



Ms Belinda Fourie
Bald Hill Quarry Pty Ltd
5423 Hume Highway
Jugiong NSW 2726

Via email: safety@baldhillquarry.com.au

6 April 2021

Dear Ms Fourie

**Planning Secretary's Environmental Assessment Requirements
Tumbarumba Quarry (EAR 1549)**

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

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

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

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

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

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

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

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

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

Yours sincerely,

Lauren Evans
A/Director
Resource Assessments
as delegate for the Planning Secretary

Planning Secretary's Environmental Assessment Requirements

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

Designated Development

EAR Number	EAR 1549
Proposal	Extraction and processing of up to 200,000 tonnes of hard rock per annum over a 25 year period from a total resource of up to 3,000,000 tonnes
Location	71 Murrays Crossing Road, Tumbarumba Lots 659, 663, 665, 452, 20, 172, 173, 174, 175, 176, 177, 178, DP 755892, Lot 179 DP 1100528, Lot 1 DP 1150973, Lot 1 DP 111861, Lot 732 and 623 DP 755892, Lot 7028 DP96852
Applicant	Bald Hill Quarry Pty Ltd
Date of Issue	6 April 2021
Date of Expiry	6 April 2023
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • an executive summary; • a comprehensive description of the development, including: <ul style="list-style-type: none"> - a detailed site description and history of any previous quarrying on the site, including a current survey plan; - identification of the resource, including the amount, type, composition; - the layout of the proposed works and components (including any existing infrastructure that would be used for the development); - an assessment of the potential impacts of the development, as well as any cumulative impacts, including the measures that would be used to minimise, manage or offset these impacts; - a detailed rehabilitation plan for the site; - any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development; - a list of any other approvals that must be obtained before the development may commence; - the permissibility of the development, including identification of the land use zoning of the site; - identification of sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways; • a suitable monitoring and reporting procedure to ensure that the total resource extracted by the development does not exceed 5 million tonnes; • a conclusion justifying why the development should be approved, taking into consideration: <ul style="list-style-type: none"> - alternatives; - the suitability of the site; - the biophysical, economic and social impacts of the project, having regard to the principles of ecologically sustainable development; and - whether the project is consistent with the objects of the Environmental Planning and Assessment Act 1979; and • a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.
Consultation	<p>In preparing the EIS for the development, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>

<p>Key Issues</p>	<p>The EIS must assess the potential impacts of the proposal at all stages of the development, including the establishment, operation and decommissioning of the development.</p> <p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Noise – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction and operational noise and off-site transport noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline, NSW Noise Policy for Industry and NSW Road Noise Policy</i> respectively; - reasonable and feasible mitigation measures to minimise noise emissions; and - monitoring and management measures; • Blasting & Vibration – <ul style="list-style-type: none"> - proposed hours, frequency, methods and impacts; and - an assessment of the likely blasting and vibration impacts of the development, having regard to the relevant ANZEC guidelines and paying particular attention to impacts on people, buildings, livestock, infrastructure and significant natural features; • Air – including an assessment of the likely air quality impacts of the development in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>. The assessment is to give particular attention to potential dust impacts on any nearby private receivers due to construction activities, the operation of the quarry and/or road haulage; • Water – including: <ul style="list-style-type: none"> - a detailed site water balance and an assessment of any volumetric water licensing requirements, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and water storage structures; - identification of any licensing requirements or other approvals required under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>; - demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP) - a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo; - an assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts; - an assessment of any likely flooding impacts of the development; - an assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; and - a detailed description of the proposed water management system, water monitoring program and other measures to mitigate surface and groundwater impacts; • Biodiversity – including: <ul style="list-style-type: none"> - accurate predictions of any vegetation clearing on site; - a detailed assessment of the potential biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems undertaken in accordance with Sections 7.2 and 7.7 of the <i>Biodiversity Conservation Act 2016</i>; and - a detailed description of the proposed measures to maintain or improve the biodiversity values of the site in the medium to long term, as relevant. • Heritage – including: <ul style="list-style-type: none"> - an assessment of the potential impacts on Aboriginal heritage (cultural and archaeological), including evidence of appropriate consultation with relevant Aboriginal communities/parties and documentation of the views of these stakeholders regarding the likely impact of the development on their cultural heritage; and - identification of Historic heritage in the vicinity of the development and an assessment of the likelihood and significance of impacts on heritage items, having regard to the relevant policies and guidelines listed in Attachment 1; • Traffic & Transport – including: <ul style="list-style-type: none"> - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products; - an assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road networks, detailing the nature of the traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads; - a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network (particularly the proposed transport routes) over the life of the development; - evidence of any consultation with relevant roads authorities, regarding the establishment of agreed contributions towards road upgrades or maintenance; and
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	<ul style="list-style-type: none"> - a description of access roads, specifically in relation to nearby Crown roads and fire trails; • Land Resources – including an assessment of: <ul style="list-style-type: none"> - potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate); - potential impacts on landforms (topography), paying particular attention to the long-term geotechnical stability of any new landforms (such as overburden dumps, bunds etc); and - the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Clause 12 of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • Waste – including estimates of the quantity and nature of the waste streams that would be generated or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams; • Hazards – including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, storage, handling and use of any hazardous or dangerous goods; • Visual – including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, including with respect to any new landforms; • Social & Economic – an assessment of the likely social and economic impacts of the development, including consideration of both the significance of the resource and the costs and benefits of the project; and • Rehabilitation – including: <ul style="list-style-type: none"> - a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development and during quarry closure; - a detailed rehabilitation strategy, including justification for the proposed final landform and consideration of the objectives of any relevant strategic land use plans or policies; and - the measures that would be undertaken to ensure sufficient financial resources are available to implement the proposed rehabilitation strategy, recognising that a rehabilitation bond will likely be required as a condition of any future development consent.
Environmental Planning Instruments	<p>The EIS must take into account all relevant State Government environmental planning instruments, guidelines, policies, and plans. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies and plans that may be relevant to the environmental assessment of this development.</p> <p>During the preparation of the EIS you must also consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available at http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/extractive-industries-quarries-eis-guideline-1996-10.ashx.</p> <p>In addition, the EIS must assess the development against the <i>Tumbarumba Local Environmental Plan 2010</i> and any relevant development control plans/strategies.</p>

ATTACHMENT 1

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

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

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

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

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

Environmental Planning Instruments, Policies, Guidelines & Plans

Environmental Planning Instruments - General	
	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
	State Environmental Planning Policy (State and Regional Development) 2011
	State Environmental Planning Policy (Infrastructure) 2007
	Tumbarumba Local Environmental Plan 2010
Risk Assessment	
	AS/NZS 4360:2004 Risk Management (Standards Australia)
	HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Land	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Agricultural Land Classification (DPI)
	Rural Land Capability Mapping (OEH)
	Soil and Landscape Issues in Environmental Impact Assessment (NOW)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA)
	Agricultural Issues for Extractive Industry Development (DPI)
Water	
Groundwater	NSW Aquifer Interference Policy 2012 (NOW)
	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
Surface Water	NSW State Rivers and Estuary Policy (NOW)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)
	Guidelines for Controlled Activities on Waterfront Land 2018 (NRAR) (Waterfront land only)
Flooding	Floodplain Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
Biodiversity	

	Biodiversity Assessment Method (OEH 2020)
	Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH 2017)
	Ancillary rules: Biodiversity conservation actions
	Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying variation rules
	NSW Guide to Surveying Threatened Plants (OEH 2016)
	Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians (DECC 2009)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DEC 2004)
	Threatened Species Assessment Guideline – The Assessment of Significance (DECC 2007)
	OEH principles for the use of biodiversity offsets in NSW
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
Heritage	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (OEH)
	Statements of Heritage Impact (OEH)
Noise & Blasting	
	NSW Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
	Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC)
Air	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Assessment and Management of Odour from Stationary Sources in NSW (DEC)
	National Greenhouse Accounts Factors (Commonwealth)
Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RMS) & relevant Austroads Standards
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning for Bushfire Protection 2006 (RFS)
Resource	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
Waste	
	Waste Classification Guidelines (EPA)
	Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 (EPA)
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Strategic Framework for Mine Closure (ANZMEC-MCA)

ATTACHMENT 2

AGENCIES' CORRESPONDENCE



Our ref: DOC21/86616
Senders ref: SEAR 1549

Joel Herbert
Environmental Assessment Officer – Resource Assessments
Energy, Industry and Compliance
Department of Planning, Industry & Environment
Via email: joel.herbert@planning.nsw.gov.au
24 February 2021

Dear Mr Herbert

Subject: Request for Secretary's Environmental Assessment Requirements – Tumbarumba Quarry (SEAR 1549)

Thank you for your email dated 9 February 2021 seeking input from the Biodiversity and Conservation Division (BCD) into the Department of Planning, Industry and Environment (the Department) Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the Tumbarumba Quarry designated development application.

BCD has reviewed the documentation and provides SEARs for the proposed development in **Attachment A**. Guidance material is listed in **Attachment B**.

BCD recommends that the EIS appropriately address the following:

1. Biodiversity
2. Flooding

The EIS should fully describe the proposal, the existing environment, including threatened species habitat not associated with vegetation communities such as paddock trees and drainage lines, and impacts of the development including the location and extent of all proposed works that may impact on biodiversity. The scale and intensity of the proposed development should dictate the level of investigation. It is important that all conclusions are supported by adequate data. The assessment must include all ancillary infrastructure associated with the project, such as roads, sedimentation basins, material stockpiles, vehicle parking and hardstand areas, water and power supplies, and Rural Fire Service requirements for asset protection.

Biodiversity

The activity involves the clearing of remnant vegetation as described in your submission. Section 3.3 (page 10) of the Scoping Report indicates that an unnamed, natural drainage line would be used to stockpile topsoil and waste. We recommend that any native wetland plants or vegetation communities within the drainage line be identified and assessed for threatened species habitat.

The preferred approach under the *Biodiversity Conservation Act 2016* (BC Act) is to avoid impacting on biodiversity, including scattered trees that may provide habitat for hollow-dependent fauna. Unless the vegetation can be avoided, the exact nature of the impact should be confirmed by applying the Biodiversity Offset Scheme Threshold and a Test of Significance. Any determined impacts must be managed in a Biodiversity Development Assessment Report (BDAR).

The proposal site includes sections of a parcel of Crown land and adjacent Crown road, which form part of a Travelling Stock Reserve (TSR). Based on aerial imagery, this TSR provides a vegetated habitat corridor through the surrounding agricultural landscape and nearby records of Gang-gang Cockatoo (*Callocephalon fimbriatum*) indicate that nesting hollows may be present in mature trees. The BioNet database also includes nearby records of Varied Sittella (*Daphoenositta chrysoptera*), which relies on woodland habitat.

The Scoping Report states that the proponent is permitted by Local Land Services to stockpile material on the TSR. Stockpiling and other ancillary activities that impact on native vegetation, including ground cover, must be included in the assessment.

Flooding

An initial assessment of the location of the proposal site in relation to the Tumbarumba Creek floodplain is needed to determine potential flood liability. The Tumbarumba Creek floodplain is defined as the extent of the Probable Maximum Flood.

If any part of the site is within the mapped floodplain, then a detailed assessment of the flood impacts caused by the development (including all proposed site access roads) needs to be completed. If a detailed assessment is required, the EIS should specifically address the requirements for flooding listed in **Attachment A**, Section 3 “Flooding”.

If you have any questions about this advice, please contact Miranda Kerr, Senior Biodiversity Conservation Officer, via rog.southwest@environment.nsw.gov.au or 02 6022 0607.

Yours sincerely



Andrew Fisher
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning, Industry and Environment

ATTACHMENT A – Recommended Environmental Assessment Requirements for Tumbarumba Quarry (SEAR 1549)
ATTACHMENT B – Guidance material

Attachment A Recommended Environmental Assessment Requirements for Tumbarumba Quarry (SEAR 1549)

Sources of guidance material for terms in [blue](#) are in Attachment B.

The Proposal

The objectives of the proposal should be clearly stated and identify:

- the size, scale and type of the proposed activity / development;
- all anticipated environmental impacts including: direct and indirect; construction and operational; and extent of vegetation / habitat clearing or disturbance;
- threatened species, populations, ecological communities or habitats impacted upon;
- the staging and timing of the proposal; and
- the proposal's relationship to any other proposals and developments.

1. Environmental Impacts of the Proposal

The proponent must consider, assess, quantify and report on the likely environmental impacts of the proposal if applicable, particularly:

- Biodiversity
- Flooding

The Secretary's Environmental Assessment Requirements should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines and reference material is presented in **Attachment B**. Appropriate justification should be provided in instances where the below matters are not addressed.

2. Biodiversity

Negative impacts on native vegetation should be avoided where possible using prevention and mitigation measures. Where impacts cannot be avoided, the EIS should detail how they will be remedied through biodiversity offsetting, including quantification of impacts and assessment of the value of offset areas, protection mechanisms and associated management regimes for those areas.

We recommend that the applicant provide evidence that any clearing associated with or ancillary to the activity is not likely to significantly affect threatened species, threatened ecological communities or their habitats. At a minimum that evidence should take the form of a [Test of Significance](#) according to the Minister's Guidelines. Links to biodiversity assessment-related guidance and tools are in **Attachment B**.

The [threatened species profile website](#) and [BioNet Atlas of NSW Wildlife](#) can be used to generate a list of threatened species, populations and ecological communities predicted or known to occur in the area. Vegetation map datasets can be accessed via [SEED](#).

Habitat preferences can then be used to determine the likelihood of these species occurring in the study area. Appropriate measures to avoid, minimise and mitigate any impacts on vegetation and threatened species habitat should be set out in the EIS. If impacts on biodiversity are likely to be significant, then the applicant must mitigate these impacts through the Biodiversity Offset Scheme according to the *Biodiversity Conservation Act 2016* (BC Act), namely a Biodiversity Development Assessment Report (BDAR).

The applicant should also apply the [Biodiversity Offset Scheme Threshold](#) test. The [Biodiversity Values Map and Threshold \(BMAT\) Tool](#) can help to determine whether the activity exceeds the entry thresholds and the Biodiversity Offset Scheme is triggered by providing the specific area clearing threshold and stating whether the development proposal occurs on land mapped on the [Biodiversity Values Map](#). The report generated by the BMAT Tool should be submitted with the application.

Where the proposal is likely to significantly affect threatened species within the meaning of Section 7.2 of the BC Act, the application for development consent is to be accompanied by a Biodiversity Development Assessment Report, and the following requirements apply:

- Biodiversity impacts related to the proposal are to be assessed in accordance with the [Biodiversity Assessment Method](#) and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the BC Act (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and Biodiversity Assessment Method.
- The BDAR must document the application of the avoid, minimise and offset hierarchy including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.
- The BDAR must include details of the measures proposed to address the offset obligation as follows:
 - The total number and classes of biodiversity credits required to be retired for the proposal.
 - The number and classes of like-for-like biodiversity credits proposed to be retired.
 - The number and classes of biodiversity credits proposed to be retired in accordance with the [variation rules](#).
 - Any proposal to fund a [biodiversity conservation action](#).
 - Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.

The BDAR must be prepared by a person accredited in accordance with the accreditation scheme under s6.10 of the BC Act.

Please note that because the Tumbarumba Quarry is a matter which requires consent under the *Environmental Planning and Assessment Act 1979*, the clearing provisions of the *Local Land Services Act 2013* and the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, do not permit clearing associated with or ancillary to the activity regardless of zone.

Matters of National Environmental Significance

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

3. Flooding

The EIS should specifically address the requirements listed below for flooding. Flood modelling should be conducted for the purposes of appropriately locating infrastructure and for assessing impacts, including impacts to waterway crossings for site access.

- 3.1 The EIS must map the following features relevant to flooding, as described in the Floodplain Development Manual 2005 (NSW Government 2005):
 - a. Flood prone land.
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas).
 - d. Flood hazard.
- 3.2 The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP flood levels, and the probable maximum flood or an equivalent extreme event.

- 3.3 The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
- a. Current flood behaviour for a range of design events as identified in 7 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
- 3.4 Modelling in the EIS must consider and document:
- a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
 - b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood (PMF).
 - c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
 - d. Relevant provisions of the NSW Floodplain Development Manual 2005.
- 3.5. The EIS must assess the impacts on the proposed development on flood behaviour, including:
- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
 - b. Consistency with Council Floodplain Risk Management Plans.
 - c. Compatibility with the flood hazard of the land.
 - d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
 - e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
 - f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
 - g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
 - h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
 - i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
 - j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment B – Guidance material

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method 2020 (DPIE 2020)	www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020
Biodiversity Offsets Scheme Threshold	www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements
Biodiversity Values Map and Threshold (BMAT) Tool	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap
BAM Assessor Resources (including links to Survey Guidelines, Registers and Databases)	www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources
BAM Assessor FAQ	www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-questions-and-answers
Biodiversity Values Map	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap
Guidance to assist a decision maker to determine a serious and irreversible impact (DPIE 2019)	www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
Ancillary rules: biodiversity conservation actions	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
DPIE Threatened Species Profiles	www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification – see NSW Plant Community Type (PCT) classification link for PCT database login page.	www.environment.nsw.gov.au/research/Visclassification.htm
NSW SEED Data Portal (access to online spatial data)	www.seed.nsw.gov.au/

Title	Web address
Fisheries NSW policies and guidelines	www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
<u>Water</u>	
Flooding	
Floodplain development manual	www.environment.nsw.gov.au/floodplains/manual.htm
Australian Rainfall and Runoff: A Guide to Flood Estimation (Geoscience Australia 2019).	arr.ga.gov.au/
Floodplain Risk Management Guide: Incorporating 2016 Australian Rainfall and Runoff in studies.	www.environment.nsw.gov.au/research-and-publications/publications-search/floodplain-risk-management-guide
NSW Climate Impact Profile	climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management

Joel Herbert

From: Lands Ministerials Mailbox
Sent: Monday, 1 March 2021 1:12 PM
To: Joel Herbert
Subject: Re: Request for Requirements - EARS 1549 - Tumbarumba Quarry
Attachments: Tumbarumba Quarry Map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Joel

Apologies for the late response.

Crown Lands has the following comments for this proposal:-

The SEARS proposal is over several parcels of Crown land managed by several Crown Land Managers and some parcels have Aboriginal Land Claims. Additionally, the proposed development is not consistent with all of the reserve purposes and native title will be impacted.

The Department would like to work with the Tumbarumba Quarry proponent to discuss the issues. A Land Owners Consent will be required by the Department. Please see the attached map.

The proposal is over the following Crown Land parcels -

Reserve 81837 for Quarry Gazette 7 August 1959, managed by Snowy Valleys Council

Reserve 84248 for Future Public Requirements Gazette 28 June 1963

Reserve 81837 for Quarry Gazette 7 August 1959, managed by Snowy Valleys Council

Reserve 51191 for Camping and Travelling Stock Gazette 8 December 1915, managed by Riverina Local Lands Services

Crown Waterway Tumbarumba Creek.

The quarry proposal may also impact on an adjoining reserve, the Tumbarumba Racecourse.

Thanks
Kirstyn

Lands Stakeholder Relations

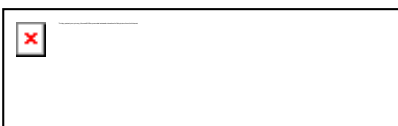
Team telephone numbers: Rebecca Johnson, Principal Project Officer, 4920 5040; Kirstyn Goulding, Administration Officer - Customer Liaison, 4920 5058; Kim Fitzpatrick, Senior Project Officer, 4920 5015, Deb Alterator, Project Support Officer 4920 5172

Crown Lands | Department of Planning, Industry and Environment

E lands.ministerials@dpie.nsw.gov.au

Level 4, 437 Hunter Street Newcastle NSW 2295

www.dpie.nsw.gov.au



Our Vision: Together, we create thriving environments, communities and economies.

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Joel Herbert <Joel.Herbert@planning.nsw.gov.au>

Sent: Tuesday, 9 February 2021 5:36 PM

To: info@svc.nsw.gov.au <info@svc.nsw.gov.au>; DPI Landuse Enquiries Mailbox <landuse.enquiries@dpi.nsw.gov.au>; DPI Landuse Ag Mailbox <landuse.ag@dpi.nsw.gov.au>; development.southern <development.southern@rms.nsw.gov.au>; 'records@rfs.nsw.gov.au' <records@rfs.nsw.gov.au>; EPA Planning Matters Mailbox <planning.matters@epa.nsw.gov.au>; Planning Matters Mailbox <planning.matters@environment.nsw.gov.au>; Environmental Assessments <environmental.assessments@water.nsw.gov.au>; DPI AHP Central Mailbox <ahp.central@dpi.nsw.gov.au>; DRG RO Assessment Coordination Mailbox <assessment.coordination@planning.nsw.gov.au>; Lands Ministerials <lands.ministerials@industry.nsw.gov.au>; RRD EO Executive Director Resources Regulator Mailbox <ED.ResourcesRegulator@planning.nsw.gov.au>

Subject: Request for Requirements - EARs 1549 - Tumbarumba Quarry

Good afternoon,

Proposal – Tumbarumba Quarry

EAR ID No. 1549

Bald Hill Quarry Pty Ltd have requested the requirements of the Secretary of the Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS) for the above local designated development located in the Snowy Valleys local government area.

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

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

It would be greatly appreciated if we could receive your advice by **Wednesday 24 February 2021**.

Please note that the proposal seeks to amalgamate the operations of the existing Murray's Crossing Quarry under the approval. This would result in extending the life of the quarry for a further 25 years, to continue extracting Basalt at a rate of 200,000 tonnes per annum from a total resource of approximately 3 million tonnes.

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

Joel Herbert

Environmental Assessment Officer - Resource Assessments
Energy, Industry and Compliance
4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

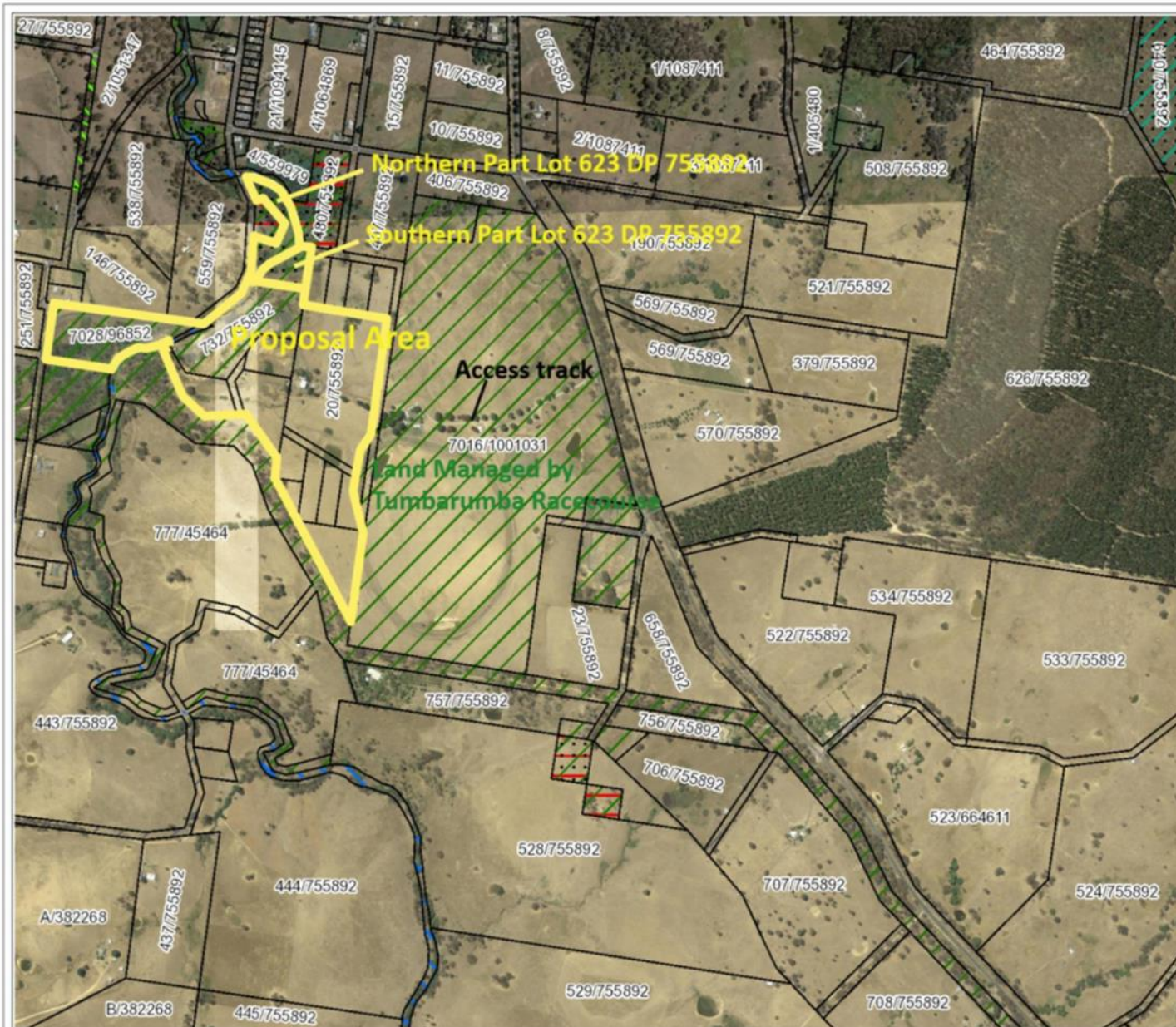
T 02 8289 6614 | E Joel.Herbert@planning.nsw.gov.au



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Industry &
Environment**



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Bald Hill Quarry - EARs 1549

Legend

- | | |
|--------------------------------|--------------------------------|
| Aboriginal Land Claim Boundary | Non Crown Land |
| Licence (Structure Point) | Crown Land - Undefined Status |
| Licence (Structure Line) | Crown Road |
| Licence (Structure Polygon) | Shared Crown / Council Road |
| Licence (Land Area) | Crown Road - Undefined Status |
| Crown Lease | Crown Waterway |
| Enclosure Permit | All Crown (Land, Road & Water) |
| Crown Reserve | Local Government Area |
| Crown Land (Other) | Suburb |
| Crown Land | National Parks Reserve |
| Crown Land - Status Unknown | State Forest |

Crown Account Details

Parish: TUMBARUMBA
County: SELWYN
LGA: SNOWY VALLEYS
Suburb: TUMBARUMBA

Author: DPM/zgs01
Map Created: 16/02/2021 9:32:12 AM



Planning,
Industry &
Environment



0 183 367 550 734 m
Scale 1: 18058

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

Disclaimer: Scale is not accurate. Crown Lands must not be liable for any loss or damage (including loss of profits, business, revenue or data) whether in contract, tort (including negligence) or otherwise arising from or in connection with any defect, error or inaccuracy of information or any part thereof or any products or services.

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OUT21/1886

Joel Herbert
Environmental Assessment Officer
Resource Assessments
Energy, Industry and Compliance
Parramatta NSW 2124
joel.herbert@dpie.nsw.gov.au

Dear Joel

Environmental Assessment Requirements – EARs 1549 - Tumbarumba Quarry

Thank you for your correspondence requesting Environmental Assessment Requirements (EARs) for the above proposal.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. Important issues for extractive industries are the potential impact on limited agricultural resources and the ability to rehabilitate the land to enable continued agricultural investment.

NSW DPI Agriculture provides EARs (Attachment 1) and a range of publications to assist consent authorities, proponents and the community in addressing the recommended EARs (Attachment 2).

Should you require clarification on any of the information contained in this response, please contact Lilian Parker, Agricultural Land Use Planning Officer, on 0427812508 or by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely

Lilian Parker

Lilian Parker
Agricultural Land Use Planning Officer
Esigned 17-2-2021

Attachment 1: Environmental Assessment Requirements

Issue	Environmental Assessment Requirements for the Environmental Impact Statement
Site Suitability	<ul style="list-style-type: none"> ● Include a Land Use Conflict Risk Assessment (LUCRA) to identify potential land use conflict with sensitive receptors including surrounding agricultural land uses. The LUCRA is to address separation distances and management practices to minimise odour, dust and noise impacts on sensitive receptors including surrounding agricultural land uses. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. ● Include a map, to scale, showing the above operational and infrastructure details including separation distances from sensitive receptors including surrounding agricultural land uses.
Consideration of impacts on agricultural resources and land	<p>Characteristics of Agricultural Land</p> <ul style="list-style-type: none"> ● Describe the soil, slope, land capability, agricultural productivity, land characteristics and the history of agricultural land uses on the proposed development site. ● Describe the current and historical agricultural land uses on surrounding land in the locality including the land capability and agricultural productivity of the surrounding land. <p>Impacts on Agricultural Land, Resources and Land Uses</p> <ul style="list-style-type: none"> ● Detail the potential impacts from the proposed extractive industry on agricultural land and agricultural land uses on the site and in the locality. ● Consider possible cumulative impacts on surrounding agricultural enterprises and landholders. <p>Measures to Mitigate Impacts on Agricultural Land</p> <ul style="list-style-type: none"> ● Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. ● Detail the expected life span of the proposed development.
Suitable and secure water supply	<ul style="list-style-type: none"> ● Detail the estimated water demand and water availability and the source of water and any sanitisation methods proposed. ● Outline any impacts to water use for agriculture and measures to mitigate against these impacts.
Biosecurity	<ul style="list-style-type: none"> ● Include a biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks. The relevant weed or pest animals for a region are addressed in the regional plans or strategies issued by NSW Local Lands Services. ● Include details of how the proposal will deal with identified biosecurity risks as well as contingency plans for any failures. Include monitoring and mitigation measures for weed and pest management.
Traffic movements	<ul style="list-style-type: none"> ● Detail the volume and route of traffic movements for the proposed development and how potential impacts on surrounding agricultural land uses are proposed to be mitigated (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves (TSR) and the movement of livestock or farm vehicles along / across the affected roads.

Land stewardship	<ul style="list-style-type: none"> • Describe the final proposed land use and land form. • Detail the proposed rehabilitation and decommissioning/closure measures to achieve this land use including the expected timeline for the rehabilitation program. • Outline the monitoring and mitigation measures to be adopted for rehabilitation remedial actions.
Community Consultation	<ul style="list-style-type: none"> • Consult with the owners / managers of affected and adjoining agricultural operations in a timely and appropriate manner about: the proposal, the likely impacts and suitable mitigation measures or compensation.
Emergency Management	<ul style="list-style-type: none"> • The proposal is to detail contingency plans to enable the operation to deal with emergency situations. The proposal is to detail Emergency Management procedures and responsibilities for responding to bushfire threats, extreme climatic conditions, and animal disease outbreaks.

Attachment 2: Guidelines for assessment

Title	Location
Land Use Conflict Risk Assessment Guide	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra
Agricultural Issues for Extractive Industry Development	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/extractive-industries

Joel Herbert

From: Luke Pearce
Sent: Monday, 8 March 2021 11:23 AM
To: Joel Herbert
Subject: Tumbarumba Quarry EAR ID No. 1549

Hi Joel,

Can you please incorporate the following comments into your response regarding the amalgamation and increased production from the Murray's Crossing Quarry at Tumbarumba.

- Tumbarumba Creek is an important Class 1 Key Fish Habitat, having known and potential habitats for threatened species including Murray Crayfish
- The proposal needs to incorporate riparian buffers along Tumbarumba Creek as per DPI's Policy and guidelines for fish habitat conservation and management
- Avoid or mitigate potential direct and indirect impacts to aquatic habitats
- Avoid or mitigate impacts to water quality
- Any waterway crossing need to comply with DPI's current waterway crossing policy's and guidelines to allow fish passage

Regards

Luke

Luke Pearce | Fisheries Manager – Murray-Darling Unit
Freshwater Environment
NSW Department of Primary Industries | Fisheries
Unit 5/620 Macauley Street | Albury | NSW 2640
T: 02 6051 7768 | M: 0428 227 464 | E: luke.pearce@dpi.nsw.gov.au





DOC21/91732

The Director
Resource Assessments
Department of Planning, Industry and Environment

By email: Joel.Herbert@planning.nsw.gov.au

Attention: Joel Herbert

Dear Mr Ritchie

Re SEAR 1549

I refer to the electronic mail on 9 February 2021 to the Environment Protection Authority (EPA) requesting our requirements for the preparation of an Environmental Impact Statement (EIS) for the proposed expansion of Murray's Crossing Quarry, located 2km south of Tumbarumba.

The EPA have considered the details of the proposal and have identified the information required for the EIS as outlined in Attachment A. In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

- Noise and Vibration – proximity to sensitive receptors and impacts of any sources associated with the project, including operational noise and blasting;
- Air – dust generation and management of potential impacts on adjacent landscape and/or communities;
- Water and Soils – water management system and the implementation of adequate erosion and sedimentation controls to control runoff from the quarry.

In carrying out the environmental assessment, the guidelines in Attachment B should be referred to.

It is important that all assumptions and conclusions made in the EIS are supported by adequate data. The proponent should also be aware that any commitments made in the EIS may be formalised as approval conditions and/or environment protection licence conditions.

If you have any further enquiries about this matter please contact Briohny Seaman by telephoning 0269 690 700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jessica Creed'.

JESSICA CREED
Unit Head Regional West Operations
Regulatory Operations Regional

19 February 2021

Phone +61 2 6969 0700

Phone 131 555
(from outside NSW)

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riverina.farwest@epa.nsw.gov.au

ATTACHMENT A

The EPA's assessment of the proposal has identified the following areas that require further information.

Environmental impacts of the proposal

The Environmental Impact Statement (EIS) must address the requirements of Section 45 of the *Protection of the Environment Operations Act 1997* (POEO Act) by determining the extent of each impact and provide sufficient information to enable the EPA to determine appropriate conditions, limits and monitoring requirements for an Environment Protection Licence (EPL).

The following potential environmental impacts of the project need to be assessed, quantified and reported on:

- Air
- Noise
- Water
- Land
- Waste and chemicals.

The EIS should address how the required environmental goals will be met for each potential impact.

The EIS should describe mitigation and management options that will be used to prevent, control, abate or mitigate identified potential environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment.

This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Air Quality impacts

The goal of the proposal in relation to air quality should be to ensure sensitive receptors are protected from any adverse impacts from odour and dust.

For a proposal of this scope we would expect an air quality impacts assessment (AQIA) to be undertaken in accordance with the *Approved Methods and Guidance for the Modelling and Assessment of Air Pollution in New South Wales* (DECC, 2016).

The EIS needs to identify any other existing impacts on air quality within the area, and if necessary, provide an assessment and commentary on the predicted cumulative impacts that may arise.

Emissions from any plant must meet the design criteria detailed in the Protection of the Environment Operations (Clean Air).

Surface and Groundwater impacts

The EIS must demonstrate how the proposed development will meet the requirements of section 120 of the POEO Act.

The goals of the project should include the following:

- No pollution of waters (including surface and groundwater), except to the extent authorised by the EPA (ie in accordance with an Environment Protection Licence);
- Polluted water (including process waters, wash down waters or polluted stormwater) captured on the site and collected, treated and beneficially reused, where this is safe and practicable to do so; and

- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The EIS should document the measures that will achieve the above goals.

The EIS should provide details of any water management systems for the site to ensure surface and ground waters are protected from contaminants. This should include an assessment of the following:

- Surface and groundwater conditions that may potentially be impacted by operations on site and any proposed environmental monitoring measures that the proponent will implement to monitor the receiving environment.

Land impacts

The goals of the project should include the following:

- No pollution of land, except to the extent authorised by the EPA (ie in accordance with an Environment Protection Licence); and
- The potential impact of land erosion from the development is mitigated.

The EIS should document the measures that will achieve the above goals.

Noise, blasting and vibration impacts

The EIS should include design, construction and operation of the premises in accordance with relevant EPA policy, guidelines and criteria, and in order to minimise potential impacts from noise.

The EPA expects that potential noise sources are assessed in accordance with the *Noise Policy for Industry* (EPA 2017), and where required mitigation measures are proposed (eg appropriate equipment chose to minimise noise levels). All residential or noise sensitive premises likely to be impacted by the development must be identified and included in the assessment.

An assessment of potential blast impacts must be undertaken, and this should be assessed against the guidelines contained in the document *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990).

An assessment of vibration from all activities (including construction and operation) must be undertaken on the premises and this should be assessed using the guidelines contained in the document *Assessing Vibration: a technical guideline* (DEC, 2006).

The proposed development may result in an increase in traffic movements associated with the proposal. The number of traffic movements associated with the proposal should be quantified and the potential noise impacts associated with these traffic movements need to be assessed in accordance with the *NSW Road Noise Policy* (DECCW, 2011).

Waste and chemical impacts

The EIS must assess all aspects of waste generation, management and disposal associated with the proposed development. The EIS should include the following:

- It is in accordance with the principles of the waste hierarchy and cleaner production;
- Where potential impacts associated with the handling, processing and storage of all waste materials generated at the premises are identified, these be satisfactorily mitigated;
- The beneficial reuse of all waste generated at the premises are maximised where it is safe and practical to do so;

- No waste disposal occurs on site except in accordance with an Environment Protection Licence; and
- Ensure that the environmental risks from hazardous chemicals and chemical waste are minimised.

Spill management measures, including items such as bunding, and emergency procedures should be clearly outlined.

Monitoring

The EIS must outline the proposed monitoring regime to be implemented in relation to the following potential impacts, where relevant:

- Air quality monitoring;
- Water quality monitoring;
- Noise monitoring; and
- Blast and vibration monitoring.

ATTACHMENT B

<u>Title</u>	<u>Web address</u>
Relevant Legislation	
<i>Environmental Planning and Assessment Act 1979</i>	https://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	https://www.legislation.nsw.gov.au/#/view/act/1997/156/full
Licensing	
Guide to Licensing	http://www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
POEO (Clean Air) Regulation 2010	https://www.legislation.nsw.gov.au/#/view/regulation/2010/428/historical2016-11-01/full
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf
Assessment and management of odour from stationary sources in NSW (DEC, 2006)	Technical framework: https://www.environment.nsw.gov.au/resources/air/20060440framework.pdf Technical notes: https://www.environment.nsw.gov.au/resources/air/20060441notes.pdf
Noise and Vibration	
Interim Construction Noise Guidelines (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline
Noise Policy for Industry (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
NSW Road Noise Policy (EPA, 2011)	https://www.epa.nsw.gov.au/publications/noise/2011236-nsw-road-noise-policy
Assessing Vibration: a technical guideline (DEC 2006)	https://www.epa.nsw.gov.au/noise/vibrationguide.htm
Australian and New Zealand Environment Council: Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZECC 1990)	https://www.epa.nsw.gov.au/resources/noise/ANZECBlasting.pdf

Soils	
Managing Urban Stormwater: Soils and Construction (Landcom, 2004)	https://www.environment.nsw.gov.au/stormwater/publications.htm
Waste	
Waste Classification Guidelines (EPA, 2014)	https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines
Protection of the Environment Operations (Waste) Regulation 2014	https://www.legislation.nsw.gov.au/regulations/2014-666.pdf
Environmental Guidelines: Solid Waste Landfills, Second edition (EPA, 2016)	https://www.epa.nsw.gov.au/~/-/media/EPA/Corporate%20Site/resources/waste/solid-waste-landfill-guidelines-160259.ashx
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
National Water Quality Management Strategy: Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-2000-guidelines-vol2.pdf
National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-monitoring-reporting.pdf
Using the ANZECC Guidelines and Water Quality Objectives in NSW (EPA, 2006)	https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/anzeccandwqos06290.pdf
Environmental Guidelines: Storage and Handling of Liquids (EPA, 2007)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/compliance-audit-program/chemical-storage-handling-and-spill-management/storing-and-handling-liquids-trainers-manual
The NSW State Groundwater Policy Framework Document (DLWC, 1997)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0008/547550/avail_ground_nsw_state_groundwater_policy_framework_document.pdf
The NSW State Groundwater Quality Protection Policy (DLWC, 1998)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0006/548286/nsw_state_groundwater_quality_policy.pdf

<p>National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)</p>	<p>https://www.water.wa.gov.au/__data/assets/pdf_file/0020/4925/8728.pdf</p>
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Joel Herbert
Environmental Assessment Officer
Resource Assessments
Energy, Industry and Compliance
Department of Planning, Industry & Environment

Your reference: SEARs 1549
Our reference: DOC21/87982

By email: joel.herbert@planning.nsw.gov.au

Dear Joel

Request for Input – Amalgamation of Murrays Crossing Quarry operations, 71 Murrays Crossing Road, Tumbarumba – SEAR 1549

Thank you for requesting our input on the draft Planning Secretary's Environmental Assessment Requirements (SEARs) for the above designated development in Snowy Valleys local government area.

Heritage NSW has reviewed the information supplied (BHQ Scoping Report - Tumbarumba Project, dated 21 January 2021) and provide SEARs for the proposed development in relation to Aboriginal cultural heritage matters in **Attachment A**. Guidance material for an Aboriginal cultural heritage assessment is provided in **Attachment B**.

Project specific matters:

- We note that the subject area has not been previously surveyed for Aboriginal cultural heritage values.
- A number of known Aboriginal sites registered with the Aboriginal Heritage Information Management System (AHIMS) including stone artefact deposits occur within approximately 650m of the proposal.
- The subject site contains landscape features (including Tumbarumba Creek) considered indicative for the occurrence of Aboriginal cultural heritage.

If you have any questions regarding these comments, please contact me on (02) 6229 7089 or via email: jackie.taylor@environment.nsw.gov.au.

Yours sincerely

Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
24 February 2021

Enclosure – Attachment A: HERITAGE NSW – Aboriginal Cultural Heritage SEARs;
Attachment B: Guidance material for Aboriginal Cultural Heritage SEARs

ATTACHMENT A: HERITAGE NSW – Aboriginal Cultural Heritage SEARs

Project Name: Tumbarumba Quarry (amalgamation of the existing Murrays Crossing Quarry operations), 71 Murrays Crossing Road, Tumbarumba

SEARs no: 1549

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the proposal. This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation of Aboriginal objects in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011) and consultation with Heritage NSW.

Note: Please note these are the standard requirements for designated development proposals. The Due Diligence Process is not appropriate to use as an Aboriginal Cultural Heritage Assessment.

2. Where Aboriginal cultural heritage values or potential values are present, these are to be assessed and documented in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
3. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010) where an ACHAR is required. The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

Note: Consultation is not only required when an Aboriginal Heritage Impact Permit (AHIP) will be required, but also when test excavations are carried out under the [Code of Practice](#). These may not always require an AHIP but will trigger the need for an ACHAR.

4. Where harm to an Aboriginal object or declared Aboriginal place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be required from Heritage NSW under the *National Parks and Wildlife Act 1974*. You must apply to Heritage NSW for an AHIP prior to commencing works that will directly or indirectly harm an Aboriginal object or a declared Aboriginal place.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material in accordance with the [Code of Practice for Archaeological Investigation of Aboriginal objects in NSW](#) (DECCW 2010).

ATTACHMENT B: Guidance material for Aboriginal Cultural Heritage SEARs

Title	Web address
<u>Relevant Legislation</u>	
<i>National Parks and Wildlife Act 1974</i>	https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1974-080
<i>Environmental Planning and Assessment Act 1979</i>	https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
<u>Aboriginal Cultural Heritage</u>	
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	https://www.heritage.nsw.gov.au/assets/Uploads/files/Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-New-South-Wales.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	https://www.heritage.nsw.gov.au/assets/Code-of-Practice-for-Archaeological-Investigation-in-NSW.pdf
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	https://www.heritage.nsw.gov.au/assets/Uploads/publications/524/aboriginal-cultural-heritage-consultation-requirements-for-proponents-2010-090781.pdf
Aboriginal Site Recording Form	https://www.heritage.nsw.gov.au/assets/Aboriginal-Site-Recording-Form.pdf
Aboriginal Site Impact Recording Form	https://www.heritage.nsw.gov.au/assets/Uploads/files/aboriginal-site-impact-recording-form.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/
Care Agreement Application form	https://www.heritage.nsw.gov.au/assets/Uploads/files/Aboriginal-Heritage-Impact-Permit-Application-to-Transfer-Objects.pdf
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf



Natural Resources Access Regulator

Contact: Tim Baker
Phone: 0428 162097
Email: Tim.Baker@dpie.nsw.gov.au

Our ref: V15/2812-5#63
File No:
Your Ref:

Joel Herbert
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

15 February 2021

email: Joel.Herbert@planning.nsw.gov.au

Dear Joel

**Re: Tumbarumba Quarry– Environmental Assessment Requirements ID No. 1549
- Designated Development**

Thank you for your email of 9 February 2021 seeking input to Secretary Environmental Assessment Requirements (SEARs) for the above development. The Natural Resources Access Regulator (NRAR) has reviewed the supporting documentation accompanying the request for SEARs and recommends the EIS be required to include the following.

- Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.
- Assessment of any volumetric water licensing requirements (including those for ongoing water take following completion of the project).
- Existing and proposed water regulatory requirements are in accordance with the *Water Act 1912/Water Management Act 2000* (whichever is relevant). This is to demonstrate that existing licences and/or approvals and licensed uses are appropriate, and to identify where additional licences and/or approvals are required. This is to include an assessment of the current market depth where water entitlement is required to be purchased. Justification needs to be provided where exemptions or exclusions from approval or licensing requirements is proposed.
- The identification of an adequate and secure water supply for the life of the project.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and groundwater sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Separation of clean and dirty water, and development of sediment and erosion control measures in accordance with industry standards will be required.
- Proposed surface and groundwater monitoring activities and methodologies.
- Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.

- Consideration of relevant policies and guidelines eg. “*Guideline for Controlled Activities on Waterfront Land*” for watercourse crossings and works within waterfront land. Identification of relevant buffers for works within waterfront land will be required. This is particularly relevant to Tumbarumba Creek which is a 5th order watercourse and a number of 1st order watercourses within the project site.
- A statement of where each element of the SEARs is addressed in the EIS in the form of a table.
- Full technical details and data of all surface and groundwater modelling.
- Where groundwater may be intercepted or impacted a detailed assessment against the NSW Aquifer Interference Policy (2012) using DPIE Water’s assessment framework. Justification is required to support a statement that groundwater is not to be intercepted
- Details of the final landform of the site, including final void management (where relevant), rehabilitation measures, and where any ongoing approval or licence requirements will be necessary under the *Water Management Act 2000*.

For further information please contact me on 0428 162097 or
Tim.Baker@dpie.nsw.gov.au

Yours sincerely



Tim Baker
Senior Water Regulation Officer
Natural Resources Access Regulator
Department of Planning, Industry and Environment



NSW RURAL FIRE SERVICE

Department of Planning and Environment (Sydney Offices)
GPO Box 39
Sydney NSW 2001

Your reference: EARs 1549
Our reference: DA20210211000559-SEARS-1

ATTENTION: Joel Herbert

Date: Wednesday 17 March 2021

Dear Sir/Madam,

Development Application

State Significant – SEARS – Extractive Industry

71 MURRAYS CROSSING RD TUMBARUMBA NSW 2653, 7028//DP96852, 1//DP111861, 20//DP755892, 173//DP755892, 177//DP755892, 20//DP755892, 623//DP755892, 452//DP755892, 732//DP755892, 663//DP755892, 659//DP755892, 172//DP755892, 176//DP755892, 175//DP755892, 174//DP755892, 178//DP755892

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 09/02/2021.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and notes that the proposed development has the potential to increase the level of bush fire risk within the landscape and, the development may be impacted upon during a bush fire event. As such, the environmental assessment for the proposed resource recovery facility should address the following bush fire criteria:

- The aim and objectives of *Planning for Bush Fire Protection 2019*;
- Identification of potential ignition sources during construction and operation of the development;
- Storage of fuels and other hazardous materials;
- Proposed bush fire protection measures for the development, including vegetation management and fire suppression capabilities;
- Operational access for fire fighting appliance to the site; and
- Emergency and evacuation planning.

For any queries regarding this correspondence, please contact Peter Dowse on 1300 NSW RFS.

Yours sincerely,

Bradley Bourke
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Joel Herbert
Environmental Assessment Officer
Energy, Industry and Compliance

Via: Major Projects Portal

Dear Mr Herbert

Re. Request for EIS Requirements – EARs 1549 – Tumbarumba Quarry

I refer to your request of 9 February 2021 for advice regarding Tumbarumba Quarry EIS Request for Requirements. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the request for EARs and supporting documents, the Resources Regulator advises that, as the quarry proposes the extraction of blue metal (basalt) for use as road base (which is not a mineral under the Mining Act) its rehabilitation is not regulated by the NSW Resources Regulator.

In regards to Mine Safety it should be noted that as the proposed activity is considered a mine under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the “WHS (MPS) Act”) with the mine operator required to conduct its operations in accordance with the provisions of both the *Work Health and Safety Act 2011* and the WHS (MPS) Act.

Regulatory requirements if approved

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

Background

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Contact

Should you require any further information or clarification, please contact the Office of the Executive Director (ED.ResourcesRegulator@planning.nsw.gov.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Tutt-Branco', with a stylized flourish at the end.

Alex Tutt-Branco
Executive Officer
Office of the Executive Director, Resources Regulator

19 February 2021

23 February 2021

Manager - Resource Assessments
Department of Planning, Industry & Environment
12 Darcy Street
PARRAMATTA NSW 2124

Attention: Joel Herbert

SEARS 1549 – PROPOSED TUMBARUMBA QUARRY, LOT 732 DP755892, MURRAYS CROSSING ROAD, TUMBARUMBA

I refer to correspondence forwarded to Transport for NSW (TfNSW) requesting the provision of key issues and assessment requirements to be included in the Secretary's Environmental Assessment Requirements.

From the scoping report provided, it is understood that the proposed development is for the expansion of the current extractive operations on the subject site which is located to the south of Tumbarumba. Access will remain through Murrays Crossing Road and an internal access road will be developed to allow for truck movement on site. The subject site is remote from the classified road network.

It is understood that the proponent wishes to amalgamate the current operations at Murray's Crossing Quarry in Tumbarumba and combine all disturbance areas under one approval. Currently the site extracts and transports approximately 80,000 tonnes per annum (tpa). The project plans to extract and transport approximately 100,000 tpa with peak period and project specific requirements of up to 200,000 tpa from the site. The degree of traffic assessment required to support the proposal will depend on the level of impact resulting from traffic generated by the proposed quarry and the further expansion, the rate of extraction of material and the standard of construction of, and current usage characteristics of, the public roads servicing the proposed quarry sites.

TfNSW is interested in the characteristics of the traffic generated by the development and in the impact of the development on the safety and efficiency of the classified road network. A traffic impact assessment should outline measures to address and manage traffic related issues generated by the development. The documentation submitted should address

- the potential impacts on the road network associated with the development during the lifetime of the project,
- works required to the existing road infrastructure supported by detailed concept plans,
- the measures to be implemented to maintain the standard and safety of the road network,
- the procedures to monitor and ensure compliance,
- and a transport management plan may be required to outline measures to manage traffic related issues generated by the development.

For guidance in the preparation of the TIA the applicant is referred to section 2 of the "Guide to Traffic Generating Developments" prepared by the RTA and the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and Part 3:

Traffic Studies and Analysis. As a minimum the TIA is to address the existing and anticipated additional traffic generation on the surrounding road network, peak traffic volumes, vehicle types, travel routes for vehicles accessing the site and provide recommendations for any mitigation measures, such as intersection upgrades, considered necessary to address traffic related impacts.

TfNSW emphasises the need to appropriately consider and minimise the impacts of the development on the existing road network and maintain the level of safety, efficiency and maintenance along the existing road network. Any Traffic Impact Assessment needs to address the impacts of traffic generated by this development upon the nearby road network, particularly intersections.

Any enquiries regarding this correspondence may be referred to Cam O'Kane - TfNSW (South Region), phone (02) 6923 6582.

Yours faithfully



Maurice Morgan
A/Manager Development Services South

Joel Herbert

From: Justine Clarke <Justine.Clarke@waternsw.com.au>
Sent: Wednesday, 17 February 2021 2:27 PM
To: Joel Herbert
Subject: WaterNSW response - Request for Requirements - EARs 1549 - Tumbarumba Quarry

Dear Joel

Thank you for your email regarding the EAR request for Tumbarumba Quarry (EAR 1549).

The proposal is not located near any WaterNSW land, assets or infrastructure, therefore we have no particular comments or requirements regarding the proposal.

WaterNSW requests the Department continues to consult with WaterNSW for any development that may impact on our assets, infrastructure or land, using the email address Environmental.Assessments@waternsw.com.au

If you have any questions regarding this email, please contact me.

Regards

Justine Clarke
Catchment and Asset Protection Adviser

Please note: I am currently working from home. I can be reached via email or 0457 535 955



Level 14, 169 Macquarie Street

PO Box 398

Parramatta NSW 2150

M: 0457 535 955

justine.clarke@waternsw.com.au

www.waternsw.com.au

From: Joel Herbert <Joel.Herbert@planning.nsw.gov.au>
Sent: Tuesday, 9 February 2021 5:37 PM
To: info@svc.nsw.gov.au; DPI Landuse Enquiries Mailbox <landuse.enquiries@dpi.nsw.gov.au>; DPI Landuse Ag Mailbox <landuse.ag@dpi.nsw.gov.au>; development.southern <development.southern@rms.nsw.gov.au>; 'records@rfs.nsw.gov.au' <records@rfs.nsw.gov.au>; EPA Planning Matters Mailbox <planning.matters@epa.nsw.gov.au>; Planning Matters Mailbox <planning.matters@environment.nsw.gov.au>; Environmental Assessments <Environmental.Assessments@waternsw.com.au>; DPI AHP Central Mailbox <ahp.central@dpi.nsw.gov.au>; DRG RO Assessment Coordination Mailbox <assessment.coordination@planning.nsw.gov.au>; Lands Ministerials <lands.ministerials@industry.nsw.gov.au>; RRD EO Executive Director Resources Regulator Mailbox <ED.ResourcesRegulator@planning.nsw.gov.au>
Subject: Request for Requirements - EARs 1549 - Tumbarumba Quarry

Good afternoon,

Proposal – Tumbarumba Quarry
EAR ID No. 1549

Bald Hill Quarry Pty Ltd have requested the requirements of the Secretary of the Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS) for the above local designated development located in the Snowy Valleys local government area.

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

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

It would be greatly appreciated if we could receive your advice by **Wednesday 24 February 2021**.

Please note that the proposal seeks to amalgamate the operations of the existing Murray's Crossing Quarry under the approval. This would result in extending the life of the quarry for a further 25 years, to continue extracting Basalt at a rate of 200,000 tonnes per annum from a total resource of approximately 3 million tonnes.

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

Joel Herbert

Environmental Assessment Officer - Resource Assessments
Energy, Industry and Compliance
4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

T 02 8289 6614 | E Joel.Herbert@planning.nsw.gov.au



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