

Submission Summary and Consideration of Issues Raised

ISSUES RAISED	APPLICANT RESPONSE	CONSIDERATION OF ISSUES RAISED
1. Concern that if the Project was to proceed the area would change from a quiet rural area and that the proximity of the operations and the proposed hours of operation of 7am to 6pm would provide no relief from the noise (including truck movements), dust and odours which come with the proposal.	<i>The EIS and supporting technical assessments confirm that the Proposal is consistent with the rural amenity of the area and that the relevant noise and air quality criteria can be complied with. Furthermore, Extractive industry activities do not generate odour. As outlined in the EIS, to minimise potential noise and air emissions, a single operator would operate the excavator and the haul truck, as such operation of the excavator and the articulated haul truck would not occur simultaneously. This, along with the other aspects of the Proposal, demonstrates that the Proposal has proactively sought to avoid and minimise the potential for noise and air quality impacts to the greatest extent practicable.</i>	Council is satisfied that the submitted EIS and supporting documents demonstrate consideration of and appropriate minimisation of potential impacts of noise and dust from the proposed operations on nearby residential receivers. Significant adverse impacts are not expected to occur providing that operations are undertaken in accordance with the mitigation and management strategies/methods outlined by the supporting documents. The application has been referred to EPA in accordance with the <i>Environmental Planning & Assessment Act 1979</i> and <i>Protection of the Environment and Operations Act 1997</i>. EPA have issued general terms of approval (GTA) outlining requirements proposed to be attached to the existing Environmental Protection Licence (EPL 12835) for the existing quarry operations including but not limited to operational noise restrictions and dust mitigation measures.
2. Concerns that operations of the proposed extraction site would surpass existing operations as the primary quarry.	Not directly addressed	The application seeks consent for the establishment of a new extraction site. It is reasonable to expect that there may be times due to nature of material demand, and/or physical impacts such as inundation of the anabranch where extraction volumes may exceed those from existing extraction sites. Processing of extracted material must be undertaken in accordance with existing development consent. It is not anticipated that volume variances between the extraction pits, existing and proposed, would have any significant

adverse impact on residential receivers. All extraction activities from the proposed pit would be limited to a single excavator and truck, operated by a single person.

3. Concerns with accuracy of submitted noise and air quality assessments and that on-site conditions would result in increased impacts on receptors located on Sandy Falls Road

The noise and air quality assessment considered local conditions and was informed by a site visit and modelling based on local topography. The assessments were undertaken in accordance with the relevant guidelines and therefore represent a robust assessment of the Proposal.

Noise and air quality assessments have been undertaken by suitable qualified professionals and are specific to the subject site. The assessments have been reviewed by EPA and general terms of approval issued.

4. Concerns with proximity of receptors to proposed access road and impacts of noise and dust.

The air quality assessment included an assessment of Particulate Matter 10 and Particulate Matter 2.5. The PM10 size fraction is sufficiently small to penetrate the large airways of the lungs, while PM2.5 (2.5 microns or less) particulates are generally small enough to be drawn in and deposited into the deepest portions of the lungs. Potential adverse health impacts associated with exposure to PM10 and PM2.5 include increased mortality from cardiovascular and respiratory diseases, chronic obstructive pulmonary disease and heart disease, and reduced lung capacity in asthmatic children. Sandy Falls Reserve is adjacent to and surrounds the nearby sensitive receptors. The assessment confirms that the potential emissions from the Proposal are below the relevant criteria at the receptors for PM10 and PM2.5. Therefore, the potential emissions from the Proposal would also be below the relevant criteria at Sandy Falls Reserve.

Noise and air quality assessments have been undertaken by suitable qualified professionals and are specific to the subject site, they include consideration of the proposed access track including both the construction of the track and the tracks usage during operations. The assessments have been reviewed by EPA and general terms of approval issued. Providing operations are undertaken in accordance with the submitted documents and recommendations regarding mitigation measures complied with, along with compliance with requirements of the relevant EPL impacts on the receivers are expected to be within appropriate levels.

5. Visual impacts of the development when viewed from opposite side of the river, particularly residential views and view when cresting the hill.	<i>The visibility of the Proposal from the dwellings to the north of the river is reduced by existing vegetation that will be retained around the Proposal and along the proposed access track. To further mitigate potential impacts, targeted tree planting will occur along the proposed access track.</i>	Visual impacts have been considered in the assessment report. Conditions should be applied to any consent as recommended in the report to minimise visual impacts.
6. Inability to return the land to present pristine condition.	<i>As outlined in the EIS and supporting technical assessments, the Project Area is not in a pristine condition and has been used for rural activities. Rehabilitation to a safe, stable, and non-polluting state suitable for the recommencement of rural activities is achievable through the natural regeneration of pasture grasses as shown by the existing condition of the land.</i>	It is agreed that the project area in it's existing state is not in pristine condition. Provision of a Rehabilitation Management Plan to Department of Climate Change, Energy, the Environment and Water (DCCEEW) is detailed in the general terms of approval as being required to accompany the application for controlled activity approval. To avoid potential conflicts it is recommended that the endorsed Rehabilitation Management Plan and associated controlled activity approval be provided to council for it's records and information.
7. Concerns that the EIS has not assessed impacts of the proposal on flora and fauna, particularly platypus populations	<i>The EIS is supported by a biodiversity assessment prepared by a suitably qualified person. The Proposal has been designed to avoid biodiversity impacts to the greatest extent practicable. Native vegetation will be retained as recommended in the biodiversity assessment.</i>	The submitted BOS report has been prepared by a suitably qualified consultant, as a result of the assessment the footprint of the proposed extraction site has been altered to provide protection to identified areas of native vegetation with biodiversity value which provide potential habitat area. With regard to potential impacts on aquatic populations, proposed disturbance areas are located away from the river bed and banks. GTA have been issued by DCCEEW. Referral to NSW Fisheries was refused noting "No key Fish Habitat within the proposed development site".

8. Concerns that the EIS has not assessed impacts of flood and bank stability.	<i>Whilst the site is located within the broader alluvial floodplain, the Project Area is situated outside the current river channel and has no impact on or interaction with the ordinary flow of the river. The flood impact assessment undertaken as part of the EIS for the Proposal confirmed that the Project Area would be inundated in various flood events, but by limiting the depth of extraction to the proposed depth of 222m AHD (4m depth), the Proposal is unlikely to result in any measurable changes in flood behaviour or the quality of the downstream receiving environment, surface or groundwater.</i>	As part of the assessment process, the application was referred to DCCEEW for General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the <i>Water Management Act 2000</i>. GTA have been issued by DCCEEW, while controlled activity approval is still required to be obtained, DCCEEW have not raised any concerns that the proposed development may adversely impact the Reconnecting River to Country Program.
9. Impacts of the Proposal on recreational use of crown land reserve in contravention of crown objectives.	Not directly addressed	The proposed development would not have any direct interference with access to nearby crown land for recreational purposes. Amenity considerations including dust and noise have been appropriately considered by the submitted EIS and supporting documents. Visual impacts of the development have also been considered and addressed as outlined above and in the assessment report. While amenity impacts on users of the crown land has not specifically been addressed it is considered that proposed measures appropriately mitigate the potential impacts.
10. Concerns reconnecting river to country program not considered.	Not directly addressed	The Reconnecting River to Country Program aims to provide increased environmental water flows in areas in the southern-connected Murray Darling Basin, including the Murrumbidgee River. The program is being led by the Department of Climate Change, Energy, the Environment and Water (DCCEEW). As part of the assessment process, the application was referred to DCCEEW for General

Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000*. GTA have been issued by DCCEEW, while controlled activity approval is still required to be obtained, DCCEEW have not raised any concerns that the proposed development may adversely impact the Reconnecting River to Country Program.

11. Scientific evidence against river sand mining, particularly article titled *The Environmental Impact of River Sand Mining*

Not directly addressed.

The referenced article is a peer reviewed article written and published by E.S. Rentier, L.H. Cammeraat of the Institute for Biodiversity and Ecosystem Dynamics, University of Amsterdam. Such research and articles are often used to help inform legislation, guidelines and practices with regard to activities such as sand extraction.

As detailed above, GTA have been issued by DCCEEW, while controlled activity approval is still required to be obtained, DCCEEW have not raised any issues with matters such as potential impacts on river flow, bank stability, flood behaviour or aquatic biodiversity.

The submitted EIS and supporting documents demonstrates that the proposed extraction site has been considered to avoid, reduce and minimise potential adverse environmental impacts including matters such as erosion, bank stability, river flows and riverine communities which are raised by the referenced article. Such matters will be further considered by any application for a controlled activity approval as required by the GTA.

12. Non-Compliance with NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers

SLR understand the policy is from the 1990s and Section 4.2 of the policy states that the scope of the management strategies outlined in the policy are limited to the extraction of sand and gravel from active river channels only. The Proposal is not for extraction from an active river channel. In any event, from an abundance of caution, Section 2.2 of the EIS addressed the policy. The EIS and supporting technical assessments provide evidence that the Proposal has been designed to avoid biodiversity impacts, is unlikely to result in any measurable changes in flood behaviour or the quality of the downstream receiving environment, surface or groundwater and complies with the relevant criteria for noise and air emissions

The referenced policy - NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers, a Component of the State Rivers and Estuaries Policy, published in 1992 is surpassed by the *Water Management Act 2000*. GTA have been issued by DCCEEW.

Matters raised in late submission

1 Biodiversity and ecosystem disruption, concerns with compliance with Biodiversity Conservation Act 2016

Not referred for comment

Matters raised have been addressed above and in the assessment report including compliance with Biodiversity Conservation Act 2016.

2 Proximity to crown land and residences including concerns with traffic, dust, noise, visual impacts and property values.

Not referred for comment

Amenity impacts including visual impacts, noise, dust and traffic have been considered in the assessment report.

Potential impact on Crown Land is discussed in 9. Above.

3	Water management and river health	Not referred for comment	Assessment of potential impacts have been addressed in assessment report and discussed above.
4	Environmental degradation including soil compaction, wildlife displacement, invasive species introduction and incomplete post-mining restoration.	Not referred for comment	Environmental impacts have been assessed in the assessment report and discussed above. Conditions shall be applied to any consent requiring rehabilitation.
5	Concerns that written notification of development was not received.	n/a	Subject property does not directly adjoin land subject of the proposed development. Property is approximately 2km from the closest allotment that is part of the proposed development and 4.5km from the proposed extraction site. The application was publicly exhibited in accordance with section 56 of the EP&A Regulation 2021 including on council's website and local newspapers.