vegetation on the higher elevations to the north and north east of the site, including Mt Kaputar National Park. To the south and west are cleared areas used for agricultural purposes, including grazing and cropping. An existing quarry (first approval 1997) is located on site, along with another existing quarry approximately 1km to the west of the site.

Quarries have the potential to result in adverse amenity impacts such as dust and noise. The EPA's Environmental Protection Licences (EPL) regulate pollution, such as noise and air quality. It is considered that if the EPA issues its GTAs for the EPL, then such adverse impacts can be appropriately managed/mitigated so as to not cause unreasonable amenity impacts.

It is generally considered that the development is consistent with the existing and desired context and setting.

#### 3.6.1.1 Recommended Conditions

Application of the EPA's GTAs.

### 3.6.2 Access, Transport & Traffic

#### 3.6.2.1 Access

The site gains vehicular access from Wave Hill Road. Wave Hill Road is a partially sealed and partially unsealed regional rural road. As part of the VPA associated with the previous DA for the quarry on site:

- Council was required to construct and seal part of Wave Hill Road designated as Segment "A" on the endorsed plans within 15 years of the commencement of the VPA; and
- The developer was to upgrade part of Wave Hill Road designated as Segment "B" on the endorsed plans to be completed within 2 years of the commencement of the agreement.

It is understood that Segment A has been completed and Segment B has not been completed.

Access to the site is to be via an existing intersection, that does not appear to be constructed to a specific Austroads standard.

#### 3.6.2.2 Traffic Generation

The current operation utilises trucks with a dog trailer providing a capacity of 38 tonnes. For the component of the proposed development to service the inland rail project, it is intended to utilise road trains with a capacity of 60 tonnes. This would require reclassification of the roads to permit these larger vehicles. The smaller truck and dog configuration would continue to be utilised for local projects other than inland rail. It is not clear from the documentation what proportion of the output will be associated with the inland rail.

The current approval for the site permits 200,000 tonnes of material to be extracted per year. The assessment report with the previous DA indicated that the development would generate a maximum of 22 VPD. However, the current EIS indicates the approved development would result in 34 VPD (17 trucks).

**Table 10: Daily Haulage Traffic Generation**

	Existing Approved Development – Average Daily	Proposed Development – Average Daily	Proposed Development – Peak Daily
Annual Limit	200,000 tonnes	500,000 tonnes	-
Working Days	307	307	-
Daily Tonnage	651	1,629	2,000
<b>Trucks</b>			
Truck and Dog (38t)	17	42	52

**Table 10: Daily Haulage Traffic Generation**

	Existing Approved Development – Average Daily	Proposed Development – Average Daily	Proposed Development – Peak Daily
Road Train (6ot)	0	27	33
Vehicles per day (trips)	34	84 truck & dog or 54 road train	104 truck & dog or 66 road train

The current DA documentation contends that despite the annual increase there would be no increase in peak daily production. A review of the EIS from the previous DA indicated that there was no mention of peak production limits. Based on this it is considered that no previous approval was provided for any “peak” traffic generation.

The application is proposing that to use a mixture of truck/dog and road trains for haulage. It is expected that the split of vehicle type would vary depending on contract demand. Therefore,

- worst case scenario (assuming all truck/dog), the development would generate 104 peak VPD from haulage vehicles. This is an increase of 70 VPD or 206%.
- Best case scenario (assuming all road trains), the development would generate 66 peak VPD from haulage vehicles. This is an increase of 32 VPD or 94%.

It is anticipated the development would result in a mixture of the two scenarios above.

In addition to the haulage traffic, the EIS reports that the development is likely to generate 4-5 light vehicle movements per day. The development has four (4) permanent staff on site, therefore it is more realistic to expect at least ten VPD associated with light vehicles.

### 3.6.2.3 Impacts

Whilst the DA documentation suggests that the development has already been operating at a peak extraction rate of 2,000 tonnes per day, the approval documents do not suggest that this was ever considered as part of the approved development. Therefore, to consider the impacts of the proposed development in the context of the unapproved extraction rates is inappropriate.

Neither Council’s engineers or TfNSW has raised any issues with road/intersection capacity as a result of the development.

The property access driveway is required to be upgraded to accommodate the A-double Road train.

Approval is to be obtained for reclassification of the entire haul route to authorise trucks up to Type 1 A-Doubles on both the RAV and Road Train maps. Council’s engineers have advised that there is no sight distance or turning movement restrictions for 36.5m road trains along the proposed haulage route. It is noted that the HPVs requesting access along the route will require a permit from the National Heavy Vehicle Regulator (NHVR). These permits are issued on a case by case basis and previous permits issued along the subject road have reportedly not caused any issues.

The applicant has offered to enter into a new VPA to:

- continue the contributions for the upgrade works for Segment “A” for the balance of the 15 years, consistent with the original VPA; and
- continue the contributions for the maintenance of Wave Hill Road, consistent with the original VPA.

The upgrade works in Segment “A” will address the unsafe bend raised in many of the submissions received.

Potential safety impacts are to be managed via a traffic management plan and driver code of conduct.

### 3.6.2.4 Parking

The development provides for a car parking area, containing ten parking spaces, located adjacent to workshop area. This is considered sufficient for the development based on the information provided in the EIS.

### 3.6.2.5 Recommended Conditions

The following standard conditions are to be included on any consent issued:



- Requirement for entering into a new VPA consistent with the terms offered by the applicant.
- A standard condition is to be imposed requiring the provision of a car park to accommodate ten car parking spaces in accordance with AS2890.1.
- The property access driveway is required to be upgraded to accommodate the A-double Road train.
- Approval is to be obtained for reclassification of the entire haul route to authorise trucks up to Type 1 A-Doubles on both the RAV and Road Train maps.
- Potential safety impacts are to be managed via a traffic management plan and driver code of conduct.

### 3.6.3 Utilities

#### 3.6.3.1 Electricity

The site has access to 3 phase power, with small 2kVa generators on site which serve as a backup power source for the weighbridge in the event of a power outage.

#### 3.6.3.2 Telecommunications

Mobile phone coverage is available onsite and provides the primary form of telecommunications.

#### 3.6.3.3 Recommended Conditions

Nil required.

### 3.6.4 Heritage

#### 3.6.4.1 Aboriginal Heritage

A search of the AHIMS register has identified that:

- One (1) Aboriginal site has been recorded in or near the searched location; and
- No Aboriginal places have been declared in or near the searched location.

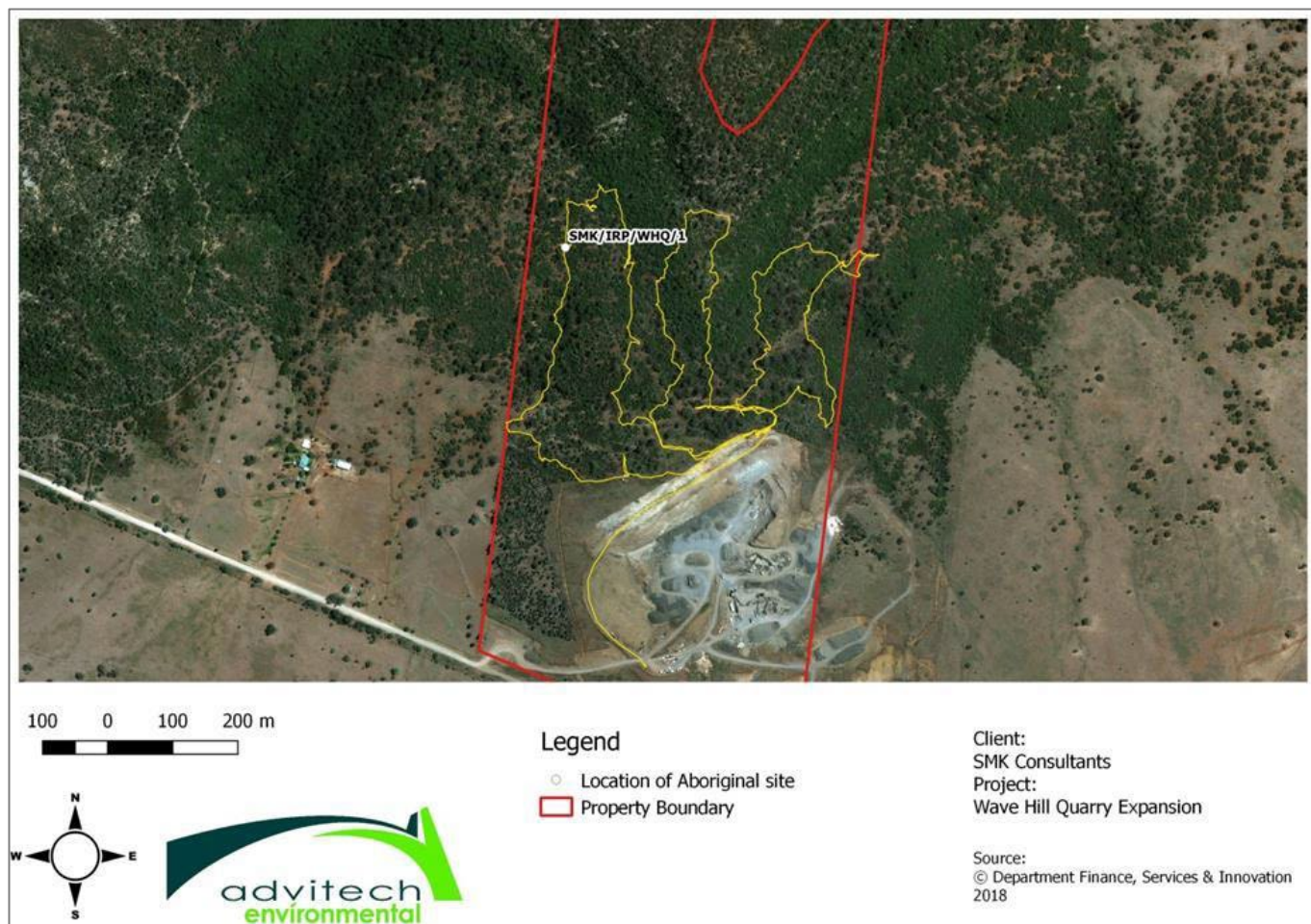
The applicant has undertaken an Aboriginal Due Diligence Assessment as part of the EIS. The assessment identified that no Potential Archaeological Deposits (PADs) or sites or site complexes of archaeological sensitivity were noted during the survey. One stone artefact was identified during the due diligence assessment. The artefact is a mudstone flake measuring approximately 3cm X 2cm which has evidence of retouch work along its proximal left edge. This was the same item that was recorded on the AHIMS register (See **Figure 5**).

The assessment concluded:

*Given that the scope of the current proposal is limited to the footprint of the existing development and that this has already been excavated and/or extensively disturbed, it is extremely unlikely that Aboriginal artefacts would be present within the quarry footprint. The quarry was subjected to an archaeological assessment as part of the 2013 development application to Council (Suzanne R Hudson Consulting, 2011). This report was lodged with the development application to Council. No artefacts were found within the approved footprint.*

*Similarly, the identified stone artefact and any other potential artefacts located to the north of the approved quarry area, are not considered at risk from impact or harm. The northern boundary of the existing development is clearly delineated by markers, which would prevent the inadvertent extension of the quarry site outside of the approved project footprint and into areas which potentially contain Aboriginal items. This measure is considered appropriate to avoid impact upon cultural heritage values and conserve the items present.*

*While it is highly unlikely that artefacts of Aboriginal cultural heritage may be discovered on site during the course of quarry activities, an Unanticipated Finds Protocol should be implemented in accordance with the Office of Environment and Heritage's requirements with regards to the protection of items of Aboriginal cultural heritage on development sites.*



**Figure 7: Recorded Item**

The assessment includes the following mitigation measures:

*The protocol outlines the steps to be taken in the event that Aboriginal objects are uncovered during quarrying activities on site, and is outlined below.*

*Steps to be undertaken if a site or object of Aboriginal origin is identified involve:*

- *If any object is found suspected to be of Aboriginal origin, work in that location must cease.*
- *Notify Office of Environment and Heritage on 131 555*
- *The site must be inspected by a person suitably experienced in identifying Aboriginal cultural material.*
- *Work may continue at a suitably distant location, not closer than 50m to the potential Aboriginal object.*
- *In the event that an object of Aboriginal origin is identified, appropriate action should be undertaken by the Proponent for the preservation of this site, or alternatively retain the services of an archaeologist to apply for an AHIP.*
- *If bones are uncovered, NSW Police should be immediately notified.*

*The adoption of the above protocol, as outlined by OEH guidelines, will ensure that the risk of harm to indigenous artefacts on site is minimised as far as practicable, such that the development does not pose a risk to indigenous heritage.*

### 3.6.4.2 European Heritage

The site is not listed as being a local heritage item under the LEP or listed on the state heritage register.

### 3.6.4.3 Summary

It is not expected that the development will result in any adverse heritage impacts. A standard condition addressing unexpected finds is to be imposed on any consent.



### 3.6.4.4 Recommended Conditions

It is recommended that a condition of consent be included as part of any approval requiring preparation of an unexpected finds protocol be prepared and implemented in accordance with the Office of Environment and Heritage's requirements.

## 3.6.5 Other Land Resources

### 3.6.5.1 Agricultural Land

The development is to be carried out within the footprint of the existing approved quarry. The site is not mapped as Biophysical Strategical Agricultural Land (BSAL). The development is not expected to adversely impact on an agricultural land.

## 3.6.6 Water

### 3.6.6.1 Water Needs

The development does not include any construction works.

The operation of the quarry will require water for:

- modification of quarried materials
- dust suppression activities on roads
- dust suppression activities in association with the crushing of raw materials.

Water requirements for these activities are in the order of 25 ML per annum (2.1 ML/month).

### 3.6.6.2 Water Supply

The primary water source for these processes will consist of water collected in the existing sediment pond.

Detailed site water balances were prepared for a 90th percentile wet year, 50th percentile median year and 10th percentile dry year.

The majority of this water will be sourced from the existing sediment pond, however the site water balance included in the Soil and Water Management Plan indicates that on a 10<sup>th</sup> percentile year, there would be an estimated annual water deficit of 2.4 ML.

During periods of water deficit, it is intended to use an existing groundwater entitlement (WAL 12779) which is currently held by Mr. Brock Ian Johnstone, to provision the quarry. The licence has a total nominal volume of 72 ML and the bore taps the Upper Namoi Zone 5 Valley (Gin's Leap to Narrabri) Groundwater Source.

The Water Access Licence was primarily purchased to secure a reliable water supply for the Wave Hill Quarry, with any remaining water being sold or utilised for farming operations undertaken by the licence holder. The bore is located on Lot 1 in Deposited Plan 718917 on the Old Gunnedah Road on the southern outskirts of Narrabri. Water will be hauled from this location to the Wave Hill Quarry using a semi water truck with a capacity of 23,000L.

Water extraction will be monitored on an ongoing basis to ensure that extraction limits of WAL 12779 are not exceeded. Should the development be impacted by a water source embargo, operations would either cease or would be scaled back to activities which do not require a water supply until the embargo was lifted.

## Summary

By issuing its GTAs, the EPA is satisfied that sufficient water supply is available for the needs of the development.

## Recommended Conditions

It is recommended that a condition be applied that requires cessation of activities on site should insufficient water supply be available for dust suppression.

### 3.6.6.3 Stormwater Management

Potential impacts on surface water as a result of the operational phase of the project include:

- Pollution of surface water through:

- Increased turbidity of surface waters due to sediment loss and erosion from stockpiles, haul roads or other disturbed areas.
- Impurities, incidental minerals or other leachates from the disturbed rocks and soil.
- Stormwater runoff from plant and equipment areas, fuel storage areas, chemical spills and uncontrolled surface runoff.
- Increased risk of erosion on slopes through increased flow rates.

To protect surface water quality within the Namoi Catchment, appropriate drainage and sediment capture systems have been installed at the existing quarry to prevent erosion and ensure runoff does not contaminate offsite areas or waterways. Bunds have been installed which direct run-off into a dam. This is located downhill from the lowest point of the quarry site. In the event of any uncontrolled releases of silty water from the quarry site, these bunds would aid in directing water into the dam and reducing the risk of contaminated surface run-off entering Deriah Creek.

The applicant has proposed the following mitigation measures to be included in the development to ensure protection of surface water quality:

- Minimising the disturbed area by working in sections to reduce the exposure area and stabilising disturbed land as soon as possible to minimise erosion;
- Use drains, diversion banks or bund walls to direct clean stormwater away from disturbed areas, working areas and stockpiles;
- Use diversion drains, and contour drains to capture and slow down water in sloped areas, and use stones or vegetation to stabilise drains in these high velocity areas;
- Ensure that the storage and use of hazardous and dangerous materials occurs in accordance with relevant legislation, and ensuring spillages are contained;
- Minimise gradients of access tracks and maintain table drains;
- Collect all runoff from working areas in the sediment ponds;
- Capture sediment in erosion prone areas by placing hay bales, silt fences or other suitable control devices in drainage lines;
- When storing fuels, chemicals and other potentially environmentally hazardous substances:
  - Chemicals and fuels in containers of greater than 25 litres must be stored within a secondary containment system.
  - All waste will be stored in a suitable receptacles and removed from site as required.
  - All hazardous chemicals, corrosive substances, toxic substances, gases, dangerous goods, flammable and combustible liquids must be stored and handled in accordance with the relevant legislative requirements and Australian Standards including but not limited to the provisions of:
    - AS 1692:2006 – Steel tanks for flammable and combustible liquids
    - AS 3780:2008 – The storage and handling of corrosive substances
    - AS 1940:2004 – The storage and handling of flammable and combustible liquid
    - AS 3833:2007 – Storage and handling of mixed classes of dangerous goods in packaged and intermediate bulk containers
- Bunding will be constructed of material which is impervious to the material that is to be stored in the bunded area.
- Bunds will be kept in good condition (no cracks, gaps, leaks).
- Stormwater captured within bunding is to be removed as soon as practicable and appropriately disposed of as contaminated water.
- Empty hydrocarbon and chemical containers are to be stored closed, in place on a concrete hardstand or within a bunded area.
- A collection sump or valve must be provided in the floor of the bunding to facilitate the removal of liquids.
- Where vehicle access to the bunded area is required, access must be by way of a rollover bund.
- Develop site-specific procedures for storing hazardous materials including details on:
  - Quantities of hazardous materials will be kept to a minimum, commensurate with their usage and shelf life.
  - Safety Data Sheets of stored hazardous materials will be readily accessible at the place of storage.
  - Permanent and temporary containers that hold hazardous materials will be labelled with the relevant safety and risk phrases.
  - The volume and types of hazardous materials stored will be known, current and documented.
  - Hazardous materials that may degrade in storage and thus become more dangerous will be identified and managed.

- Storage and containment areas (including secondary containment) will be inspected for signs of loss or damage and any deficiencies will be addressed.
- Hazardous materials no longer in use will be identified and assessed to determine if they should be removed from site.
- Dangerous goods will not be held in transport storage areas for longer than five consecutive working days. Where they are required to be stored for longer periods, they will be moved to permanent hazardous materials storage areas.
- When refuelling:
  - Temporary bunding, drip trays or impermeable matting must be used to prevent spillage from any in field refuelling or maintenance of plant and equipment, or any other activity that could result in spillage of a chemical, fuel or lubricant to soil.
  - Refuelling of plant and vehicles must be conducted in designated areas away from sensitive receptors and at least 100 m away from watercourses, water holes, lakes or wetlands. All in field refuelling must include the use of a temporary bund to contain any spills.
  - Refuelling will utilise auto shut off valves.
  - Maintain appropriate spill kits and PPE at designated locations on site (e.g. refuelling locations, chemical storage facilities, mobile equipment).
  - Ensure employees are familiar with, and trained in the use of, proper spill clean-up procedures.
- Dewatering of Stormwater:
  - Quarrying activity impacted waters are to be captured within the on-site temporary sediment pond.
  - Water collected within the sediment pond, and the receiving environment, will be monitored prior to discharge if a bywash event occurs.
  - Water quality monitoring will be undertaken to determine if water is fit for discharge or reuse on site for dust suppression.
  - Where possible, only water meeting discharge threshold requirements established under the EPL will be released and be undertaken in a controlled manner to ensure that no scouring of the bed and banks of the receiving watercourse occurs.
- Erosion and Sediment Control:
  - Site Management
    - Land-disturbing activities must be undertaken in such a manner that allows all reasonable and practicable measures to be undertaken to allow stormwater to pass through the site in a controlled manner and at non-erosive flow velocities up to the specified design storm discharge.
    - Minimise soil erosion resulting from rain, water flow and/or wind, adverse effects of sediment runoff, including safety issues.
    - Prevent, or at least minimise, environmental harm resulting from work-related soil erosion and sediment runoff.
    - Ensure that use of land/properties adjacent to the development are not diminished as a result of the adopted ESC measures.
  - Site Access
    - Site exit points must be appropriately managed to minimise the risk of sediment being tracked onto public roadways.
  - Drainage Control
    - Collect all runoff from working areas in sediment ponds, designed to contain and control water in a 1 in 10-year storm event, to be designed and installed in accordance with DECC (2008) Managing Urban Stormwater - Soils and Construction (Volume 2E).
    - Wherever reasonable and practicable, all stormwater runoff entering the site from external areas must be diverted around or through disturbed areas in a manner that minimises soil erosion.
    - Within the internal drainage area reporting to the sediment basin, silt traps and sediment control devices will be implemented to slow the velocity of the water, ensuring no unnecessary erosion occurs and that the sediment basin remains efficient in settling out sediment.
  - Sediment Control
    - Efforts shall be employed to trap sediment within the site, and as close as practicable to its source.
    - Sediment traps must be installed and operated to both collect and retain sediment.

- Where sediment basins and other sediment control devices pose a safety risk to workers these areas should be isolated (fenced) from commonly accessible areas to maintain site safety.
- All reasonable and practicable measures must be taken to prevent the release of sediment from the site.
- Suitable all-weather maintenance access must be provided to all sediment control devices.
- Sediment control devices must be de-silted and made fully operational as soon as reasonable and practicable after a sediment-producing event, whether natural or artificial, if the device's sediment retention capacity falls below 75% of its retention capacity.
- Site Maintenance
  - All erosion and sediment control measures, including drainage control measures, must be maintained in proper working order at all times.
  - Sediment removed from sediment traps and places of sediment deposition must be disposed of in a lawful manner that does not cause ongoing soil erosion or environmental harm.

## Summary

It is considered that potential adverse impacts on surface water can be appropriately mitigated and managed with the above-mentioned management measures in combination with the EPL from EPA for operation of the development.

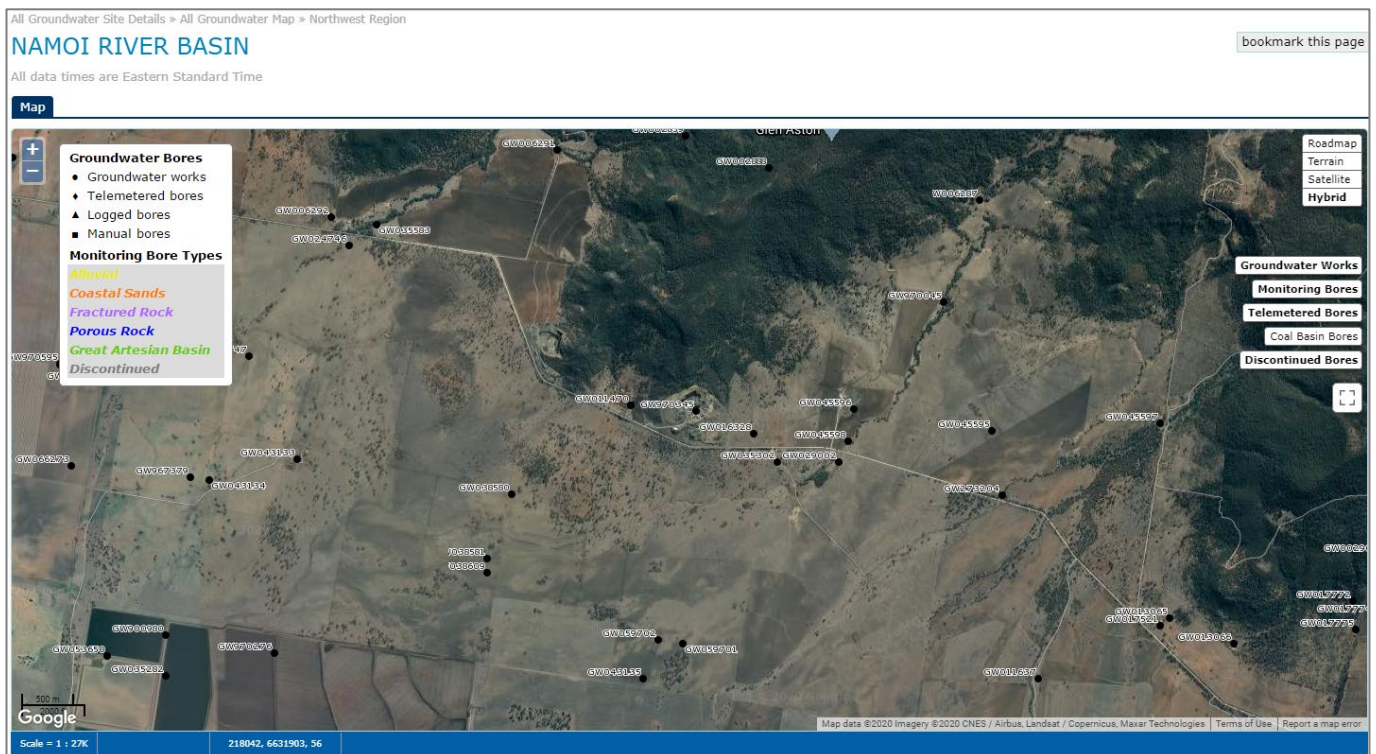
## Recommended Conditions

The following standard conditions are to be included on any consent issued:

- Conditional requirement for a Soil and Water Management Plan prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction Volume 1 and Volume 2E Mines and Quarries.

### 3.6.6.4 Groundwater

A review of the Water NSW *All Groundwater Map* revealed a number of existing bores in the vicinity of the site (refer **Figure 6**). Details of each bore from the *All Groundwater Map* website is provided in **Table 10**.



Source: (WaterNSW)

**Figure 8: Groundwater Bores**

**Table 11: Groundwater Bore Data**

Bore ID	Depth of Bore (m)	Dominant Soil Type	Depth to Bedrock (m)	Bedrock Type	Basalt Thickness (m)	Depth to Water Bearing Zone (m)
GW970345	68	Clay	4	Basalt	>64	63
GW011470	21.3	Clay	5.48	Boulders, Gravel, Conglomerate	N/A	15.8
GW016328	35.4	Clay	0.91	Basalt, Pink Oxide	9.76	24.4
GW035302	57.9	Clay	14.02	Basalt, Shale	>40.54	12.10
GW029002	33.2	Loam, Clay, Gravel	Not Encountered	N/A	N/A	16.80
GW045598	18.0	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
GW045596	12.0	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded

The applicant has advised that groundwater has been encountered on the site at a depth of 63m. It is proposed that excavation on site will be managed to ensure that groundwater reserves are not intercepted by excavation activities on site.

Under normal operations, the development would not require additional water supply from groundwater sources.

No de-watering will occur in association with the quarry, as the development will not excavate to the groundwater table.

The EIS reports that the subject site is underpinned by basalt bedrock, which forms a largely impervious layer to prevent surface water – groundwater interactions. Therefore, the potential impact upon groundwater through seepage of surface water from the subject site is expected to be minimal.

The storage and/or use of hazardous materials which may be used on site will occur in accordance with National Code of Practice for the Storage and Handling of Workplace Dangerous Goods (2001). The appropriate storage and handling will ensure such materials do not pose an unacceptable risk in respect to the pollution of groundwater.

The application is proposing the following mitigation measures:

- Inclusion of groundwater management as part of an OEMP prepared for the site;
- Maintain the quarry floor and extraction areas above the groundwater table;
- If groundwater is proposed to be used separately to this application, the relevant permit and provision for use shall be obtained;
- If groundwater is unexpectedly intercepted during excavations, cease work and consult with relevant authorities (DPI Water) to identify appropriate mitigation measures.

## Summary

It is considered that potential adverse impacts on groundwater can be appropriately mitigated and managed with the above-mentioned management measures in combination with the EPL from EPA for operation of the development.

## Recommended Conditions

The following standard conditions are to be included on any consent issued:

- Application of the EPA's GTAs.
- Standard condition requiring appropriate storage and handling of Dangerous Goods.



## 3.6.7 Air & Microclimate

### 3.6.7.1 Air Quality

An Air Quality Impact Assessment (AQIA) has been undertaken by Advitech Pty Ltd (Advitech) for the proposed Quarry.

The activities associated with the proposed operations with the potential to generate dust are:

- Blasting operations within the quarry extraction area;
- Operation of front end loader and excavator within the extraction area;
- Operation of the crushers and vibrating screens;
- Wind erosion from stockpiled quarry materials; and
- Dust generated from haul truck movements along short unpaved internal roads.

The nearest potentially affected residences are shown below.

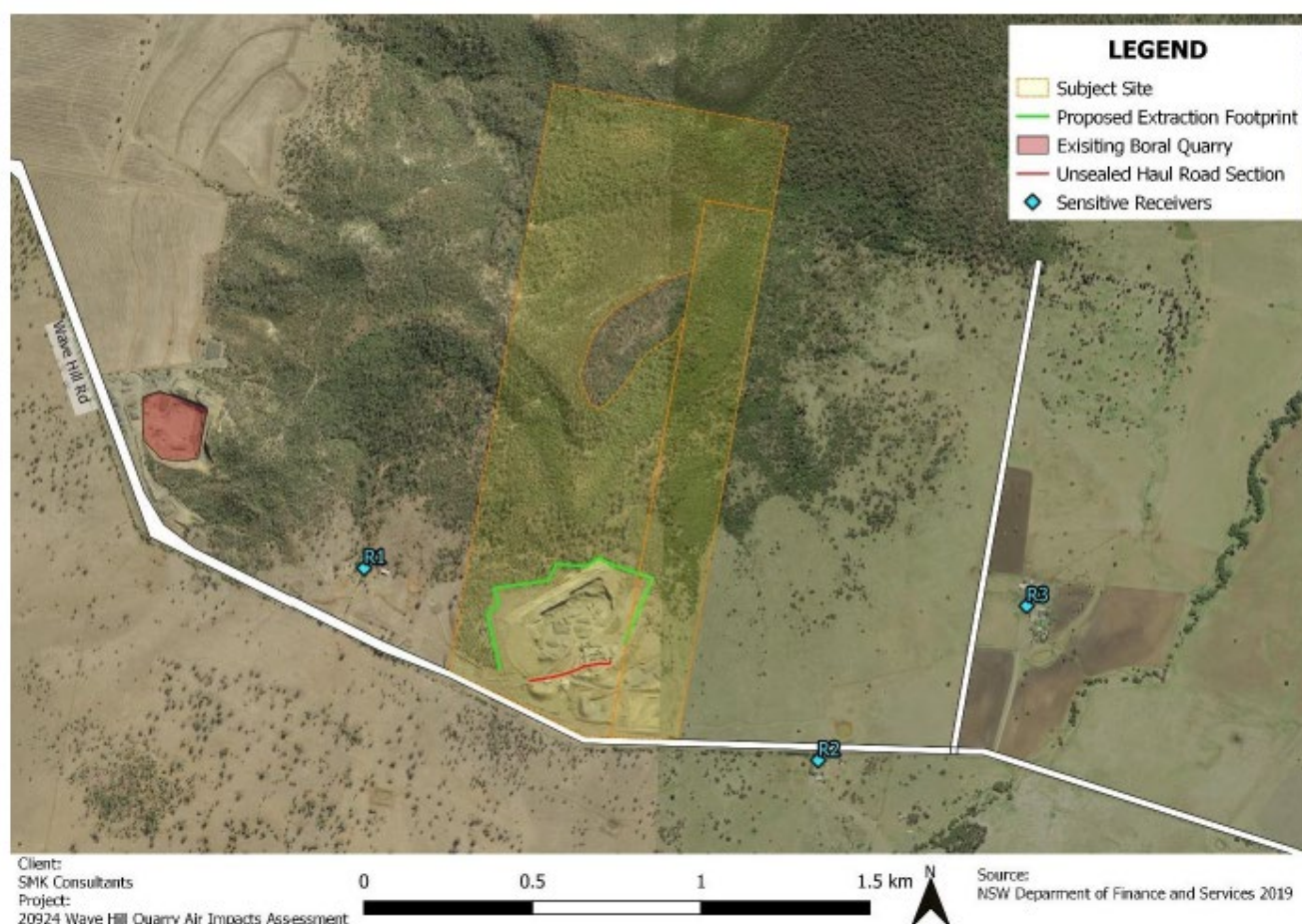


Figure 3: Sensitive Receiver Locations

Table 1: Sensitive Receiver Details

Receiver ID	Address	Easting UTM (m) <sup>a</sup>	Northing UTM (m) <sup>a</sup>	Receiver Type
R1	939 Wave Hill Road Tarriaro	211844	6631712	Private Residence
R2	1092 Wave Hill Road Tarriaro	213220	6631211	Private Residence
R3	1143 Wave Hill Road Tarriaro	213855	6631644	Private Residence

<sup>a</sup>-Universal Transverse Mercator (UTM) coordinate system based on the WGS84 datum.

Advitech modelled cumulative emissions to air impacts from the proposed intensified extractive operations at Wave Hill Quarry in combination with impacts from existing operations at the neighbouring Boral Quarry on identified sensitive receivers.

The assessment modelled cumulative emissions to air impacts from the proposed Wave Hill Quarry expansion and the neighbouring Boral Quarry on nearby sensitive receivers. The following summarises the results:

### Annual Average Predicted Concentrations

Modelling results show that predicted concentrations of the annual average levels of PM<sub>10</sub>, TSP and deposited dust at identified sensitive receptors do not exceed assessment criteria set out by NSW EPA.

Annual average levels of PM<sub>2.5</sub> exceed assessment criteria at each of the 3 identified sensitive receptors, however it is noted that annual average PM<sub>2.5</sub> background levels (8.4 µg/m<sup>3</sup>) already exceed the criteria, and that only cumulative impacts from both the Wave Hill and Boral Quarries only result in a minor increase (maximum of 0.3 µg/m<sup>3</sup>).

### Twenty-Four Hour Average Predicted Concentrations

Predicted cumulative PM<sub>10</sub> concentrations (e.g. maximum background levels, predicted increments from Wave Hill Quarry and Boral Quarry) exceeded 24-hour criteria at all 3 identified sensitive receptors.

Similarly, predicted cumulative PM<sub>2.5</sub> concentrations exceeded 24-hour criteria at the sensitive receptor R1, while receptor R2 registers predicted concentrations at the guideline value of 25µg/m<sup>3</sup>.

Given that background concentrations accounted for 95% of the criteria value for PM<sub>10</sub> and PM<sub>2.5</sub>, it was determined likely that predicted exceedances were the result of elevated background levels. A Level 2 contemporaneous and background assessment was therefore carried out to determine if any additional exceedances of the PM<sub>2.5</sub> and PM<sub>10</sub> impact assessment criteria were due to the proposed development. Results of this assessment indicated that there no exceedances of the 24-hour PM<sub>10</sub> impact assessment criteria, and no additional exceedances of the 24-hour PM<sub>2.5</sub> impact assessment criteria at nearby sensitive receivers.

To reduced potential adverse impacts, the following mitigation measures were recommended:

- Carry out activities on the premises in a manner that will minimise the emission of dust;
- Employ dust suppression sprays on plant crushing and screening equipment; and
- Apply water sprays (greater than 2 L/m<sup>2</sup>.hr) to trafficable areas during haulage to reduce air emissions associated with truck movements.

The following additional measures are recommended by the applicant in addition to those recommended by Advitech.

**Table 156: Dust Mitigation Measures to be Adopted at Wave Hill Quarry**

Potential Impact Site	Methods to Control Air Pollution
Roads	<ul style="list-style-type: none"> <li>• Covered loads when transporting and watering of haul roads.</li> <li>• Grading of roads.</li> <li>• Well-defined haul routes to minimise area of disturbance.</li> <li>• Speed limits (recommended 40km/h).</li> </ul>
Wind Erosion of Exposed Materials and Stockpiles	<ul style="list-style-type: none"> <li>• Minimising areas of disturbance.</li> <li>• Progressive rehabilitation.</li> </ul>
Crushing, Screening and Handling	<ul style="list-style-type: none"> <li>• Ensure dust covers in place.</li> <li>• Ensure water sprays are activated for dust management.</li> </ul>
Loading and Handling Materials	<ul style="list-style-type: none"> <li>• Keep front-end loader bucket low when handling and transporting materials.</li> </ul>
Monitoring and Proactive Management	<ul style="list-style-type: none"> <li>• Monitor meteorological conditions.</li> <li>• Cease activity on dry windy days.</li> <li>• In the event of increased dust production, increased dust suppression management measures, including by increasing watering rates, decreasing processing rates, slowing truck speeds and ensuring that dust housing protections remain in place.</li> <li>• Initiate Shut down procedures during periods of excessive dust generation or upon receipt of complaint and investigate and initiate additional controls.</li> </ul>

### Summary

It is considered that potential adverse impacts on air quality can be appropriately mitigated and managed with the above-mentioned management measures in combination with the EPL from EPA for operation of the development.

## Recommended Conditions

Application of the EPA's GTAs.

### 3.6.7.2 Greenhouse Gas Assessment

The applicant has calculated the likely Greenhouse Gas (GHG) emissions generated during operations at the proposed development using the NGER Emission and Energy Threshold Calculator 2019-2020. The results of the calculations were:

- Total Emissions = 8,918 t CO<sub>2</sub>-e
- Total Energy Consumed = 126,608 GJ
- Total Energy Produced = 0 GJ

## Recommended Conditions

Nil required.

### 3.6.8 Flora & Fauna

#### 3.6.8.1 Vegetation Clearing

The development will not increase the development footprint compared to the existing approved development. Therefore, no additional vegetation clearing will be required as part of the proposed development.

#### 3.6.8.2 Threatened Species

Consideration of the Section 7.2 of the *Biodiversity Conservation Act 2016* in relation to the development has been provided in **Section 3.1** of this report. It concludes that the development is not likely to significantly affect threatened species. Therefore, a Biodiversity Development Assessment Report is not required for this DA.

#### 3.6.8.3 Groundwater Dependent Ecosystems

A review of the *Groundwater Dependent Ecosystems Atlas* indicated that the site:

- Had no mapped aquatic Groundwater Dependent Ecosystems (GDE);
- Had low potential Terrestrial GDE (regional study); and
- No ecosystem analysed for Subterranean GDE.

The EIS states in relation to the Terrestrial GDE, that investigations indicate that the prediction is not correct, given the shallow soil, thick basalt bedrock, and very deep (>60m) groundwater. Therefore, it is considered that the subject site does not support a Terrestrial GDE.

The EIS assessment in relation to GDE concludes:

*The available setback from surface water and potential GDE's is substantial, providing a sufficient barrier from the Quarry. The provision of suitable drainage and sediment controls will prevent erosion and ensure runoff does not contaminate offsite areas, including waterways and GDE's.*

#### 3.6.8.4 Summary

Given the use of the existing quarry footprint, the development is not expected to have any significant adverse impact on flora, fauna or their habitats.

#### 3.6.8.5 Recommended Conditions

The following standard conditions are to be included on any consent issued:

- A condition not permitting any clearing of vegetation.
- A requirement for a rehabilitation plan to return the land to previous land agricultural uses.
- A requirement for a weed management plan.



### 3.6.9 Waste

#### 3.6.9.1 Solid Waste

The Quarry operator maintains labelled bins for each waste stream on site for all rubbish generated by employees. The bins are regularly emptied by a local waste contractor.

#### 3.6.9.2 Liquid Waste (Effluent)

The site has an existing on-site effluent disposal system for the office facilities. Council's records are not clear that the system is compliant. Therefore prior to commencement of the development, evidence will be required to demonstrate a suitable system is provided in accordance with Council's Trade Waste Officer's referral comments in **Section 1.9.2**.

#### 3.6.9.3 Liquid Waste (Other)

Whilst all regular servicing of mobile equipment would be undertaken offsite, small volumes of hydrocarbons would be generated as a result of non-scheduled maintenance needs. These hydrocarbons would be stored within a bunded container and generally removed from site by a service contractor.

#### 3.6.9.4 Summary

It is considered that waste generated by the development can be appropriately managed subject to the inclusion of the conditions as outlined below.

#### 3.6.9.5 Recommended Conditions

The following conditions are to be included on any consent issued:

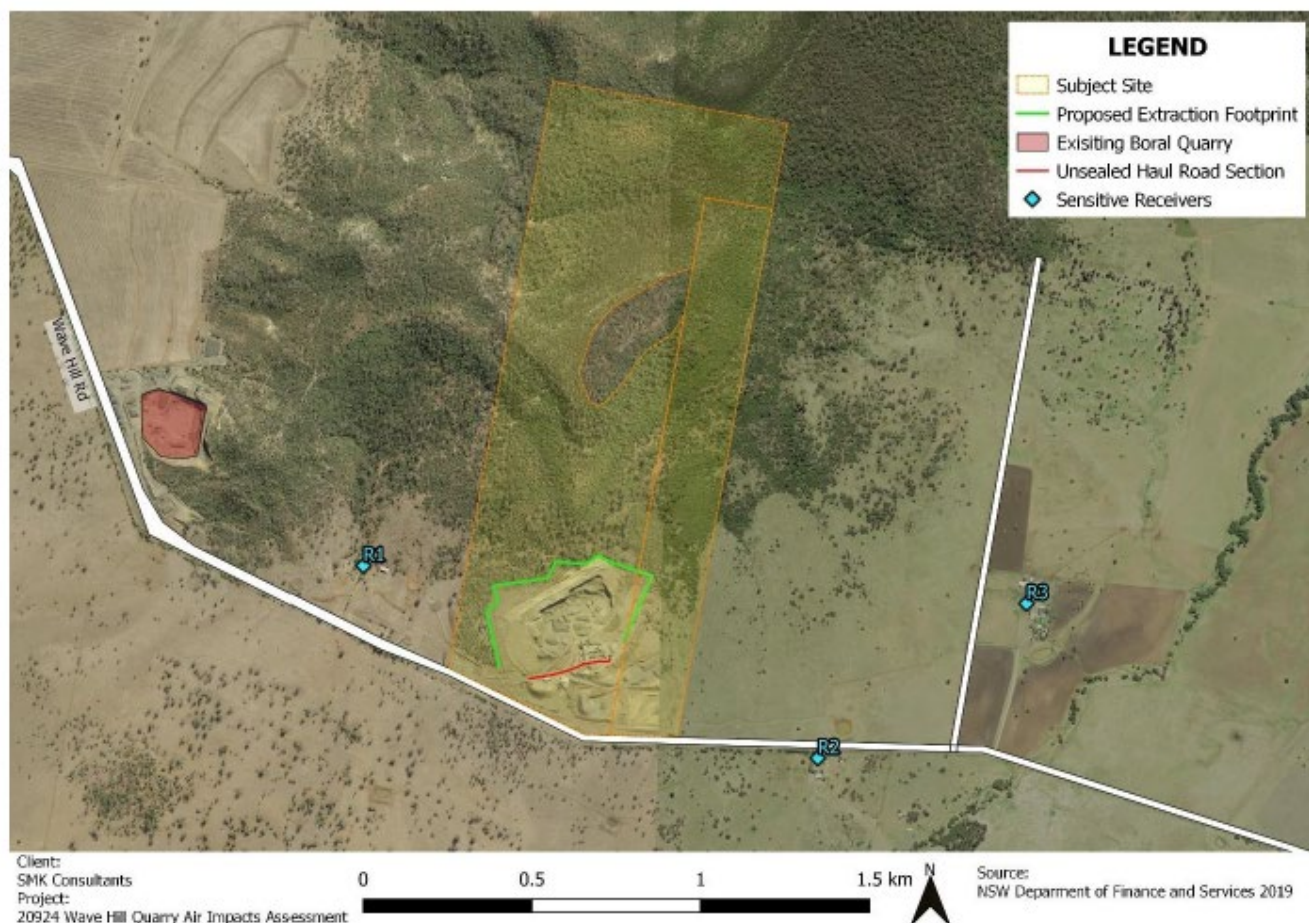
- Inclusion of a waste management requirement in the Environmental Management Plan associated with the development.
- Evidence to be provided that the on-site effluent management system is compliant with current standards.
- Bunding of servicing and storage of hazardous materials in accordance with AS.

### 3.6.10 Noise & Vibration

A Noise Impact Assessment (NIA) has been undertaken by Advitech Pty Ltd (Advitech) for the proposed Quarry. The assessment only consideration operational impacts as there are no construction works involved in the development.

The assessment has assumed that the quarrying/extraction operations operation will be 11 hours Monday to Friday and 6 hours on Saturday.

The nearest potentially affected residences are shown below.



**Figure 3: Sensitive Receiver Locations**

**Table 1: Sensitive Receiver Details**

Receiver ID	Address	Easting UTM (m) <sup>a</sup>	Northing UTM (m) <sup>a</sup>	Receiver Type
R1	939 Wave Hill Road Tarriaro	211844	6631712	Private Residence
R2	1092 Wave Hill Road Tarriaro	213220	6631211	Private Residence
R3	1143 Wave Hill Road Tarriaro	213855	6631644	Private Residence

<sup>a</sup>-Universal Transverse Mercator (UTM) coordinate system based on the WGS84 datum.

The assessment was undertaken in accordance with:

- AS1055:2018 Acoustics – Description and measurement of environmental noise.
- AS 2436 Guide to noise and vibration control on construction, demolition and maintenance sites.
- AS2187.2-2006 Explosives – Stage 2: Storage of Explosives
- Noise Policy for Industry (NPfI). EPA, 2017.
- Road Noise Policy (RNP). EPA, 2011.
- Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC, 1990).
- Assessing Vibration: a technical guideline (EPA, 2006).

The main noise generating activities have been identified as:

- pre blast drilling to prepare the quarry for blasting (day period only);
- operation of mobile crushing plant, including screening and stockpiling (day period only);
- operation of fixed crushing plant, including screening and stockpiling (day period only); and
- arrival of heavy vehicles along internal haul routes within the site and stockpile maintenance from 6:30am, defined as the night period.

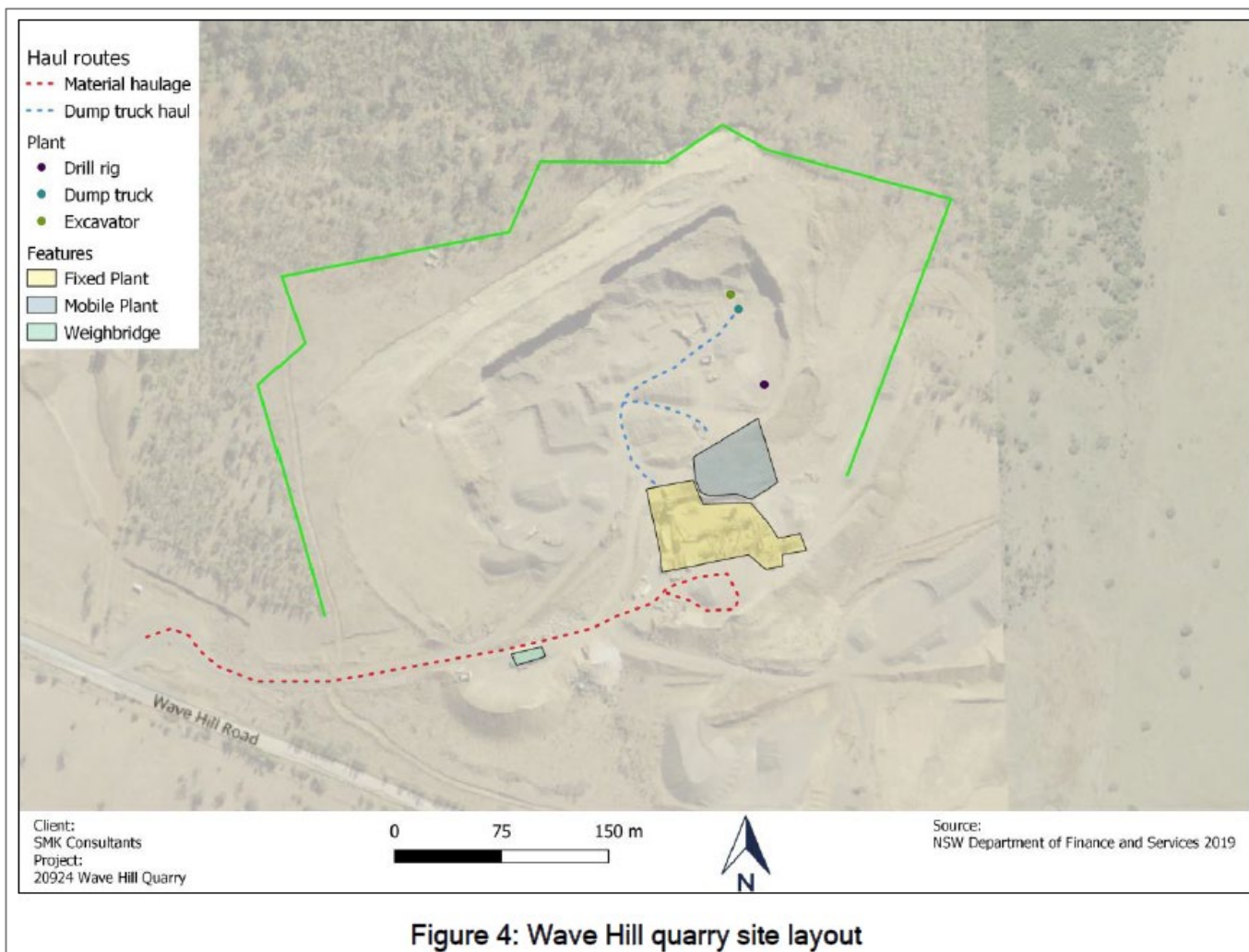
### 3.6.10.1 Operation Noise

The operational noise model assumes:

- pre-blast drilling will be conducted on the eastern segment on what is identified as level three of the quarry (RL 339m) and will move progressively to the north as aggregate is blasted, transported and stockpiled on the lower bench of the quarry (RL 331m). This activity has been measured onsite to confirm sound power level of the equipment;
- the fixed crushing plant has acoustic cladding installed on two of the vibratory screens. In order to model accurate noise levels associated with this modification, several measurements were taken onsite to verify the sound power levels emitted from this plant;
- Although identified as 'mobile crushing plant', JCLS have outlined that this equipment is to remain stationary in the area indicated 'mobile plant' in Figure 4 (below).
- internal product haulage conducted by road registered trucks has been modelled for 72 movements a day in both the fixed and mobile crushing operational scenarios; and
- it is assumed that one (1) excavator and one (1) moxy dump truck are utilised during fixed and mobile crushing operations.

Results of noise modelling are summarised as follows:

- exceedances of up to 4dB(A) are expected at receiver R2 if quarrying operations utilising the mobile plant are conducted during calm conditions;
- exceedances of up to 4dB(A) are expected at receiver R2 if quarrying operations utilising the mobile plant are conducted in unison with pre-blast drilling activities during calm conditions. Exceedances of up to 1dB(A) are expected at receiver R2 if quarrying operations utilising the fixed plant are conducted in unison with pre-blast drilling activities during calm conditions;
- both fixed and mobile quarrying operations, and pre blast drilling activities (operating in isolation from each other) are predicted to comply with the Project Noise Trigger Levels (PNTL) under prevailing conditions (south-east winds up to 3m/s);
- both fixed and mobile quarrying operations in conjunction with pre blast drilling activities are predicted to comply with the PNTL under prevailing conditions (south-east winds up to 3m/s); and
- all receivers will be below the PNTL criteria if truck loading and stockpiling activities are to occur before 7am under both standard and prevailing meteorological conditions.



The following operational mitigation measures are proposed:

- the main contribution to site generated noise emissions is the operation of mobile equipment towards the south east boundary of the quarry. Currently, a void between two stockpiles means that there is direct line of sight between these sources and receiver. It is recommended that these two stockpile areas are consolidated to act as a noise barrier and to eliminate the direct line of sight to the R2 receiver. Modelling including this mitigation measure (i.e. consolidated and maintained at a height of 5 metres) indicate that predicted operational noise levels associated with mobile plant would then be below the PNTL criteria at the R2.
- It is apparent that the operation of the drill rig for pre blasting activities may lead minor to exceedances of up to 1dB(A) above the PNTL at receiver R2 when conducted in conjunction with the operation of fixed quarrying plant under calm conditions. Sound power levels were approximately 5dB(A) lower when measurements were taken at the rear of the operational drill, compared to measurements taken at the front of the drill. It is recommended that positioning the front of the drilling plant away from the most affected receiver (R2) will aid in reducing the noise levels below the PNTL at all receivers.
- In order to further reduce impacts that may be experienced at the most affected receiver (R2), the following mitigation measures are recommended:
  - reducing the incidences in which pre-blast drilling operations are conducted at the same time as other noise generating activities onsite (quarrying using either mobile or fixed plant);
  - implementing drilling plans that increase the distance between drilling operations and receiver R2. It is recommended that drilling progresses towards the north west or north; and
  - scheduling periods in which both drilling and quarrying activities are operational around times of high background noise (local road traffic or when other local noise sources are active) where possible to provide masking or to reduce the amount that the site noise intrudes above the background.

### 3.6.10.2 Maximum Noise Level Predictions

The NIA considered predicted noise levels associated with short-term high-level events (LAMax) with potential to cause sleep disturbance at adjacent sensitive receivers are provided in Table 20 (below). Loading of material into hoppers or truck bodies was identified as the activity most likely to generate peak noise events.



Modelling results presented in Table 20 indicate that maximum noise levels are not expected to exceed the MNTL of 52dB(A) at received adjacent to the proposed development, and further assessment of impacts is not undertaken.

**Table 20: Maximum noise level predictions, activities outside daytime hours (L<sub>AMax</sub> dB(A))**

Receiver	Predicted L <sub>AMax</sub>	Criteria (Night) L <sub>AMax</sub>	Above MNTL?
R1	41	52	No
R2	45	52	No
R3	39	52	No

Assessment of truck loading and stockpiling activities during night period (Table 15) indicates that noise levels above the PNTL are not expected, and would thus comply with the LAeq,15minute MNTL of 40dB(A).

### 3.6.10.3 Road Noise

The EIS states:

*Review of modelling results of impacts at noise receptors along Wave Hill Road and Maules Creek Road show that noise levels may increase by up to 2dB(A) at some receptors as a result of traffic generated by the quarry. However, all noise levels at all sensitive receptors would remain below the assessment criteria throughout standard operational hours (6am- 6pm), including under peak demand.*

*In relation to noise generated along haul routes, similar noise emission levels will occur along Wavehill road. New haul routes have been agreed to with Narrabri Shire Council, mainly the use of Turrawan Road to link with Kamilaroi Highway. As a result of this new route, traffic generated from the expanded quarry output will not travel through the residential sector of Narrabri, other than via the Newell Highway. Road noise from gravel trucks moving through Narrabri, mainly Barwan Street, is not predicted to be altered.*

### 3.6.10.4 Blasting

The EIS states:

*Predicted blasting impacts associated with ground vibration and overpressure were assessed against criteria outlined in Australia and New Zealand Environmental Council (ANZEC) guidelines. Results of the assessment indicate that compliance with these criteria are likely. It is, however, recommended to monitor blasts until compliance is demonstrated.*

### 3.6.10.5 Summary

The EPA is the Appropriate Regulatory Authority (ARA) for the development and is therefore responsible for regulating noise and vibration impacts.

Given that the EPA has granted its General Terms of Approval (GTA) for the development, the development as proposed will be able to be granted an Environmental Protection Licence (EPL) by the EPA. Therefore, the development is not expected to result in unacceptable noise and vibration impacts.

### 3.6.10.6 Recommended Conditions

The following standard conditions are to be included on any consent issued:

- Standard condition to be imposed for compliance with the EPA's GTAs.

## 3.6.11 Natural Hazards

### 3.6.11.1 Flooding

The site is not mapped as being within the Flood Planning Area on the LEP mapping.

### 3.6.11.2 Bush Fire

The subject site is mapped as being bush fire prone on Council's Bushfire Prone Lands Map (refer **Figure 7**).

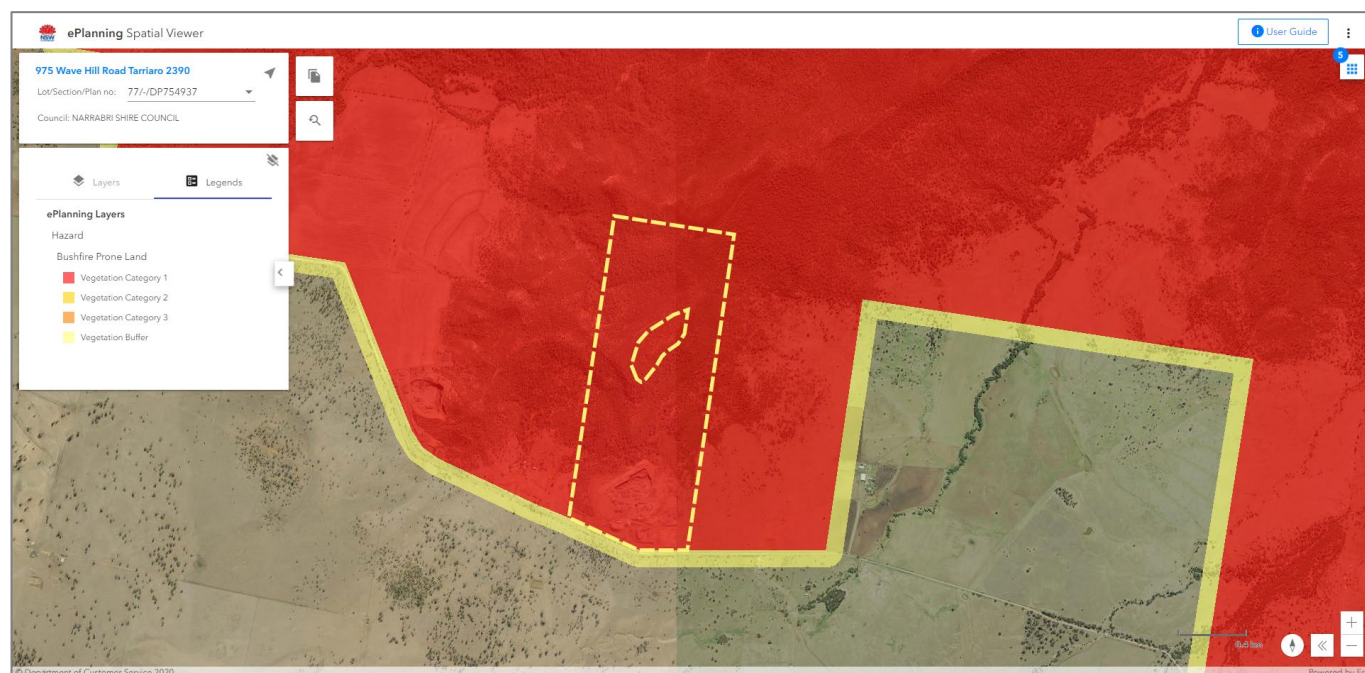
Section 4.14 of the EP&A Act requires that consent cannot be granted for the carrying out of development on bush fire prone land for any purpose (other than subdivision and a Special Fire Protection Purpose Development) unless the consent authority:

- Is satisfied that the development confirms to *Planning for Bush Fire Protection 2019* (PBP); or
- It has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service (RFS) as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The consent authority is only required to refer the application to RFS if it does not comply with PBP.

A certificate has not been provided by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment as part of this DA.

PBP does not provide a lot of guidance regarding the considerations for extractive industries. Nevertheless, the RFS provided the following bush fire criteria for assessment consideration as part of the SEARs issued for the project.



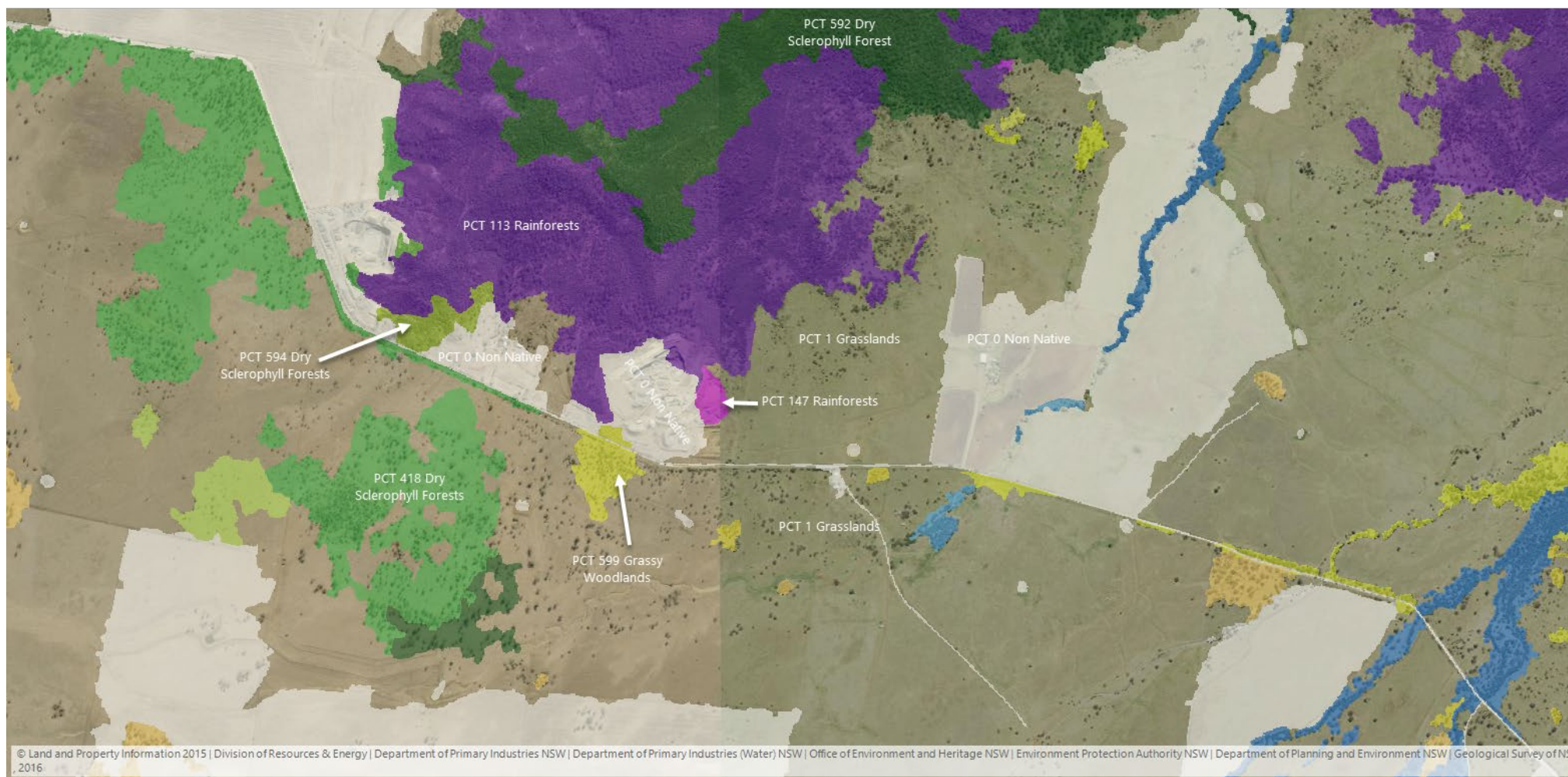
**Figure 9: Bush Fire Prone Lands Map**

- The aim and objectives of *Planning for Bush Fire Protection 2006*;
- Identification of potential ignition sources during construction and operation of the development;
- Storage of fuels and other hazardous materials (e.g. explosives for blasting);
- Proposed bush fire protection measures for the development, including vegetation management and fire suppression capabilities;
- Operational access for fire fighting appliances to the site; and
- Emergency and evacuation planning.

It should be noted that PBP has been updated (to 2019) since the SEARs were issued.

## Bush Fire Risk

**Figure 8** shows the vegetation classifications in the vicinity of the site. These classifications have been generally confirmed by the biodiversity assessment provided in the EIS.

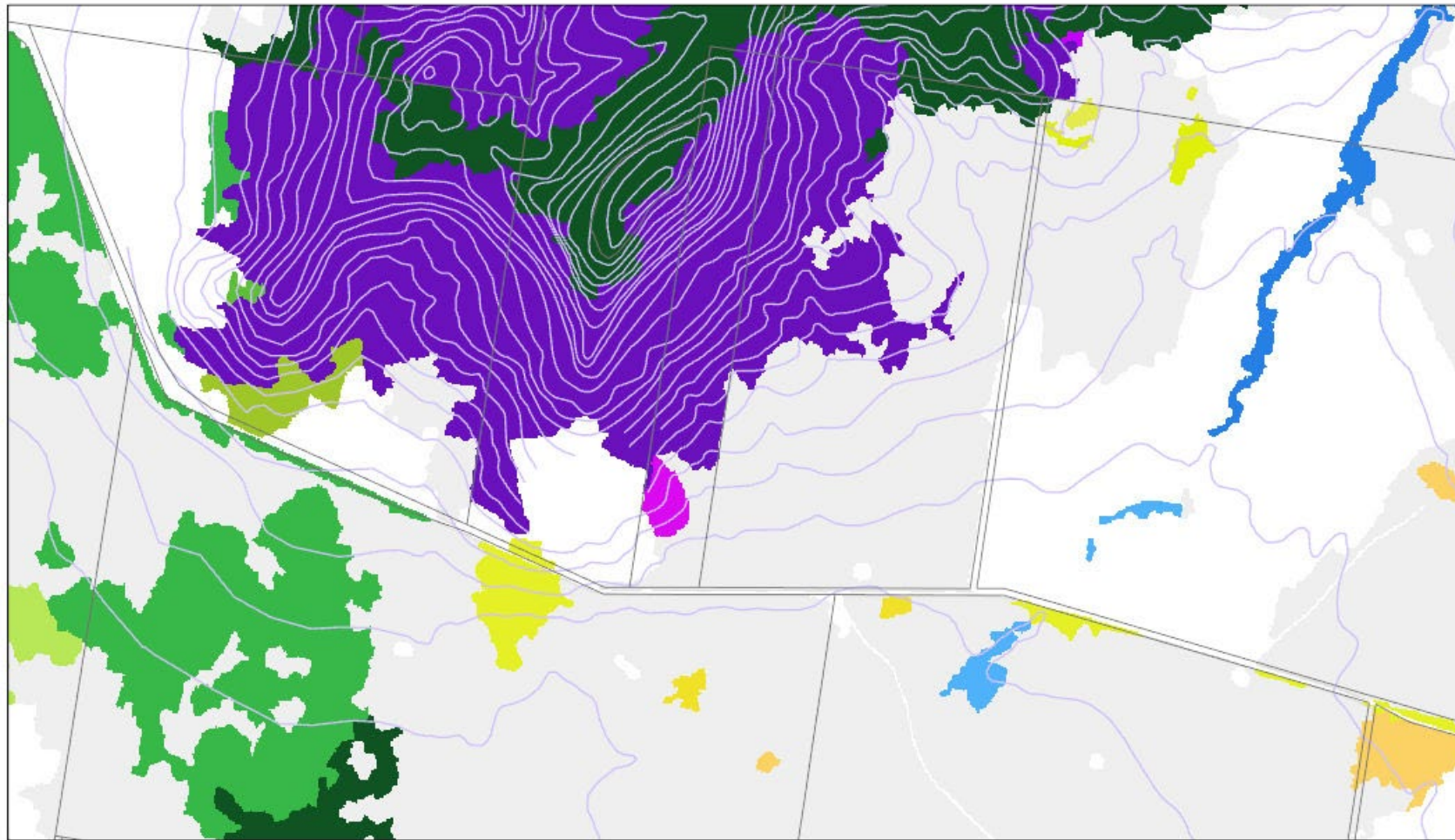


Source: (NSW Government, n.d.)

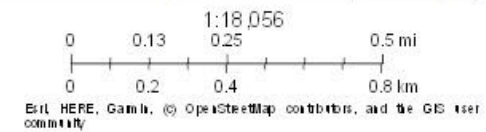
**Figure 10: State Vegetation Type Map**



## Contours



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Figure 11: Vegetation Classes & Contours



### 3.6.11.3 PBP Requirements

Section 8 of PBP applies to “other” developments. It states:

*In order to comply with PBP the following conditions must be met:*

- *satisfy the aim and objectives of PBP outlined in Chapter 1;*
- *consider any issues listed for the specific purpose for the development set out in this chapter; and*
- *propose an appropriate combination of BPMs.*

*It is important to ensure that a defensible space is provided for the size and scale of the development.*

*Proposed measures must operate in combination to minimise the impact of bush fire and ensure that access and services are adequate.*

Each of these is addressed below.

#### Aims & Objectives of PBP

The aim of PBP is

*... to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.*

It is considered that the development will be appropriately designed to be consistent with the aim of PBP with the Bush Fire Protection Measures outlined below.

**Table 12: PBP Objectives**

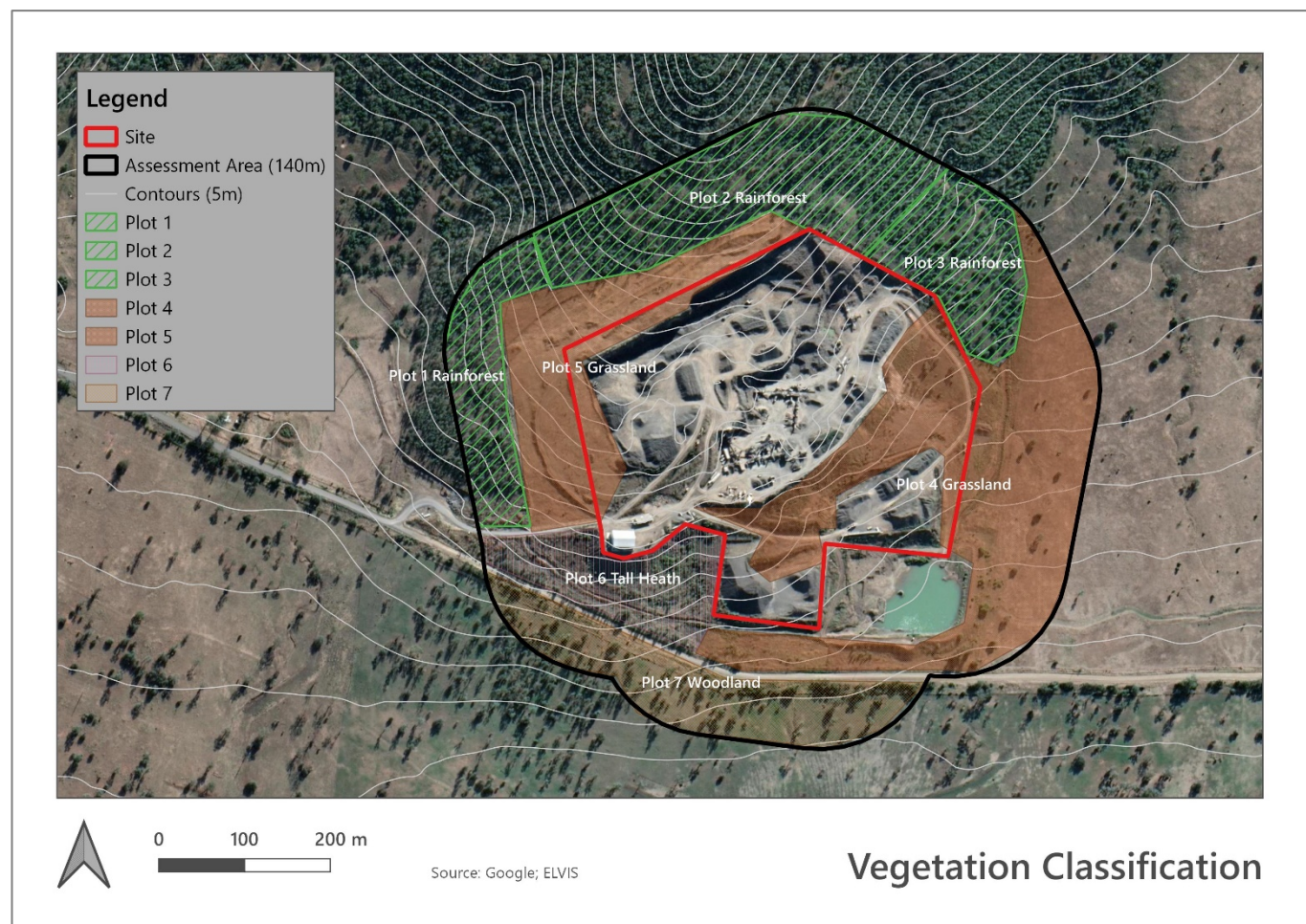
Objectives	Development Response
Afford buildings and their occupants protection from exposure to a bush fire;	<p>The development includes a:</p> <ul style="list-style-type: none"> <li>• site office &amp; weighbridge, and</li> <li>• machine shed</li> </ul> <p>as the two permanent buildings on site. the development has four (4) permanent employees on site. The development will involve an addition 5-10 truck drivers above the existing operating development.</p> <p>As existing buildings, and those that are not required to be constructed to a bushfire construction standard, it is expected that they would not have been constructed in accordance with AS3959.</p> <p>As outlined below, a APZ that is sized to achieve 29kW/m<sup>2</sup> radiant heat flux will be provided for each of the permanent buildings. A Bushfire Emergency Management and Evacuation Plan, prepared in accordance with the RFS Guidelines is to be conditionally prepared for the development.</p> <p>Thus on balance of issues, the development will Afford buildings and their occupants protection from exposure to a bush fire.</p>
provide for a defensible space to be located around buildings;	29kW/m <sup>2</sup> radiant heat flux is the accepted exposure for developments other than SFPP developments.
provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;	<p>The buildings require a minimum 22m APZ to achieve this.</p> <p>The office building achieves the APZ and defensible space.</p> <p>Additional vegetation management will be required for the machinery building. It has a small defensible space around the building (approx. 5m by measurement) due to the topography.</p>

**Table 12: PBP Objectives**

Objectives	Development Response
Ensure that appropriate operational access and egress for emergency service personnel and occupants is available;	<p>Access is to be suitable for Type 1 A-Doubles as part of the operation of the development. As such it will be suitable for emergency service vehicles.</p> <p>A turnaround area is to be provided adjacent to the buildings in accordance with Figure A3.3 of PBP.</p> <p>A Bushfire Emergency Management and Evacuation Plan, prepared in accordance with the RFS Guidelines is to be conditionally prepared for the development.</p>
Provide for ongoing management and maintenance of BPMs; and	To be conditionally required.
ensure that utility services are adequate to meet the needs of firefighters.	As outlined below.

## Bushfire Assessment

Carried out in accordance with the Site Assessment methodology in Appendix 1 of PBP, from a desktop assessment and site assessment from the public road.



**Table 13: APZ Determination**

Plot	Vegetation Classification	Effective Slope	APZ Required
1	Rainforest	Downslope >10°-15°	20m
2	Rainforest	Upslope	9m
3	Rainforest	Downslope >5°-10°	15m
4	Grassland	Downslope >10°-15°	14m
5	Grassland	Upslope	10m
6	Tall Heath	Downslope >10°-15°	<b>22m</b>
7	Woodland	Downslope >5°-10°	17m

The minimum required APZ around the buildings is 22m.

### Specific Issues

The specific issues that PBP identifies for Mining (underground and open cut) and petroleum production, are considered to be appropriate to apply for extractive industries.

**Table 14: Specific Issues**

Specific Issue	Development Response
Where mining and associated activities are carried out on BFPL, consideration should be given to any hazards and risks associated with bush fire. It may be necessary to implement measures to control and manage any identified hazards and risks.	To be addressed as part of the Bush Fire Emergency Management, Evacuation and Operations Plan.
Petroleum exploration and production may also be a consideration in bush fire prone areas. Petroleum includes coal seam gas (CSG). As a minimum, a 10m APZ should be provided around any infrastructure associated with mining and petroleum production.	A 22m APZ is to be provided around the office weighbridge building and the machinery building. A 10m APZ is to be provided around all other infrastructure associated with the development.
Given the potential hazard and risks, a Bush Fire Emergency Management and Operations Plan should be prepared to cover any mining activities and petroleum production undertaken on BFPL, with consideration to the same provisions detailed in section 8.3.5 for wind and solar farms.	To be addressed as part of the Bush Fire Emergency Management, Evacuation and Operations Plan.

### Bush Fire Protection Measures

#### Asset Protection Zone

- A minimum 22m APZ is to be provided (as calculated in Table 12) around the office weighbridge building and the machinery building.
- A 10m APZ is to be provided around all other infrastructure associated with the development.
- The APZs are to be provided in accordance with Appendix 4 of PBP, installed prior to operation of the development and maintained in perpetuity in accordance with these specifications.

#### Access

- A two-wheel drive all-weather access road is provided from the public road to the office weighbridge building and the machinery building. The road is to be a minimum width that enables the passing in opposite directions of a Category 1 fire appliance and the largest heavy vehicle permitted to access the site as part of the development.

- The access road is to provide suitable turning areas adjacent to the buildings in accordance with Appendix 3 of PBP.
- Traffic management devices are constructed to not prohibit access by emergency services vehicles.
- The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes). Bridges and causeways are to clearly indicate load rating.
- Suitable access for a Category 1 fire appliances is to be provided within 4m of the static water supply.
- Parking is provided outside of the carriageway width.
- Curves of roads have a minimum inner radius of 6m.
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees.
- The road crossfall does not exceed 3 degrees.
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

## Services

### • **Water Supply**

- A 10,000 litres minimum static water supply for firefighting purposes is provided each for:
  - The office weighbridge building; and
  - the machinery building.
- A connection for firefighting purposes is located within the IPA or non hazard side and away from the structure;
- 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4m of the access hole;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);
- unobstructed access is provided at all times;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters; and
- underground tanks are clearly marked,
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;
- Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.

### • **Electricity Services**

- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follow:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

### • **Gas Services**

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- above-ground gas service pipes external to the building are metal, including and up to any outlets.

### • **Emergency Management**

- A Bush Fire Emergency Management, Evacuation and Operations Plan is to be prepared by a suitably qualified and experienced bushfire consultant, prior to the commencement of the development. It is to be prepared consistent with the:
  - The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; and
  - Australian Standard AS 3745:2010 Planning for emergencies in facilities.
- The B Bush Fire Emergency Management, Evacuation and Operations Plan should include planning for the early relocation of occupants and management of goods and equipment on site that may add to the bushfire risk (as outlined in section 8.3.5 of PBP).
- A copy of the Bush Fire Emergency Management, Evacuation and Operations Plan is to be provided to the Local Emergency Management Committee for its information prior to commencement of the development.

#### 3.6.11.4 Summary

With the application of the above bushfire protection measures it is considered that the development conforms to the specifications and requirements of PBP.

#### 3.6.11.5 Recommended Conditions

Conditions be applied in accordance with the Bush Fire Protection Measures outlined in Section 2.6.11.3.

### 3.6.12 Safety, Security & Crime Prevention

It is not expected that the proposed development would result in any significant adverse safety, security or crime prevention impacts. The development is to have appropriate fencing for access control.

#### 3.6.12.1 Recommended Conditions

A condition is recommended to be imposed to require the development is to have appropriate fencing for access control.

### 3.6.13 Social Impacts in the Locality

The NSW Planning & Environment's *Social impact assessment guideline: for state Significant Mining, Petroleum Production and Extractive Industry Development* (NSW Government Planning & Environment, 2017) has been used as a guide to consider potential social impacts from the proposed development. It identifies that social impacts can involve changes to the matters outlined in the following table. The table also provides consideration of these matters in relation to the proposed development.

**Table 15: Social Impact Consideration**

Matter	Consideration
<b>Way of Life</b>	<ul style="list-style-type: none"> <li>• The development is not expected to impact upon how people live (e.g. how they get around or access to adequate housing).</li> <li>• The development is not expected to impact on how people work (e.g. access to adequate employment).</li> <li>• The development is not expected to impact upon how people play (e.g. access to recreational activities).</li> <li>• The development is not expected to impact how people interact with one another on a daily basis.</li> </ul>
<b>Community</b>	The development is not likely to impact on the composition, cohesion, or character of the community, or how it functions or sense of place.
<b>Access to and use of infrastructure, services and facilities</b>	The development is not likely impact upon the access to and use of infrastructure, services and facilities provided by local, state, or federal governments, or by for-profit or not-for-profit organisations or volunteer groups.



**Table 15: Social Impact Consideration**

Matter	Consideration
<b>Culture</b>	The development is not expected to adversely impact upon culture including shared beliefs, customs, values and stories, and connections to land, places, and buildings (including Aboriginal culture and connection to country).
<b>Health and Wellbeing</b>	The development is not expected to adversely impact on health and wellbeing, including both physical and mental health. By the EPA issuing its GTAs, the development has been determined that it can operate without causing unacceptable adverse environmental impacts.
<b>Surroundings</b>	The development is not expected to adversely impact on the surroundings including access to and use of ecosystem services, public safety and security, access to and use of the natural and built environment, and its aesthetic value and/or amenity. By the EPA issuing its GTAs, the development has been determined that it can operate without causing unacceptable adverse environmental impacts.
<b>Personal and property rights</b>	The development is not expected to have an unreasonable impact on personal or property rights.
<b>Decision making systems</b>	The development is not expected to impact on decision making systems.
<b>Fears and aspirations</b>	A number of fears have been raised by the community as part of the consultation process. By the EPA issuing its GTAs, the development has been determined that it can operate without causing unacceptable adverse environmental impacts. Furthermore, the road network has been assessed as being suitable for the proposed development, with the upgrades associated with the VPA.

In conclusion, it is not expected that the development would result in any significant adverse social impacts for the locality.

### 3.6.14 Economic Impacts in the Locality

The development is expected to have positive economic impacts in the locality through the ongoing extraction of resource and local flow on effects. It is not expected that the development would result in any significant adverse economic impacts for the locality.

### 3.6.15 Construction

The only construction works required as part of the development is the upgrade of the intersection of the access driveway with the public road. The construction work would be limited in time. Appropriate standard conditions to be imposed on the approval to manage any potential adverse impacts from the driveway construction works, including:

- Construction work hours
- Erosion and sediment control measures
- Dust management
- Traffic management.

### 3.6.16 Cumulative Impacts

It is not considered that the development will result in adverse cumulative impacts.

## 3.7 Suitability of the Site for the Development

The development is for increased extraction of an existing operational quarry. On balance of issues as outlined throughout this report and with the implementation of appropriate mitigation measures, the site is considered to be suitable for the development.

### 3.8 Submissions

The DA was notified from 6 August 2020 to 4 September 2020 by way of:

- letters to adjoining property owners/occupiers;
- advertisement in the Courier newspaper (6/8 & 18/8);
- sign on site; and
- notice on Council's website.

During this period, seven (7) submissions were received. The submissions have been summarised in **Table 15**, with responses provided for each key issue.

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
<b>Traffic Safety</b>		
<p>Trucks travel too fast around the tight bend in the road making it dangerous due to lack of sight distance through the bend.</p>	<p>This is, in part, a matter for Narrabri Shire Council. On 11.8.20, Johnstone Concrete &amp; Landscape Supplies (JCLS) received an email from the complainant – JCLS responded by email on 13.8.20, and entered the complaint into EPA Complaints register. See updated Complaints Register in Appendix 1.</p>	<p>Vehicle speed is regulated under separate legislation to that which Council is responsible for (i.e. NSW Police responsible for speeding).</p> <p>Road design is the responsibility of the relevant roads authority, in this instance it is Council. The unsealed portion of Wave Hill Road is to be upgraded and sealed by Council as part of the current VPA associated with the DA for current operation of the development on site.</p> <p>In terms of driver behaviour, it is recommended that a driver code of conduct is to be prepared as part of the development to ensure road safety as part of the haulage associated with the development.</p>
<p>Blind corner between Johnsons &amp; Boral site dangerous and narrow we and all other residents including the School Bus often get caught out by speeding trucks in the middle of the road , reconstruction is paramount for general public safety.</p>	<p>This section has been upgraded to Narrabri Shire Council (NSC) design &amp; is sufficient for Two B-Doubles Passing.</p> <p>See above – same complaint.</p>	<p>This corner will be upgraded as part of the VPA works associated with Segment “A”.</p>
<p>My concern is the Non-safety of the unsealed portion of road between Barra Creek and the old Boral Quarry now named Narrabri Quarry.</p> <p>Negotiating the 2 blind corners, the ruts, pot holes, deep gouged truck tracks, bull dust, showering of gravel, speeding trucks, trucks that want more than their share of the road, a couple of near misses.</p> <p>Concern if DA2020/0085 is approved there will be extra gravel trucks, B-doubles, contractors etc making this road a lot busier with heavier traffic, pointing to the need of considerations for the shire council:</p> <ul style="list-style-type: none"> <li>• To upgrade, bitumen, widen this section of road</li> <li>• Removal of vegetation and shrubs/trees on the 2 bad corners for clear view</li> </ul>	<p>The maintenance of the Wave Hill Road is Council’s responsibility. The Proponent has previously partially funded the redevelopment of Wave Hill Road which has included sealing of the majority of this road and the quarry operates under a Voluntary Planning Agreement between Council and JCLS.</p>	<p>A new VPA will be entered into between the applicant and NSC, consistent with the previous VPA. This will include the upgrade of Wave Hill Road in the Segment “A” area.</p> <p>It will also include on-going contributions toward maintenance of Wave Hill Road.</p>

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
<ul style="list-style-type: none"> <li>Possible speed limited on the 2 bad corners</li> <li>This for the safety of the school children travelling on the bus, local residents that travel this road and for myself (as I'm responsible for other people~ children's safety).</li> </ul>		
<p>Our major concern is for the Safety of our School Children passengers, our bus driver and local residents that travel this road.</p> <p>Our concerns are that the expansion of the Quarry will mean the road between Narrabri and the Quarry will become twice as busy with traffic especially Trucks + B-doubles.</p> <p>In the past there has been a number of near misses with trucks being in the middle or on the wrong side of the road, especially bad on the unsealed corner, also we have had numerous broken windscreens due to rocks being thrown up by passing vehicles.</p> <p>Whether the DA is passed and expansion of the quarry is approved or not, we would strongly suggest that the following be put in place to make the road less dangerous for all users.</p> <ol style="list-style-type: none"> <li>Road be tarred and widen to accommodate the increased traffic flow</li> <li>Speed limit on the bad corner</li> <li>Removal of shrubs + vegetation on corner so to give a clear view of any on-coming traffic.</li> </ol>	<p>This is the responsibility of the Narrabri Shire Council.</p>	<p>A new VPA will be entered into between the applicant and NSC, consistent with the previous VPA. This will include the upgrade of Wave Hill Road in the Segment "A" area.</p> <p>It will also include on-going contributions toward maintenance of Wave Hill Road.</p>
<p>Our direct concern with the above application is the addition of trucks on our already diminished and unsafe dirt road (between Barra Creek and the old Boral Quarry as well as the corner directly opposite the Johnstone Quarry). We have been run off the road several times (with children in the car) due to the speed of the trucks, the narrow rough road, dust and blind corners.</p>	<p>The remaining 1.5 km of gravel road is to be sealed by Council as part of the original VPA. Council has indicated that this is in their road sealing program.</p>	<p>A new VPA will be entered into between the applicant and NSC, consistent with the previous VPA. This will include the upgrade of Wave Hill Road in the Segment "A" area.</p> <p>It will also include on-going contributions toward maintenance of Wave Hill Road.</p>

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
<p>When it rains the road becomes even more of a mess, especially with the trucks travelling on it resulting in bog holes, wash outs and tyre ruts. It can get rather tricky and of course dangerous, driving in these conditions especially when trying to pass a truck.</p> <p>Simply grading the road does not achieve much as it's only ever a few days before the trucks mess it up again or it rains and we have to start all over again.</p>	<p>This is a matter for the Narrabri Shire Council.</p>	<p>A new VPA will be entered into between the applicant and NSC, consistent with the previous VPA. This will include the upgrade of Wave Hill Road in the Segment "A" area.</p> <p>It will also include on-going contributions toward maintenance of Wave Hill Road.</p>
<p>With the above Development Application this would mean an increase in traffic (trucks) which we fear will then see an increase in near misses, being run off the road and major damage to the road. It is only a matter of time before there is an accident.</p>	<p>This is a matter for the Narrabri Shire Council. A traffic impact assessment has been provided as part of the EIS. This addressed impacts of the proposal on traffic safety.</p>	<p>The road is to be upgraded in Segment "A".</p> <p>The development will also be bound by a Traffic Management Plan and Driver Code of Conduct.</p>
<p>Concerned about the safety and continued running of the school bus.</p>	<p>This is a matter for the Narrabri Shire Council. A traffic impact assessment has been provided as part of the EIS. This addresses impacts of the proposal on traffic safety. Furthermore, the existing agreed haul routes from this Wave Hill include through Narrabri town streets and Turrawan Road. Both routes have truck size limits due to road width and geometry at specific intersections, in addition to operations during school hours through Narrabri.</p>	<p>The continuation of the running of the school bus is not a matter for consideration as part of this DA.</p> <p>The development will be bound by a Traffic Management Plan and Driver Code of Conduct to assist with safety concerns.</p>
<p>There is also a part of the road opposite the quarry on the 'Wave Hill' side where we have again had near misses from other traffic. This section of the road is particularly narrow and is impossible to see who is coming around the corner and there is very little room, if any, to pass someone. It also gets quite slippery when wet.</p>	<p>JCLS Vehicles do not utilise this section of road. Vehicles associated with the quarry can only travel westwards from the quarry entrance, per consent conditions.</p>	<p>This section of Wave Hill Road is not used for haulage as part of this development. Therefore any road safety issues in this section of the road are not a relevant consideration for this DA.</p>
<p>Please see our proposed actions below, even if the DA2020/0085 is not approved:</p> <ul style="list-style-type: none"> <li>Widen and bitumen the dirt road between Barra Creek and the old Boral Quarry.</li> </ul>	<p>This is the responsibility of the Narrabri Shire Council.</p>	<p>The road is to be upgraded in Segment "A", which extends from Wairoa Quarry to the old Boral Quarry.</p> <p>The development will also be bound by a Traffic Management Plan and Driver Code of Conduct.</p>



**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
<ul style="list-style-type: none"> <li>Widen and bitumen the blind corner on the Eastern side of Johnstone Quarry, even if it comes down the hill and ends there, at least it will be safe to drive on this part of the road and eliminate slipping off the side of the hill in the wet as well as being able to safely pass another vehicle. At the moment it would be impossible to pass a truck should there be one.</li> <li>Clear the edges of the road of vegetation and shrubbery as it makes it harder to see oncoming traffic.</li> <li>Apply speed limits to this section of the road to help ensure the trucks are travelling at a safe speed.</li> </ul>		
<b>Incorrect information</b>		
The EIS incorrectly states that there have been no complaints within the last twelve months. The author states that they have made three (3) complaints to the EPA within the prior twelve month period.	This submission is accurate, incorrect information has been provided in the EIS. Please see included as Appendix 2 the EPA correspondence register which is completed in the yearly EPA questionnaire. EPA has always been provided with information relating to complaints.	Noted.
<b>Existing Development</b>		
Many previous complaints regarding noise and dust from operations.	As above – see Appendix 2.	Noted.
Have been verbally abused by applicant and/or staff	The staff member in question is no longer employed at the quarry due to this incident.	Noted.
The proponent was to conduct twice yearly meetings with neighbouring property owner, however, they have not been held as required and feedback following issues raised has not been provided	6 monthly meetings were held – several emails were sent to the complainant in relation to scheduling time in but several attempts were made. When the landholder meeting was held in regard to buy back they have not responded to emails or texts for further meetings. The emails and texts are included as Appendix 3 – if further evidence is required, additional emails can be provided.	Noted. It is understood this was related to the EPA's Environmental Protection Licence (EPL) and not the DA.

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
Blasting was permitted to only occur four (4) times per year. However, it occurs more than once per month and up to 16 times per year.	<p>The following details the blasts carried out in the last two years– if required further backdated dates can be supplied.</p> <p>JCLS are not licenced blasters, therefore blasting can only be undertaken by qualified companies – that is the law by the regulators and far too dangerous, additional evidence can be supplied to support this information if required.</p> <p>Blast 31 – 6.8.2019 - only 1 blast in 2019</p> <p>Blast 32 – 20.2.20</p> <p>Blast 33 – 21.2.20</p> <p>Blast 34 – 20.3.20</p> <p>Blast 35 – 6.11.20</p>	Noted. Blasting is regulated by the EPL. The EPA has not raised any issue with blasting that has occurred.
When blasting occurs at the moment the blasts are such that the blasted rock is visible above the close horizon.	This is correct, this is called Shot Rock and occurs within the Blast Area.	Noted. Blasting is regulated by the EPL. The EPA has not raised any issue with blasting that has occurred.
Notification of blasting times is not consistent with actual blasting times.	Landholders are either notified 24 hours by phone or text if they do not answer the phone. JCLS can provide proof of text messages to support this if required.	Blasting is regulated by the EPL. The EPA has not raised any issue with blasting that has occurred.
All the issues raised in previous complaints will be significantly increased by the proposed development.	An EIS has been prepared to assess the potential operations and potential impacts of a proposed extension to the annual extraction limit at Wave Hill Quarry. The EIS findings conclude that the proposal is consistent with the relevant regulatory provisions and adequately addresses and can appropriately manage potential off-site impacts associated with the quarry operation, including potential for dust and noise emissions as well increased traffic levels.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.
Noise issues have been a constant problem associated with the current operation. This will get worse if the increase is approved.	Noise levels generated by the quarry are within EPA limits – all complaints have been forwarded to EPA and noted on the register. Noise monitoring has been undertaken by qualified noise specialists and results show that noise levels are within normal limits –	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
	monitoring results can be supplied to NSC if required and have been forwarded onto EPA.	
For the last eight years dust has been a constant problem - typically from blasting and from crushing, but also from wind blown dust which picks up from the site even when the site is not operational.	It is noted that quarrying activities at Wave Hill are not the only source of dust in the locality. Farming activities in the area, in particular ploughing and harvesting, as well as associated heavy vehicle movements, can also generate dust. Complaints results have been investigated from complaints – evidence can be supplied if needed.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable that the development will not generate pollution beyond which complies with applicable legislation and policy.
When the crushing operation is being undertaken a 'cloud' of dust develops above the site and this 'cloud' ends up on the wind. I enclose a video of the dust coming off a recent crushing operation.	The Wave Hill Quarry is shut down when conditions are unfavourable; the quarry follows a Trigger Action Response Plan (TARP) for dust; this is included as Appendix 4.	Noted.
The proponent has made no real attempt to monitor or understand the dust issues and how they affect the neighbours. The proponents so-called dust monitoring located on the boundary between us is a joke. It appears to be nothing more than a bottle with a funnel in it. It has not been touched since May.	Monitoring has been undertaken on a monthly basis as per EPA regulations. This information is on the JCLS website (Please see: <a href="https://www.jcls.net.au/wave-hill-rirmp-2018">https://www.jcls.net.au/wave-hill-rirmp-2018</a> ).  Dust monitoring was not carried out for short periods of time at the sensitive receptor Glen Aston; the EPA are aware of this as this was due to the aforementioned firearms incident and EPA advised JCLS to install an alternative monitoring point which has been completed.	Noted.
Dust sampling records unchecked and not recorded as required.	Dust monitoring results are on the JCLS website for public viewing. Please see: <a href="https://www.jcls.net.au/wave-hill-rirmp-2018">https://www.jcls.net.au/wave-hill-rirmp-2018</a>	Noted.
Noise monitoring not done as required.	Noise monitoring plus personnel monitoring (which is required under WHS legislation) is undertaken and these reports can be supplied if required.	Noted.
Highly intrusive crusher, loader and dump truck noise especially when work is taken out on the western side of the facility.	Plant that is at the quarry are all relatively new or within 5 years old. Newer plant are noise rated within the limits.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable that the development will not generate pollution beyond which complies with applicable legislation and policy.

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
Constant intrusive exhaust brake noise from trucks approaching and leaving the Mine from early in the morning and then throughout 6 days a week combined with reversing beacons we have to endure constant noise pollution.	The Wave Hill Quarry is compliant with the licence terms.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable that the development will not generate pollution beyond which complies with applicable legislation and policy.
Our Cypress Pine residence has developed large crack in the walls, our brick piers are cracking due to the movement of the house incurred by blasting events, window and tile damage also evident.	<p>The house does not have Engineering or planning permission. JCLS have requested (email and text evidence are available if required) for the complainant to supply an engineer's report to substantiate these claims, and there has never been a report supplied to categorically state that due to blasting the cypress pine residence has large cracks.</p> <p>As blasting is rarely undertaken 4 times a year it would be hard to understand that the cracks were due to blasting by JCLS quarry.</p>	It is recommended that a dilapidation assessment be undertaken for the subject dwelling to determine its current status and to provide a benchmark for ongoing monitoring in terms of blasting impacts.
<b>Consultation in preparation of DA</b>		
No contact with adjoining owners during preparation of the EIS including associated monitoring.	Consultation with adjoining owners was not carried out by the applicant or SMK Consultants, however official notification was carried out by Narrabri Shire Council as part of the DA process. Furthermore, there is an extended history of unacceptable verbal abuse from an adjoining neighbour toward SMK staff. On this basis, no consultation was made with the neighbour due to the potential of placing staff in an unacceptable situation.	Given the history between the neighbours, this is not an unreasonable response.
<b>Noise Impacts</b>		
The noise issues come primarily from the crushing operation - the suggestion that there will be a 2500/o increase in crushing is of great concern to me.	Noise emissions from the quarry are currently compliant with EPA limits set out in the DA conditions, and the Applicant would continue to abide by EPA requirements, should the proposal be approved	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable that the development will not generate pollution beyond which complies with applicable legislation and policy.
I have concerns about the noise monitoring included in the report - it appears to have been carried out at one location which was protected from the quarry site by a	The EPA has advised the Applicant to refrain from approaching certain landholders' residence for security reasons.	The EPA has accepted the noise monitoring included in the report.

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
ridge. I also note that there was nil noise data collected from or near my house and that the monitoring on my side was carried out well down the road from my residence.		
My view is that the proposal should not be approved - however if it was to be approved I suggest that proper noise monitoring be installed and managed by an independent third party, and that noise monitoring reports be provided quarterly to the neighbours within the 1km radius and that real penalties including operation shutdown be available if the proponent cannot maintain the operation within the required limits.	Current and previous noise monitoring is undertaken by Advitech Environmental (a highly regarded company in the industry as environmental noise impact consultants) and Hushpak engineering (who are also experienced noise attenuation consultants) who are a third party – JCLS have no interest in either of these companies who are independent. As for providing these reports to landholders these are detailed reports that would be difficult to understand by a lay person – the complainant would need to seek professional advice to explain any contents of these such reports. These can be supplied if required.	The development is regulated by the EPA through an EPL which will specify required noise monitoring.
Any proposed and granted expansion will subject us to greater issues if they are able to remove more of the western side of the ridge closer to our residence exposing us to even more noise and dust, the buffer zone is not big enough as it currently stands alone.	The proposed increased annual extraction rate will not result in the alteration of the approved quarry footprint.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.
<b>Dust Impacts</b>		
<p>The proponent could mitigate the dust issue at it's source by using dust suppression like they were required to do in the initial DA approval - but they make no attempt to mitigate dust.</p> <p>I have read the current proposal as it relates to dust and note the proponent's suggestion that dust issues can be overcome by the proponent adopting 'best practise'- covering loads, applying water sprays and the like. The problem is that all these mitigation measures rely on the proponent doing the right thing – something which they have not embraced in the past.</p>	Dust suppression is currently in carried out. If JCLS did not use any dust suppression the regulator would shut the quarry down. The EPA have on many occasions visited the site and all and mitigation has been undertaken. Dust mitigation measures can be supplied if required.	The development is regulated by the EPA through an EPL which will specify required dust mitigation measures.



**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
My view is that the proposal should not be approved - however if it was to be approved I suggest that proper dust monitoring be installed and managed by an independent third party, and that dust monitoring reports be provided quarterly to the neighbours within the 1km radius and that real penalties including operation shutdown be available if the proponent cannot maintain the operation within the required limits.	Dust monitoring results are on available on the JCLS website. "Proper dust monitoring" is undertaken and all evidence can be supplied. The Quarry has a dust TARP which is included as Appendix 4 and is adhered to.	The development is regulated by the EPA through an EPL which will specify required dust mitigation measures.
Dust contamination of our residence especially prevalent when the wind is coming from the East.	This statement has never been proven by the resident – it is only hearsay.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.
Air conditioning units filters and ducting compromised and in need of more constant cleaning and maintenance.	This statement has never been proven by the resident – it is only hearsay	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.
<b>Water Quality</b>		
Water quality compromised due to gutters and roof constantly being covered with dust and blasting chemicals no doubt with adverse health issues.	Dust Monitoring states otherwise – the complainant would need to substantiate this claim by what kind of dust is in their water. As blasting is generally undertaken once or twice a year (with the exception of 2020), it would be highly unlikely that there would be contamination from the quarry.	The development is regulated by the EPA through an EPL. By issuing its General Terms of Approval (GTA), the EPA is comfortable the that the development will not generate pollution beyond which complies with applicable legislation and policy.
<b>Visual Privacy</b>		
Privacy issues on our behalf due to staff and truck drivers looking on our residence during smoko breaks etc as there is no noise or vision bunting on the boundary.	The closest sensitive receptor is situated approximately 380 metres from the quarry boundary. This complaint is not considered relevant and a screen is not considered necessary, given the available separation distance.	The separation distance between the dwelling and the property boundary (295m) and quarry buildings (600m) is considered to be appropriate to provide visual privacy. It is not expected that at this distance noise impacts from voices would be significant.
<b>Hours of Operation</b>		

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
<p>I would ask that there be NO approval to carry out 24-hour operation. The suggestion that a quarry with three separate residences within a 1km radius should be allowed to operate 24 hours a day is an insult to me and to the other residents.</p> <p>I strongly oppose any approval for 24-hour operation of any sort.</p>	<p>JCLS are not proposing to carry out a 24-hour operation at present. The reference to 24-hour operations has been included for emergency provisions. Wave Hill Quarry has this provision in their existing operating hours. If 24-hour operations were to occur, Wave Hill would require Council and possibly EPA approval before they could proceed, with new assessments provided as requested at that time.</p>	<p>In its GTAs the EPA has permitted 24 hours operation in exceptional circumstances, and only with approval from NSC and the EPA. In such instances, haulage would be limited to four (4) trucks only.</p>
<p>I also oppose crushing and/or stockpiling before 7am.</p>	<p>Crushing and stockpiling does not happen prior to 7am as per the licence conditions – this is hearsay.</p>	<p>The EPA has issued its GTAs, which includes operational hours, on the basis of the noise impact assessments and has determined that the development can achieve applicable noise criteria.</p>
<b>Quarry Footprint</b>		
<p>The EIS suggests that the quarry footprint will not increase over the footprint which was apparently approved by Narrabri Shire Council in 2016.</p> <p>If in fact there was a Council approval in 2016 which increased the original footprint, then no-one at Narrabri Shire Council appears to know about it.</p> <p>In the last few days, I have attended upon Narrabri Shire Council office and spoke to planning staff, who informed me they were not aware of a 2016 variation.</p> <p>I was never made aware of any proposal in 2016 to increase the footprint.</p>	<p>An EIS was submitted in 2012 for the increase of the maximum annual extraction rate of 200,000 tonnes/annum (DA 60-2013). In 2014, a Section 96 application was made to Council for the Wave Hill Quarry. Council noted some issues with the aerial images presented and on this basis, an updated site plan was prepared as a clarification and submitted to Council at their request to provide a record of the footprint. Shortly after the submission to Council, the footprint was surveyed and pegged to provide a permanent record of the extent of the quarry site. The attached plan dated 13-7-2016 provides our record of the survey marks placed. These marks identified the approved extent of the quarry site. The current application does not request an extension to this footprint.</p>	<p>As outlined in <b>Section 1.2</b>, Council does not have records of a modification or new application in 2016 relating to the development site.</p> <p>Development Consent was granted by the Northern Region RPP on 19 June 2014. It is noted that the EIS submitted with this DA contended that there would be no increase in footprint, however, from a review of the available DA information it appears that it proposed an increase compared to the previous 1997 DA. The assessment report presented to the panel indicated that the development would permit expansion of the footprint of the quarry “in a north west direction into the hillside with an already clear area on Lot 89 DP 821255”.</p> <p>Council issued approval for a modification to the 2014 Development Consent on 14 April 2015. This modification did not alter the development footprint.</p>
<p>The suggestion that the quarry/blasting footprint includes the cleared area shown on the proponent's maps means the blasting/crushing/drilling/stockpiling activities will all</p>	<p>Strongly opposes everything, the complainant has stopped the landholder meetings since the meeting of proposed acquisition. Text messages clearly state that if</p>	<p>The proposed development will not change the approved footprint of the development.</p>

**Table 16: Submission Issues & Response**

Issue	Applicant Response	Council Response
be considerably closer to me and I strongly oppose that happening.	they are compensated, they would not cause a fuss (these texts can be supplied if required).	
<b>Fencing</b>		
Insufficient fencing around the site as our sheep are constantly entering the area.	Farm fencing for a property to keep stock in is the responsibility of the landholder, not a company.	Boundary fencing is not a matter for council consideration per se. However, a condition of consent will be recommended requiring fencing of the active quarry area for safety reasons.
<b>Notification Extent</b>		
Concern & disappointment with the lack of official notification of the proposed DA.	Consultation with adjoining owners was not carried out by the applicant or SMK Consultants, however official notification was carried out by Narrabri Shire Council as part of the DA process. Furthermore, there is an extended history of unacceptable verbal abuse from an adjoining neighbour toward SMK staff. On this basis, no consultation was made with the neighbour due to the potential of placing staff in an unacceptable situation.	<p>The DA was notified in accordance with legislative requirements, which included:</p> <ul style="list-style-type: none"> <li>• letters to adjoining property owners,</li> <li>• notification in the local newspaper,</li> <li>• sign on site, and</li> <li>• exhibition on Council's website.</li> </ul> <p>The subject property is not an adjoining property and therefore was not required to be notified by letter.</p>

## 3.9 The Public Interest

### 3.9.1 Dark Sky Planning Guidelines

Part 4 of the Guidelines outlines the design principles that must be considered in the assessment of development. The applicant has provided responses as to how each would be addressed.

**Table 17: Dark Sky Planning Guideline Principles**

Principle	Applicant Response
Principle 1 Eliminate upward spill light	To control the direction of the light, the proponent would be required to ensure that all lighting is directed downwards
Principle 2 Direct light downwards, not upwards	To control the direction of the light, the proponent would be required to ensure that all lighting is directed downwards
Principle 3 Use shielded fittings	If required, outdoor lights would be fully shielded.
Principle 4 Avoid over lighting	Any additional lighting to be installed at the Quarry site will therefore conform with the design principles outlined in the Dark Sky Planning Guideline 2016.
Principle 5 Switch lights off when not required	Any additional lighting to be installed at the Quarry site will therefore conform with the design principles outlined in the Dark Sky Planning Guideline 2016.
Principle 6 Use energy efficient bulbs	Any additional lighting to be installed at the Quarry site will therefore conform with the design principles outlined in the Dark Sky Planning Guideline 2016.
Principle 7 Use asymmetric beams (when floodlights are required)	Any additional lighting to be installed at the Quarry site will therefore conform with the design principles outlined in the Dark Sky Planning Guideline 2016.
Principle 8 Ensure lights are not directed towards reflective surfaces	Any additional lighting to be installed at the Quarry site will therefore conform with the design principles outlined in the Dark Sky Planning Guideline 2016.
Principle 9 Use warm white colours	The proponent would only use outdoor lighting with a colour temperature below 3,000 Kelvin to minimise the impact of light on the observing environment.

The DA has also been referred to the Observatory Director, who's response has been provided in **Section 1.7.2.3**. The development is considered to be consistent with the Guidelines subject to the implementation of conditions as required by the Observatory Director.

### 3.9.2 General

On balance of issues, the development is considered to be in the public interest.

## 4 Other Matters for Consideration

### 4.1 Biodiversity Conservation Act 2016

#### 4.1.1 Introduction

The *Biodiversity Conservation Act 2016* (BC) contains a number of matters that are required to be considered as part of a DA. These are outlined below.

#### 4.1.2 Likely to significantly affect threatened species

The first consideration is whether the development is likely to significantly affect threatened species (s7.2 BC Act). There are three considerations to determine this:

1. Is the development likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3?
2. Does the development exceed the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values?
3. Is the development to be carried out in a declared area of outstanding biodiversity value?

Each of these considerations are addressed below.

##### 4.1.2.1 Likely to significantly affect threatened species or ecological communities, or their habitats (7.3 Test)

An assessment was undertaken by SMK as part of the EIS (appendix 8) to address section 7.3 of the BC Act. Each of the subsections are considered below.

- (a) **in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,**

In relation to (a), the EIS assessment concludes:

*No population of listed threatened species was identified within the subject site and minimal indirect impacts are expected to occur off site. It is therefore considered that no viable local population of any threatened species will be placed at risk of extinction as a result of the proposed development. Additionally, as the site is surrounded by areas of similar and/or higher-quality native vegetation, local populations of fauna species will have the ability to access or preference these surrounding areas. Therefore, it is considered unlikely that any local population of threatened species within the study area will be placed at risk of extinction.*

- (b) **in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—**

- (i) **is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
- (ii) **is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

In relation to (b), the EIS assessment concludes:

*The subject site does not support an endangered ecological community or critically endangered ecological community. The development proposal is therefore considered unlikely to impact on the extent or composition of any of the listed endangered or critically endangered ecological communities.*

- (c) **in relation to the habitat of a threatened species or ecological community—**

- (i) **the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and**
- (ii) **whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and**
- (iii) **the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

In relation to (c), the EIS assessment concludes:



No additional vegetation will be removed or modified relative to the existing development and its approved footprint as part of the current proposal. The proposal involves increasing the annual extraction limit of the Wave Hill Quarry from 200,000 to 500,000 tonnes per annum. The footprint of the development will not be altered, and it is therefore considered that the proposal will not have any novel or additional impacts on populations of threatened species relative to the existing development. Furthermore, the subject site does not currently support habitat deemed to be important for any threatened species or population, and it is surrounded by higher quality remnant vegetation.

The proposal is therefore not considered to remove, modify, fragment or isolate habitat essential for the survival of a threatened species within the area. No endangered ecological community will be removed, modified or fragmented as part of the proposed works.

- (d) **whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),**

In relation to (d), the EIS assessment concludes:

*The development proposal is not located in or near an area of outstanding biodiversity value. Therefore, no areas of outstanding biodiversity value will be adversely affected (either directly or indirectly) by the proposed development.*

- (e) **whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.**

In relation to (e), the EIS assessment concludes:

***Invasion of Native Plant Communities by Exotic Perennial Grasses***

*Exotic perennial grasses may be present within the grassed areas of the subject site. The risk posed to native plant communities is that these perennial grasses would spread into areas with better quality native groundcover. Seeds of exotic perennial grasses and others weeds may be carried onto and distributed by vehicles entering and exiting the Quarry. Construction machinery may also transport weed seeds onto and off the Quarry site.*

*Weed management strategies will be implemented through the Onsite Environmental Management Plan (OEMP) to minimise the risk of weed establishment and proliferation as a result of extractive activities on site. Examples of weed management strategies include adoption of proper hygiene procedures to minimise the potential for seed transport onto and off the work site. Any weed species listed under the Biosecurity Act 2015 should also be actively controlled throughout the operation of the Wave Hill quarry.*

*Provided safeguards regarding weed management are implemented, the proposed works are unlikely to result in increased weed incursion. The proposed works are therefore considered unlikely to increase the impact of any key threatening processes.*

## Summary

Based on the above the EIS concludes that that the development is not likely to significantly affect threatened species or ecological communities, or their habitats in accordance with the section 7.3 Test.

### 4.1.2.2 Biodiversity Offsets Scheme (BOS) Threshold

A proposed development exceeds the BOS threshold for the purposes of Part 7 of the BC Act if it is or involves:

- the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

## Clearing Threshold

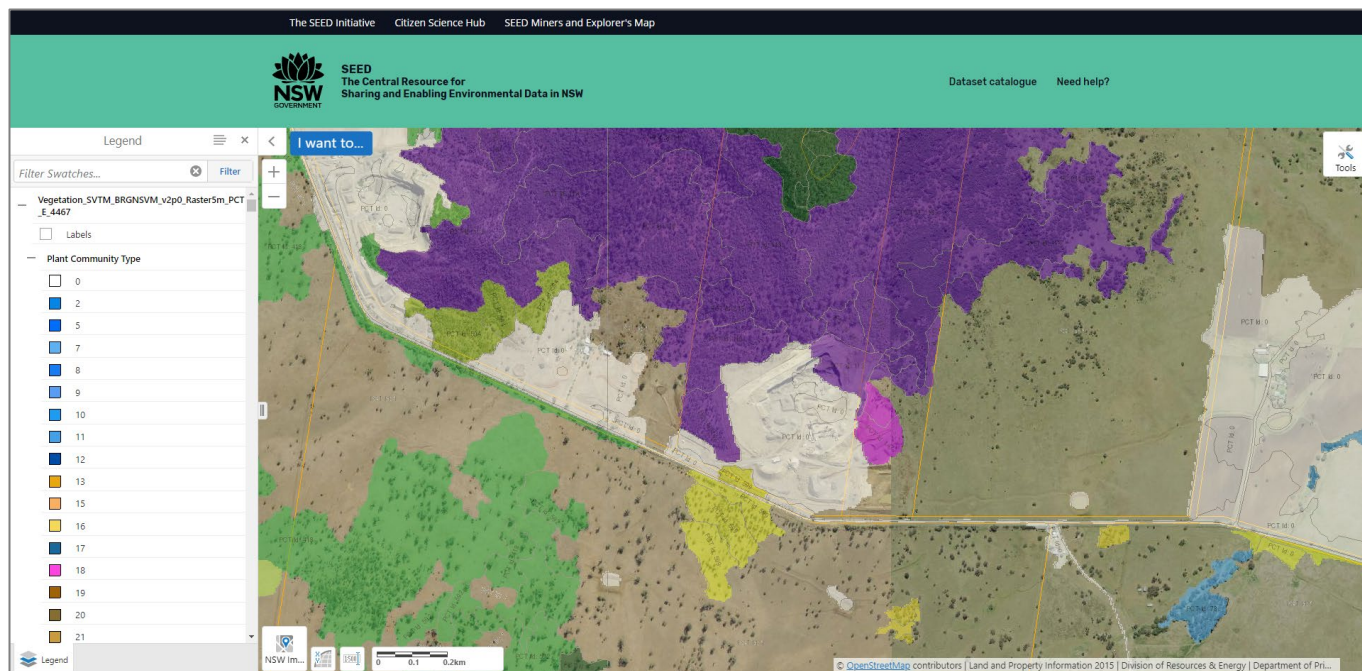
The site has a minimum lot size (MLS) of 100 ha under the Narrabri LEP.

**Table 18: Clearing Thresholds**

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Source: Clause 7.2 of BC Regulation 2017

Based on the MLS, the applicable clearing threshold for the development site is 1.0 hectares.



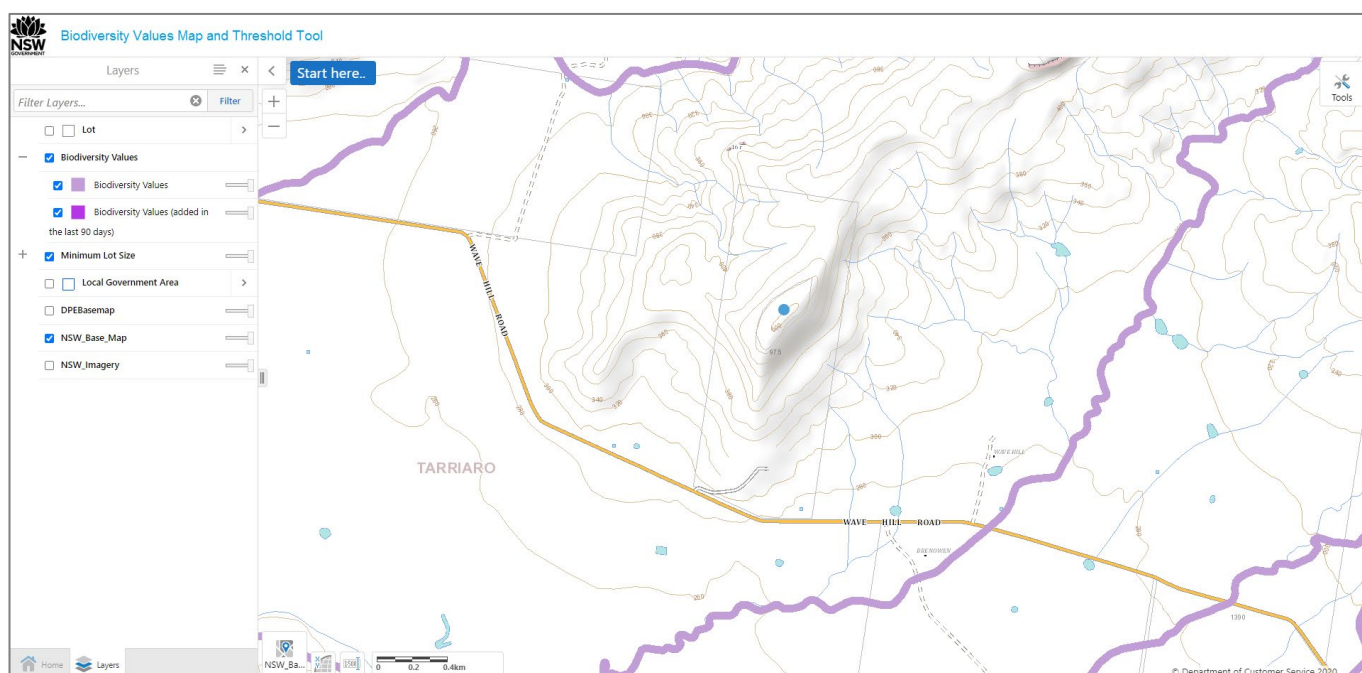
Source: (NSW Government)

**Figure 12: Plant Community Types – State Vegetation Map**

The EIS states (p.50) that no vegetation clearing would be undertaken as part of the development and as such the development would not trigger the area threshold of  $\geq 1.0$ ha.

### Biodiversity Values Map

As shown in **Figure 11**, the site is not mapped as being on the Biodiversity Values Map.



Source: (NSW Department of Planning and Environment)

**Figure 13: Biodiversity Values Map**

#### 4.1.2.3 Declared Area of Outstanding Biodiversity Value (AOBV)

Areas of declared critical habitat under the Threatened Species Conservation Act 1995 have become the first AOBVs in NSW with the commencement of the Biodiversity Conservation Act. The Critical habitat declarations in NSW are (NSW Office of Environment & Heritage):

- Gould's Petrel - critical habitat declaration (PDF 1.45MB)

- Little penguin population in Sydney's North Harbour - critical habitat declaration
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration
- Wollemi Pine - critical habitat declaration (PDF 2.21MB)

The site is not known to be an AOBV.

### 4.1.3 Biodiversity Development Assessment Report (BDAR)

A BDAR is to be submitted with all DAs that are likely to significantly affect threatened species. As outlined in **Section 3.1.2**, the development is **not** likely to significantly affect threatened species. Therefore, a BDAR is not required for this DA.

## 5 Conclusion

### 5.1 Recommendation

It is recommended that DA 2020/85 be approved subject to the draft conditions contained in Attachment 2.

*Erika Dawson*

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**Signature of Assessing Officer**

Erika Dawson

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**Name of Assessing Officer**

16/4/2021

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**Date assessment completed**

## **Appendix A – DA Document Requirements**



Requirement		Yes	No	N/A
<b>1 Information to be included in development application</b>				
(1) A development application must contain the following information:				
(a)	the name and address of the applicant,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	a description of the development to be carried out,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	the address, and formal particulars of title, of the land on which the development is to be carried out,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	an indication as to whether the land is, or is part of, critical habitat,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ea)	for biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	a list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13 (2A) or 4.41,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f1)	in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f2)	if the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	a list of any approvals of the kind referred to in section 4.46 (1) of the Act that must be obtained before the development may lawfully be carried out,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g1)	in the case of State significant development, a list of any authorisations that must be provided under section 4.42 of the Act in relation to the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h)	the estimated cost of the development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h1)	in the case of State significant development, the capital investment value of the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i)	evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j)	a list of the documents accompanying the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2 Documents to accompany development application</b>				
(1) A development application must be accompanied by the following documents:				
(a)	a site plan of the land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	a sketch of the development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	a statement of environmental effects (in the case of development other than designated development or State significant development),	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	in the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requirement	Yes	No	N/A
(e) an environmental impact statement (in the case of designated development or State significant development),	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) if an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure): (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) if the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent of the Minister for the Environment to the carrying out of the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k1) in the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(m) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(n) if the development involves the erection of a temporary structure, the following documents: (i) documentation that specifies the live and dead loads the temporary structure is designed to meet, (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure, (iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used), (iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15 (4) of the Act, (v) copies of any compliance certificates to be relied on,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requirement	Yes	No	N/A
(o) in the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The site plan referred to in subclause (1) (a) must indicate the following matters: (a) the location, boundary dimensions, site area and north point of the land, (b) existing vegetation and trees on the land, (c) the location and uses of existing buildings on the land, (d) existing levels of the land in relation to buildings and roads, (e) the location and uses of buildings on sites adjoining the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The sketch referred to in subclause (1) (b) must indicate the following matters: (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development, (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building, (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures), (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule), (d) proposed finished levels of the land in relation to existing and proposed buildings and roads, (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate), (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity), (g) proposed methods of draining the land, (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch, (i) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters: (a) the environmental impacts of the development, (b) how the environmental impacts of the development have been identified, (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment, (d) any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) In addition, a statement of environmental effects referred to in subclause (1) (c) or an environmental impact statement in respect of State significant development must include the following, if the development application relates to residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies: (a) an explanation of how: (i) the design quality principles are addressed in the development, and (ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requirement	Yes	No	N/A
(b) drawings of the proposed development in the context of surrounding development, including the streetscape, (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations, (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context, (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts, (f) photomontages of the proposed development in the context of surrounding development, (g) a sample board of the proposed materials and colours of the facade, (h) detailed sections of proposed facades, (i) if appropriate, a model that includes the context.			
(5A) The species impact statement referred to in subclause (1) (f) is not required in relation to the effect of the development on any threatened species, populations or ecological communities, or their habitats, if the development is taken to be development that is not likely to significantly affect those threatened species, populations or ecological communities, or their habitats, because it is biodiversity compliant development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) In the case of development to which clause 2A applies, the explanation referred to in subclause (5) (a) need not deal with the design quality principles referred to in that paragraph to the extent to which they aim: (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or (b) to improve the thermal performance of the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2A BASIX certificate required for certain development</b>			
(1) In addition to the documents required by clause 2, a development application for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made. (2) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **Appendix 2 – Draft Conditions**



**DRAFT NOTICE OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

Issued Under Section 4.16 of the *Environmental Planning and  
Assessment Act 1979*

<b>DEVELOPMENT APPLICATION:</b>	DA 2020/85
<b>APPLICANT NAME:</b>	Johnstone Concrete & Landscape Supplies
<b>APPLICANT ADDRESS:</b>	PO Box 878, Narrabri NSW 2390
<b>LAND TO BE DEVELOPED:</b>	Lot 77 DP 754937 and Lot 89 DP 821255 975 Wave Hill Road, Tarriaro
<b>PROPOSED DEVELOPMENT:</b>	Extractive Industry (500,000 tonnes/annum)
<b>BUILDING CLASSIFICATION:</b>	N/A
<b>DATE OF DETERMINATION:</b>	TBA
<b>DETERMINATION :</b>	Consent granted subject to conditions as set out in the Schedule below.
<b>CONSENT OPERATES FROM:</b>	TBA
<b>CONSENT LAPSES ON:</b>	TBA
<b>PUBLIC HEARING HELD BY THE PLANNING ASSESSMENT COMMISSION:</b>	No
<b>GENERAL TERMS OF APPROVAL OBTAINED FROM THE FOLLOWING EXTERNAL BODIES:</b>	Environmental Protection Authority
<b>APPROVAL GRANTED UNDER S 68 OF THE LOCAL GOVERNMENT ACT 1993:</b>	No

## **SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS**

### **General Conditions**

#### **Approved Plans & Documents**

1. The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.

<b>TITLE</b>	<b>REFERENCE</b>	<b>PREPARED BY</b>	<b>REVISION</b>	<b>DATE</b>
Environmental Impact Statement	17-173	SMK Consultants	0	June 2020
Additional information letter	17-173	SMK Consultants	Nil	8/7/2020
Additional information letter	17-173	SMK Consultants	Nil	31/7/2020
Additional information letter	17-173	SMK Consultants	Nil	18/1/2021
Additional information letter	17-173	SMK Consultants	Nil	22/2/2021
Proposed Quarry Extent to Weighbridge Level	17-173	SMK Consultants	A	6/7/2020
Plan Showing Proposed Surface of Quarry Down to Weighbridge Level	17-173	SMK Consultants	A	7/7/2020
Landscape Plan	Nil	SMK Consultants	Nil	18/3/2019
Wave Hill Quarry 5 Year Plan	17-173	SMK Consultants	A	6/7/2020
Wave Hill Quarry Rehabilitation Map	17-173	SMK Consultants	A	6/7/2020

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

#### **Plans on Site**

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

#### **Limitations to Approval**

3. To confirm and clarify the terms of this approval, consent is given for the following:
- (a) The Applicant/Owner shall not extract and/or transport more than:
    - (i) 500,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any calendar year; and
    - (ii) 2,000 tonnes of material including rock, gravel, fines and sand from the development site in any day; and
    - (iii) a maximum of 53 truck movements inbound and 53 truck movements outbound in any day, and five (5) truck movements inbound and five (5) truck movements outbound in any hourly period.
  - (b) This consent is time limited to 20 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first.
  - (c) The largest vehicle permitted to be used in association with the development is a Type 1 A Double vehicle only once the entire haul route is reclassified on both the RAV and Road Train maps.

- (d) The Applicant shall not import material, other than additive type products, onto the site.
- (e) The Applicant shall notify the Council, within three (3) months of the end of the calendar year, the total quantity of material quarried and provide details of final output in terms of product.
- (f) The designated haul route is comprised of Wave Hill Road – Maules Creek Road – Turrawan Road – Kamilaroi HW29, and then to the receiving sites via approved routes shown on the NSW Restricted Access Vehicle (RAV) and Road Train maps.

(Reason: To clarify the scope of the approval)

### Compliance

- 4. The Applicant must put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

(Reason: To ensure all workers on site are aware of approval obligations)

### Obligation to Minimise Harm to the Environment

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

(Reasons: To ensure the development is carried out in an environmentally responsible manner)

### Surrender of Existing Consent

- 6. Within three (3) months of the date of commencement of development under this consent, the following development consent is to be surrendered in accordance with the *Environmental Planning & Assessment Regulation 2000*:
  - (a) Development Consent for DA 60/2013.

Upon the date of commencement of development under this consent, and before the surrender of the exiting development consent listed above, the conditions of this consent prevail to the extent of any inconsistency.

(Reason: To clarify the scope of the approval)

### General Terms of Approval Pursuant to section 4.46 of the Environmental Planning and Assessment Act 1979

- 7. The following General Terms of Approval have been integrated with this consent and must be adhered to by the Applicant and respective Approval Body in the carrying out of this development:
  - a) General Terms of Approval – NSW Environment Protection Authority (EPA), for the granting of an Environmental Protection Licence (EPL), issued by the NSW EPA on 24 February 2021 (**Appendix 1**).

(Reason: Statutory requirement)

### Conditions that Must Be Addressed Prior to Construction Works Commencing

*Note: this section of the consent relates to construction works associated with the required road works and not quarrying activities.*

#### Road Works

- 8. The property access driveway from Wave Hill Road is to be upgraded in accordance with Figure 7.4 of the *Austroads Guide to Road Design Part 4: Intersections and Crossings – General* and to accommodate the largest vehicle accessing the site being a A-Double (Road Train) type vehicle

Full engineering details of the roadworks and the exact location of the access shall be submitted to Council for approval. All civil works are to comply with the Narrabri Shire Council Engineering Standards.

Prior to any road works occurring, a Section 138 Approval (*Roads Act 1993*) is required to be obtained from Council as the roads authority for any road works.

(Reason: Statutory requirement)

### Conditions That Must Be Addressed During Construction Works

*Note: this section of the consent relates to construction works associated with the required road works and not quarrying activities.*

#### Protection of Aboriginal relics

9. Should Aboriginal relics be discovered work shall cease immediately and application be made for an Aboriginal Heritage Impact Permit under the provisions of the *NSW National Parks and Wildlife Act 1974*.

(Reason: To ensure compliance with the *NSW National Parks and Wildlife Act 1974*)

#### Cost associated with Council property/infrastructure

10. The applicant shall bear the cost of all restoration works to Council's property damaged by the applicant or his/her contractors during the course of this development and the cost of all works associated with the development that occur on Council property.

(Reason: To ensure protection of public infrastructure)

11. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to Council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred public authorities)

#### Construction Hours

12. Unless otherwise approved by Council any person acting on this consent shall ensure that construction works involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours:

- |     |                                |                   |
|-----|--------------------------------|-------------------|
| (a) | Monday to Saturday (inclusive) | 7.00am to 6.00pm, |
| (b) | Sunday                         | Nil               |
| (c) | Public Holidays                | Nil               |

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

#### Sediment and Erosion Control

13. Adequate measures for erosion and sediment control shall be provided for the road construction works. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

## Protection of Survey Infrastructure

14. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying and Spatial Information Act 2002 (SSI Act) must be submitted to Council verifying whether or not any survey marks (as defined by the SSI Act) will be impacted by the development. If any survey marks are to be removed, damaged, destroyed, displaced, obliterated or defaced (in accordance with section 24 of the SSI Act) as a result of the development, evidence is to be provided to Council prior to any works commencing that authority has been obtained from the Surveyor-General of NSW, in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

(Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying and Spatial Information Act 2002*.)

## Conditions That Must Be Addressed Prior To Commencement of Quarrying Operations

### Road Works

15. Prior to the commencement of quarrying operations, the:
- (a) property access driveway from Wave Hill Road intersection upgrade;
- as required by this consent, is to be completed and operational to the satisfaction of the roads authority.

(Reason: Road safety)

16. Prior to the commencement of quarrying operations, advance warning 'trucks turning' signage (W5-22 Size B) with distance plate under (W8-5 Size B) are to be installed at a distance of 300m on the Kamilaroi Highway southbound approach to the Turrawan Road intersection.

Note: TfNSW concurrence is required pursuant to section 138(2) of the Roads Act 1993 for the installation of these signs. Please contact [development.western@rms.nsw.gov.au](mailto:development.western@rms.nsw.gov.au) in this regard to determine approval requirements.

(Reason: Road safety)

### Payments & Fees

#### Long Service Levy

17. Prior to the commencement of any works on site evidence is to be provided demonstrating that payment of the prescribed Long Service Levy fee has been made. Noting that estimated engineering works greater than \$25,000 require payment of a long service levy.

(Reason: To ensure that the requirements of the Long Service Levy Corporation are satisfied).

### Voluntary Planning Agreement

18. Prior to the commencement of any quarrying works associated with this consent the applicant must enter into a Planning Agreement (PA) with Narrabri Shire Council (NSC) in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) The terms of the Applicant's offer to Narrabri Shire Council in **Appendix 2**.

The Applicant must comply with the terms of the PA that is entered into with NSC.

(Reason: Statutory)

### Quarry Boundary Delineation

19. Prior to the commencement of any quarrying operations, the extent of the quarry area as approved under this DA is to be pegged by a Registered Land Surveyor. The pegs delineating the approved quarry area are to be maintained for the life of the quarry operations. A Plan is to be prepared by the Registered Surveyor



of the delineated area and is to be submitted to Council prior to the commencement of any quarrying operations in accordance with this consent.

(Reason: To clarify the extent of the approval)

### **Lot Consolidation**

20. Prior to the commencement of any quarrying operations, evidence shall be provided to the Principal Certifying Authority that Lots 77 DP 754937 and 89 DP 821255 have been consolidated and the plan of consolidation has been registered with the NSW Land Registry Service (LRS).

(Reasons: To provide legal access to the eastern part of the development)

### **Right of Carriageway to Trig Station**

21. Either:

- (a) an Easement for Public Access (20 Wide); or
- (b) a Right of Carriageway (20 wide),

is to be provided from Wave Hill Road to Lot 88 DP 821255 to provide legal access to Trig Station 6956 Eulah. The easement/right of carriageway is to replace the existing right of carriageway (as shown on Deposited Plan 821255) that has been severed by the quarry operations. Evidence is to be provided to demonstrate that the route of the new easement/right of carriageway is to the satisfaction of the Office of the Surveyor General of NSW. The route of the new easement/right of carriageway is to provide for the easiest and most practical route for access from the road to the Trig Station.

Prior to the commencement of any quarrying operations, evidence shall be provided to the Principal Certifying Authority that the easement/right of carriageway has been registered with the NSW Land Registry Service (LRS).

Note: All survey marks of this nature are important parts of the State's geodetic infrastructure; they are also protected marks under the Surveying and Spatial Information Act 2002 which has penalties for disturbance of such marks.

If any survey marks within Lot 88 in DP 821255 are proposed to be disturbed or destroyed, a formal application to the OSG must be submitted. For all requests to remove a survey mark please use the Application for Surveyor General Approval - Survey Mark Removal form on our website under Surveyor Generals Directions No.11

[https://www.spatial.nsw.gov.au/surveying/surveying\\_services/forms\\_and\\_applications/survey\\_marks\\_removal](https://www.spatial.nsw.gov.au/surveying/surveying_services/forms_and_applications/survey_marks_removal)

(Reasons: To retain legal access to Lot 88 DP 821255)

### **Environmental Management Plan**

22. Prior to the commencement of any construction or operational works on site, an Environmental Management Plan (EMP) shall be submitted to and approved by Council. The EMP is to govern the development's construction, operation and rehabilitation. The EMP must incorporate the following:

- (a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;
- (b) It must be consistent with any Environmental Protection Licence (EPL) issued by the NSW EPA;
- (b) Identify the statutory requirements that apply to the development;
- (c) Describe in general how the environmental performance of the development would be monitored and managed;
- (d) Describe the detailed procedures that would be implemented to:

- (i) Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
- (ii) Receive, handle, respond to, and record complaints;
- (iii) Resolve any disputes that may arise during the course of the development;
- (iv) Respond to any non-compliance;
- (v) Education of contractors and employees;
- (vi) Manage cumulative impacts;
- (vii) Response to emergencies;
- (viii) Manage waste;
- (ix) Prevent damage to vegetation outside the quarry sites;
- (x) Manage the discovery unexpected Aboriginal Heritage;
- (xi) Manage weeds and vegetation;
- (xii) Manage traffic onsite and offsite;
- (xiii) Manage pollution incidents;
- (xiv) Manage impacts on/incursion into the groundwater;
- (xx) Manage rehabilitation
- (e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- (f) Include the following site plans and management plans as required by conditions of this consent:
  - (i) Rehabilitation Plan
  - (ii) Erosion and Sediment Control Plan
  - (iii) Soil and Water Management Plan
  - (iv) Vegetation Management Plan
  - (v) Spill Management Plan
  - (vii) weeds, feral animal activity, vermin and disease management plan
  - (vii) Complaints Management Plan
  - (viii) Blast Management Plan
  - (ix) Air Quality Management Plan

(Reason: To protect the amenity and environment from the effects of construction works from development sites)

### **Dust Control Plan**

23. Prior to the commencement of any works on site, a Dust Control Plan is to be prepared and submitted to Council that details the management of all dust generating activities associated with the construction of the development. The plan shall include techniques to minimise dust, such as the watering of internal roads, speed limit signage, covering of loads when leaving the site, cessation of operations during high wind periods, landscaping and rehabilitation of ground cover.

(Reason: To protect the amenity and environment from the effects of construction works from development sites)

### **Soil & Water Management Plan**

24. A Soil & Water Management Plan (SWMP) is to be prepared by a consultant suitably qualified and experienced in the preparation of SWMPs and in accordance with Landcom's Managing Urban Stormwater:

Soils and Construction Volume 1 and Volume 2E Mines and Quarries. The SWMP is to be submitted to and approved by Council prior to the commencement of any works on site.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

### **Traffic Management Plan and Truck Driver Code of Practice**

25. Prior to the commencement of quarrying operations, evidence is to be provided to Council to demonstrate that approval has been obtained for reclassification of the entire haul route to authorise trucks up to Type 1 A-Doubles on both the RAV and Road Train maps.

(Reason: Road safety and Statutory requirement)

26. Prior to the commencement of any construction or operational works on site, a 'Traffic Management Plan and Truck Driver Code of Practice' (TMP) shall be submitted to and approved by Council in consultation with TfNSW. The TMP is to be prepared in consultation with TfNSW, Narrabri Shire Council, principal contractor(s) and other relevant stakeholders. The plan is to include consideration of the following:

- (a) Details of the designated haul route between the site and the State Road network, and any other DA conditions which are to be communicated to site management and haulage operators.
- (b) Permitted times for the various aspects of operation of the development.
- (c) Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.
- (d) Loads, weights, lengths and number of movements of haulage vehicles.
- (e) The management and coordination of haulage and staff vehicle movements to/from the site and measures to limit disruption to other motorists.
- (f) Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours where warranted.
- (g) Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
- (h) Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
- (i) Consideration to minimise the route length for road transport.
- (j) Mitigation of local climate conditions that may affect road safety for vehicles used during operation of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).
- (k) Transport of hazardous materials in accordance with the relevant transport codes.
- (l) Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of haulage beyond that approved under the previous DA consent, unless specifically approved otherwise in these conditions of consent.
- (m) Ongoing consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- (n) Policies and procedures for addressing concerns raised by the community on project related matters.
- (o) Dust suppression and mitigation measures on public roads and within the site boundaries.
- (p) Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
- (q) Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
- (r) Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

The development is to be carried out in accordance with the approved TMP at all times. The TMP and Driver Code of Conduct is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP is to be provided to contractors and employees as a part of the site induction and a copy is to be made available to TfNSW with each major update.

(Reason: Road safety)

### **Rehabilitation Plan**

27. Prior to the commencement of quarrying operations, a Rehabilitation Plan is to be submitted to and approved by Council. The Rehabilitation Plan is to document on-going rehabilitation of the quarry site during operation including perimeter bunding and final rehabilitation of the site suitable to return it to previous agricultural land uses.

(Reason: Environmental protection)

### **Weed Management Plan**

28. Prior to the commencement of quarrying operations, a management plan is to be submitted to and approved by Council that documents the management of weeds, feral animal activity, vermin and disease on site.

(Reason: Environmental protection)

### **Spill Management**

29. Prior to the commencement of any quarrying operations, a Spill Management Plan (SMP) is to be submitted to and approved by Council. The SMP is detail the management of potential contaminants on site and shall include:

- (a) No contaminants, including fuel, would be stored on site.
- (b) Repairs or oil changes would not be undertaken on-site.
- (c) No effluent would be disposed of at the quarry site.
- (d) Spill kits will be provided at the quarry site.
- (e) Sediment and erosion controls would be implemented to ensure that surface water directed to water storages does not have a high sediment load.

The SMP shall ensure that storage and handling of all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:

- (f) All relevant Australian Standards; and
- (g) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

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

(Reason: Environmental protection)

### **Complaint Management**

30. Prior to the commencement of quarrying operations, a Complaints Management Plan (CMP) is to be submitted to and approved by Council. The CMP is to outline how complaints can be received and managed. In particular the plan is to include the following:

- (a) Contact Details for the operator of the quarry including:
  - (i) A telephone number on which complaints about the development may be registered;
  - (ii) A postal address to which written complaints may be sent
  - (iii) An email address to which electronic complaints may be transmitted

- (b) The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site.
- (c) These details shall also be provided on the Applicant/Owner's internet site.
- (d) These contact details are to be provided on a sign located at the boundary of the site with Gulgo Lane. The sign is to be maintained in a legible manner at all times whilst the quarry is operating.

(Reason: Public interest and amenity)

### **Blast Management Plan**

31. Prior to the commencement of quarrying operations, a Blast Management Plan (BMP) is to be submitted to and approved by Council in consultation with the NSW EPA. The BMP, as a minimum, is to include appropriate blast management practices and the analysis of representative meteorological data to identify sub-optimal dispersion conditions during which blasting should not be undertaken.

(Reason: Environmental protection)

### **Air Quality Management Plan**

32. Prior to the commencement of quarrying operations, an Air Quality Management Plan (AQMP) is to be submitted to and approved by Council in consultation with the NSW EPA. The AQMP, as a minimum, is to include the following parts:
- (a) Objectives and targets;
  - (b) Risk assessment;
  - (c) Proactive and reactive mitigation measures of all significant, and potentially significant, emissions sources
  - (d) Key performance indicator(s);
  - (e) Monitoring method(s);
  - (f) Location, frequency and duration of monitoring;
  - (g) Record keeping;
  - (h) Response mechanisms and contingency measures,
  - (i) System and performance review for continuous improvement
  - (j) Compliance reporting.

(Reason: Environmental protection)

### **Effluent Management System**

33. Prior to the commencement of quarrying operations, evidence is to be provided to demonstrate that the existing on-site effluent management system is suitable for the development and complies with current legislation. The evidence can be provided in either of the following manners:
- (a) The proponent may invite Council's Officer to the site to conduct a compliance inspection and comply with any recommendations required (Council inspection fee applies)
  - (b) The proponent may engage a suitably qualified consultant to conduct an audit on the system and deliver a report to Council detailing the suitability of the systems use.

If it is determined from (a) or (b) that the existing on-site effluent management system is not suitable for the development or does not comply with current legislation, the system will be required to be upgraded/replaced. A separate Section 68 Application may be required for the upgrade/replacement works.

(Reason: Statutory requirement)



## Bush Fire Protection Measures

### Asset Protection Zone

34. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that an Asset Protection Zone has been established for the entire approved quarry area. The APZ is to be established in accordance with the requirements of Appendix 4 of *Planning for Bushfire Protection 2019*. The APZ is to be maintained in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

### Property Access Road

35. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that the Property Access Road complies with the following requirements:
- (a) A two-wheel drive all-weather access road is provided from the public road to the quarry site. The road is to be a minimum width that enables the passing in opposite directions of a Category 1 fire appliance and the largest heavy vehicle permitted to access the site as part of the development.
  - (b) The access road is to provide suitable turning areas in the quarry area in accordance with Appendix 3 of PBP2019.
  - (c) Traffic management devices are constructed to not prohibit access by emergency services vehicles.
  - (d) The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes). Bridges and causeways are to clearly indicate load rating.
  - (e) Suitable access for a Category 1 fire appliances is to be provided within 4m of the static water supply.
  - (f) Parking is provided outside of the carriageway width.
  - (g) Curves of roads have a minimum inner radius of 6m.
  - (h) The maximum grade road is 15 degrees and average grade of not more than 10 degrees.
  - (i) The road crossfall does not exceed 3 degrees.
  - (j) A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

The Property Access Road are to be maintained in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

### Water Supply

36. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that water supply complies with the following requirements:
- (a) A 10,000 litres minimum static water supply for firefighting purposes is provided each for the quarry.
  - (b) A connection for firefighting purposes is located within the IPA or non hazard side and away from the structure;
  - (c) 65mm Storz outlet with a ball valve is fitted to the outlet;
  - (d) ball valve and pipes are adequate for water flow and are metal;
  - (e) supply pipes from tank to ball valve have the same bore size to ensure flow volume;
  - (f) underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
  - (g) a hardened ground surface for truck access is supplied within 4m of the access hole;
  - (h) above-ground tanks are manufactured from concrete or metal;
  - (i) raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);

- (j) unobstructed access is provided at all times;
- (k) tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- (l) underground tanks are clearly marked,
- (m) all exposed water pipes external to the building are metal, including any fittings;
- (n) where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;
- (o) Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.

The water supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

### Electricity Supply

37. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that electricity supply complies with the following requirements:

- (a) Where practicable, electricity is provided by an underground supply; or
- (b) Where overhead electrical transmission lines are proposed:
  - (i) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - (ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

The electricity supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

### Gas Services

38. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that any gas supply complies with the following requirements:

- (a) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- (b) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- (c) connections to and from gas cylinders are metal;
- (d) if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- (e) polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- (f) above-ground gas service pipes external to the building are metal, including and up to any outlets.

The gas supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

## Emergency Management

39. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that a Bush Fire Emergency Management, Evacuation and Operations Plan has been prepared by a suitably qualified and experienced bushfire consultant and prepared in accordance with the following requirements:
- (a) The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; and
  - (b) Australian Standard AS 3745:2010 Planning for emergencies in facilities.
  - (c) The Bush Fire Emergency Management, Evacuation and Operations Plan should include planning for the early relocation of occupants and management of goods and equipment on site that may add to the bushfire risk (as outlined in section 8.3.5 of PBP).
  - (d) A copy of the Bush Fire Emergency Management, Evacuation and Operations Plan is to be provided to the Local Emergency Management Committee for its information prior to commencement of the development.

The development is to be carried out in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

## Fencing

40. Prior to commencement of quarrying operations, the quarry site must be fenced to restrict access by unauthorised persons or animals.

(Reason: To ensure safety)

## Dilapidation Report

41. Prior to the commencement of any quarrying operations in accordance with this consent, a Dilapidation Report shall be prepared by a practicing Structural Engineer on all properties, which in the opinion of the engineer, could be potentially affected by the operation of the project and shall include 939 Wave Hill Road. The report shall record current structural conditions and cover structural and geotechnical factors likely to arise from the development. A copy of the report shall be submitted to the owners of all properties inspected and Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the operation of the project.

(Reasons: To ensure adjoining properties are appropriately protected)

## Conditions That Must Be Complied with During Quarrying Operations

### Access and Parking

42. Vehicle access to the proposed development is to be taken from Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

43. All traffic movements in and out of the development site are to be in a forward direction. All vehicles (regardless of size) must only access the site from the western portion of Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

44. The development is to be carried out in accordance with the approved Traffic Management Plan and Truck Driver Code of Practice at all times.

(Reason: To ensure appropriate and safe access to the site)

45. No vehicles associated with the development are to be parked or queue along Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

46. Provision for ten car parking spaces is to be made available on site in accordance with Australian Standard AS.2890.1 2004 Parking Facilities. All vehicles accessing the carpark are to enter and exit the site in a forward direction. Stormwater from the carpark is to be drained in accordance with the approved Soil and Water Management Plan.

(Reason: Ensure provision of proper parking and vehicle access facilities, and compliance with Council's DCP – Car Parking Code No 1)

### **Reporting and Monitoring**

47. The quarry operator shall maintain and operate a dedicated weighbridge onsite and electronically record details of all inbound and outbound truck movements, including gross vehicle or load mass, arrival and departure times. Such records shall be provided upon request to an authorised representative of any regulatory authority (such as TfNSW).

(Reason: To assist effective management and demonstrate compliance)

48. Within three (3) month of the end of each calendar year, the Applicant/Owner shall submit an Annual Environmental Management Report to the Council. This report must:

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

(Reasons: To protect the amenity of the area and the environment)

### **Environmental Management**

49. The development is to be carried out in accordance with the approved EMP at all times. All measures required by the EMP are to be installed prior to operations commencing and remain in good working order for the duration of the operation of the development. The EMP is taken to include all subordinate plans as specified in the consent.

(Reason: To protect the amenity and environment from the effects of works from development sites)

50. All holding ponds, evaporation ponds and associated drains must be maintained to prevent infiltration and pollution.

(Reason: To protect the amenity and environment from the effects of works from development sites)

### **Bush Fire Protection Measures**

51. All Bush Fire Protection Measures specified by this consent are to be maintained in accordance with the specified requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

### Electricity Infrastructure

52. The site is encumbered by existing overhead powerlines and electricity easement on the properties.
- (a) No stockpiling is permitted to occur under the existing powerlines or within the easement;
  - (b) All works around Essential Energy's powerlines must comply with relevant SafeWork NSW requirements;
  - (c) Access to the powerlines and easement must be maintained and available 24 hours a day, 7 days a week; and
  - (d) Ground levels within the easement / around the powerlines must not be altered/change, unless relevant information has been provided first to Essential Energy for review, comment and approval.

(Reasons: Statutory Requirements)

53. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties.
- (a) Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
  - (b) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
  - (c) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

(Reasons: Statutory Requirements)

### Noise

54. To minimise adverse noise impacts on Sensitive Receiver R2, the development shall be carried out in the following manner:
- (a) Orienting the drill rig such that the noisiest part of the machine is oriented away from Receiver R2 when in use. If this is not possible, all plant involved in fixed quarry operations is not to operate while drilling is underway.
  - (b) Drilling operations are to progress in a direction to increase the distance to Receiver R2, and schedule concurrent drilling and quarrying operations to occur during less sensitive, noisier times of the day.

(Reason: To protect the amenity of the locality)

### Operation of Plant and Equipment

55. The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:
- (a) Maintained in a state of sound mechanical repair; and
  - (b) Operated in a proper and efficient manner.

(Reason: To protect the amenity of the locality)



## Dust Management & Water Supply

56. Should insufficient water supply be available in order to meet dust suppression obligations of the development, all works (including transportation) shall cease until such a time as an adequate water supply can be secured and made available on site.

(Reason: To protect the amenity of the locality)

## Lighting

57. Prior to the installation of any new lights on site, a Lighting Plan is to be submitted to and approved by Council in consultation with the Director of the Siding Springs Observatory. The plan is to:
- (a) be generally consistent with section 4.3.2 of the EIS submitted with this application;
  - (b) be generally consistent with the design principles outlined in the Dark Sky Planning Guideline 2016; and
  - (c) include an estimate of the total number of lumens.

The development is to be carried out in accordance with the approved Lighting Plan at all times.

(Reason: To protect the Siding Spring Observatory from increased and adverse light spill)

58. All external lighting shall comply with the provisions of *Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'*.

(Reason: To protect the amenity of the area)

## Site Management

59. The area of disturbance shall be kept to the absolute minimum necessary and shall comply with the following:
- (a) All works associated with construction of the access track shall be confined to the approved construction area and approved access corridor.
  - (b) No works are permitted outside of the construction area unless associated with the approved rehabilitation plan.
  - (c) All materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction area and the approved construction access corridor.

unless otherwise approved by the Council.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

## Dangerous Goods/Hazards Management

60. The Applicant/Owner shall ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with the relevant *Australian Standards*, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

61. All above ground storage facilities containing flammable and combustible liquids must be banded in accordance with *AS 1940-2004 The storage and handling of flammable and combustible liquids* and the *Occupational Health and Safety Regulation 2001*.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

62. Hazardous or toxic materials or dangerous goods shall not be stored or processed on the site at any time.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

### Site Amenities

63. Staff amenities shall be provided in accordance with the requirements of Work Cover Authority and the Building Code of Australia. Separate approvals are required to be obtained for such buildings if not determined to be exempt development.

(Reason: To ensure compliance legislative requirements)

### Vegetation Removal/Management

64. There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

(Reason: To minimise environmental impacts)

65. No vegetation is permitted to be removed outside of the area identified on the quarry boundary delineation plan as required by this consent.

(Reason: To minimise environmental impacts)

### Rehabilitation

66. The site is to be progressively rehabilitated in accordance with the approved Rehabilitation Plan.

(Reason: To minimise environmental and visual impacts)

### Unexpected Finds

67. During the carrying out of the works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the *Heritage Act 1977*, recorded, and details given to Council prior to the continuing of works.

All workers on the site are to be made aware of this condition.

**Note:** A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics.

(Reason: To ensure compliance legislative requirements)

### Conditions which must be satisfied at Completion of Use

68. At cessation of the development or expiration of the consent (whichever occurs first) the owner/operator shall remove all buildings and facilities associated with the development from the land.

(Reason: To ensure the land is returned to an appropriate land use)

69. Within three months of cessation of the development, the site must be rehabilitated in accordance with the approved Rehabilitation Plan.

(Reason: To ensure the land is returned to an appropriate land use)

### Advisory Notes

#### General

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

- Information on Bushfire hazard reduction and requirements of Asset Protection Zones can be obtained from the NSW Rural fire service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)
- All advertising signs which are not exempt development specified by an Environmental Planning Instrument shall be subject to a separate development application which is to be submitted to and approved by Council.
- Access gates must be hung so they do not encroach on the footpath or roadway.
- It is brought to your attention that standards exist under the Discrimination Act 1992 and property owners must take them into consideration when upgrading the access and amenity facilities within the premises. The objective of this legislation is to provide equal access for both disabled and non-disabled patrons.
- It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

### **Right of Review**

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request. Section 8.2 review does not apply to designated or integrated development.

### **Right of Appeal**

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

### **Signed on behalf of the Consent Authority**

Yours faithfully,

**Name**

Title

## **Appendix 1 – EPA General Terms of Approval**

## **Appendix 2 – Terms of Voluntary Planning Agreement**

I provide the following to clarify that the current VPA is made up of two figures as per the below:

- \$1.23 per tonne of product for Upgrade Works (indexed in accordance with cl.5.3 of executed VPA); and
- \$0.22 per tonne of product for ongoing maintenance works (indexed in accordance with cl.5.3 of executed VPA)

The first bullet point is funding for the initial capital upgrade for the road; which has the 15 year sunset/capital contribution.

The second bullet point is an ongoing contribution for maintenance of the section of the road upgraded.

As we have discussed, the portion for upgrade (\$1.23/tonne + annual CPI) would continue for the remaining balance of the 15 years (as per the existing VPA) and the maintenance contribution (\$0.22/tonne + annual CPI) would be payable for the lifetime of the quarry.



# Appendix 3 – Local Development Performance Monitoring Checklist

(To be filled out by Assessing Officer at time of Approval)

DA Number: DA 2020/85

Assessing Officer: Erika Dawson

1.	Concurrence:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.	Section 4.55 Category (modification):	<input checked="" type="checkbox"/> Not Relevant <input type="checkbox"/> Other Section 96 <input type="checkbox"/> Minor Error or Misdescription <input type="checkbox"/> Minimal Environmental impact <input type="checkbox"/> Other Modification
3.	Private Assessment:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4.	Use of Independent Hearing and Assessment Panel (IHAP):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.	Pre DA Meeting Held:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.	Change of Use:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.	Number of Submissions:	7
8.	Integrated/Designated/Local:	<input type="checkbox"/> Designated <input checked="" type="checkbox"/> Integrated/Designated <input type="checkbox"/> Integrated <input type="checkbox"/> Local
9.	Appeal Arbitrator Decision: <i>if No, go to Q.13</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.	Date Planning Arbitrator Appointed:	
11.	Date Determined by Planning Arbitrator:	
12.	Planning Arbitrator Decision:	<input type="checkbox"/> Approved <input type="checkbox"/> Refused <input type="checkbox"/> Withdrawn/Cancelled
13.	Codes SEPP for CDC:	<input type="checkbox"/> SEPP <input type="checkbox"/> Council Control