



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS	
Type of Application	Development Application
Panel Ref No. and Council Application No.	PPSSTH-84 DA 2021/44
Modification No.	N/A
Council File No.	RT: 1004200
Date of Lodgement	3 May 2021
Applicant	Geoff Pigram on behalf of Milbrae Quarries Pty Ltd
Proposal	Continued operation and extension of Quarry (Wallerobie Quarry).
Description of Modification	N/A
BCA Classification	N/A
Development Cost (CIV)	\$1,020,100.00
Previous Consents	<ul style="list-style-type: none"> DA1/92 issued by Council on 8 April 1992 which allows for the installation and operation of the fixed processing plant. DA21/95 issued by Council on 18 September 1995 which allows for the Quarry to extract, process and transport up to 120 000 tonnes per annum (tpa) of material.
Other Approvals	Construction Certificate (EPA Act), Section 68 (LGA 1993) and Section 138 (Roads Act) Approvals required.
Concurrence Required	The Proposal is also classified as 'integrated development' and concurrence is required from the NSW EPA for a variation to Environment Protection Licence (EPL) 4132.
Referrals	Internal – Engineers External – TFNSW and EPA
Adjoining Owners Notification	Yes – the notification / exhibition period was from 3 May 2021 – 7 th June 2021.
Advertising	Yes – advertised in: Daily Advertiser: 8, 15 and 22 May 2021

	Temora Independent: 7 and 21 May 2021
Determination Body	Southern Regional Planning Panel
Reason	Designated development for the purpose of extractive industry Schedule 7, Clause 7 (a) = extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.
Recommendation	Approval with conditions
Meeting Date	TBC
Assessment Officer	Colby Farmer

SITE DETAILS	
Subject Land	Lot: 1, DP: 1225817 1 Seberrys Lane Wallerroobie NSW
Owner	P A Woods Co Pty Limited
Owner's Consent Provided	Yes
Location	As Above

PLANNING CONTROLS / STATUTORY CLASSIFICATION	
<i>Pursuant to Part 4 (Division 1)</i>	
Environmental Planning Instrument	Coolamon Local Environmental Plan 2011
Zoning	RU1 – Primary Production
Land Use Definition	Extractive Industry. An Extractive Industry is defined under the CLEP 2011 as: <i>extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</i>
Statement of Permissibility	Permissible with Consent
Designated Development	The proposal is considered 'Designated Development' as per the provisions of Clause 19 of Schedule 3 of the Environmental Planning and Assessment Regulations 2000. The application is proposing to obtain more than 30,000 cubic metres per year and will disturb more than 2 hectares of land.

Integrated Development	The proposal is considered 'Integrated Development' as per the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.
-------------------------------	--

Description of Development

The development proposal seeks development consent for the continued operation and expansion of the Quarry which includes the following:

- An extension of operations resulting in a total disturbance area of up to 62ha.
- An increase to the extraction rate from 120000tpa to 300 000tpa.
- Importation of up to 1500tpa of concrete washout and other construction materials for recycling.
- Product transportation involving a maximum of 104 laden trucks per day and a maximum of 12 laden trucks per hour.
- Creation of new egress / exit from the site onto Seberrys lane.
- Erection of new Office and Amenities Building (20.05 m long x 5.45 m wide) and attached carport (20.05 m long x 4.75 m wide).
- Ongoing operations for a period of 25 years from the commencement of operations under the new development consent.

The development involves the following activities:

- Extraction of material from the site to produce up to 300000tpa of Quarry products.
- Importation of up to 1500tpa of concrete washout and other construction materials for recycling and incorporation in products produced within the Quarry.
- Crushing and screening of fragmented rock and imported materials on site using a fixed processing plant.
- Pre-coating of up to 30 000tpa of Quarry products.
- Transportation of up to 300 000tpa of Quarry products within the Coolamon LGA and the broader Riverina Region.
- Progressive and final rehabilitation of the site.

The Site and Locality

The site is located on the land known as Lot 1, DP1225817, 1 Seberrys Lane, Wallerobie.

The development is situated on land that is zoned RU1 Primary Production under the CLEP 2011 and incorporates a total area of 69 ha of which approximately 62ha would be disturbed throughout the life of the Quarry.

The site is located approximately 21 kilometres (km) southeast of Ardlethan and 38 km northeast of Narrandera, with access to the site provided from an existing Quarry access via Seberrys Lane and Walleroobie Road.

The land uses surrounding the Quarry Site comprise of dryland cropping and mixed farming, including grazing of sheep and cattle. Yarranjerry State Forest is located approximately 3.5km to the northeast of the Quarry Site.

The site/development incorporates the following existing and proposed activities areas/infrastructure:

- Extraction Area (17ha)

The Extraction Area would be centred on the targeted hard rock resource.

- Processing and Northern Stockpiling Area (14ha)

This existing area would include the fixed processing and screening plant, pre-coat plant, pugmill and dedicated areas for stockpiling Quarry products, fines and imported material.

- Red Clay Extraction Area (0.3ha)

This existing area would be located within the eastern part of the Processing and Northern Stockpiling Area and would be used to source red clay for blending with road base products.

- Southern Stockpiling Area (22ha)

The Southern Stockpiling Area pad would be progressively developed throughout the life of the Proposal within the southern part of the Quarry Site and would provide an additional area for stockpiling Quarry products, fines, imported material and topsoil.

- Ancillary Components Area (0.9ha)

This area would be located to the west of the Processing and Northern Stockpiling Area and would comprise the Quarry office, amenities, light vehicle parking, weighbridge office and breakroom, weighbridge and workshop.

- Northern Bund (1.8ha)

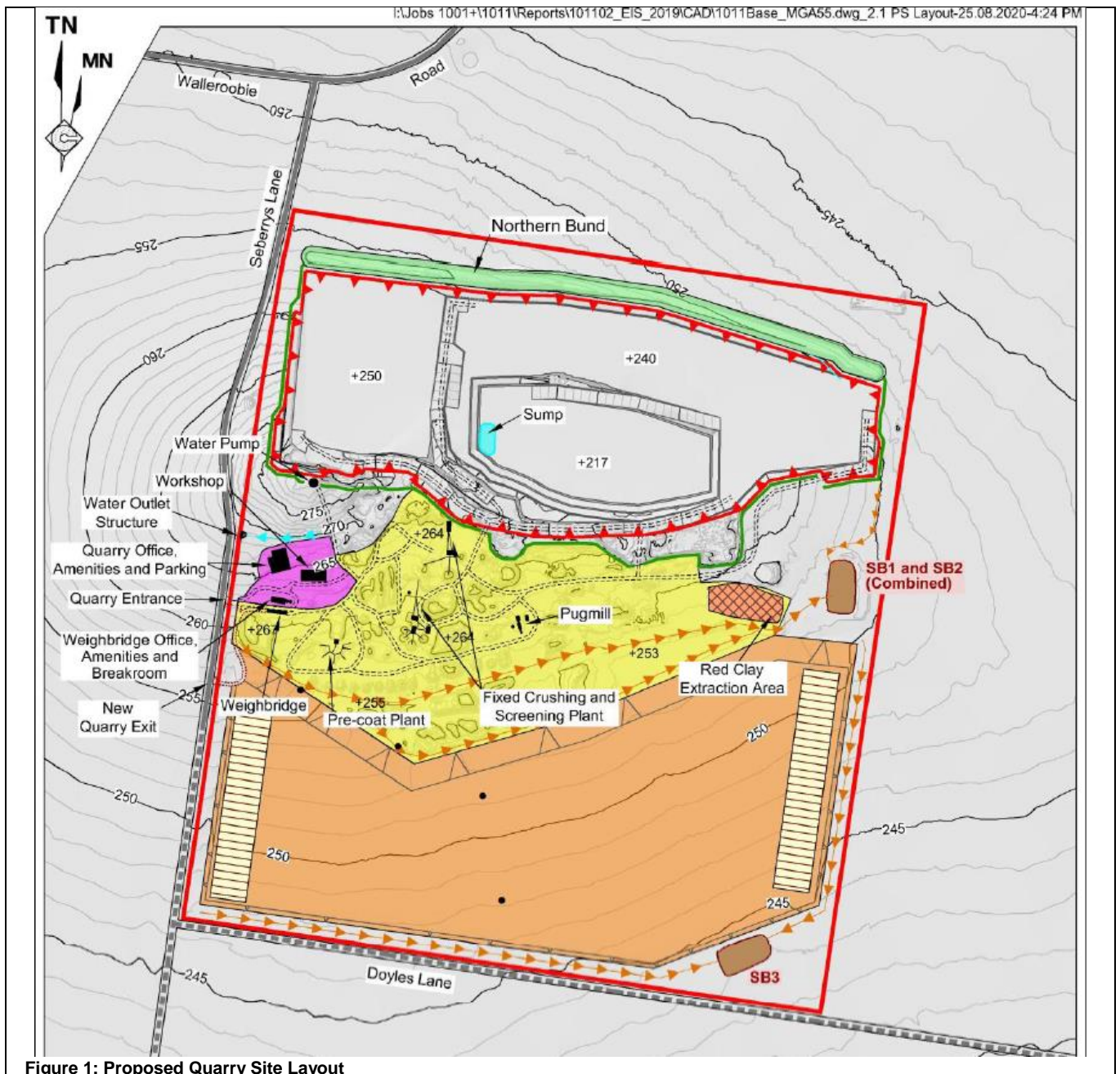
The Northern Bund would be progressively developed throughout the life of the Proposal to the north of the Extraction Area. The Northern Bund would be constructed using overburden pushed up from within the Extraction Area as well as material from within the historical and interim overburden stockpiles.

- Internal Roads

A 160m section of sealed road would be constructed between the weighbridge and the new Quarry exit and would be used by all vehicles leaving the Quarry Site. A number of unsealed internal roads would also be located within the Quarry Site to provide access to the various Quarry components.

- New Office/Amenities Building

Erection of new Office and Amenities Building (20.05 m long x 5.45 m wide) and attached carport (20.05 m long x 4.75 m wide) located within the Ancillary Components Area.



MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55

Not Applicable

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15 (1)

Section 4.15 (a)(i) – The provisions of any environmental planning instrument (EPI)

Coolamon Local Environmental Plan 2011

Proposed development complies with the provisions of the Coolamon Local Environmental Plan 2011 as follows:

Part 2 Permitted or prohibited development Land Use

The land is zoned RU1 (Primary Production). The objectives of the zone are as follows:

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.*

Comment: The development, for the purposes of the continued use and expansion of an existing extractive industry, is permitted with consent. The development is considered to be consistent with the zone objectives, particularly objectives 2, 3 and 4. The development encourages diversification of primary industry enterprises in the area by use of the site for quarrying purposes (extractive industry). The development will not result in the fragmentation of rural land. The site will be rehabilitated once the material has been extracted at each stage. It is considered that, with the isolated location of the site and appropriate conditions of consent, the development will not create conflict with any of the surrounding land uses.

Part 3 Exempt & Complying Development

Comment: The proposed development is not Exempt or Complying Development. The application is seeking development consent.

Part 4 Principal development standards

Comment: There are no applicable development standards contained within the Coolamon Local Environmental Plan 2011 that apply to this proposal.

Part 5 Miscellaneous provisions

Comment: There are no applicable miscellaneous provisions contained within the Coolamon Local Environmental Plan 2011 that apply to this proposal.

Part 6 Additional Local Provisions

Comment: The following additional local provisions apply to this development proposal –

Clause 6.2 of the CLEP 'Land' provides that -

- (1) *The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including the following:*
 - (a) *protecting land with steep slopes and shallow soils,*

- (b) *protecting land subject to soil salinity,*
- (c) *protecting land with high erosion potential soils,*
- (d) *protecting land susceptible to other forms of land degradation,*
- (e) *protecting landforms.*
- (2) *This clause applies to land identified as “Sensitive Area” on the Natural Resource—Land Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on the following:*
 - (a) *the geotechnical stability of the site,*
 - (b) *the probability of increased erosion or other land degradation processes.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

A section of the site has been identified as Sensitive Areas on the Natural Resource Land Map Layer under the CLEP 2011.

The development has been designed to minimise impacts to land and soil resources as far as practicable. The application proposes to mitigate impacts on ‘Land’ and the matters identified under this clause via the implementation of the following management procedures and safeguards:

- Clearly mark areas for stripping and stockpiling.
- Refrain from stripping or placing soil during wet conditions.
- Strip topsoil from all areas of disturbance and place within designated rehabilitation areas or store in stockpiles no more than 2m high oriented parallel to the contours.
- Ensure that topsoil stockpiles are constructed with side slopes of 1:3 (V:H) or less.

The application proposes site rehabilitation activities that will aim to create a final landform that is ‘safe, secure, non-polluting, stable and suitable for passive biodiversity conservation and agriculture’. Further details and specifications for rehabilitation activities will be required to be submitted and approved by Council prior to operations commencing.

The application has been considered against the above clauses and is considered satisfactory.

Clause 6.4 Essential services of the Coolamon Local Environmental Plan 2011, also applies to the development. The clause provides:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

The application has demonstrated that the development will be adequately serviced.

Clause 6.6 Earthworks is relevant to this application. The clause provides that:

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) *to allow earthworks of a minor nature without separate development consent.*
- (2) *Development consent is required for earthworks unless—*
 - (a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the work is ancillary to other development for which development consent has been given.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
 - (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Comment: The application has demonstrated that the proposed earthworks, in the form of extraction activities can be effectively managed and that there will be no long term negative impacts to the environment. Rehabilitation measures proposed under the application shall ensure that the land form is reinstated and rehabilitated to a satisfactory state post development.

State Environmental Planning Policies (SEPPs)

The following State Environmental Planning Policies apply to the development:

State Environmental Planning Policy (Planning Systems) 2021

- **Chapter 2: State and Regional Development**
- **Schedule 6: Regionally significant development**

This application is considered to be designated development for the purpose of an extractive industry. As such, the development is classified as regionally significant development under the Planning Systems SEPP and, therefore, determination of the application will be by the Southern Regional Planning Panel.

State Environmental Planning Policy (Resources and Energy) 2021

The development is for an extractive industry.

- **Part 2.3 (Development applications – matters for consideration) of Chapter 2: Mining, petroleum production and extractive industries**

The SEPP outlines the matters that a consent authority must consider when determining applications for mining, petroleum production or extractive industry development types. The following clauses of the SEPP are applicable to the development:

Section 2.16 - Non-discretionary development standards for mining

Section 2.17 - Compatibility of proposed mine, petroleum production or extractive industry with other land uses

Section 2.19 - Compatibility with existing mining, petroleum production or extractive industry

Section 2.20 - Natural resource management and environmental management

Section 2.21 - Resource recovery

Section 2.22 - Transport

Section 2.23 - Rehabilitation

The above clauses have been addressed by the applicant in the application and are considered to be satisfied.

The application was referred to Transport for NSW for comment. TfNSW comments are identified and addressed further on within this report.

- **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 3: Hazardous and offensive development

In the R&H SEPP, "*potentially hazardous industry*" means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

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

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

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

The hazardous substances and dangerous goods to be held or used within the Quarry Site must be identified and classified in accordance with the risk screening method contained within the document entitled *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (DP&I, 2011).

Hazardous materials are defined within *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* as substances falling within the classification of the Australian Code for Transportation of Dangerous Goods by Road and Rail (Dangerous Goods Code), (National Transport Commission, 2011). The substances relevant to this policy to be utilised as part of this development include diesel and ammonium nitrate.

The proposed development would involve the ongoing use of diesel fuel, a Class 3 C1 combustible liquid, and small amounts of other hydrocarbons including lubricating oils and combustible liquids. As diesel would be stored in dedicated bunded areas, away from other Class 3 flammable liquids, the R&H SEPP does not require that diesel be considered further.

Ammonium nitrate would not be stored on site, rather it would continue to be transported to the Quarry Site for blasting on the day of each blast. As the quantity required for each blast does not exceed the relevant thresholds for Class 5.1 materials, the R&H SEPP does not require that ammonium nitrate be considered further.

The application satisfactorily addressed the requirements of Chapter 3.

- **Chapter 4: Remediation of land**

Chapter 4 of this SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) *by requiring that a remediation work meet certain standards and notification requirements*

Section 4.6 of the SEPP requires that Council (consent authority) must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

(3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

(4) *The land concerned is:*

(a) *land that is within an investigation area,*

(b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

(c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*

(i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

(ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site has historically been utilised only for agriculture, predominantly grazing activities, and an extractive industry. It would be reasonable to assume that no contaminants are known to exist on the site as a result of the previous uses.

The application satisfactorily addressed the relevant matters arising under Chapter 4.

State Environmental Planning Policy (Primary Production) 2021, Chapter 2

The aim of this SEPP (the “Primary Production SEPP”) is to facilitate development on rural land that is orderly and economic, promotes the social, economic and environmental welfare of the State and avoids land use conflicts with existing agriculture.

The proposed development is considered to be consistent with the aims of the Primary Production SEPP as:

- The subject land is not identified as State or regionally significant agricultural land by Schedule 1 of the Primary Production SEPP (no land is currently identified in Schedule 1).
- The development will essentially remove approximately 30ha of land currently managed for agriculture, which would be progressively rehabilitated.
- The development will not prevent the use of surrounding land for agricultural purposes and is considered to not be incompatible with agricultural land uses adjoining the proposal site.
- The use of the subject land for extractive industry purposes would provide public benefit and it is considered that the beneficial economic impacts at local and regional levels that will result from the development will outweigh the temporary use of land for quarrying purposes.

The development is considered to not be inconsistent with the objectives and relevant provisions of the Primary Production SEPP.

Section 4.15(1)(a)(ii) – the provisions of any draft environmental planning instrument

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) – The provisions of any development control plan

Coolamon Development Control Plan 2015

Proposed development complies with the development standards of the Coolamon Development Control Plan 2015 as follows:

Part A – Introduction & General Information

Comment: Yes the development application complies with the relevant provisions of this section, specifically regarding development application lodgement requirements.

Part B – Vision Statements

Comment: The development complies with this section.

The strategic vision seeks to promote and encourage sustainable development practices across every sector of the Shire's economy, and to stimulate civic, community and business opportunities which will enhance and protect the Shire's special features and characteristics.

It is considered that if approved the development will result in positive social, economic and environmental benefits at both a local and regional level.

Part C – General Development Controls

Notification of Developments

Comment: The development complies with the requirements of this section.

The application was notified in accordance with Section 14.3 of the Coolamon DCP 2015.

The application was notified to adjoining landowners and placed on public exhibition for a period of 35 days, from 3 May 2021 to 7 June 2021.

The application was advertised:

- *Temora Independent:*

7 and 21 May 2021

- *Wagga Wagga Daily Advertiser:*

8, 15 and 22 May 2021

- *Coolamon Shire Council Website:*

Commencing 3 May 2021 and up to 7 June 2021.

- NSW Planning Portal:

Commencing 3 May 2021 and up to 7 June 2021.

General Housing & Ancillary Structures

Objectives

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Application of Controls

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Building Setback

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Solar Access

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Privacy

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Fences

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Carports & Garages

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Swimming Pools

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Dual Occupancy

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Services & Utilities

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Flood Liable Land

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures. It should be noted that the land is not flood prone land.

Bushfire Prone Land

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures. It should be noted that the land is not bush fire prone land.

The application was referred to the NSW RFS as they provided input into the SEARS. The RFS provided a response and requested that the following conditions be incorporated into the consent:

1. A draft Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW RFS District Office for comment. Any return comment from the District shall be adopted into an amended FMP. As a minimum, the FMP shall include:
 - 24-hour emergency contact details including alternative telephone contact;
 - Site infrastructure plan;
 - Firefighting water supply plan;
 - Site access and internal road plan;
 - Construction of asset protection zones and their continued maintenance;
 - Location of hazards (physical, chemical, and electrical) that will impact on the firefighting operations and procedures to manage identified hazards during the firefighting operation;
 - Mitigation measures designed to prevent a fire occurring within the site, and prevent a fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and
 - Such additional matters as required by the NSW RFS District Office.
2. To allow emergency service personnel to undertake property protection activities, a minimum 10-metre defendable space, managed as an asset protection zone, shall be provided around all buildings and built assets and the outside perimeter of the development footprint.
3. All internal roads shall comply with the design and construction specifications for property access outlined in Appendix 3 of Planning for Bush Fire Protection 2019.
4. A minimum 20,000-litre water supply (tank) fitted with a 65mm Storz fitting shall be located adjoining the internal access road within the required asset protection zone.

The abovementioned conditions have been included as conditions in the consent.

Heritage & Conservation

Comment: The site is not located in a heritage conservation area nor does it contain any known items of European cultural heritage significance. The development is not for housing or ancillary residential structures.

It should be noted that OzArk Environment and Heritage Pty Ltd prepared an Aboriginal Archaeological and Historic Heritage Impact Assessment to support the application.

A site survey was undertaken and identified no Aboriginal sites, sensitive landforms or potential archaeological deposits were recorded during the survey. No historic sites were recorded during the survey.

The recommendations from the assessment concerning Aboriginal cultural values within the study area are as follows:

- 1. The proposed work may proceed at Walleroobie Quarry without further archaeological investigation under the following conditions:*
 - a) All land and ground disturbance activities must be confined to within the archaeological survey area, as this will eliminate the risk of harm to Aboriginal objects in adjacent landforms. Should the parameters of the Proposal extend beyond the assessed areas, then further archaeological assessment may be required.*
 - b) All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.*
 - 2. As the investigation did not identify any cultural heritage values in the study area, the Aboriginal cultural heritage consultation requirements for proponents 2010 do not need to be initiated to support an Aboriginal Heritage Impact Permit application.*
 - 3. This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, if Aboriginal objects are identified during the construction and operation of the Proposal, all work should cease and the procedures in the Unanticipated Finds Protocol (Appendix 3) should be followed.*
 - 4. In the event of skeletal remains being identified during the construction and operation of the Proposal, the Unanticipated Skeletal Remains Protocol (Appendix 4) should be followed.*
 - 5. Work crews should undergo cultural heritage induction to ensure they recognise Aboriginal artefacts (see Appendix 5) and are aware of the legislative protection of Aboriginal objects under the National Parks and Wildlife Act 1974 and the contents of the Unanticipated Finds Protocol.*
- The assessment recorded no items of significant heritage value. Therefore, recommendations concerning historic heritage values within the study area are as follows:*
- 6. In the unlikely event that historical relics or deposits are unearthed during the proposed works, the Historical Heritage Unanticipated Finds Protocol (Appendix 6) should be followed.*

A condition of development consent will be placed on any consent to capture these recommendations.

Objectives

Comment: Consistent. The development is not for housing or ancillary residential structures.

The Burra Charter

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Heritage Advisor

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Local Heritage Grants

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Alterations and/or Additions to Existing Heritage Items

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Change of Use of a Heritage Item

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

New/Infill Development

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

New Ancillary Structures

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Demolition Removal of Heritage Items

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Colour Schemes

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Common Period Building Styles in the Coolamon Shire Local Government Area

Comment: This is not relevant or applicable to this development proposal. The development is not for housing or ancillary residential structures.

Signage

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

Objectives

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

Key Local Considerations

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

Business Precincts – Shire Villages

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

A-Frame Signs/Sandwich Boards

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

Footpath Furniture

Comment: This is not relevant or applicable to this development proposal and no street furniture proposed.

Prohibited Signage

Comment: This is not relevant or applicable to this development proposal and no signage proposed.

Rural Development

Comment: This section of the DCP applies to the development as the proposal is located in the RU1 – Primary Production Zone.

Objectives

Comment:

The objectives of these controls are to:

- Identify the key considerations for development within rural areas of the Coolamon Shire.
- Outline the matters relevant to rural development that support the objectives of rural zonings under the Coolamon Local Environmental Plan 2011.

Rural Zone Planning Considerations

Comment:

Council is required to consider the following matters in assessing any development proposal within rural zones:

- *The present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production.*

The site was previously used for agricultural purposes, primarily grazing activities prior to it being used for extractive industry purposes. It has also been utilised for extractive industries for many years. The land will be rehabilitated once extraction of material has been completed. A condition of consent will be added on the approval requiring the provision of a detailed rehabilitation plan to be submitted to Council for approval specifying the native species that will be planted to help remediate the site.

- *Vegetation, timber production, land capability (including soil resources and soil stability), water resources (including the quality and stability of water courses and ground water storage and riparian rights).*

These matters have been satisfactorily considered in the Environmental Impact.

- *The future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials.*

The development proposal is for the extraction of gravel. The site will be rehabilitated in accordance with an approved Rehabilitation Plan.

- *The protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including Aboriginal relics and places.*

The proposal makes provision for the progressive rehabilitation of the site which should serve to enhance the conservation value from what it presently is. The proposal will be required to ensure that disturbed sections of the site are rehabilitated and remediated in accordance with an approved 'Rehabilitation Plan'.

The proposal appears to be consistent with this rural planning consideration.

- *The cost of providing, extending and maintaining public amenities and services to the development.*

With the exception of roads, there should be no additional costs incurred to service the development.

The Applicant proposes to continue to utilise the Ancillary Components Area at the western most extent of the Quarry Site which would include the following key components:

- Quarry Office / Amenities
- Weighbridge Office / Breakroom / Amenities
- Light-vehicle car park
- Weighbridge
- Workshop
- Refuelling Area

Power Supply

The development is currently serviced by 240-volt three phase power which is connected to the existing Quarry office, workshop and “Top Plant”. It is proposed that the new Quarry office would also be connected to the grid following construction.

Electricity is generated on site with a 750kW diesel generator, which is used to power the processing plant, and a 280kW diesel generator, which is used to power the pugmill. It is noted that power to the “Top Plant” can be supplied by either mains power or the diesel generator, as required.

Telephone

The site is currently serviced by a single telephone line to the existing Quarry office. It is proposed that the new Quarry office would also be serviced by a telephone line.

On-site communications would continue to be undertaken by two-way radio and mobile phones.

Water Supply

Potable Water

Potable water is supplied to the Walleroobie Quarry in 15L bottles which are delivered to the Quarry Site on average every two weeks.

Bulk Water

All non-potable water used at the Quarry is currently supplied from the sump within the historical extraction area. Non-potable water will continue to be sourced from the historical extraction area during Stages 1 and 2. During Stage 3, it is anticipated that non-potable water would be sourced from the sump following the progression of extraction within and immediately surrounding the historical extraction area. In the event that additional water is required for dust suppression, water would either be carted in or the Quarry would be connected to Golden Fields Water County Council’s reticulated water supply for make-up water supplies.

The applicant has provided confirmation via an email, dated 16 June 2022, from Golden Fields Water County Council, that a water connection for reticulated supply, is not available, however, Milbrae Quarries can apply to become a customer of our Bulk Water Filling stations.

Fuels and Lubricants

Diesel fuel would continue to be stored on site in a bunded above-ground tank (30 000L) located adjacent to the workshop in the Ancillary Components Area. All fuelling of mobile equipment would either be conducted within this area or within the Extraction Area. It is estimated that approximately 1ML of diesel would be used annually to fuel mobile equipment and provide power to the processing plant. The applicant would continue to limit idle time on mobile equipment in order to minimise fuel usage. It is noted that product transport trucks may also be refuelled on site, particularly when multiple loads are required in a single day. All lubricants and other small quantities of chemicals used on site would continue to be stored within the workshop on bunded pallets.

All hydrocarbons would continue to be stored in accordance with Australian Standards AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids.

Sewage and Effluent Disposal

Sewage and effluent disposal would continue to be managed on site using septic tank and absorption trench systems. The applicant will be required via conditions of consent to provide detailed specifications for the required OSSM associated with the new office/amenities building. A section 68 approval will also be required to be lodged by the applicant for septic, sewer, stormwater and water supply works – this will form a condition of development consent.

In respect of roads, the applicant proposes to utilise the following:

Road Network: The development will rely on utilising the following roads within the local road networks to service the development –

- **Ardlethan Road** is a Regional Road which, together with Coolamon Road, provides a link between Olympic Highway at Wagga Wagga and Newell Highway at Ardlethan. It is a sealed, two lane two-way road, with sealed shoulders, edgelines and guideposts
- **Burley Griffin Way** is a State Road (MR84) which provides an east-west link between Hume Highway (HW2) north-west of Yass and Griffith, with the route joining Newell Highway to the west of Ardlethan.
- **Mary Gilmore Way** is a Regional Road which provides a between Ardlethan Road north-west of Coolamon to Goldfields Way at Barmedman. Mary Gilmore Way is a sealed two lane road, with the travel lanes approximately 3.5 m wide and sealed shoulders each approximately 0.5 m wide.
- **Maxwells Lane** is a local two lane two-way road, which has recently been upgraded and sealed.
- **Methul Road** is a local two lane, two-way road which provides a link between Ardlethan Road in the south and Walleroobie Road and Yarranjerry Exchange Road in the north.
- **Quarry Access** extends from Seberrys Lane, and is used by all Quarry-generated vehicles. The access has a gravel surface and controlled by a gate. Sight distance at

the access intersection with Seberrys Lane is restricted to the north by the curve in Seberrys Lane.

- **Seberrys Lane** is a sealed two lane, two-way road with unsealed shoulders. It extends in a north-south direction from Walleroobie Road, and together with the Quarry access, provides vehicular access to the Quarry. It is approximately 6.5 m wide, and has no centre or edge linemarking, and has guideposts.
- **Walleroobie Road** is a local two lane two-way road with unsealed shoulders. It extends in an east-west direction from Ardlethan Road and Methul Road to the east and west respectively. It is approximately 6.0 to 6.5 m wide, and has no centre or edge line marking.

A number of the roads of relevance to the Proposal are approved for use by 25/26 m GML B:Doubles including:

- Burley Griffin Way,
- Walleroobie Road,
- Methul Road,
- Mary Gilmore Way, and
- Ardlethan Road.

It is considered that the existing road network is sufficient to cater for the development and its associated traffic movements. The ongoing safety and efficiency of the road network will be maintained via upgrade works as required and funded via contributions levied against the development.

Whilst the majority of road network that will be utilised by the proponent exists within the Coolamon LGA, the development will also rely on the use of the following roads that exist within the Temora LGA:

- Maxwells, Mary Gilmore Road Nth to Burley Griffin Way and West; and
- Maxwells, Mary Gilmore Road Nth to Burley Griffin Way and East.

Council provided notification / referral of the application to both Temora and Narrandera Shire Councils – no response was received.

Agricultural Structures

Comment: This is not relevant or applicable to this development proposal. No agricultural structures are proposed.

Subdivision of Land

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Objectives

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

General Requirements

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Servicing of Lots

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Heritage

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development. Heritage has been addressed elsewhere in this report.

Sewage Management

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development. Sewage management has been addressed elsewhere in this report.

Flood Liable Land

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development. Noting that the land is not flood prone.

Bushfire Prone Land

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development. Noting that the land is not bush fire prone.

Road Construction

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Street Lighting

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Easements

Comment: This is not relevant or applicable to this development proposal. No subdivision is proposed as part of this development.

Sewage Management

Comment: This section is applicable to the development. The existing amenities building will be serviced by an existing septic tank and absorption trench system.

The new amenities building would also be serviced by septic tank and absorption trench system. Details of this system would be required to be provided to Council for assessment

and approval and will be addressed at Section 68 Application stage – this will form a condition of development consent.

Objectives

Comment: This is section is relevant to this development proposal.

The objectives of these controls are to:

- *Assist in assessing land for on-site disposal of effluent.*
- *Implement the provisions of the Local Government Act 1993 and Regulation thereunder.*
- *Protect surface and ground water quality.*
- *Incorporate sewage management considerations in the early stages of development and environmental assessment as required under the Environmental Planning and Assessment Act 1979.*

The proposal is considered, with the application of conditions of consent, to be consistent with the abovementioned objectives.

General Requirements

Comment: This is section is applicable to this development proposal.

The applicant will be required to provide information / specifications on the proposed system of OSSM to be utilised to service the new amenities building. These details will be required to be provided at required section 68 application lodgement time. As previously identified, this will form a condition of development consent.

Conventional Septic Tanks

Comment: This is section is applicable to this development proposal.

The applicant will be required to provide information / specifications on the proposed system of OSSM to be utilised to service the new amenities building. These details will be required to be provided at required section 68 application lodgement time. This will form a condition of development consent.

AWTS

Comment: This is not relevant or applicable to this development proposal. The applicant has indicated that a traditional septic tank and absorption trench system will utilised.

Alternative On-Site Sewage Management Systems

Comment: This is not relevant or applicable to this development proposal.

Engineering Standards

Comment: Engineering standards for developments will be applied by Council to ensure consistency and uniformity across all infrastructure types within the Shire. Compliance with

this section of the DCP will also ensure that all existing assets are protected and maintained accordingly.

Provision of Access

Comment: Access for inbound vehicles to the Quarry would continue to be via the existing Quarry access located on Seberrys Lane. Egress for outbound vehicles would be via a new Quarry exit approximately 100 m south of the existing Quarry access intersection to enable improved sight distances to be provided.

All heavy vehicles would enter and exit the Quarry via Seberrys Lane and Walleroobie Road.

There is little detail provided on the proposed access treatment and the applicant will be required to submit detailed plans and specifications that demonstrate compliance with Council and AusRoad Access/Egress design standards. This will form a condition of consent.

Access works will be required to be completed in full, prior to the operation of the development under this consent.

Road Construction

Comment: The applicant proposes upgrades to Seberrys Lane in the vicinity of the Quarry.

The upgrades would be undertaken during the initial stages of the development principally to achieve required sight distances and minimise the risk of interactions between Quarry-generated traffic and other road users.

A preliminary safe intersection sight distance (SISD) analysis undertaken by TTPP, and outlined in the traffic impact assessment, identifies that minor earthworks will be required to the verge along Seberrys Lane to achieve the required sight distance.

The applicant would also extend the sealed section of Seberrys Lane to approximately 50m south of the new Quarry exit. The nominated road works would likely be completed concurrently with the construction of the new Quarry exit.

It is further proposed that 160m of sealed road would be constructed between the weighbridge and the new Quarry exit. This would be utilised by all vehicles leaving the Quarry Site. A number of unsealed internal roads would also be created within the Quarry Site to provide access to the various operational areas.

The applicant will be required to provide to Council for assessment detailed plans and specifications for any proposed road works or works on any road reserve. It will be conditioned that such works are required to be undertaken prior to the carrying out of development pursuant to any consent.

Sewerage

Comment: No reticulated sewer infrastructure is required nor being proposed.

The applicant will be utilising an existing OSSM and also installing a new OSSM to service the proposed new amenities building – the details/specifications of the new system shall be provided at the time of the lodgement of a required Section 68 application.

Drainage

Comment: This section of the development control plan provides the following controls that are relevant to this development:

- The design of all stormwater drainage shall take into account the condition of any existing drainage infrastructure (including kerb and gutter) in the nearby vicinity.

Comment: The development complies with this control.

- All developments requiring the management of stormwater shall be designed to handle a rainfall event intensity of 10 A.R.I.

Comment: The development complies with this control.

- All designs are to be approved by Council's Executive Manager, Engineering & Technical Services prior to the commencement of construction.

Comment: Detailed design plans and specifications shall be provided to Council's engineer for approval prior to the operation of this consent.

The development has the potential to affect surface water in the following ways:

- Sediment arising from soil erosion associated with the various site activities that create disturbed areas.
- Uncontrolled discharge of process water discharging directly to surface waters.
- Sediment arising from vehicle movements around the site.

The natural landform within the Quarry Site has been modified significantly through both historical and current extractive operations. The historical extraction area is centred upon the natural topographic high located within the north western section of the Quarry Site. This area covers an area of approximately 0.8ha with the floor extending to an elevation of approximately 250m AHD. Surface water runoff is collected within the historical extraction area and provides the principal source of non-potable water for current operation.

The application proposes to manage surface water via the creation of the following water management infrastructure:

Extraction Area – Sediment-laden Runoff

It appears that the extraction area has been designed to be internally draining, with all runoff going to a sump located on the floor of the extraction area. This sump would receive runoff from the entire extraction area.

Areas of Operational Disturbance – Sediment-laden Runoff

The applicant proposes to construct 2 permanent sediment basins to collect and manage sediment-laden runoff.

Sediment Basin 1/2 (Combined)

These are to be located to the east of the Processing and Northern Stockpiling Area and would involve extending and merging the existing sediment basins into 1 to provide a single sediment basin with a minimum total capacity of 1 403m³ comprising a sediment storage zone of 105m³ and a water settlement zone of 1 298m³.

Water would discharge from these basins via a rock-lined spillway. It is envisaged that this sediment basin would be constructed during the early stages of development to provide sufficient capacity for sediment-laden runoff from within the Processing and Northern Stockpiling Area, the footprint of the Processing Fines Stockpile and, ultimately, the northern batters of the Southern Stockpiling Area pad.

It would be conditioned that a detailed drainage management plan / specification be provided to Council for assessment prior to any works commencing and the approved plan be implemented in carrying out operations proposed under this consent.

Sediment Basin 3

The applicant proposes to locate this basin in south eastern corner of the Quarry Site and this is to be constructed with a minimum total capacity of 1 544m³ comprising a sediment storage zone of 1 420m³ and a water settlement zone of 124m³.

Water would discharge from this basin via a rock-lined spillway. The applicant proposes to construct this basin prior to the development of the Southern Stockpiling Area pad to provide sufficient capacity for sediment-laden runoff from the footprint of the Southern Stockpiling Area.

Dirty water collection drains would be either extended or constructed to convey sediment-laden runoff from areas of operational disturbance to sediment basins 1 and sediment basin 3.

It is proposed that the construction of these drains would be staged with the initial development to involve the upgrade and/or extension of existing dirty water collection drains to convey sediment-laden runoff from within the Processing and Northern Stockpiling Area and the Processing Fines Stockpile to sediment basins 1 and 2. Two additional dirty water collection drains would be constructed prior to the development of the Southern Stockpiling Area pad to convey sediment-laden runoff from within the proposed disturbance footprint to sediment basin 3.

It is noted that other erosion and sediment control measures, such as silt-stop fencing, would be installed downslope of areas of temporary operational disturbance (i.e. outer northern batters of the Northern Bund) to manage sediment-laden runoff during the development of the Quarry.

In reference to the Northern Bund, it is proposed that the northern batters would be vegetated and stabilised progressively to minimise any sediment-laden runoff with the bund to ultimately provide a stable and non-polluting landform.

It would be conditioned that a detailed drainage management plan / specification be provided to Council for assessment prior to any works commencing and that this plan be implemented in carrying out the development.

Undisturbed Areas – Clean Runoff

The applicant proposes to construct a clean water diversion drain to direct runoff from the undisturbed area upslope of the Ancillary Components Area, away from disturbed areas.

The diversion drain would be situated to the south of the Extraction Area and would convey runoff downslope towards a water outlet structure on the western boundary of the Quarry Site.

The two farm dams located beyond the Quarry Site boundary within Lot 1 DP1225817 would be removed from operation (e.g. bunded to prevent inflow) to ensure that the combined dam capacity within the contiguous landholding remains below the maximum harvestable right dam capacity. Water would instead be pumped to a storage tank(s) and trough system to provide water for livestock.

This is considered to be satisfactory in respect of addressing clean runoff from undisturbed areas.

Water Supply

Comment: All non-potable water used at the Quarry is currently supplied from the sump within the historical extraction area.

Non-potable water would continue to be sourced from the historical extraction area during Stages 1 and 2 with additional water to be sourced from the sump within the Extraction Area.

During Stages 3 and 4 (extraction stages), it is proposed that non-potable water would be sourced from the sump within the Extraction Area following the progression of extraction within and immediately surrounding the historical extraction area.

Water usage at the Quarry has been conservatively estimated as follows:

- 0.3ML per annum for the sprinkler system to wet down fragmented material within the extraction area.
- 1.5ML per annum for water suppression and misting sprays on the processing plant.
- 13.5ML per annum for application on internal haul roads and unformed tracks.

Based on the above, dust suppression would require no more than 51kL per day throughout the life of the Proposal.

Assuming an average of 300 operational days, water use requirements are not expected to exceed 15.3ML per year.

It is noted that the maximum harvestable right dam(s) capacity for the contiguous landholding is approximately 11.5ML so it is envisaged that most water would be supplied from the historical extraction area (maximum 10.8ML capacity) during Stages 1 and 2. During Stages 3 and 4 water would principally be sourced from the sump within the extraction area which would be progressively enlarged, as required.

In the event that additional water is required for dust suppression, water would either be carted in or would be sourced from Golden Fields County Councils via a bulk water refill station for make-up water supplies.

The applicant has provided confirmation via an email, dated 16 June 2022, from Golden Fields Water County Council, that a water connection for reticulated supply, is not available, however, Milbrae Quarries can apply to become a customer of our Bulk Water Filling stations.

Electricity & Telecommunications

Comment: The development is serviced by electricity and telecommunication services.

Electricity and telecommunications infrastructure that service the site is essentially located within and immediately surrounding the Quarry Site, in the form principally overhead and buried electrical power cables maintained by Essential Energy and Telstra telephone/data cables.

The following services are located within the Quarry Site.

- Four utility power poles which traverse the south western quadrant of the Quarry Site.
- A single utility pole at the north western extent of the Quarry Site.
- A single underground earth or wire which provides power to the Quarry Office.
- Two direct buried Telstra cables.

Tree Removal

Comment: The development generally complies with the requirements of this section.

The development proposes / will require the removal of up to approximately 8.7ha of native vegetation which would be removed progressively to permit the extension of the Extraction Area and other associated areas of operational disturbance.

The vegetation to be cleared would comprise 4.84ha of vegetation in poor condition and 3.86ha of vegetation in fair condition. All vegetation clearing would be undertaken in accordance with a Vegetation Clearing Protocol which would be included within the Environmental Management Plan for the Quarry.

Given the proposal would involve the removal of approximately 8.7ha of native vegetation, it will trigger the entry requirements for the Biodiversity Offset Scheme.

A Biodiversity Development Assessment Report (BDAR) was prepared by OzArk Environment and Heritage (OzArk) and is included as Appendix to the EIS (Appendix 8). The following describe the Biodiversity Offset Strategy for the Proposal:

Impacts Requiring Offsetting

OzArk (2021a) has identified that impacts to native vegetation would be expected through the direct clearing of approximately 8.7ha of native vegetation in poor and fair condition.

The direct clearing and subsequent development of the proposed area of disturbance would result in a permanent impact, or loss, of this native vegetation and habitat.

Credit Calculations

The ecosystem credits required to offset the impacts of the Project are provided in Table 2.6 and the species credits are provided in Table 2.7.

Table 2.6
Ecosystem Credits Required for Biodiversity Offset

Plant Community Type	Condition	Area Disturbed (ha)	Credits Required
PCT 185 - Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion.	Poor	4.84	39
	Fair	3.86	77
Total		8.70	116
Source: OzArk (2021a) – Modified after Figure 7-1			

Table 2.7
Species Credits Required for Biodiversity Offset

Species	Credits Required
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	234
Major Mitchell's Cockatoo (<i>Lophochroa leadbeateri</i>)	93
Southern Myotis (<i>Myotis macropus</i>)	93
Woolly Ragwort (<i>Senecio garlandii</i>)	116
Total	536
Source: OzArk (2021a) – Modified after Figure 7-2	

Securing Biodiversity Credits

The applicant proposes to establish a Biodiversity Stewardship Site (BSS) at its "Colinroobie" property located approximately 10km northeast of Leeton.

This property has a total area of approximately 434ha and would be established to offset biodiversity impacts associated with the development. It is viewed that the BSS would generate sufficient credits to offset the majority of impacts to biodiversity values under the Proposal. It is currently expected that all ecosystem credits associated with the Proposal

would be offset by entering into a Biodiversity Stewardship Agreement (BSA), the applicant may also choose to offset credits through payment into the Biodiversity Conservation Fund (BCF) or by purchasing credits on the open market. Several species credit would also need to be offset by payment into the BCF or by purchasing credits on the open market.

It will be a condition of development consent that the applicant be required to provide documentary evidence to Council, prior to any operations commencing under this consent that demonstrate that one of the following has occurred, that:

1. Biodiversity Stewardship site is established to offset all required ecosystem credits identified under the BDAR and associated documentation;
2. Offset Credits have been purchased through Biodiversity Conservation Fund; and or
3. A combination of items 1 and 2 above has occurred.

Objective

Comment: The development generally complies with the requirements of this section.

Tree Removal Controls

Comment: The development generally complies with the requirements of this section. This matter has been considered and addressed elsewhere in this report.

Approval Not Required

Comment: The development generally complies with the requirements of this section. This matter has been considered and addressed elsewhere in this report.

Part D – Specific Development

Cowabbie Street Business Precinct

Comment: This is not relevant or applicable to this development proposal.

Relocatable Dwellings & Manufactured Homes

Comment: This is not relevant or applicable to this development proposal.

Multi-Unit Residential Developments

Comment: This is not relevant or applicable to this development proposal.

Shipping Containers & Railway Carriages

Comment: This is not relevant or applicable to this development proposal.

Commercial & Industrial Development

Comment: This is not relevant or applicable to this development proposal. The development is for an 'extractive industry'.

Part E - Appendices

Comment: This is not relevant or applicable to this development proposal.

Section 4.15(1)(a)(iia) – Planning Agreements

The development will be subject to Section 7.11 Contributions. Contributions have been calculated in accordance with the following table:

		Total Annual Volume		300,000 ton				
Route		Route Description	Council	Annual Ave (%)	Annual Volume (ton)	Haul Dist (km)	Royalty Rate (\$/km)	Annual Contribution
1	Blue	Wallerroobie West, Ardlethan Sth to Wagga Bdy	Coolamon	30	90000	66.92	\$0.0616	\$371,004.48
2	Green	Wallerroobie West, Ardlethan Nth to Newell Hwy & West	Coolamon	12	36000	20.21	\$0.0616	\$44,817.70
3	Red	Wallerroobie West, Ardlethan Nth to Newell Hwy & Nth	Coolamon	18	54000	20.21	\$0.0616	\$67,226.54
4	Pink	Wallerroobie East, Methul, Maxwells, Mary Gilmore Nth to Burley Griffin Way & West	CSC / TSC	8	24000	30.77	\$0.0616	\$45,490.37
5	Black	Wallerroobie East, Methul, Maxwells, Mary Gilmore Nth to Burley Griffin Way & East	CSC / TSC	32	96000	30.77	\$0.0616	\$181,961.47
TOTAL								\$710,500.56

The applicant submitted a letter of offer to Council to enter into a Voluntary Planning Agreement in lieu of having the Section 7.11 Contribution Levy apply to the development.

The letter of offer, provided for the following rates of contributions:

Year 1 (FY 23) – 0.50c per tonne
Year 2 (FY24) – 0.65c per tonne
Year 3 (FY25) – 0.80c per tonne
Year 4 (FY26) – 0.90c per tonne
Year 5 (FY27) – \$1.00 per tonne

For all subsequent financial years CPI would be added. All prices would be based on a per tonne over the weighbridge.

The elected Council resolved to accept the letter of offer at the Ordinary Council Meeting, held on the 21 July 2022.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

Demolition of buildings AS 2601 - CI 66 (b)

Fire Safety Considerations – building change of use CI 93

Upgrading of Building to comply BCA CI 94

The development is considered consistent with the abovementioned prescribed matters as are relevant to the development and the consent will be conditioned to ensure this.

Section 4.15(1)(b) - likely impacts of that development

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site has previously been used for agricultural purposes, primarily for grazing and also as an approved quarry (extractive industry). The site is surrounded by agricultural land and the development for extraction of gravel is considered appropriate on the site and within the locality. The future rehabilitation of the site is critical to ensuring the appropriateness of the operations in this location. Rehabilitation will be captured within the proposed voluntary planning.</p>
Streetscape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The existing visual landscape or developments visual impact on the streetscape varies. The Quarry Site is located in an area with few adjoining neighbours and there is limited or no visibility of the Quarry's components from privately-owned residences. It is clear that the site will be visible from local roads, however, the proposed management and mitigation measures would minimise residual visual impacts.</p> <p>The Quarry Site is located on a topographic high and is surrounded by low-lying land which is largely cleared.</p> <p>Infrastructure in the form of power lines and local roads are features of the local visual setting.</p> <p>The most pronounced streetscape impact is the ability to view the existing operation from local roads as there is a lack of shielding from road-side vegetation or internal site boundary landscaping. The existing processing fines stockpile and Northern Bund are visually prominent features of the development site when viewed from Walleroobie Road and rise approximately 15m and 5m above the surrounding landscape.</p> <p>It appears that there is limited to non-existent visual impacts from the site from surrounding privately-owned residences.</p> <p>The applicant proposes the following mitigation measures to address / reduce visual and streetscape amenity impacts from existing and proposed development:</p> <ul style="list-style-type: none"> • 'The Northern Bund would be progressively extended throughout the life of the Proposal to provide a visual barrier between Walleroobie Road and operational areas. The northern / external side of the bund would be seeded with ground cover to blend into the surrounding landscape and stabilise the surface. The Northern Bund would ultimately be removed following the cessation of Quarry operations and the area would be shaped and revegetated in sympathy with the surrounding landscape. • The existing processing fines stockpile would be progressively removed throughout the life of the Proposal with the majority of the material to be moved during Stage 3 during the construction of the Southern Stockpiling Area pad. This would significantly reduce the visibility of Quarry operations from Walleroobie Road and Seberry's Lane. • Trees would be planted around the perimeter of the "southern paddock" (i.e. the southern part of the Quarry Site) to provide a visual barrier between Doyle's Lane and the Southern Stockpile Area within 24 months of receipt of development consent. • Processing equipment would be maintained in its current location to minimise visual impacts from Walleroobie Road. • Areas of operational disturbance would be progressively rehabilitated throughout the life of the Proposal (as they become available) to minimise impacts to visibility'.

				<p>It is considered that the development will have streetscape and visual amenity impacts, however these are considered acceptable and are able to be effectively managed and minimised via mitigation measures proposed within the application. In addition the applicant will be required via conditions of consent to provide a detailed landscape plan, concentrating on landscaping on the site boundaries to Doyle's land, Seberrys Lane and Wallerobie Road. This landscaping plan will be required to be submitted for approval prior to operations commencing and be implemented within 12 months from the date any consent is issued.</p>																																																																														
Traffic, access and parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development will undoubtedly increase traffic to the site via the surrounding road network.</p> <p>The development will utilise the following roads:</p> <ul style="list-style-type: none">• Seberrys Lane• Wallerobie Road• Ardlethan Road• Methul Road• Maxwells Lane• Mary-Gilmore Way• Burley Griffin Way <p>Traffic impacts are considered under Sections 2, 5 and via appendix 4 in the EIS. A traffic Impact Assessment was undertaken by TTPP (Appendix 4).</p> <p>The application provides a summary (Table 5.1) of the current daily traffic volumes at a number of surveyed locations.</p> <p style="text-align: center;">Table 5.1 Surveyed Daily Traffic Volumes 2020 (vehicles per day)</p> <table><tr><th>Road and Location</th><th>Mon</th><th>Tue</th><th>Wed</th><th>Thu</th><th>Fri</th><th>Sat</th><th>Sun</th></tr><tr><td>Seberrys Lane (south)</td><td>15</td><td>11</td><td>11</td><td>14</td><td>7</td><td>0</td><td>5</td></tr><tr><td>Seberrys Lane (north)</td><td>138</td><td>144</td><td>143</td><td>126</td><td>134</td><td>12</td><td>5</td></tr><tr><td>Wallerobie Road (west)</td><td>147</td><td>113</td><td>103</td><td>89</td><td>115</td><td>24</td><td>25</td></tr><tr><td>Mary Gilmore Way</td><td>281</td><td>330</td><td>293</td><td>328</td><td>355</td><td>197</td><td>216</td></tr><tr><td>Methul Road</td><td>68</td><td>73</td><td>86</td><td>73</td><td>77</td><td>56</td><td>51</td></tr></table> <p>Source: TTPP (2021) – Table 3.3</p> <p>The application identifies (Table 5.2) the average daily composition of traffic including light vehicles (e.g. cars, motorcycles) and heavy vehicles (e.g. rigid and articulated trucks). The results demonstrate that heavy vehicles make up a significant proportion of vehicles travelling on the surveyed roads.</p> <p style="text-align: center;">Table 5.2 Surveyed Daily Average Traffic Volumes and Composition 2020</p> <table><tr><th>Road and Location</th><th>Light</th><th>Heavy</th><th>Total</th><th>% Heavy</th></tr><tr><td>Seberrys Lane (south)</td><td>8</td><td>4</td><td>12</td><td>33</td></tr><tr><td>Seberrys Lane (north)</td><td>25</td><td>112</td><td>137</td><td>82</td></tr><tr><td>Wallerobie Road (west)</td><td>32</td><td>81</td><td>113</td><td>72</td></tr><tr><td>Mary Gilmore Way</td><td>248</td><td>69</td><td>317</td><td>22</td></tr><tr><td>Methul Road</td><td>64</td><td>11</td><td>75</td><td>15</td></tr></table> <p>Source: TTPP (2021) – Table 3.4</p> <p>The forecast future peak hourly and weekday traffic volumes, including Proposal-generated traffic, are summarised by the applicant in Table 5.6.</p>	Road and Location	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Seberrys Lane (south)	15	11	11	14	7	0	5	Seberrys Lane (north)	138	144	143	126	134	12	5	Wallerobie Road (west)	147	113	103	89	115	24	25	Mary Gilmore Way	281	330	293	328	355	197	216	Methul Road	68	73	86	73	77	56	51	Road and Location	Light	Heavy	Total	% Heavy	Seberrys Lane (south)	8	4	12	33	Seberrys Lane (north)	25	112	137	82	Wallerobie Road (west)	32	81	113	72	Mary Gilmore Way	248	69	317	22	Methul Road	64	11	75	15
Road and Location	Mon	Tue	Wed	Thu	Fri	Sat	Sun																																																																											
Seberrys Lane (south)	15	11	11	14	7	0	5																																																																											
Seberrys Lane (north)	138	144	143	126	134	12	5																																																																											
Wallerobie Road (west)	147	113	103	89	115	24	25																																																																											
Mary Gilmore Way	281	330	293	328	355	197	216																																																																											
Methul Road	68	73	86	73	77	56	51																																																																											
Road and Location	Light	Heavy	Total	% Heavy																																																																														
Seberrys Lane (south)	8	4	12	33																																																																														
Seberrys Lane (north)	25	112	137	82																																																																														
Wallerobie Road (west)	32	81	113	72																																																																														
Mary Gilmore Way	248	69	317	22																																																																														
Methul Road	64	11	75	15																																																																														

Table 5.6
Future Weekday Traffic Volumes with Maximum Proposal-generated Traffic

	AM Peak ¹ (vehicles per hour)		PM Peak ¹ (vehicles per hour)		Daily (vehicles per day)	
	Light	Heavy	Light	Heavy	Light	Heavy
2020 with Maximum Product Transportation						
Wallerroobie Quarry	4	24	4	24	16	208
Seberrys Lane (south)	1	1	2	0	8	4
Seberrys Lane (north)	1	24	1	25	25	212
Wallerroobie Road	1	30	3	25	33	289
Mary Gilmore Way	28	30	27	26	248	277
Methul Road	6	14	8	12	64	115
2030 with Maximum Product Transportation						
Wallerroobie Quarry	4	24	4	24	16	208
Seberrys Lane (south)	1	1	2	0	10	5
Seberrys Lane (north)	1	24	1	25	31	213
Wallerroobie Road	1	31	4	25	40	307
Mary Gilmore Way	34	31	33	26	302	292
Methul Road	7	14	10	12	78	117
Note 1: Time of peak hours at each location are presented in Table 5.3						
Source: TTPP (2021) – Modified after Table 5.5						

The TIA identified via survey that (survey week), that the Quarry generated approximately 108 heavy vehicle trips per day, i.e., 54 inbound and 54 outbound movements.

These trips were distributed throughout the day, with a peak of 13 heavy vehicle movements occurring in any one hour (10 am to 11 am), and an average of approximately 9.5 heavy vehicle trips per hour between 6:00 am and 5:00 pm. These vehicles all travelled on both the Quarry access and Seberrys Lane north of the Quarry and concludes that the transportation of up to 300 000tpa of Quarry products from the Wallerroobie Quarry, involving a maximum of 12 laden truck movements per hour and 104 laden truck movements per day, would be accommodated on the surrounding road network with acceptable impacts on the capacity, efficiency and safety of the road network.

The application identifies that the future traffic average weekday volumes on transport routes that will arise from the proposal will be as follows:

- 144 vehicles per day on Seberrys Lane north of the Quarry,
- 138 vehicles per day on Wallerroobie Road west of Seberrys Lane,
- 386 vehicles per day on Mary Gilmore Way south of Burley Griffin Way, and 91 vehicles per day on Methul Road north of Ardlethan Road.
- Peak hourly volumes on the access routes would remain low, with the highest forecast hourly volume being 41 vehicles per hour on Mary Gilmore Way during its morning peak hour in 2030.

The development would increase haulage trips from the current daily heavy vehicle trips generated by the Quarry from 26 trips per weekday at the approved rate (noting that this has historically been exceeded), to 64 trips per weekday at the proposed maximum rate.

With the Proposal operating at the maximum traffic generation conditions, weekday traffic on the Proposal transport routes would be approximately 244 vehicles per day on Seberrys Lane north of the Quarry, 347 vehicles per day on Wallerroobie Road west of Seberrys

Lane, 594 vehicles per day on Mary Gilmore Way south of Burley Griffin Way, and 195 vehicles per day on Methul Road north of Ardlethan Road.

The applicant proposes the following measures to reduce the traffic related impacts associated with the development:

- The proposed upgrades to Seberrys Lane and the construction of the new Quarry exit would be completed during the early stages of development.
- A Driver's Code of Conduct, identifying required driver behaviour and enforcement mechanisms for drivers of heavy vehicles, including subcontractors, regularly accessing the Quarry Site, would be developed and enforced to minimise risks to other road users and livestock.

				<ul style="list-style-type: none"> A comprehensive Environmental Management Plan for the ongoing management of relevant environmental issues at the Quarry would be developed which would comprise a separate section in relation to Traffic Management. <p>Conditions of development consent will be imposed to ensure that the upgrade of Seberrys Lane is completed prior to the operation of the development consent and for an EMP to be developed and submitted to Council for approval and implemented.</p> <p>The Coolamon 7.11 Contributions Plan will apply to this development. It is reasonable to expect that operators of extractive industries and similar developments that generate additional laden heavy vehicle movements should contribute their share of the additional upkeep of roads utilised by such developments. It is noted that Council has resolved to accept a letter of offer to enter into a VPA from the proponents in lieu of applying the 7.11 contribution rate.</p> <p>There is ample car parking areas available on site.</p>
Public Domain	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development promotes and has no interaction with the public realm.
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site and development will be satisfactorily serviced by utility infrastructure – this is discussed in further detail elsewhere in this report.
Heritage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is not located in a heritage conservation area nor does it contain any known items of Aboriginal or European cultural heritage significance. An Aboriginal Archaeological and Historic Heritage Impact Assessment was undertaken by OzArk Environment and Heritage Pty Ltd and provided in support of the application.</p> <p>Council will condition the development consent to ensure that no Aboriginal artefacts are removed or damaged as part of the development.</p>
Other land Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The assessment considers that the development will not promote any adverse effects to 'other land resources' – impacts will be contained to and within the development site.
Water Quality & Stormwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water quality and stormwater impacts related to this proposal are considered acceptable and have been discussed in greater detail elsewhere in this report.
Soils, soil erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development site comprises soils with Land and Soil Capability (LSC) classes of Class 3 (Yanalee SLU) and Class 7 (Mount Beckham SLU) with approximately 45% (31ha) of the Quarry Site comprising disturbed land with either skeletal or non-existent soils.</p> <p>Areas within the Yanalee SLU typically have moderate limitations which require careful ongoing management. Land uses within the Yanalee SLU include cultivation of winter cereal and forage crops and periodic grazing of sheep and cattle. Areas within the Mount Beckham SLU typically have extremely severe limitations with areas typically left uncultivated.</p> <p>The applicant's approach soil management procedures and safeguards which would be implemented are provided are to:</p> <ul style="list-style-type: none"> Clearly mark areas for stripping and stockpiling. Refrain from stripping or placing soil during wet conditions. Strip topsoil from all areas of disturbance and place within designated rehabilitation areas or store in stockpiles no more than 2m high oriented parallel to the contours. Ensure that topsoil stockpiles are constructed with side slopes of 1:3 (V:H) or less. Ensure that the topsoil stockpile surfaces have a surface that is as 'rough' as possible, in a micro-scale, to assist in surface water runoff control and seed retention and germination. Spread seed of a suitable cover crop on all soil stockpiles to facilitate revegetation. Signpost topsoil stockpiles and limit operation of machinery on stockpiles to minimise compaction and further degradation of soil structure. <p>Soil and soil erosion impacts related to this proposal are considered acceptable and it is considered that the development will not significantly</p>

				impact upon the agricultural potential of the land within the Quarry Site due to the prevalence of soils with moderate to extremely severe limitations.
Air and microclimate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An Air Quality Impact Assessment (AQIA) for the Proposal was undertaken by Northstar Air Quality Pty Ltd (Northstar), appendix 5 in the EIS.</p> <p>Sources of air emissions include:</p> <ul style="list-style-type: none"> • Pushing of overburden to create the Perimeter Safety Bund; • Drilling and blasting; • Loading of dump truck and transport to Top Plant; • Loading of processing equipment, processing of rock, and storage in stockpiles; • Operation of pre-coat plant and pugmill; • Loading of product trucks, and transport offsite; • Wind erosion of disturbed areas; and, • Emissions from vehicle and equipment exhaust. <p>Emission types include:</p> <ul style="list-style-type: none"> • Total suspended particulate (TSP); • Particulate matter with an aerodynamic diameter of 10 microns (PM10); • Particulate matter with an aerodynamic diameter of 2.5 microns (PM2.5);, • Silica (Si); • Oxides of nitrogen (NOX); and • carbon monoxide (CO) and sulphur dioxide (SO2) <p>The applicant has proposed to implement management and mitigation practices that limit the generation of emissions from the development:</p> <p>Fabric filters on drill rigs</p> <p>Application of water on unsealed haulage routes (internal) < 2 L·m-2·hr-1</p> <ul style="list-style-type: none"> • Reduction in vehicle speeds below 40 km·hr-1 (A) • Application of water sprays on materials crushing operations • Application of water sprays on materials screening operations • Application of pre-coat emulsion to aggregates 100 (assumed wet process) • Retention of particulate matter within the pit, for activities occurring in the pit • Covering loads with a tarpaulin • Limit load sizes to ensure material is not above the level of truck sidewalls • Application of water on Top Plant hopper • Wet down of shot after blasting and use of sprinkler while blasted material being loaded out <p>The results of the AQIA indicate that the impacts of the Proposal are predicted to be minor at all surrounding receptor locations and any emissions can be managed satisfactorily via mitigation measures.</p>
Flora and Fauna Trees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This has been addressed elsewhere within this report and are considered satisfactory.
Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Waste in the form of overburden would be generated via the development. This overburden would be used to construct the Northern Bund and the perimeter safety bund with any additional overburden used for the progressive rehabilitation of terminal benches. The Northern Bund would require approximately 62 000 loose cubic metres (LCM) of overburden to construct and would provide a barrier to mitigate potential amenity and noise impacts experienced at residences to the north. It is noted that material from the historical and interim overburden stockpiles would also be incorporated within the Northern Bund.</p> <p>Approximately 1.4 million tonnes of processing fines would be generated throughout the life of the Proposal accounting for approximately 30% of throughput. The Proposal would generate three different sizes of</p>

				<p>processing fines (6mm, 5mm and 4mm). It is anticipated that all fines would be either incorporated in road pavement products or sold directly to existing clients. Processing fines would typically be temporarily stockpiled in the Processing and Northern Stockpiling Area or Southern Stockpiling Area prior to incorporation in road pavement products or despatch to end markets with no long-term stockpiling required.</p> <p>The applicant proposes to continue to manage non-production wastes as follows.</p> <ul style="list-style-type: none"> • General domestic waste would be placed in skip bins and removed from the Quarry Site every two to three weeks by a licenced contractor. • Waste oil would be stored within the Ancillary Components Area in a bunded area containing 8 x 1000L pods with a combined capacity of 8 000L. This oil would be removed from the Quarry Site periodically by a licenced contractor, as required. • Used batteries would be stored on a pallet within the workshop and removed from the Quarry Site by a licenced contractor every four to six months. • Scrap metal and tyres would be stored within a dedicated area within the Processing and Northern Stockpiling Area and removed from the Quarry Site once per year. <p>Waste management is considered to have been satisfactorily addressed for the purpose of the development proposal.</p>
Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development will not promote any adverse energy outcomes. It is acknowledged that the development will have energy impacts via the use of plant and machinery, however all machinery will be serviced as per manufacturer's guidelines to reduce emissions/ and promote efficiency.</p>
Noise & vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A noise and vibration impact assessment (NIA) for the Proposal was undertaken by Muller Acoustic Consulting Pty Ltd and is contained as appendix 6 within the EIS.</p> <p>12 privately-owned residences are located within distances of 0.6km to 3.3km of the development Site.</p> <p>Noise and vibration will occur as a result of the development via:</p> <ul style="list-style-type: none"> • Operation of plant and machinery • Extraction activities • Blasting activities • Transportation activities <p>The results of the NVIA has identified that operational noise levels (including minor construction activities) comply with the relevant Noise Policy for Industry criteria for all assessment periods at the most affected sensitive receiver locations.</p> <p>Results of the maximum noise level assessment are identified to remain below the sleep disturbance trigger level at all residential receivers. Therefore, sleep disturbance due to noise sources within the Quarry are unlikely to cause awakening reactions to adjacent receivers. The NVIA demonstrates that the road noise criteria as specified in the Road Noise Policy will be satisfied at the nearest potentially affected receivers for worst case operational road traffic.</p> <p>Airblast overpressure and vibration levels are also predicted to meet the criteria at all assessed receivers for blasts up to 110kg MIC.</p> <p>Based on the NVIA results, there are no noise or vibration related issues which would prevent the approval of the extension of the Quarry. The results of the assessment show compliance with the relevant operational and road noise criteria. Additionally, the results of the assessment demonstrate compliance with the relevant EPA and DECCW policies, without ameliorative measures being required.</p> <p>The NIA recommends that:</p> <ul style="list-style-type: none"> • construction of a 4m to 5m bund to the north of the Quarry Extraction Area; and • for operations outside the daytime period, including contingency hours, activities would be restricted to the operation of the pug mill, pre-coat plant, loading of products onto trucks, stockpile

				<p>management and product despatch. Maintenance activities would be undertaken 24/7 when required.</p> <p>Conditions of consent will be added on the approval to ensure that the noise levels do not exceed allowable levels and that blasting is restricted to 12 blasts per year.</p>																																							
Hours of operation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The applicant proposes to operate as follows:</p> <p style="text-align: center;">Proposed Hours of Operation</p> <table border="1"> <thead> <tr> <th rowspan="2">Activity</th><th colspan="2">Monday to Friday</th><th colspan="2">Saturdays</th></tr> <tr> <th>Core</th><th>Contingency¹</th><th>Core</th><th>Contingency¹</th></tr> </thead> <tbody> <tr> <td>Construction activities</td><td>7:00am – 5:00pm</td><td>7:00am – 5:00pm</td><td>7:00am – 4:00pm</td><td>7:00am – 4:00pm</td></tr> <tr> <td>Extraction operations</td><td>7:00am – 5:00pm</td><td>7:00am – 5:00pm</td><td>7:00am – 4:00pm</td><td>7:00am – 4:00pm</td></tr> <tr> <td>Blasting operations</td><td>10:00am – 3:00pm</td><td>10:00am – 3:00pm</td><td>Nil</td><td>Nil</td></tr> <tr> <td>Processing operations</td><td>7:00am – 5:00pm</td><td>6:00am – 8:00pm</td><td>7:00am – 4:00pm</td><td>7:00am – 6:00pm</td></tr> <tr> <td>Product despatch</td><td>7:00am – 5:00pm</td><td>7:00am – 5:00pm</td><td>7:00am – 4:00pm</td><td>7:00am – 4:00pm</td></tr> <tr> <td>Maintenance</td><td>24 hours / day</td><td>24 hours / day</td><td>24 hours / day</td><td>24 hours / day</td></tr> </tbody> </table> <p><small>Note 1: Contingency hours would only be used during peak production periods to meet specific project demands. During the extended hours of operation (i.e. from 6:00am to 7:00am and 5:00pm to 8:00pm from Monday to Friday and 4:00pm to 6:00pm on Saturdays) activities would be restricted to the operation of the pugmill and precoat plant, loading products onto trucks and stockpile management.</small></p> <p>The proposed hours of operation are considered satisfactory for the purpose of the development.</p>	Activity	Monday to Friday		Saturdays		Core	Contingency ¹	Core	Contingency ¹	Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm	Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm	Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil	Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm	Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm	Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day
Activity	Monday to Friday		Saturdays																																								
	Core	Contingency ¹	Core	Contingency ¹																																							
Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm																																							
Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm																																							
Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil																																							
Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm																																							
Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm																																							
Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day																																							
Natural hazards - Flooding - Bushfire Prone Area Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not identified as being either flood prone or bush fire prone land.																																							
Technological Hazards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.																																							
Safety, security and crime prevention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory. The site will be secured outside of hours of operations. The general day to day operations would be required to meet work cover requirements for safety. No additional safety measures or security would be required via development consent																																							
Social impact in locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is considered to have no adverse social impacts on the locality or region. The development will not change the way people carry out their daily routines, nor affect religious or cultural beliefs.																																							
Economic Impact in Locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>It is considered that the development will promote positive economic impacts to the area and locality. Positive impacts include employment and associated economic flow on effects to the immediate locality and wider region.</p> <p>The development will employ six full time staff at the Walleroobie Quarry. Additional personnel (e.g. driller, bulldozer operator) would also work on site periodically.</p> <p>The development will also provide ongoing employment for between four and fourteen truck drivers depending on demand. It is anticipated that an average of six truck drivers would be employed throughout the ongoing life of the Quarry.</p>																																							
Site design and internal design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory for the purpose of the development.																																							
Overlooking - overshadowing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable as no structures will be erected that will contribute to overshadowing.																																							
Landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Satisfactory. Whilst there are no traditional development related landscaping requirements associated with the development, landscaping will be undertaken in the form of site rehabilitation – this has been discussed in detail elsewhere in the report.</p> <p>The applicant will also be required via conditions of consent to provide a detailed landscape plan, concentrating on landscaping on the site boundaries to Doyles land, Seberrys Lane and Walleroobie Road. This landscaping plan will be required to be submitted for approval prior to operations commencing and be implemented within 12 months from the date any consent is issued.</p>																																							
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Construction will take the form of the external and internal road works and the erection of a new amenities building. Proposed construction is not considered to generate unacceptable or unmanageable impacts.																																							

Private open space	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Applicable.
Cumulative Impacts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Disabled access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Signage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No signage has been proposed as part of this application – any and all proposed future signage, if not exempt development, will be subject of a development application.
Setbacks, Building Envelopes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Applicable.

Section 4.15(c) - the suitability of the site for the development

The subject land located at Lot 1, DP 1225817 Seberrys Lane, Wallerobie is considered to be suitable for the proposed development as it is consistent with the provisions of all relevant statutory and non-statutory planning instruments and any identified impacts associated with the proposal can be satisfactorily mitigated against.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Note: Coolamon Shire Council provided the applicant a copy of the draft assessment report and conditions of consent. The applicant has objected to some of the proposed conditions. See conditions identified below and Councils reasoning for their application:

Condition No.

8. Demonstrate, via written evidence that the site can be provided with reticulated water infrastructure/supply from Golden Fields Water County Council, or that the sourcing of an additional secure water supply can be established, to service the water requirements of the development. The EIS identifies that make up water would be supplied from Council. As, Council is not the water authority – Golden Fields Water County Council is, Council considers that it reasonable that the applicant demonstrate that the site can be serviced by a reliable water source. Council further considers that a reliable source of water should always be available in event of lean / drought years so as to ensure that operations can be carried out. The applicant is only required to obtain a letter from Golden Fields confirming that the site can be serviced – no reticulated infrastructure is required at this stage.
9. Establishment of a landscape bond. It is Councils position that a bond is required to ensure that the site is rehabilitated, especially in the event that the company becomes insolvent etc. The Council cannot obtain this by condition and has asked the Applicant to nominate how the rehabilitation obligation will be secured. Council and the applicant have now resolved this matter via the inclusion of a bond in the proposed voluntary planning agreement. The rehabilitation contribution to be paid by the Developer annually shall be 5% of the total estimated costs of the rehabilitation costs calculated in accordance with the NSW Resources Regulator 'rehabilitation cost estimate tool'.
13. Volumetric survey. It is entirely reasonable that Council and the community monitor the amount of excavation, processing and extractive activity that is occurring at the site. The application and associated impacts have been assessed on volumes identified by the applicant. The volumetric survey will also be used to reconcile contribution payments/reports.
14. Intersection Works at Seberrys Lane. It is entirely reasonable that these works be undertaken prior to the operation of the consent. The works will ensure that the safety and efficacy of the intersection is maintained and improved and there is

nothing to prevent the applicant from extracting and transporting maximum volumes approved under this consent as soon as consent is issued. The development is significantly increasing traffic movements as a direct result of the development, should potential safety and traffic impacts created by this development be put off for 12 months?

15. Complete the 50 metre southern road extension from the new quarry exit prior to the operation of this consent – again see reason above.
16. Sealing of internal roads – the sealing of the internal roads was nominated by the applicant and is considered an important action in mitigating off site dust impacts on adjoining land – especially given the increased number of vehicle movements across the site due to increase extraction and transportation proposed under the application.
21. Independent Environmental Audit – this is considered reasonable to ensure that environmental performance is at an acceptable level and this should be carried out via an independent auditor. Again, given the scale of the development it is not considered appropriate that the applicant report on its own environmental performance.
28. Annual audit of quarry sales by volume and weight shall be undertaken by an independent auditor – this is considered entirely appropriate, there is no transparency in the applicant undertaking this audit, there would be no real transparency and the Council / community should not expend community funds on such an exercise, arising from a private development.
38. The applicant shall install at their cost, a traffic monitoring system, in the form of traffic counter to be located at the northern end of Seberry's Lane. This is considered reasonable and will be used to reconcile haulage contribution amounts and also to ensure that the traffic impact assessment data/estimates/impacts are correct. Such a system is not considered expensive.

The application was notified in accordance with Section 14.3 of the Coolamon DCP 2015.

The application was notified to adjoining landowners and placed on public exhibition for a period of 35 days, from 3 May 2021 to 7 June 2021.

The application was advertised in the:

- *Temora Independent:*

7 and 21 May 2021

- *Wagga Wagga Daily Advertiser:*

8, 15 and 22 May 2021

- *Coolamon Shire Council Website:*

Commencing 3 May 2021 and up to 7 June 2021.

- NSW Planning Portal:

Commencing 3 May 2021 and up to 7 June 2021.

The application was also referred to: Agency submissions were received from:

- Transport for NSW; and
- NSW EPA.

NSW DPI also made a submission to the application.

Agency submissions are discussed and addressed in the following table:

Submitter	Submission	Applicant Response	Council Response
Agency Submissions			
TfNSW	<p>1. The subject site is located remote from the classified road network;</p> <p>2. Given the location of the subject with respect to the surrounding public road network the operation utilises several routes for the distribution of extracted material from the subject site;</p> <p>3. Given the location of the quarry site and various access routes to/from the quarry the proposed development will not represent a detrimental impact to the classified road network.</p> <p>TfNSW emphasises the need to minimise the impact of development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network. Council should consider appropriate access arrangements for the development to the public road network.</p> <p>Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection on the basis that the Consent Authority ensures that the development is undertaken in accordance with the information submitted.</p>	<p>1. The Traffic Impact Assessment (TTPP, 2021) undertaken for the Proposal concludes that the transportation of up to 300 000tpa of Quarry products from the Walleroobie Quarry, involving a maximum of 12 laden truck movements per hour and 104 laden truck movements per day, would be accommodated on the surrounding road network with acceptable impacts on the capacity, efficiency and safety of the road network.</p> <p>TTPP (2021) also confirms that, following the completion of the proposed road upgrades to Seberry's Lane and the construction of the new Quarry exit, adequate line of sight would be available at all intersections utilised by Quarry-generated traffic.</p>	<p>Council staff note the submission from TfNSW.</p> <p>The assessment has considered and addressed via conditions of consent matters raised, which include:</p> <ul style="list-style-type: none"> • Access • Impact on Road Network • Safety and efficiency of road network.
NSW DPI	<p>1. Potential land use conflicts have not been fully identified and no specific reference has been made about whether a LUCRA has been</p>	<p>1. A Land Use Conflict Risk Assessment (LUCRA) is a</p>	<p>1. It is considered that the applicant has identified potential land use conflicts</p>

	<p>done. There is limited information provided on any implications for surrounding agricultural systems, only consideration of sensitive receptors.</p> <p>2. Weed and Pest Management and Control Plans should include consideration of impacts on agriculture, not just biodiversity, and be developed in consultation with landholders and the relevant agencies. This is specifically important in light of biosecurity risks from the proposed importation of materials to the quarry site for incorporation into products and of the already high levels of weed and pest species invading the site.</p> <p>3. TSRs have not been identified and no consideration appears to have given to truck vs livestock incidents in relation to local stock routes and access roads.</p>	<p>system to identify and assess the potential for land use conflict to occur between neighbouring land uses. The most common land use conflict issues are rural amenity issues (e.g. air quality, noise, visual amenity) followed by environmental issues (e.g. soil erosion leading to land and water pollution, clearing of native vegetation, stock access to waterways and weed management) (DPI, 2011). A LUCRA is principally intended to identify and address potential land use conflicts before a new land use proceeds.</p> <p>The Applicant is committed to ensuring that land use conflicts do not arise throughout the life of the Proposal and considers that potential impacts to both rural amenity and the environment have been comprehensively addressed in the EIS. The sections of the EIS, nominated as follows, provide an assessment of potential impacts of the Proposal as well as the management and mitigation measures which</p>	<p>within the EIS and that whilst there is no heading/document titled LUCRA, the EIS covers and satisfactorily address all matters that a LUCRA would address. No further action required.</p> <p>2. Noted. Condition 6 of the consent requires that the applicant provide details on weed and pest management strategies. DPI's submission on this matter will be considered when the strategy is developed by the applicant and reviewed by Council.</p> <p>3. The development does not propose to use TSR's. No further comment required.</p>
--	---	--	--

		<p>would be implemented to ensure these impacts are avoided or minimised as far as practicable. A summary of the proposed management and mitigation measures is included within Section 6 of the EIS.</p> <ul style="list-style-type: none"> • Traffic – Section 5.1 • Air Quality – Section 5.2 • Noise – Section 5.3 • Erosion and Sediment Control – Section 5.4.3 • Biodiversity – Section 5.5 • Visual Amenity – Section 5.8. <p>2. The Applicant would prepare an Environmental Management Plan (EMP) following approval. The EMP would incorporate a review of identified risks to biosecurity (pests and weeds) under the biodiversity and rehabilitation measures and present proposed management of these risks.</p> <p>The Applicant is confident that risks to biosecurity would be minor and would be appropriately managed post-approval. The Applicant would consult with surrounding landholders and DPI Agriculture</p>	
--	--	--	--

		<p>during preparation of the aspects of the EMP relating to biosecurity risks to ensure these are appropriate. The EMP would be submitted to Council for approval prior to implementation.</p> <p>3. The following Category 2 TSRs are located adjacent to or near Proposal transportation routes. Category 2 TSRs are principally used for travelling stock, emergency management or biosecurity purposes. There are no TSRs along Walleroobie Road, Seberrys Lane, or Maxwells Lane.</p> <ul style="list-style-type: none"> • Mary Gilmore Way – Junction Tank, O'Briens, Tara and Primrose Stock Routes (R55765, and R1951) extend from Ardlethan Road in the south to approximately 6.5km south of Burley Griffin Way (i.e. along approximately 10km of the Proposal transportation route on Mary Gilmore Way north of Maxwells Lane). • Ardlethan Road – Walleroobie Road and London Tank TSRs (R1589 and R2350) extend from south of Walleroobie Road to the Newell Highway. 	
--	--	--	--

		<ul style="list-style-type: none"> • Ardlethan Road – Cowabbie (R23891), and Dulah (R1914) are located to the west of Mary Gilmore Road and Dry Edis (R1914) is located to the east of Mary Gilmore Way. • Burley Griffin Way – Harmons Tank TSR (R28826). <p>As discussed in Section 5.7 of the Traffic Impact Assessment (TTPP, 2021), the additional traffic generated by the Proposal would, on some days, use those parts of Mary Gilmore Way, Ardlethan Road and Burley Griffin Way where there are existing Category 2 TSRs. The Proposal would generate a maximum of 24 heavy vehicle movements per hour on any one access route. The additional traffic generated by the Proposal would not have a significant impact on the TSRs on or near those routes, as the use of the TSRs for travelling stock would be subject to the usual permit conditions, with warning signs to be provided to motorists where stock are on or near the road.</p>	
Natural Resources Access Regulator: Department of Planning, Industry & Environment	It has been confirmed that NRAR does not have a role in this application.	N/A	N/A
NSW EPA	No issues raised. GTAs Issued for inclusion in any consent.		Noted. GTAs included in consent.

NSW Rural Fire Service	<ol style="list-style-type: none"> 1. A draft Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW RFS District Office for comment. Any return comment from the District shall be adopted into an amended FMP. As a minimum, the FMP shall include: <ul style="list-style-type: none"> • 24-hour emergency contact details including alternative telephone contact; • Site infrastructure plan; • Firefighting water supply plan; • Site access and internal road plan; • Construction of asset protection zones and their continued maintenance; • Location of hazards (physical, chemical, and electrical) that will impact on the firefighting operations and procedures to manage identified hazards during the firefighting operation; • Mitigation measures designed to prevent a fire occurring within the site, and prevent a fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and • Such additional matters as required by the NSW RFS District Office. 2. To allow emergency service personnel to undertake property protection activities, a minimum 10-metre defensible space, managed as an asset protection zone, shall be provided around all buildings and built assets and the outside perimeter of the development footprint. 3. All internal roads shall comply with the design and construction specifications for property access outlined in Appendix 3 of Planning for Bush Fire Protection 2019. 4. A minimum 20,000-litre water supply (tank) fitted with a 65mm Storz fitting shall be located adjoining the internal access road within the required asset protection zone. 	<ol style="list-style-type: none"> 1. The Applicant agrees to prepare a Fire Management Plan as part of the Environmental Management Plan for the Quarry in consultation with the NSW Rural Fire Service (RFS). 2. All buildings would be located with consideration of the required 10m Asset Protection Zones (APZ). 3. Internal roads would comply with the principles outlined in Appendix 3 of "Planning for Bush Fire Protection 2019" and would provide for vehicles up to 23 tonnes gross weight. 4. The Applicant does not intend to install a water supply tank within the APZ. Notwithstanding, water from the Quarry sump and sediment basins would be made available to the RFS in the event that it is required for bush fire protection purposes. The Applicant is also willing to provide the RFS with access to its equipment including a water cart, bulldozers, graders, front-end loaders and water, as required. 	Noted. Conditions included in consent.
Department Planning Industry and Environment	Referral sent – advice received; Decision not Required.	N/A	Council did engage in direct discussions with Biodiversity and Conservation,

			Department of Planning, Industry and Environment on the biodiversity issues associated with the application.
Department of Regional NSW - Mining, Exploration & Geoscience	The Department advised that it collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for commodities or regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential. A condition to supply (or continue to supply) annual production data to MEG should be included as a condition of consent. Production data may be provided in an aggregated form and will remain confidential to this Department.	N/A	Council will include a condition on the consent that requires that the applicant supply (or continue to supply) annual production data to MEG.
Heritage NSW - Department of Premier and Cabinet	Heritage NSW recommended the following conditions of Consent for Aboriginal cultural heritage: <ol style="list-style-type: none"> 1. No Aboriginal objects may be harmed without an approval from Heritage NSW. 2. No Aboriginal objects may be harmed without an approval from Heritage NSW. 3. All staff and contractors involved in the proposed work should undergo a cultural heritage induction and be made aware of the legislative protection requirements for all Aboriginal sites and objects. 4. If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: <ul style="list-style-type: none"> o Not further harm the object(s), o Immediately cease all work at the particular location, o Secure the area so as to avoid further harm to the Aboriginal object(s), 	Applicant agrees.	The recommended conditions have been included in the consent.

	<ul style="list-style-type: none"> o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location, and o Not recommence any work at the particular location unless authorised in writing by Heritage NSW. <p>5. If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.</p> <p>6. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.</p>		
Public Submissions			
Mark and Renee Doyle	<ol style="list-style-type: none"> 1. Pleased that a new exit for the quarry is proposed. 2. Improving the line of sight for drivers is essential. 3. Concerns with trucks leaving the quarry and driver error. 4. Concern with drivers pulling out onto Seberry's lane. 5. Issue with the quarry exit and build-up of gravel/blue metal (falling off the trucks) on Seberry's Lane at the exit creating a mound across Seberry's lane. 6. The intersection of Seberry's lane with the Walleroobie is a concern as the asphalt is degrading at this point and will further degrade with an increased number of quarry trucks using this road. 7. Concern with proposed increase in the number of trucks that will be travelling on the Walleroobie and Methul Roads. 8. Roads are not wide enough to fit the quarry trucks and farm machinery. 9. The state of the Walleroobie Road is far from safe and has degraded considerably over the last few years most likely from the high number of heavy vehicles from the quarry using these roads. 	<p>The applicant has provided responses under submission 'theme' headings.</p> <p>Air Quality:</p> <p>The results of the Air Quality Impact Assessment undertaken by Northstar (2021) concluded that the Proposal is predicted to comply with all impact assessment criteria at all non-project related residences for annual average concentrations of TSP, PM2.5, PM10 and deposited dust. The assessment of 24-hour average PM2.5 and 24-hour average PM10 applying a Level 2 Contemporaneous Assessment has indicated that there would be no additional</p>	<ol style="list-style-type: none"> 1. Noted – no further comment required. 2. Noted – no further comment required. 3. Application is not proposing an alteration to existing truck type usage. Quarry is responsible for ensuring drivers are suitably trained, qualified and condition to perform required duties. Chain of responsibility (COR) is an issue for all work sites and quarry will be required to adhere to COR requirements. The application proposes driver training and education. 4. Application proposes an additional exit driveway which will result in separate entry and exit

	<p>10. Adjacent to the Schliebs Lane turnoff, there is a major hazard where council have completed a repair of the road and consequently raised the height of the road at this point creating a launching pad for any vehicle hitting this at 100km/hr. There are no warning signs. The repair is a hazard and needs to be addressed.</p> <p>11. Is the council going to widen the Walleroobie Rd to provide a safe width for heavy vehicles to pass?</p> <p>12. What are the stages and associated timeframes for rehabilitation?</p> <p>13. What are the stages and associated timeframes of rehabilitation and where are the diagrams relating to the progressive rehabilitation stages?</p> <p>14. Will this operation have a licence with the EPA or an extractive licence with DPIE?</p> <p>15. What are the environmental management and rehabilitation conditions that will be imposed on the mining titles and will Milbrae Quarry be required to set up a rehabilitation security bond? If so how much will the bond be and how has it been calculated and by whom? It states that trees planted around the perimeter of the site will be planted within 24 months of receiving the approval. Why can't these trees be established sooner?</p> <p>16. It is also noted that dust from the quarry has been an issue in the past, with poor dust suppression management carried out by Milbrae Quarries.</p> <p>17. It is noted that Coolamon Shire required the applicant to conduct comprehensive community engagement with the surrounding community. Our property lies less than 1km from Milbrae Quarry's land and yet we were not contacted at any stage regarding this proposal, why was this?</p>	<p>exceedances of the assessment criteria as a result of the Proposal.</p> <p>It is anticipated that air quality management and mitigation at the Quarry Site would be addressed within the EMP for the operation which would be submitted to Council for approval. This plan would describe the mitigation measures that would be implemented on site and would incorporate both proactive and adaptive management measures.</p> <p>Proactive management measures would comprise the preventative actions taken by the Applicant to reduce impacts to air quality. The proposed mitigation measures would include the following:</p> <ul style="list-style-type: none"> • The dust collection system on the drill rig would be regularly serviced to ensure it remains effective. • Fragmented material within the extraction area would be wet down using a sprinkler system after blasting and when loading the dump truck, as required. • Water suppression would be used on the hopper within the "Top Plant", as required. 	<p>driveways. Such a proposed layout will provide a safer environment for all motorists with improved clarity reduction in vehicle interaction. Detail design on intersections will be provided to Council for approval to ensure Australian Standards are achieved.</p> <p>5. Agree. A condition of development requiring measures to reduce the likelihood of material leaving vehicles in transportation is proposed.</p> <p>6. Agree. An increase in heavy vehicle movements will accelerate the degradation of road pavement and seal. Whilst asphalt is displaying some cracking degradation it is of satisfactory condition free of defects. Council will be receiving contributions from development and this will be a condition of any approval which will enable Council to maintain the roads to the required standard for the approved vehicle types.</p> <p>7. The application details transport routes which operators are limited to and Walleroobie Rd and Methul Rd will see increased vehicle movements. It should be noted that travel along</p>
--	---	---	--

		<ul style="list-style-type: none"> • Misting water sprays would be used on crushers and screens within the “Top Plant” and “Bottom Plant”. • All unsealed internal roads would be surfaced with appropriate materials to limit dust lift-off, as required. • Unsealed roads and unformed tracks and/or surfaces utilised by vehicles (e.g. tracks used by product transport trucks within the extraction area) would be watered, as required. • Appropriate care would be taken to avoid spillage during loading. • Load size would be limited, as appropriate, to ensure materials do not extend above truck sidewalls. • Each truck cover would be fully extended on laden product transport trucks before each truck leaves the Quarry Site. • All vehicles travelling on internal unsealed roads or unformed tracks within the Quarry Site would be limited to a speed no greater than 20km/h. • The Applicant’s complaints management system would continue to be maintained to ensure that all complaints are dealt with through 	<p>Methul Rd is only permitted for unloaded return routes. By limiting travel routes, Council will be able to concentrate contribution payments / works on these roads to ensure maintenance issues are addressed and road is of suitable standard.</p> <p>8. Application is not proposing alteration to existing truck type usage. Existing intersection geometry, road formation width and signage satisfy current standards.</p> <p>9. The contribution payments will be set via condition of consent which will permit Council to maintain the roads to the required standard for the approved vehicle types and agricultural usage required of the region.</p> <p>10. This is not an issue related to this application, Council staff will assess as maintenance issue.</p> <p>11. The application is not proposing alteration to existing truck type usage. Existing intersection geometry and, road formation width and signage are all of a standard which satisfy current guidelines and standards for the existing vehicle type. Council have previously been approached for >30m A-double</p>
--	--	--	---

		<p>investigation and implementation of corrective treatments.</p> <p>Community Consultation:</p> <p>The Applicant visited or contacted a total of 20 neighbours during the preparation of the EIS to explain the proposed operations and discuss any Quarry-related issues.</p> <p>The Applicant also followed up with neighbours during the exhibition period for the EIS to discuss the Proposal in more detail and any concerns regarding the ongoing operation of the Quarry.</p> <p>The Applicant acknowledges that Ms R. Doyle was not contacted directly during the community consultation process as no residence was identified on the property, however, contact was made with her mother-in-law, Ms P. Doyle, who lives on Doyles Lane. A copy of the EIS was provided to Ms P. Doyle, however, no matters were raised directly with the Applicant.</p> <p>EPA or an extractive licence with DPIE:</p> <p>The Proposal will require the following approvals and/or licences:</p> <ul style="list-style-type: none"> • Development consent from Council in 	<p>road train usage along Walleroobie Rd but the assessment did not pass the TFNSW Heavy Vehicle Route Assessment Guidelines and declined.</p> <p>12. A detailed rehabilitation plan will be required to be submitted to Council for approval. Timeframes will be identified in this plan. See proposed conditions addressing rehabilitation requirements.</p> <p>13. See above response.</p> <p>14. Yes an Environmental Protection Licence is required. See General Terms of Approval in this consent.</p> <p>15. The rehabilitation contribution to be paid by the Developer annually shall be 5% of the total estimated costs of the rehabilitation costs calculated in accordance with the NSW Resources Regulator 'rehabilitation cost estimate tool'. This has been included in the draft VPA.</p> <p>16. The applicant will be required to develop and submit to Council for approval a detailed dust management plan that addresses dust management at the site.</p> <p>17. Detailed community consultation was</p>
--	--	---	--

		<p>accordance with the provisions of Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <ul style="list-style-type: none"> • A variation to Environment Protection Licence 4132 (EPL 4132) from the EPA approved under the Protection of the Environment Operations Act 1997 (POEO Act) for the scheduled activity 'Extractive activities'. • A permit from Council under Section 138 of the Roads Act 1993 (Roads Act) for the required road upgrades to Seberrys Lane and the construction of the new Quarry exit. <p>Rehabilitation:</p> <p>The Proposal would be operated with an emphasis placed upon progressive rehabilitation within completed areas within the Quarry Site. The Applicant would adopt best practice by progressively rehabilitating terminal extraction benches in the manner described in the EIS to minimise the visual impacts of the extraction operation. It is anticipated that rehabilitation of the floor of the Extraction Area would occur towards the end of the life of the Proposal to allow for flexibility in the event</p>	<p>undertaken by Council – adjoining land owners were notified with 35 days provided for submissions and the development was also exhibited in Newspapers, the Council Website and the NSW Planning Portal.</p>
--	--	--	---

		<p>that development consent for the continued operation of the Quarry is sought.</p> <p>The sequencing of rehabilitation would be addressed within the EMP for the Quarry. The EMP would be submitted to Council for approval prior to implementation.</p> <p>The proposed timing for the planting of trees around the perimeter of the southern paddock has been chosen to ensure that management commitments are staged appropriately so that the most critical actions are prioritised early in the development (e.g. boundary surveys, road upgrades, construction of water management infrastructure).</p> <p>As disturbance within the southern paddock is not anticipated until Stage 3, it is considered that the planting of trees around the perimeter of the southern paddock within 24 months would allow sufficient time for the trees to reach maturity prior to the progression of disturbance in the area.</p> <p>Traffic:</p> <p>The Applicant is committed to prioritising road safety throughout the life of the Proposal. A Driver's Code of</p>	
--	--	---	--

		<p>Conduct, identifying required driver behaviour and enforcement mechanisms for drivers of heavy vehicles, including subcontractors, regularly accessing the Quarry Site, would be developed and enforced to minimise risks to other road users and livestock. Additionally, a comprehensive EMP for the ongoing management of relevant environmental issues at the Quarry would be prepared which would include a separate section in relation to traffic management.</p> <p>TTPP (2021) confirms that the level of service (LOS) on the surrounding road network would remain good during the morning and evening peak hours with the combined effects of background traffic growth and additional Proposal-generated traffic with all routes, including Walleroobie Road and Methul Road, predicted to maintain their good LOS A classification. This classification provides the best traffic conditions, with no restriction on desired travel speed or overtaking. Drivers would experience only minor delays as a result of interaction with other traffic.</p> <p>The EMP developed for the ongoing management of environmental issues</p>	
--	--	---	--

		<p>at the Quarry would include a separate section in relation to traffic management which would address operational protocols relating to driver behaviour and interaction with other haulage trucks, school buses and other roads users.</p> <p>TTPP (2021) confirms that, following the completion of the proposed road upgrades to Seberrys Lane and the construction of the new Quarry exit, adequate line of sight would be available at all intersections utilised by Quarry-generated traffic.</p> <p>All loaded trucks would be covered prior to leaving the Quarry Site. Where material is accidentally spilled onto roads, the driver would assess whether it is practical and safe to immediately clean up the materials. Quarry management would be notified and equipment despatched to assist in the clean-up process. Any costs associated with clean-up activities would be the responsibility of the Applicant.</p> <p>The management of any road upgrades, excluding the upgrades to Seberrys Lane and its intersection with the new Quarry exit, is a matter for Council and would be funded</p>	
--	--	---	--

		from the developer contributions paid by the Applicant historically and payments that are proposed to continue under the Proposal. It is noted that the level of service (LOS), which considers factors such as road pavement width and restricted lateral clearances, on the surrounding road network would remain good under the Proposal with a LOS A classification.	
Patricia Doyle	<ol style="list-style-type: none"> 1. Trucks need to slow down especially on the Walleroobie Rd west of the quarry as it so narrow. 2. Trucks need to give way when exiting on Seberrys Lane, instead of pulling out in front of oncoming traffic. 3. This is School Bus route and mail run and with the extra traffic load this will need to be addressed. 4. Keep dust to a minimum. 5. When this blue metal is exhausted in 25yrs tell me it won't be used as a waste dump but be rehabilitated to look tidy with natural regrowth of trees etc. 	<p>When this blue metal is exhausted in 25yrs tell me it won't be used as a waste dump but be rehabilitated to look tidy with natural regrowth of trees etc.</p> <p>As discussed in Section 2.14.6 of the EIS, it is intended that the Extraction Area would be retained principally for biodiversity conservation purposes following rehabilitation. The success of rehabilitation and revegetation would be reviewed progressively, with additional soil, seed or tube stock added where revegetation is less successful. It is proposed that the Ancillary Components Area and the northern section of the Processing and Northern Stockpiling Area would also be retained for biodiversity conservation. Other areas within the Quarry Site would be</p>	<ol style="list-style-type: none"> 1. Agree – this will be addressed via the provision of driver training and education as identified in the application. 2. Application proposes an additional exit driveway which will result in separate entry and exit driveways. Such a proposed layout will provide a safer environment for all motorists with improved clarity reduction in vehicle interaction. Detail design on intersections will be provided to Council for approval to ensure Australian Standards are achieved. 3. The road network is considered to be of a suitable standard to cater for these combined traffic uses. 4. Agree and dust management plan to be developed and approved by Council prior to operations under

		<p>returned to agriculture with the landform contoured to blend into the surrounding environment and stabilised with pasture / dryland crops.</p> <p>Note: Other matters raised are addressed in proceeding responses.</p>	<p>new consent commencing.</p> <p>5. No such use has been proposed.</p>
--	--	---	---

Response/Actions – Record of Deferral 23 August 2022

The application was presented to the Panel Briefing Meeting that was held on the 23 August 2022. The panel requested that a number of matters be addressed by both Council and the applicant. The following actions were undertaken by both the Council and the applicant in response to the Panels request:

Council

- The assessment report will be required to address the additional information submitted in response to issues raised during the briefing and the record of deferral.

Comment: All matters identified in the Record of Deferral have now been addressed.

- The draft conditions sought to defer key considerations to a future time which in the opinion of the panel was not supportable.

Comment: The draft conditions have been reviewed in consultation with Councils Planning Solicitor (BAL Lawyers) and have been satisfactorily addressed and amended as required.

- The Council's Assessment Report dated 1 August 2022 and draft conditions are to be comprehensively revised to:
 1. Address any additional information submitted by the applicant as referred to above
 2. Fully interrogate the development proposal as submitted and as amended by the additional information and specifically the assessment report is required to:
 - a) Demonstrate how the SEARs issued for the proposal have been addressed in the application and documentation submitted.
 - b) Demonstrate how matters raised in the previous Panel briefing dated 28 September 2021 and 29 March 2022 have been addressed.
 - c) Provide details around the rehabilitation bond proposed and the manner in which it will be implemented over the life of the proposed development.
 - d) Address the relevant provisions of applicable environmental planning instruments.
 - e) Address in detail the submissions received, and any mitigation measures proposed (by the amended details or through conditions) to address the issues raised.

Comment: The assessment report and draft conditions address the address all additional information provided by the applicant.

<p>Appendix 3 of the EIS fully addresses the requirements of the SEARS under Table A3.1 Coverage of Secretary’s Environmental Assessment Requirements in the EIS.</p> <p>The matters raised in the panel meeting of the 28 September 2021 and 29 March 2022 have all been addressed via the provision of additional information provided by the applicant to Council.</p> <p>The rehabilitation bond has been addressed in the proposed voluntary planning agreement to the satisfaction of Council.</p> <p>All provisions of all applicable planning instruments have been addressed in the assessment report.</p> <p>The details of submissions and responses to submissions have been addressed within the assessment report as they were previously.</p>
<ul style="list-style-type: none"> • Should the final assessment report propose the grant of a development consent subject to conditions then the draft conditions must: <ul style="list-style-type: none"> a) Reference all relevant plans, specifications and reports that the applicant is relying on and the Council is recommending for approval. b) Provide clear specification for any required intersection upgrades including timing (including the intersection at Seberrys Lane) and whether any of these upgrades need to be completed prior to extraction under the development consent the subject of the development application consent commencing. c) Arrangements for the surrender of or modifications to existing consents (should the current DA be approved) as may be required, ensuring provisions are in place for works required under the terms of any surrendered consent to continue where applicable. <p>Comments: The relevant plans and documentation have been referenced in the proposed conditions.</p> <p>The intersection work has been clearly identified as a deferred commencement condition and must be completed prior to the operation of the consent for obvious safety and road efficiency reasons.</p> <p>Arrangements for the surrendering of consents have been outlined and state that this is to occur within 28 days of the commencement of the operational parts of this consent.</p> <ul style="list-style-type: none"> • Review the three draft conditions provided to the Panel which relate to contributions (Condition 14 - Volumetric Survey, Condition 22- Independent Audit and Condition 16 relating to the Weighbridge). <p>Comment: These conditions have been reviewed and will remain – it is considered important and in the public interest that the development be carried out as per assessed and approved documentation and that evidence of extraction limits is provided.</p>

- Review of draft conditions that require works in an adjoining local government area such as condition 14.

Comment: This condition has been removed from the draft consent.

Applicant

- Provide an overview of the proposal and provide a detailed explanation as to how the existing operations will be phased out and the proposal will be phased in. This explanation must include details on quantities of material to be removed from across the site and the way staged rehabilitation of the site is to occur and where it is to occur during the proposed 25-year operational time frame of the quarry.

Comment: The applicant has provided additional information via the document titled Walleroobie Quarry (DA 2021/44) - Response to Request for Information and Deferral - R.W Corkery and Co.Pty.Ltd November 2022. Council is satisfied that this matter has now been adequately addressed.

- The additional information must detail the proposed phasing of operations between the existing approved and proposed operations.

Comment: The applicant has provided a response, however it does not appear to satisfy the request for information from the panel. However, Council is satisfied that the proposed deferred commencement conditions allow / provide for a seamless transition from existing consents to the proposed operations under any new consent.

- Updated plans and documentation must be submitted that:
 - d) Are drawn to scale delineating existing and proposed works and the extent of excavation including cross and longitudinal sections.
 - e) Detail preliminary rehabilitation plans for the site including likely closure phasing.
 - f) Include concept engineering plans for road upgrade and methods to manage impacts of such works.
 - g) Include a methodology for calculating tonnages of material to be extracted (weighbridge or tonnage).
 - h) Detail the extent of vegetation clearing under the proposal and the scope and nature of the proposed mitigation measures whether they are a biodiversity stewardship or offset credit arrangement.
 - i) Detail how the southern stockpile will be managed throughout the life of the proposal and how interrelates with the phasing of the proposed development.

Comment: The applicant has addressed this matter via the document titled Walleroobie Quarry (DA 2021/44) - Response to Request for Information and Deferral - R.W Corkery and Co.Pty.Ltd November 2022. Council is satisfied that this matter has now been adequately addressed.

- The nature of the rehabilitation bond proposed to ensure that land disturbed by quarrying activities is returned to a safe, stable and sustainable land use. The panel suggests that the following details be provided:

- a) Rehabilitation costs using the cost estimate tool for mines as issued by the Resources Regulator (<https://www.resourcesregulator.nsw.gov.au/news-articles/updated-rehabilitation-costestimate-tool>)
- b) Agreement with Council on how the bond is calculated.
- c) Clarification of mechanism proposed for securing bond (bank guarantee or cash).

Comment: The applicant has addressed this matter via the document titled Walleroobie Quarry (DA 2021/44) - Response to Request for Information and Deferral - R.W Corkery and Co.Pty.Ltd November 2022. Council is satisfied that this matter has now been adequately addressed. The rehabilitation bond will now be captured in the voluntary planning agreement. The rehabilitation contribution to be paid by the Developer annually shall be 5% of the total estimated costs of the rehabilitation costs calculated in accordance with the NSW Resources Regulator 'rehabilitation cost estimate tool'.

- An explanatory note to be appended to the draft Voluntary Planning Agreement.

Comment: This has now been provided.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to the efficient development of land. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is not inconsistent with the public interest.

Other Legislative Requirements Biodiversity Conservation Act 2016

Is the clearing of native vegetation proposed? Yes

Does clearing exceed clearing criteria identified in Biodiversity Conservation Regulations?
Yes

Is the land identified on OEHs Biodiversity Values Maps? No.

A BDAR and associated documents were provided in support of the development application. These matters have been addressed elsewhere within this report.

For all proposals below the thresholds a 'test of significance' is required. If this test indicates significant impact then Biodiversity Assessment Method Must be applied.

Section 7.3 of the Biodiversity Conservation Act 2016

5 Part Test (threatened species or ecological communities, or their habitats)

The following factors must be taken into account in making a determination under this section:

- a) In the case of a [threatened species](#), whether the proposed [development](#) or activity is likely to have an adverse effect on the life cycle of the [species](#) such that a viable local population of the [species](#) is likely to be placed at risk of extinction,
- b) in the case of an endangered [ecological community](#) or critically endangered [ecological community](#), whether the proposed [development](#) or activity:
 - 1. is likely to have an adverse effect on the extent of the [ecological community](#) such that its local occurrence is likely to be placed at risk of extinction, or
 - 2. is likely to substantially and adversely modify the composition of the [ecological community](#) such that its local occurrence is likely to be placed at risk of extinction,
- c) in relation to the [habitat](#) of a [threatened species](#) or [ecological community](#):
 - 1. the extent to which [habitat](#) is likely to be removed or modified as a result of the proposed [development](#) or activity, and
 - 2. whether an area of [habitat](#) is likely to become fragmented or isolated from other areas of [habitat](#) as a result of the proposed [development](#) or activity, and
 - 3. the importance of the [habitat](#) to be removed, modified, fragmented or isolated to the long-term survival of the [species](#) or [ecological community](#) in the locality,
- d) whether the proposed [development](#) or activity is likely to have an adverse effect on any [declared area of outstanding biodiversity value](#) (either directly or indirectly,
- e) whether the proposed [development](#) or activity is or is part of a [key threatening process](#) or is likely to increase the impact of a [key threatening process](#).

Comment:

Is vegetation proposed to be cleared, native vegetation? Yes

If yes - then does DCP require a permit? No

If yes, is clearing associated with development that requires consent? Yes

Does it exceed offset scheme threshold or test of significance? If yes Biodiversity Assessment Method applies and Biodiversity Assessment Report from accredited persons is required? BDAR provided.

Note: If serious and irreversible impacts are identified then the application must be refused.

REFERRALS:

Council Referrals

Engineer: Council's Executive Manager of Engineering has provided the following comments:

- Royalty rate applicable as per attached calculations (see application folder). Calculations performed on annual export volume and does not take into consideration imported materials (i.e. concrete, fuel, pre-coat etc.)
- Council has no objection to Mary Gilmore Way utilisation as alternate route to South.
- Extension of Seberry's Lane seal and entrance works to be performed prior to stage 1 quarry extension works. Detailed design plans to be provided to Council for approval.
- Vehicle movement and volume monitoring system to be implemented and maintained by applicant for duration of operation and supplied to Council. Recommendation is traffic counter implemented at northern end of Seberrys Lane recording vehicle type, speed, time and direction as minimum. This data is to be accompanied/supported with weigh bridge docketts.

Conditions will be added on to the consent to address the above comments.

CONCLUSION:

Council has given careful consideration to all potential impacts, particularly with regards to ground and surface water, noise, dust and ongoing operations and management. Council has considered that compliance with recommended conditions of consent will ensure that operations are carried out to appropriate standards and will ensure that identified impacts are contained to an acceptable level.

Council also recognises the potential beneficial social and economic impacts of the development. Council is satisfied that the impacts of the project are able to be minimised, managed, offset, and/or compensated to ensure an acceptable level of environmental performance. Consequently, Council recommends that the proposed development be approved, subject to strict and comprehensive conditions of consent.

The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Council's Policies.

RECOMMENDATION

It is recommended that Development Application 2021/44 for the Continued operation and extension of a Quarry at Lot 1, DP 1225817, Seberrys Lane, Wallerobie be approved, subject to the following conditions:-

CONDITIONS

Deferred Commencement

1. This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, (as amended). This consent does not become operative until the consent authority has given written notice that the requirements listed in Schedule 'A' of this consent have been satisfied. The Applicant must produce evidence to the consent

authority that those conditions have been met within a period of 12 months from the 'Determination Date' that is shown on this consent.

Upon compliance with the requirements/conditions listed under Schedule 'A', and written confirmation from Council to that effect, the consent shall become operative subject to the conditions listed in Schedule 'B'. The 'Date of Endorsement' is to be included on the written notification.

Schedule A

- a) The applicant (Rockwoods Investment Group Pty Ltd) and Council shall enter into a Voluntary Planning Agreement consistent with the letter of offer from the Rockwoods Investment Group Pty Ltd dated 16 June 2022 and ensure that the VPA is formally registered on the title of the land.
- b) The applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Executive Manager of Planning and Environmental Services at Council. This strategy must be prepared by suitably qualified personnel and:
 - i. Provide the strategic context for environmental management of the development
 - ii. Identify the statutory requirements that apply to the development
 - iii. Describe how the environmental performance of the development will be monitored and managed during the development.
 - iv. Include the following detailed plans;
 - a Transport Management Plan. The Transport Management Plan should include the required road signage to service the development in accordance with the Roads and Maritime Services 'Traffic Control Work Site Guide 2010, as amended' and other relevant legislative guides and publications and a draft Drivers Code of Conduct.
 - a Dust Management Plan
 - a Noise Management Plan
 - a Rehabilitation Plan
 - a Soil and Water Management Plan
 - an Environmental Monitoring Program
 - a Waste Management Plan
 - a Biodiversity Management Plan. The Biodiversity Management Plan must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity outlined in Table T 6-2 of the BDAR prepared by OzArk Environment and Heritage Pty Ltd and dated 11 March 2021.

- a Pollution Incident Report Management Plan
 - a detailed landscape plan concentrating on landscaping on the site boundaries to DoYLES land, Seberrys Lane and Wallerobie Road
- c) Describe the procedures that will be implemented to:
- Keep the local community and relevant agencies informed about the operation and environmental performance of the development
 - Receive, handle, respond to, and record complaints
 - Resolve any disputes that may arise during the course of the development
 - Respond to any non-compliance
 - Manage cumulative impacts; and
 - Respond to emergencies
- d) Describe the role, responsibility, authority, and accountability and qualifications of the key personnel involved in environmental management of the development.
- e) Prepare and submit a detailed storm water drainage management plan to Council for approval. The storm water management plan shall identify:
- Overland flow paths of flood liable areas present on the land and existing surface contours (expressed as Reduced Levels (RLs) or levels to AHD)
 - The proposed method of collection of roof and surface stormwater including the general location and levels of proposed drains, stormwater pipes, drainage pits and proposed finished surface contours (expressed as Reduced Levels (RLs) or levels to AHD)
 - The proposed building locations and finished floor levels (expressed as Reduced Levels (RLs) or levels to AHD)
 - The location of infiltration measures (swales, landscaping, permeable pavements, etc)
 - The location of on-site detention basins or tanks, including stored water levels and emergency spillways
 - The location of discharge points to storm water drainage system (show levels at these locations) and the method of connection
 - The location of storm water easements (existing or proposed).
- f) The applicant shall prepare a Land Management and Rehabilitation Plan to the satisfaction of the Executive Manager of Planning and Environmental Services at Council. This plan must:
- Identify species to be used in revegetation that appropriately corresponds to MR558 or PCT 185 in the South West Slopes Revegetation Guide.
 - Describe the short, medium and long term measures that will be implemented to progressively rehabilitate the site.
 - Define measurable completion criteria for biodiversity values in

- rehabilitated areas.
 - Detail the monitoring methods and site management that will maintain biodiversity values.
 - Include weed and pest animal control strategies.
 - Identify how those outcomes will be secured.
- g) An Air Quality Management Plan for approval by the Council's Executive Manager of Planning and Environment. The Management Plan must include the measures which will be implemented to ensure the development will not create unacceptable or non-compliant emissions of dust that will impact upon neighboring properties. The Management plan must also address:
- air quality and particulate monitoring - locations and schedule
 - dust management from on-site trafficable areas - sealed and unsealed
 - dust management from Stockpiles – bunds and other materials
 - dust management from Material Handling Areas
- h) A quantitative/volumetric survey of the site shall be undertaken by a practicing registered surveyor at the cost of the applicant/operator. The survey shall be undertaken and submitted to the requirements and satisfaction of Council. An electronic copy of the survey data shall be provided in a format that can be used with subsequent surveys to;
- i. determine the volume of material extracted from the site
 - ii. the areas from which material has been extracted;
 - iii. the volume of extracted material stockpiled on the site;
 - iv. the areas on which material is stockpiled.
- i) Provide and obtain, the Executive Manager of Planning and Environmental Services at Council, approval of detailed plans for the following roadworks;
- i. The proposed sealed access to the site from Seberrys Lane adequate to cater for all proposed vehicle types. The proposed access design must demonstrate that all Austroads turning circles/radius's can be achieved at the entry/exit point onto Seberrys Lane and provide for drainage.
 - ii. the 50 metre southern road extension from the new quarry exit the road works.

[note, approval to undertake works on a Council road is also required under the Roads Act 1993]

- j) The proposed access/egress point to be located off Seberrys Lane is required to be completed in full prior to the operation of this consent.

The access will be required to be provided with 2 coat bitumen seal from property boundary to end of splay on road verge.

The applicant will be required, prior to construction to demonstrate in the proposed access design that all Austroads turning circles/radius's can be achieved at the entry/exit point onto Seberrys Lane.

Note - Each part (including the required management plans, reports and programs) of the EMS shall include a list identifying all relevant conditions of consent (including General Terms of Approval) specific to that section and how those requirements have been satisfied/addressed within the document.

Schedule B

Approved Plans and Documentation

1. The period during which quarry operations permitted by this consent may be carried out ends at midnight on the commencement date of this consent in 2046. This condition does not prevent rehabilitation works from continuing to be carried out after that date.

REASON: The consent period should be limited and consistent with the application documents to minimise environmental and social impacts. Section 4.17(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

2. The development must be carried out in accordance with the plans and specifications provided and approved under Schedule A and Schedule B as well as the following documents provided with the development application (as modified by the conditions of this consent).

Plan/Doc. Title	Prepared by
Environmental Impact Statement for Wallerobie Quarry and Annexures	R.W Corkery and Co.Pty.Ltd March 2021
New Office and Amenities Building (Drawings No. 20067 -1 to 20067 – 5)	J Stewart, 21.08.2021
Wallerobie Quarry (DA 2021/44) - Response to Request for Information and Deferral	R.W Corkery and Co.Pty.Ltd November 2022

If there is any inconsistency between the documents referred to in Schedule B condition 2 then, to the extent of the inconsistency,

- a. A document approved by the Council prevails over other documents;
- b. Otherwise, the most recent document is to prevail.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. Within 28 days of the commencement of the operational parts of this consent, the following development consents must be surrendered by the submission of a document in accordance with Clause 97(1) of the Environmental Planning and Assessment Regulation 2000:

- a) DA1/92 issued by Council on 8 April 1992; and
- b) DA21/95 issued by Council on 18 September 1995

REASON: Council is of the opinion that, having determined this Development Application by granting consent, it is not appropriate to permit the continuation of the consent or right referred to in the condition. Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. Landscaping

Tree planting on the site boundaries to Doyles land, Seberrys Lane and Wallerobie Road must be carried out in accordance with the approved landscape plan within 12 months of the date of operation of the consent.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Works Commencing

5. Prior to the commencement of works under this consent, the class and number of ecosystem credits set out in Table 1 to this consent (see below) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C) 1.

This condition may also be satisfied via the establishment of a Biodiversity Stewardship Site (BSS) that offsets all ecosystem credits.

If the applicant seeks to satisfy this condition via staged offsetting or retirement of credits as the site is cleared, Council requires written confirmation from the Biodiversity Conservation Fund of the suitability of any such proposal.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund or registration of a stewardship agreement establishing a BSS in satisfaction of this condition must be provided to Coolamon Shire Council prior to the commencement of works under this consent.

- **Note:** If the applicant satisfies this condition via the establishment of a biodiversity stewardship site, then all biodiversity obligations identified under this consent and applying to the stewardship site in perpetuity shall be outlined on the certificate of title via 88b Instrument.

Table 1:

Vegetation zone name	Habitat condition (Vegetation Integrity)	Change in habitat condition	Area (ha)/Count (no. individuals)	BC Act Listing status	EPBC Act listing status	Biodiversity risk weighting	Potential SAIL	Species credits
<i>Chalinolobus dwyeri</i> / Large-eared Pied Bat (Fauna)								
185_Fair	53.5	53.5	3.9	Vulnerable	Vulnerable	3	True	155
185_Poor	21.7	21.7	4.8	Vulnerable	Vulnerable	3	True	79
							Subtotal	234
<i>Lophochroa leadbeateri</i> / Major Mitchell's Cockatoo (Fauna)								
185_Fair	53.5	53.5	3.3	Vulnerable	Not Listed	2	False	88
185_Poor	21.7	21.7	0.5	Vulnerable	Not Listed	2	False	5
							Subtotal	93
<i>Myotis macropus</i> / Southern Myotis (Fauna)								
185_Fair	53.5	53.5	3.3	Vulnerable	Not Listed	2	False	88
185_Poor	21.7	21.7	0.5	Vulnerable	Not Listed	2	False	5
							Subtotal	93
<i>Senecio garlandii</i> / Woolly Ragwort (Flora)								
185_Fair	53.5	53.5	3.9	Vulnerable	Not Listed	1.5	False	77
185_Poor	21.7	21.7	4.8	Vulnerable	Not Listed	1.5	False	39
							Subtotal	116

REASON: Because it is in the public interest that the development complies with the requirements of the *Biodiversity Conservation Act 2016*. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6. A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979 (as amended) from either Council or an accredited certifying authority certifying that the proposed building and civil works are in accordance with the Building Code of Australia and approved civil works plans PRIOR to any works commencing.**

NOTE 1: No building, engineering, or excavation work must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE BUILDING OR ENGINEERING WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a

Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 7. Prior to works commencing within the road reserve, approval under the Roads Act 1993 is required from Council and the applicant shall arrange a Pre-Start meeting with Council's Engineering Department. Please contact Council's Engineering Department on 6930 1800 to book inspections.**

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 8. The applicant must ensure that prior to any building works commencing, that if Council is appointed as the principal certifying authority, that a 'Performance Certification Work Contract Agreement' form is completed and returned to Council. The form can be accessed at:**

[https://www.coolamon.nsw.gov.au/f.ashx/Development/200707-Performance Certification Work Contract Agreement 2020 21.pdf](https://www.coolamon.nsw.gov.au/f.ashx/Development/200707-Performance%20Certification%20Work%20Contract%20Agreement%202021.pdf)

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 9. At least two (2) days prior to the commencement of any building works, a 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority' in accordance with the form approved by the Council, must be submitted to Council.**

The form can be accessed at:

[https://www.coolamon.nsw.gov.au/f.ashx/Environment/181009-Notice of Commencement of Work PCA-Form-Nov-18.pdf](https://www.coolamon.nsw.gov.au/f.ashx/Environment/181009-Notice%20of%20Commencement%20of%20Work%20PCA-Form-Nov-18.pdf)

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 10. Prior to the carrying out of any works on the site in relation the new office/amenities building, the applicant shall provide to Council details of the proposed On-Site Sewage Management System to be utilised to service the building. Such details include proposed system location and specifications (size and type of tank and specifications for disposal area).**

Note: The applicant shall ensure that an application under Section 68 of the Local Government Act 1993 is lodged and approved by Council for any plumbing and drainage works required as part of the subject development.

REASON: As the development cannot be connected to the Council's reticulated sewerage system, and because it is in the public interest to comply with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005 Section 4.15 (1)(b) and (e) of the *Environmental Planning Assessment Act 1979*, as amended.

Prior to Occupation Certificate

- 11. Prior to the issue of Occupation Certificate, all buildings must comply with the Fire Safety Schedule, attached.**

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 4.15C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 12. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) has been assessed by a properly qualified person; and**
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE: In order to obtain the Occupation Certificate, it will be necessary to:

- (1) Complete the “Final Occupation Certificate” form and submit it to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake an Occupation Certificate inspection.**
- (2) Contact Council to arrange the required Occupation Certificate inspection. The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.**

REASON: It is in the public interest that an Occupation Certificate be issued prior to operations commencing on the site. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to commencement of Quarry operations and use of buildings

13. An Occupation Certificate, pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, must be obtained from Council, prior to use of the building (new amenities / office building).

14. The Applicant must complete, to the Council’s satisfaction, the following road works in accordance with the documentation provided and approved by the Council under Schedule A – condition I:

- a) Sealed access / egress to the site from Seberrys Lane;**
- b) 50m southern road extension from the new quarry exit;**
- c) The sealing of the 160m of internal road proposed between the weighbridge and quarry exist;**

15. The Applicant is to give no less than 7 days notice and accommodate inspections by Council of the approved road works to check compliance with Council’s Engineering Requirements at the following hold points:

- Pre-start inspection and inspection of traffic management & soil & erosion control measures.**

- Subgrade proof roll. Survey levels and compaction results.
- Sub-base proof roll. Compaction results.
- Basecourse proof roll. Survey levels and compaction results.
- Prior to sealing
- Into Maintenance inspection.

16. Security for road works

- a) **At the completion of the upgrade works required on public roads and associated stormwater structures, pursuant to the condition listed in Schedule A – condition I and within 7 days of the Into Maintenance Inspection the Applicant is to provide;**
 - i. **a maintenance bond (by way of deposit, insurance bond or bank guarantee) equal to 5% of the total cost of those works shall be paid to Council; and**
 - ii. **written authorisation is to be submitted to the Council giving irrevocable consent to the Council accessing and using that security to complete or remedy any defect in those works.**
- b) **The bond shall be held for the duration of the maintenance period (6 months), following which it (or any remainder of it) shall be released.**

REASON: It is in the public interest to ensure that civil works are carried out in accordance with approved plans and Council's Engineering Standards. Section 4.15(1)(e); s4.17(6) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. Signage and traffic counters

- a) **traffic and road related safety signage must be installed in accordance with the approved transport management plan.**
- b) **signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**
- c) **a traffic monitoring system, in the form of traffic counter, must be installed at the northern end of Seberrys Lane at completion of the Seberry's lane / Walleroobie Road intersection upgrade works. The traffic counter must record vehicle type, speed, time and direction and be able to distinguish between laden trucks and unladen ones.**

REASON: To ensure the development functions in a safe and efficient manner and to reduce the likelihood of traffic conflict being promoted as a result of the development, to ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. Erosion and stormwater control measures

- a) **The sediment basin for stages 1 and 2 must be constructed in accordance with the approved plans.**
- b) **erosion control measures must be installed in accordance with the blue book and approved plans.**

General Conditions

19. Use of site

- a) **The carrying out of the respective elements of the development must be in accordance with the locations shown on plan XYZ.**
- b) **Construction impacts must be restricted to the approved development site (as assessed and defined in the BDAR) and must not encroach into areas of retained native vegetation and habitat.**
- c) **All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must also be located within the areas for which biodiversity impacts were assessed in the BDAR.**

REASON: Because it is in the public interest that the development complies with the supporting documentation and does not have impacts on heritage or biodiversity beyond those assessed. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. Heavy vehicle traffic

- a) **No more than 12 laden trucks are permitted to enter or leave the site per hour.**
- b) **No more than 104 laden truck are permitted to enter or leave the site per day.**
- c) **Laden vehicles must only use the haulage routes identified in the approved documentation.**
- d) **Only unladen vehicles are permitted to travel along Methul Rd.**

REASON: Because it is in the public interest that the development complies with the supporting documentation and does not have impacts on amenity or the road network beyond those assessed. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. Non-production Waste Management

- a) **General domestic waste must be placed in skip bins kept on site and removed from the Quarry Site no less than every three weeks by a licenced contractor, and more frequently if required.**
- b) **Waste oil must be stored within the Ancillary Components Area in a bunded area containing 8 x 1000L pods with a combined capacity of 8**

- 000L. This oil is to be removed from the Quarry Site as required by a licenced contractor.
- c) Used batteries must be stored on a pallet within the workshop area and removed from the Quarry Site by a licenced contractor no less frequently than every six months.
 - d) Scrap metal and tyres must be stored within a dedicated area within the Processing and Northern Stockpiling Area and removed from the Quarry Site once per year.

22. Reporting

Within the 12th month from the date of operation of this consent, and annually thereafter, the applicant shall submit an Annual Report (AR) to Council which;

- a) Identify the standards and performance measures that apply to the development
- b) Describe the works carried out in the last 12 months
- c) Describe the works that will be carried out in the next 12 months
- d) Include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 12 months
- e) Include a summary of the monitoring results for the development during the past year
- f) Include an analysis of these monitoring results against the relevant:
 - Impact assessment criteria/limits
 - Monitoring results from previous years; and
 - Predictions in the EIS
- g) Identify any trends in the monitoring results over the life of the development
- h) Identify any non-compliance with the conditions of consent during the previous year; and
- i) Describe what actions were, or are being, taken to ensure compliance.
- j) The AR shall be placed on the applicant's website. If no such site exists, the AR shall be made available on Council's website.

REASON: To ensure the proposed development complies with conditions of consent. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. In the 3rd year of operation, and every 5 years thereafter, the applicant shall commission and pay the full cost of an Independent Environmental Audit, to be prepared by an environmental auditor approved by the Council, of the development and submit this audit to Council within 3 months of its completion. This audit must:

- (a) Be conducted by a suitably qualified, experienced, and independent person.**

- (b) Be consistent with relevant guidelines and standards for Environmental Auditing**
- (c) Assess the environmental performance of the development, and its effects on the surrounding environment**
- (d) Assess whether the development is complying with the relevant standards, performance measures and statutory requirements**
- (e) Review the adequacy of any strategy/plan/program required under this consent.**

REASON: It is in the public interest that the development complies with all conditions of development consent. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. All hydrocarbons shall be stored in accordance with Australian Standards AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids.

REASON: It is in the public interest that the development does not create adverse impacts on the amenity of the area and complies with the requirements of Australian Standards AS 1940:2004. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

25. The development must be carried out in accordance and comply with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 4.15 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

26. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued.

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. The development shall not interfere with the amenity of the neighbourhood by reason of the omission of noise, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust or water waste, waste products or grit, oil or any other form of pollution.

REASON: It is in the public interest that the development does not create adverse impacts on the amenity of the area. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 28. An annual audit of quarry sales by volume and weight shall be undertaken by an independent auditor and submitted to Council on an annual basis. This audit shall also provide a reconciliation between the sales and the contributions that were payable under the Coolamon Shire Council Contributions Plan 2017 to demonstrate compliance with the terms of the Consent. The annual cycle shall be the financial year unless otherwise notified by Council.**

REASON: The Development is subject to Haulage Rate Contributions in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Coolamon Shire Council Section 7.11 Contributions Plan 2017*, as amended, and it is in the public interest that accurate quantities of materials be established to inform contribution rate on an annual basis.

- 29. Quantitative/volumetric surveys of the site shall be undertaken periodically by a practicing registered surveyor at the cost of the applicant/operator upon written request by Council. The surveyor shall use the methodology supplied by Council to determine the weight of the extracted material and reconcile such with quarterly and annual returns. Where the survey indicates that more material has been extracted than that indicated by returns, the applicant/operator shall pay a contribution in respect of the outstanding amount.**

REASON: The Development is subject to a VPA for Haulage in accordance with the *Environmental Planning and Assessment Act 1979*, as amended, and it is in the public interest that accurate quantities of materials be established to inform contribution rate on an annual basis.

- 30. All buildings shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

- a) NON CHEMICAL – where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.**
- b) CHEMICAL RETICULATION – where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.**
- c) An annual inspection is undertaken to determine need for treatment.**

- d) **CHEMICAL TREATMENT** – where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning – Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- e) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- f) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
- i. The method of protection
 - ii. The date of installation of the system
 - iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv. The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 31. If Council is appointed as the Principal Certifying Authority for the purpose of this development, the applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.**

COLUMN 1	COLUMN 2
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.

Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet Area	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building.

REASON: It is in the public interest that the works are inspected to ensure compliance with the approved plans and relevant specifications, codes and standards.

32. All Plumbing and Drainage Works must be carried out by a licensed plumber and In accordance with the Plumbing and Drainage Act 2011 and the regulations thereunder. The person responsible for the plumbing and drainage works is required to submit the following documentation to Council:

- a. A Notice of Work prior to commencement;
- b. A Certificate of Compliance upon completion of the work; and
- c. A Sewer Service Diagram upon completion of the work and prior to a final inspection being carried out by Council.

NOTE: The Act also requires that a copy of the Certificate of Compliance and the Sewer Service Diagram be supplied to the owner of the premises upon completion of the works.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the *Local Government Act 1993* and the *Plumbing Code of Australia*. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

33. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Drainage	When all internal drainage work is installed and prior to concealment.
External Drainage	When all external drainage work is installed and prior to concealment.

Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Plumbing	When all internal Plumbing work is installed and prior to concealment.
Septic System and Disposal Area	When the Septic System is installed and prior to covering and when disposal area/trenches are excavated and prior to covering.
Final	Prior to occupation of the building or structure.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

34. Restriction on operations

- (a) The extraction and processing of quarry product from the site is limited to 300,000 tonnes per annum.**
- (b) The applicant must supply Council with a certified quantity surveyors report at the end of each financial year that clearly certifies the amount of material processed in that financial year and states whether or not the approved extraction / processing limit has been exceeded.**
- (c) At the end of each financial year the applicant must supply Council with a hard and electronic copy of the weighbridge receipts for the previous 12 months that.**
- (d) Importation of concrete washout and any other material is limited to a maximum of 1500 tonnes per annum (inclusive);**
- (e) This consent does not authorise the importation of fill to the site.**

REASON: to limit the development to what was proposed and assessed in the supporting material. It is in the public interest that the development complies with all the conditions of the development consent. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

35. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

36. The applicant shall maintain accurate records of the extraction/processing quantities and traffic movement to and from the site.

These records shall be kept on site and be available for inspection at the request of either of the Coolamon Shire Council or Roads and Maritime Services.

REASON: To ensure traffic related impacts associated with the development are

minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 37. A certified traffic count report is to be provided to Council on a quarterly basis from the commencement of operations. The report is to identify laden vehicle movements to and from the site.**

The traffic count device is to be maintained in an operational condition for the life of the development.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 38. Blasting is limited to a maximum of 12 blasts per year within the approved development footprint.**

REASON: To limit the development to what was proposed and assessed in the supporting material and ensure impacts associated with the development on the amenity of the area are minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. No process water from the activities of the proposed development shall be discharged onto adjoining land.**

REASON: To ensure impacts associated with the development on the environment are minimised. Part 5.3 of the *Protection of the Environment Operations Act 1997*.

- 40. If any Aboriginal object is discovered and / or harmed in, or under the land, while undertaking development activities, the applicant must:**

- **Not further harm the object**
- **Immediately cease all work at the particular location**
- **Secure the area to avoid further harm to the Aboriginal object**
- **Notify the Office of Heritage NSW as soon as practical on 131555, providing details of the Aboriginal object and its location, and**
- **Not commence any work at the particular location unless authorised in writing by OEH.**

In the event that any skeletal remains are unexpectedly encountered during an activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Office of Heritage NSW is contacted.

REASON: It is in the public interest that the any items of Aboriginal Cultural Heritage Value be protected and preserved. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

41. The applicant shall ensure that all recommendations of the Aboriginal Archaeological and Historic Heritage Impact Assessment prepared by OzArk Environment and Heritage Pty Ltd, included within the EIS and dated February 2021 are implemented.

REASON: to give effect to the representations in the supporting material and it is in the public interest that the any items of Aboriginal Cultural Heritage Value be protected and preserved. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

42. The applicant is not to clear any vegetation outside the development footprint as assessed in the BDAR.

REASON: It is in the public interest that threatened species known to occur on the site are not harmed by the proposal and that site rehabilitation results in improved biodiversity values. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

43. Machinery

- a) The Proponent shall ensure that all plant and equipment used at the site is:**
 - i. maintained in a proper and efficient condition; and**
 - ii. operated in a proper and efficient manner.**
- b) operation, storage and maintenance of all machinery and equipment shall be restricted to existing cleared areas and the development footprint as approved in the BDAR?.**

REASON: It is in the public interest that threatened species known to occur on the site are not harmed by the proposal and that site rehabilitation results in improved biodiversity values. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

44. Any repairs, upgrades or alterations to Council infrastructure required as a result of the development shall be carried out by the applicant at the full cost of the applicant. The applicant must contact Council's Engineering Department to confirm what approval is required prior to commencing work on any Council infrastructure.

REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

45. All trucks leaving the site are to be loaded so as to prevent material spilling from the trucks during transportation. Any material spilt during transportation is to be removed.

REASON: To ensure that building and development works do not have adverse impact on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 46. No business identification or advertising signage is approved as part of the application. No such signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation / use of the site without a subsequent application being approved by Council.**

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 47. The approved use must only be conducted in accordance with the following table 2;**

Proposed Hours of Operation				
Activity	Monday to Friday		Saturdays	
	Core	Contingency ¹	Core	Contingency ¹
Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm
Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day
<small>Note 1: Contingency hours would only be used during peak production periods to meet specific project demands. During the extended hours of operation (i.e. from 6:00am to 7:00am and 5:00pm to 8:00pm from Monday to Friday and 4:00pm to 6:00pm on Saturdays) activities would be restricted to the operation of the pugmill and precoat plant, loading products onto trucks and stockpile management.</small>				

REASON: To ensure development does not reduce the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Agency Conditions

Regional NSW – Mining, Exploration and Geoscience (MEG) – Geological Survey of NSW

1. The applicant shall supply (or continue to supply) annual production data to MEG. Production data may be provided in an aggregated form and will remain confidential to this Department.

Heritage NSW

7. No Aboriginal objects may be harmed without an approval from Heritage NSW.
8. No Aboriginal objects may be harmed without an approval from Heritage NSW.

9. All staff and contractors involved in the proposed work should undergo a cultural heritage induction and be made aware of the legislative protection requirements for all Aboriginal sites and objects.
10. If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - o Not further harm the object(s),
 - o Immediately cease all work at the particular location,
 - o Secure the area so as to avoid further harm to the Aboriginal object(s),
 - o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location, and
 - o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
11. If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
12. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

NSW Rural Fire Service

1. A draft Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW RFS District Office for comment. Any return comment from the District shall be adopted into an amended FMP. As a minimum, the FMP shall include:
 - 24-hour emergency contact details including alternative telephone contact;
 - Site infrastructure plan;
 - Firefighting water supply plan;
 - Site access and internal road plan;
 - Construction of asset protection zones and their continued maintenance;
 - Location of hazards (physical, chemical, and electrical) that will impact on the firefighting operations and procedures to manage identified hazards during the firefighting operation;
 - Mitigation measures designed to prevent a fire occurring within the site, and prevent a fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and
 - Such additional matters as required by the NSW RFS District Office.
2. To allow emergency service personnel to undertake property protection activities, a minimum 10-metre defendable space, managed as an asset protection zone, shall be provided around all buildings and built assets and the outside perimeter of the development footprint.

3. All internal roads shall comply with the design and construction specifications for property access outlined in Appendix 3 of Planning for Bush Fire Protection 2019.
4. A minimum 20,000-litre water supply (tank) fitted with a 65mm Storz fitting shall be located adjoining the internal access road within the required asset protection zone.

General Terms of Approval

NSW EPA

Administrative conditions

A1. Information supplied to the EPA

- A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- the development application DA 2021/44 submitted to Coolamon Shire Council on *30 April 2021*;
 - the environmental impact statement titled "Wallerobie Quarry" *dated March 2021* and prepared by *R.W. Corkery & Co Pty Ltd* relating to the development.

A2. Fit and Proper Person

- A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

A3. Premises to which the General Terms of Approval applies

- A3.1 These General Terms of Approval apply to the following premises:
The Wallerobie Quarry Lot 1, DP 1225817 as depicted in Figure 2.1 of the environmental impact statement titled "Wallerobie Quarry" *dated March 2021* and prepared by *R.W. Corkery & Co Pty Ltd* kept on EPA file DOC21/347682.

Limit conditions

L1. Pollution of waters

- L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

- L2.1 The applicant must not cause, permit or allow any waste to be received at the premises, except for the wastes expressly referred to in the column titled

"Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This approval condition does not limit any other condition included in an environment protection licence.

Code	Waste	Description	Activity	Other Limits
NA	Construction waste	Concrete and similar materials and excluding metals, plastic, timber and paper.	Resource recovery	A maximum of 1,500 tonnes received at the premises each year.

L3. Extraction and processing limits

L3.1 The applicant must not extract or process more than 301,500 tonnes of material at the premises in any annual return reporting period.

L4. Noise limits

L4.1 Noise from the premises must not exceed and Leq (15 minute) noise emission criterion of 40 dB(A) during the daytime (7am to 6pm) and a noise criterion of 35 dB(A) at any other time, except as expressly provided by these General Terms of Approval.

L4.2 Noise from the premises is to be measured at the nearest sensitive receptor not associated with the development to determine compliance with the noise limits.

L5. Hours of operation

L5.1 Activities at the premises are restricted to the following times.

Proposed Hours of Operation

Activity	Monday to Friday		Saturdays	
	Core	Contingency ¹	Core	Contingency ¹
Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm
Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day
Note 1: Contingency hours would only be used during peak production periods to meet specific project demands. During the extended hours of operation (i.e. from 6:00am to 7:00am and 5:00pm to 8:00pm from Monday to Friday and 4:00pm to 6:00pm on Saturdays) activities would be restricted to the operation of the pugmill and precoat plant, loading products onto trucks and stockpile management.				

L.6 Blasting

Overpressure

- L6.1** The overpressure level from blasting operations on the premises must not:
Exceed 115 dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
Exceed 120 dB (Lin Peak) at any time.
The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency then a correction of 5 Db should be added to the measurement value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

- L6.2** Ground vibration peak particle velocity from blasting operations level from blasting operations on the premises must not:
Exceed 5 mm/sec for more than 5% of the total number of blasts over a period of 12 months; and Exceed 10 mm/sec at any time.
- L6.3** The premises must only undertake 1 blast per week between Monday to Friday and 10am to 3pm.
- L6.4** Blast monitoring must be in accordance with conditions at Section M3 of these GTA's.

Operating conditions

O1. Odour

- O2.1** No condition of this Approval identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997* (POEO Act).

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

O2. Dust

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Contaminated stormwater

- O3.1** All rainfall falling on the active or disturbed quarry areas must be captured and detained on the premises in dams or retention basins. This condition

applies to rainfall events up to but not exceeding the regional 1 in 20 year 24 hour average recurrent interval event.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor volume or mass

M2.1 The applicant must monitor:

- the volume of material extracted and processed at the premises, and
- the volume of construction waste received at the premises

at the frequency and using the method of units of measures, specified below:

Frequency	Units of measure	Sampling method
Daily	Tonnes	Weighbridge

M3. Blast Monitoring

M3.1 One blast undertaken at the premises must be monitored in each annual return reporting period.

M3.2 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest affected premises not associated with the development and must be:

At the residential boundary; or

30 metres from residences in rural situations where the boundary is more than 30 metres from residences.

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting conditions

R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Attachment 'B' – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Waste processing (building and demolition waste)

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below:

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load cannot be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part

5.7 of the Act Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.



General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant.

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Report by:  <hr/> Executive Manager Planning & Environmental Services Date: 8 November 2022	Report Approved by:  <hr/> Executive Manager Planning & Environmental Services Date: 8 November 2022
---	--