



**Section 4.15 of the Environmental Planning and Assessment  
Act 1979**

**Assessment Report**

**For**

**Development Application 2021/44**

**Continued Operation and Extension of Walleroobie Quarry**

**PPSSTH-84**

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Coolamon Shire Council**

## EXECUTIVE SUMMARY

Milbrae Quarries Pty Ltd (“the Applicant”) has lodged a development application to the Coolamon Shire Council (“Council”) for the continued operation and extension of the Walleroobie Quarry (“the Quarry”).

It should be noted that since the lodgement of this application, landownership has changed from Milbrae Quarries to Rockwoods Pty Ltd. The applicant still remains as Geoff Pigram on behalf of Milbrae Quarries.

The existing Quarry is located approximately 21km southeast of Ardlethan and 38km northwest of Coolamon with access provided via Seberrys Lane

Existing operations are approved under the following development consents:

- 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.

The Applicant is seeking development consent for the continued operation and expansion of operations of the Quarry which would include the following:

- An extension of operations to ultimately include a total disturbance area of up to approximately 62ha.
- An increase to the extraction rate from 120 000tpa to 300 000tpa.
- Importation of up to 1 500tpa of concrete washout and other construction materials for recycling.
- Product transportation involving a maximum of 104 laden trucks per day and a peak of 12 laden trucks per hour.
- Ongoing operations for a period of 25 years from the commencement of operations under the new development consent.

Assessment requirements for the Proposal were sought from the then Department of Planning, Industry and Environment (DPIE) and provided on 8 July 2019 under Secretary’s Environmental Assessment Requirements (SEARs) Number 1352.

Council exhibited the development application between the 3<sup>rd</sup> May 2021 and the 7<sup>th</sup> June 2021, with six (6) Agency submissions and two (2) public submissions being received.

None of the agencies objected to the project.

Issues raised in the public submissions include noise, dust, surface and groundwater, ecology, rehabilitation, visual amenity, and traffic. Detailed submissions were received from the closest residents. Council has considered the issues raised by the agencies and community in detail. Council has identified and addressed the submissions within this report and via proposed conditions of consent.

Overall, the Councils assessment has found the project requires comprehensive and proactive traffic and rehabilitation mitigation and management to minimise adverse environmental impacts on the site and provide for the safe and efficient operation of transport from the site and within / on the surrounding road network.

Council has recommended a range of approval conditions to ensure that these impacts, and others, are properly managed. The conditions require the applicant to:

- undertake road upgrade works
- implement measures to minimise air quality, noise, water, traffic and visual impacts;
- implement a biodiversity offset strategy,
- progressively rehabilitate the site;
- pay Council agreed contributions as established under a voluntary planning agreement towards road maintenance;
- monitor and regularly report on environmental performance; and
- commission independent audits of operations, to ensure compliance with approval conditions and to ensure implementation of best-practice environmental management.

Council notes that the geological deposit is a high quality and well known source of feldspar and associated product. It is considered to have regional significance. The existing quarry supplies, many customers within NSW with hard rock aggregates and road pavement products for use in construction and infrastructure projects.

On balance, Council considers the benefits of the Project outweigh the costs, and the Project is in the public interest. Council has recommended strict conditions of approval that seek to strike an appropriate balance between protecting the amenity of surrounding residents, but still allowing the development of this important resource. Council recommends that the Project be approved subject to recommended conditions contained within this report.

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## 1.0 BACKGROUND

Wallerroobie Quarry originally commenced operations in 1960, and the Quarry currently has approval to extract, process and transport up to 120 000 tonnes of quarry products per year.

The Applicant has identified a further 4.8 million tonnes of rhyolite and dacite adjacent to and beneath the current approved extraction area which would be the target of ongoing extraction. In order to efficiently access and extract the identified resource, a new development consent is sought that would supersede the existing development consents.

As part of this application, the applicant proposes to increase the approved maximum extraction rate from 120 000tpa to 300 000 tonnes per annum (tpa) to allow for existing and future market demands to be met.

The current developments operates under the following development consents:

- 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.

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

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 development is situated on land that is zoned RU1 Primary Production under the Coolamon Local Environmental Plan 2011 (CLEP 2011) and incorporates a total area of 69 ha (shown as the Quarry Site boundary in Figure 1), of which approximately 62ha would be disturbed throughout the life of the Quarry.

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.

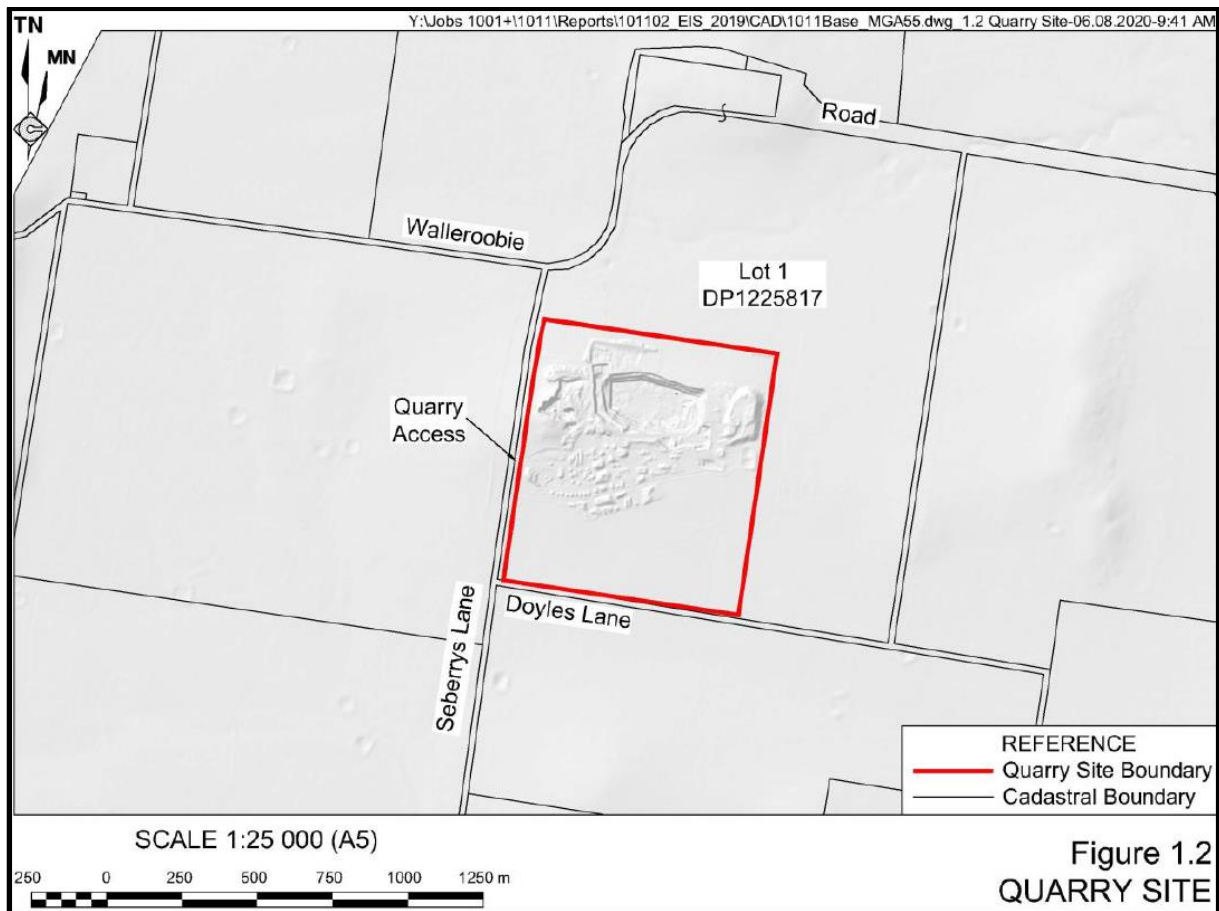


Figure 1: Base Plan of Quarry Site

Figure 2 below identifies the existing site layout of Walleroobie Quarry which incorporates an extraction area, processing and stockpiling area, processing fines stockpile, ancillary components area, historical extraction area (currently used as the operation's principal source of non-potable water), historical overburden stockpile, northern bund, red clay extraction area, internal roads and erosion and sediment control infrastructure.

The following activities are currently undertaken within the Quarry Site:

- Vegetation clearing and soil stockpiling (intermittently).
- Removal and storage of overburden within the northern bund and interim overburden stockpile.
- Drilling and blasting to fragment the raw materials.
- Loading and hauling of fragmented materials to the processing plant.
- Processing of fragmented materials to manufacture a range of aggregates, rail ballast, rock spall and specified and unspecified road base.
- Stockpiling of products within the processing and stockpiling area.
- Stockpiling of processing fines in the processing fines stockpile.
- Pre-coating of a small percentage of products prior to despatch.
- Extraction of minor quantities of red clay from the red clay extraction area for incorporation in road base products.
- Loading and transportation of products to end points of use.

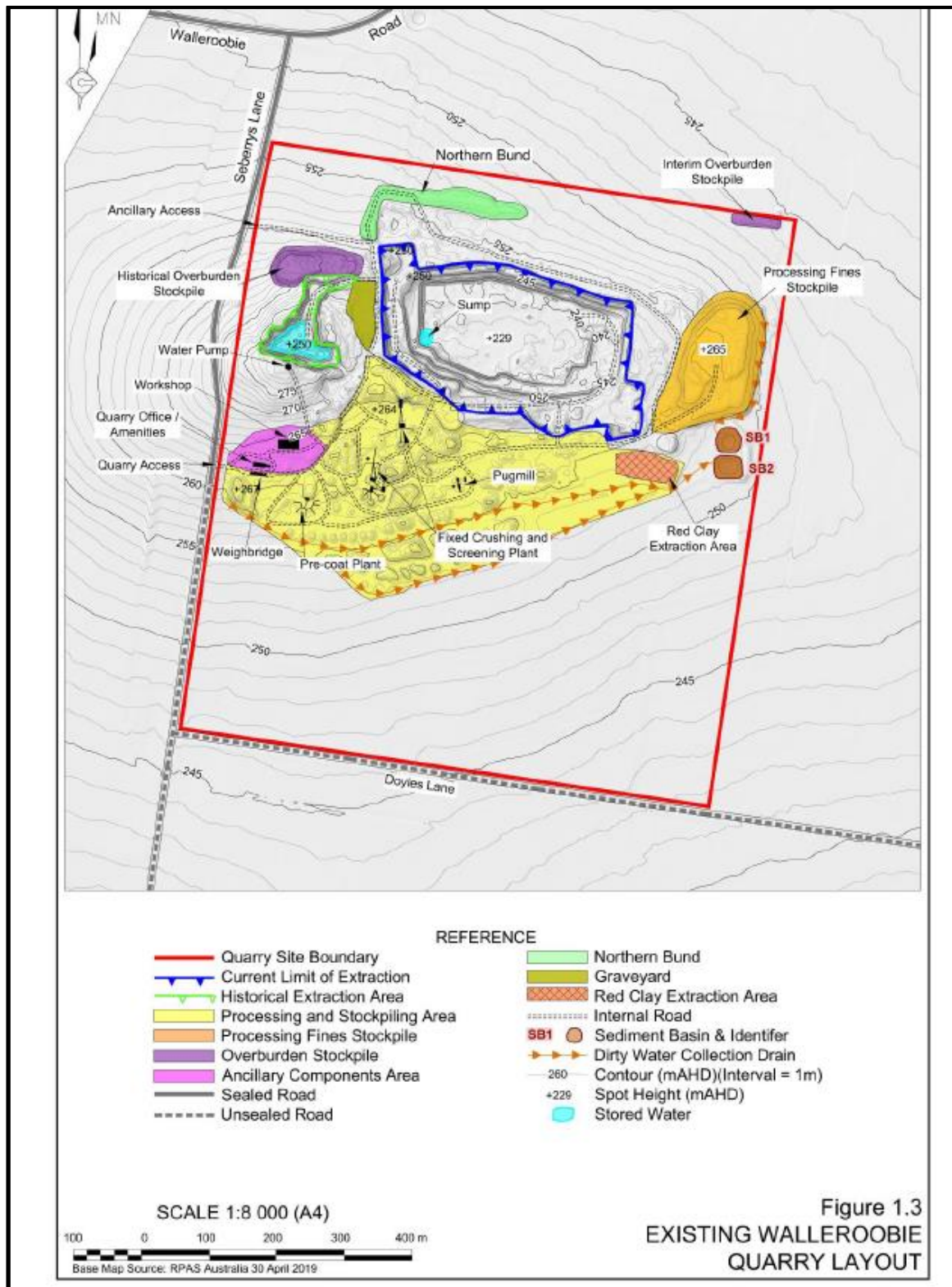


Figure 2: Existing Quarry Layout



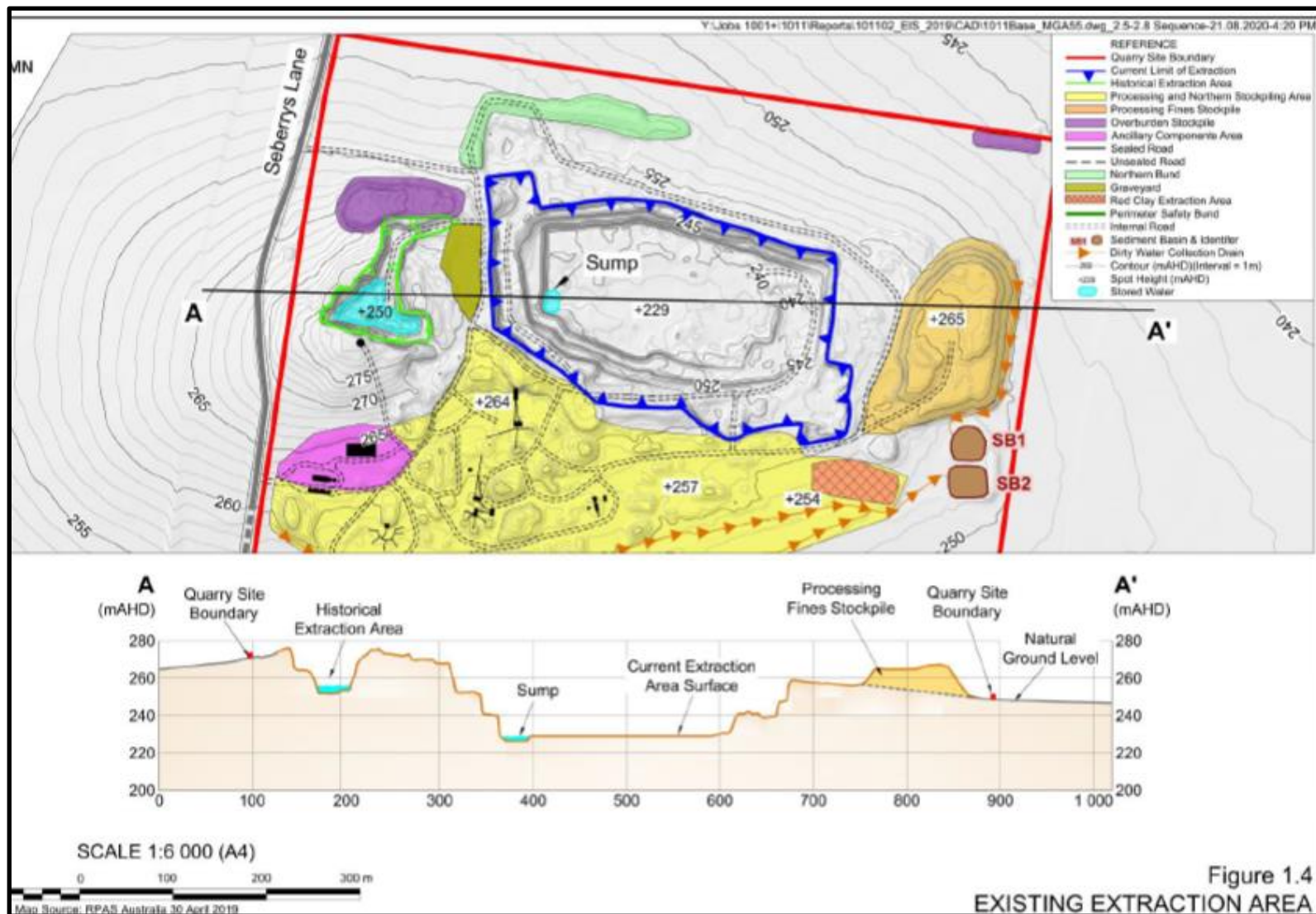


Figure 3: Existing Extraction Area



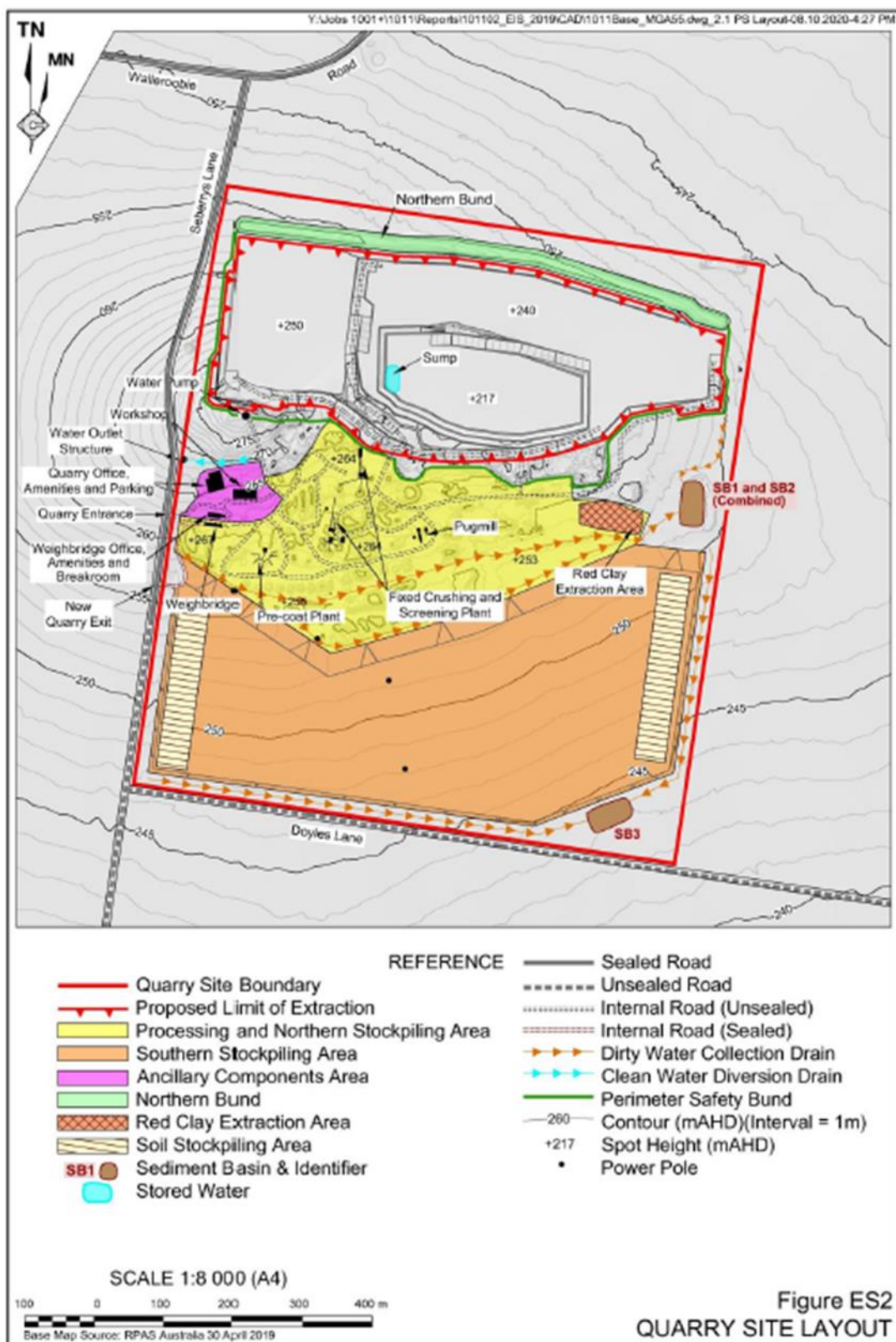


Figure 4: Proposed Quarry Site Layout

## 2.0 PROPOSED PROJECT

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, and an increase to the extraction rate from 120000tpa to 300 000tpa.
- Extraction of up to 4.8 million tonnes of resource over the life of the proposed development.
- Ongoing operations for a period of 25 years from the commencement of operations under the new development consent.
- 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, and upgrades to 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).
- Construction of a southern stockpiling pad (if required and which would be located to the south of the processing and northern stockpiling area – only to be used as a surge stockpiling area if required – refer to figure 4).
- Extension of the Northern Bund.
- Construction of a 160m of sealed road between the weighbridge and the new Quarry exit, to be used by all vehicles leaving the Quarry Site.
- Ongoing employment of local personnel.
- 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 Local Government Area (LGA) and the broader Riverina Region.

The application proposes the following days and hours of operation:

Proposed Hours of Operation				
Activity	Monday to Friday		Saturdays	
	Core	Contingency <sup>1</sup>	Core	Contingency <sup>1</sup>
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.				

As noted above, the quarry currently operates under two development consents, DA1/92 and DA21/95, and is seeking a new development consent for the continued operation and extension of the quarry. Once the new consent has commenced, the existing development consents under which

the quarry operates will be surrendered in accordance with the EP&A Regulation and the consent (refer to proposed condition 3 in Schedule B).

In relation to the phasing in of new operations, the project requires a number of road upgrades, including the construction of a new quarry exit on Seberrys lane and upgrades to Seberrys Lane. These upgrades will need to be in place prior to commencement of operations (e.g. increased extraction rate) under the new consent. A deferred commencement condition has been included in the draft conditions to address this.

The need for products produced from the rhyolite and dacite extracted from Walleroobie Quarry has been demonstrated through the sale of products since operations commenced in 1960. Under the Proposal, the Quarry would continue to provide a range of Quarry products for use in the Coolamon (LGA) and the broader Riverina Region. In addition, the fine material that is considered a by-product would be suitable for blending with other material to produce a range of road pavement products or for use as a fill material.

The following figures identify the proposed progression of the development/quarry operations, including cross sections through the proposed four (4) stages:

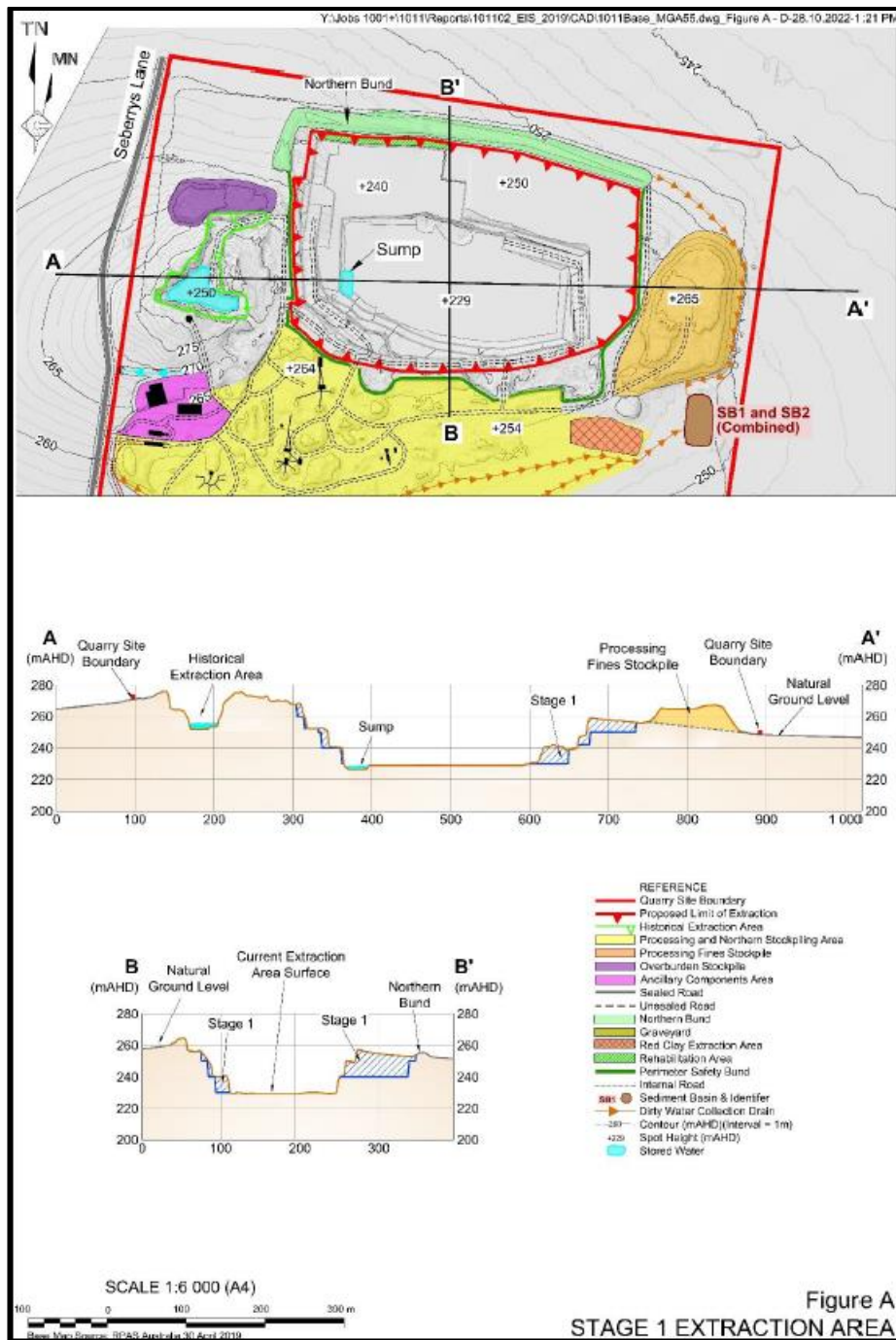


Figure 5: Stage 1 Extraction Area

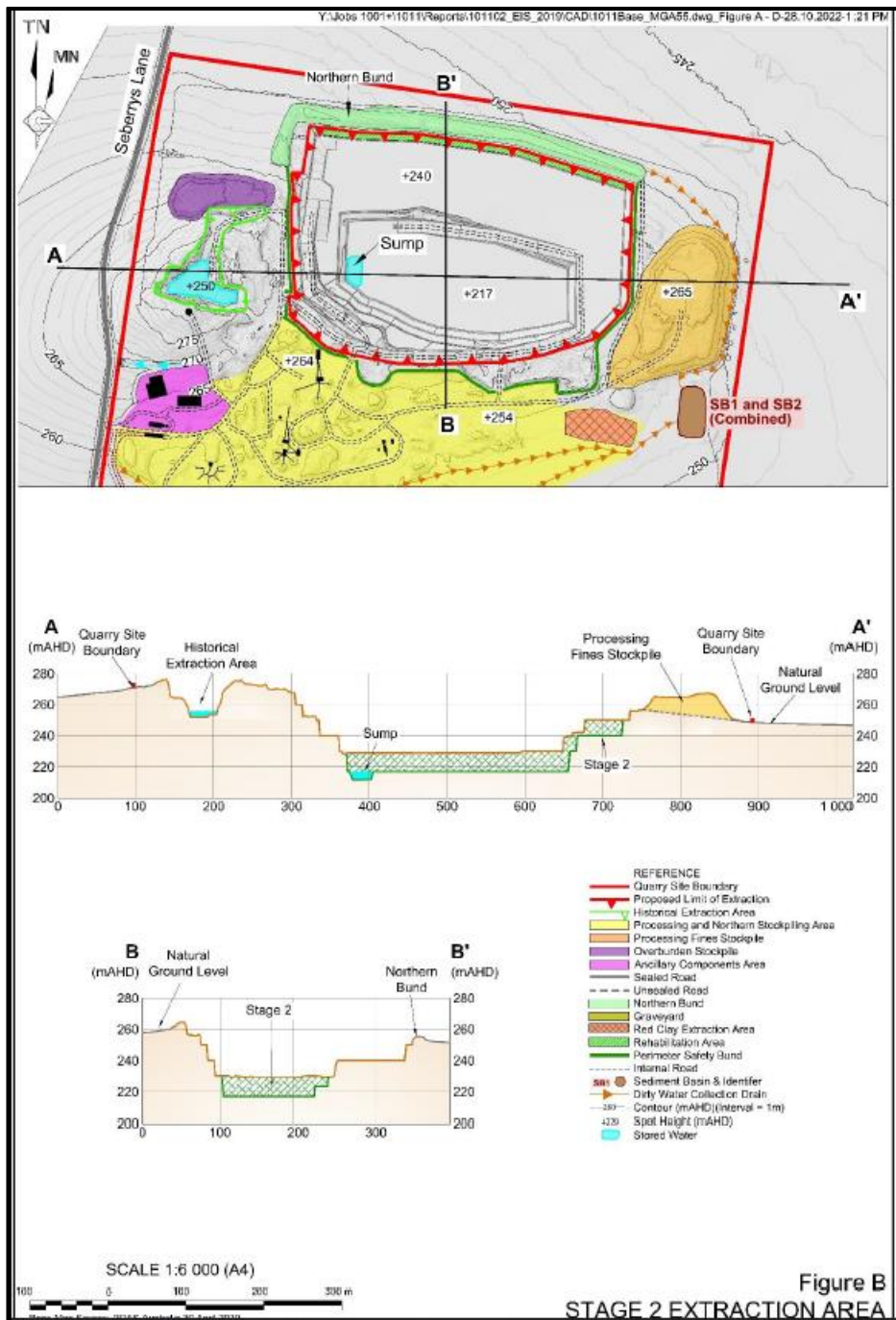


Figure 6: Stage 2 Extraction Area



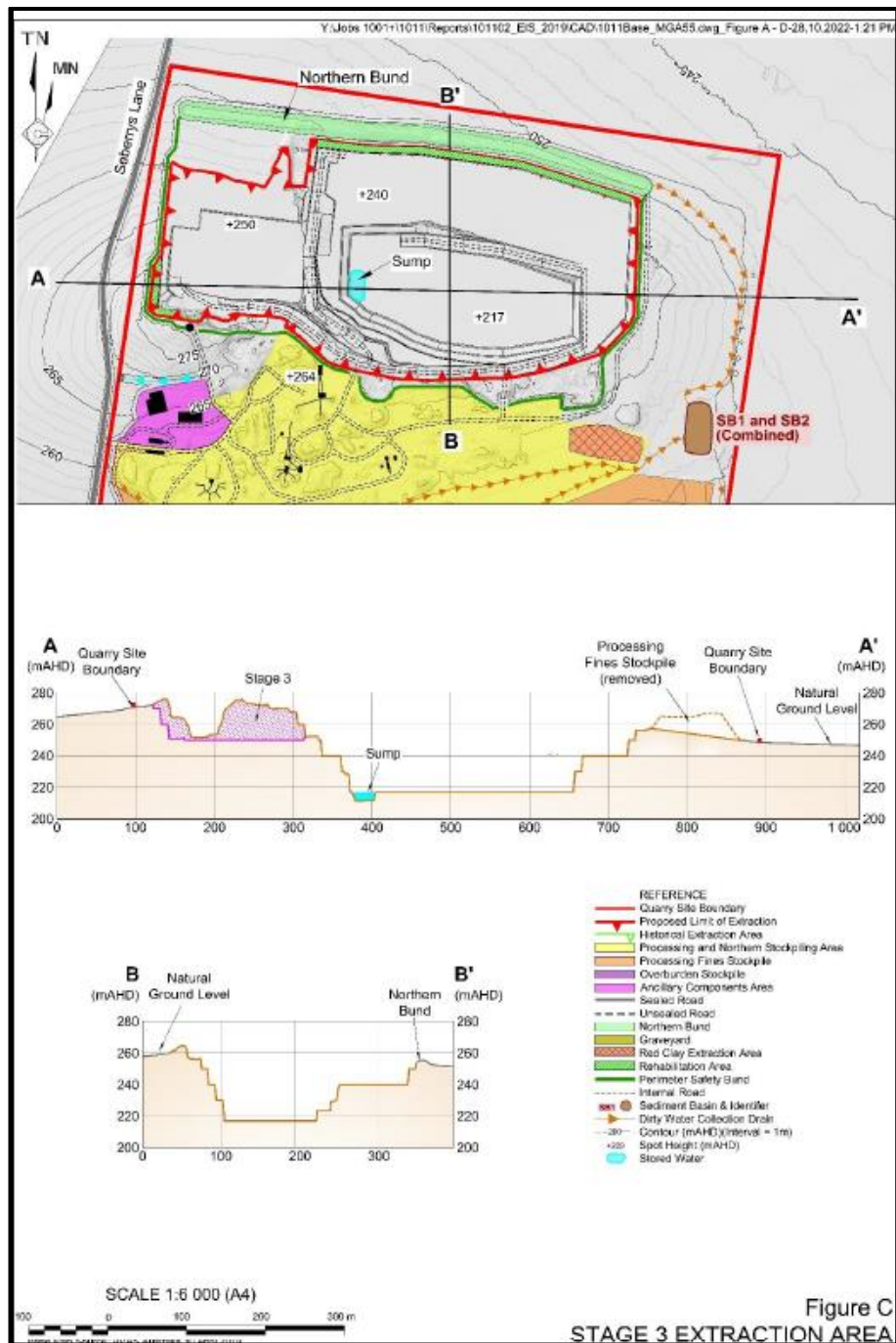


Figure 7: Stage 3 Extraction Area



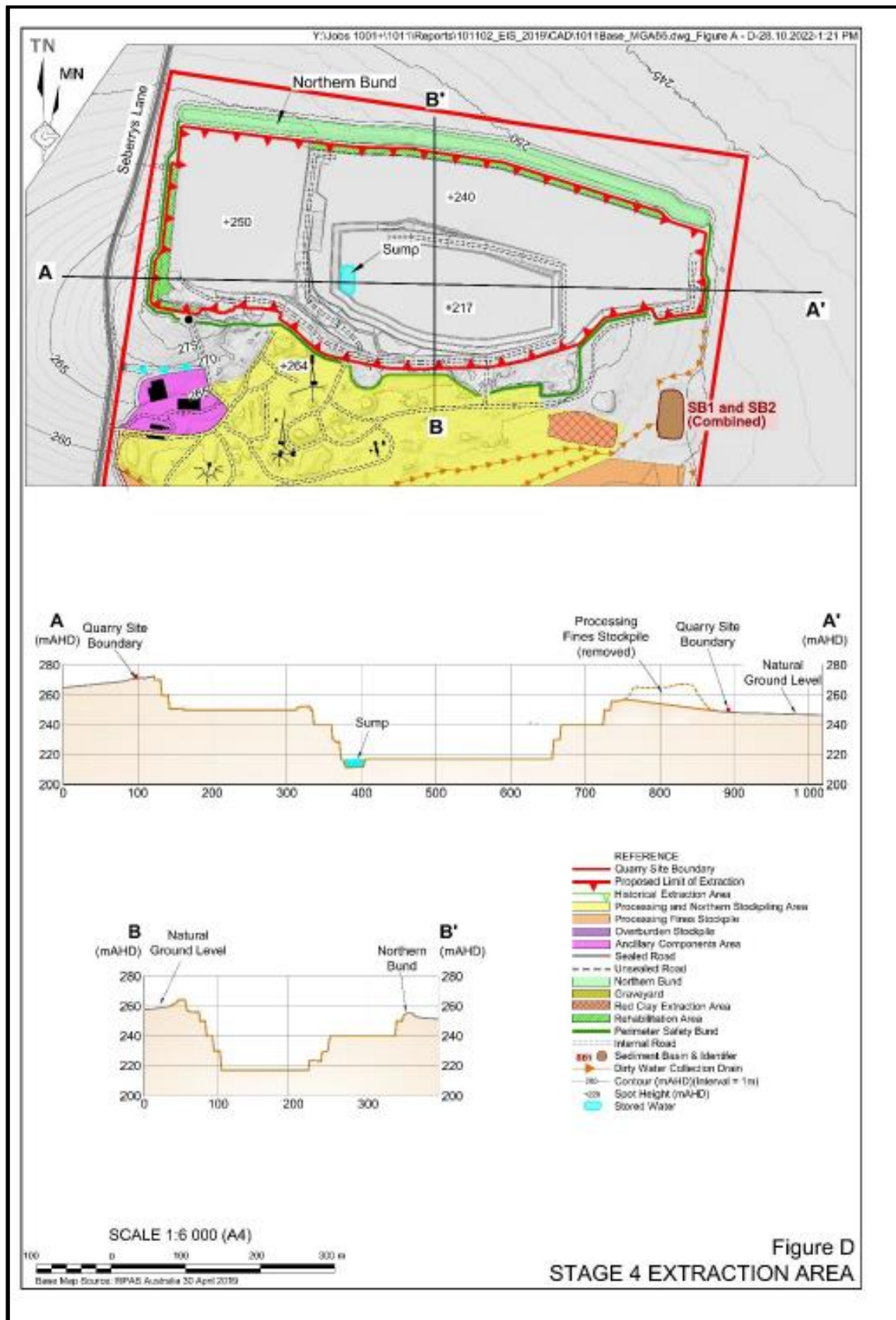


Figure 8: Stage 4 Extraction Area

The applicant conservatively estimates approximately 4.8 million tonnes of material could be recovered from within the proposed extraction area based on the inferred extent of the geological deposit and the known uniformity of the deposit within the existing extraction area. Table 1, below, presents a summary of the indicative material volumes for each stage of the Quarry development and the indicative staging of extraction.

<b>Table A</b> <b>Indicative Staged Extraction Material Volumes</b>			
	<b>Volume (m<sup>3</sup>)</b>	<b>Density (t/m<sup>3</sup>)</b>	<b>Quantity (t)</b>
Stage 1	530,000	2.6	1,350,000
Stage 2	615,000	2.6	1,600,000
Stage 3	365,000	2.6	950,000
Stage 4	350,000	2.6	900,000
<b>Total</b>	<b>1,860,000</b>	<b>-</b>	<b>4,800,000</b>
Source: Adapted after RPM Global Pty Ltd			

**Table 1: Indicative Staged Extraction Volumes**

## 3.0 STATUTORY CONTEXT

A range of legislation and planning instruments apply to the Proposal. These pieces of legislation and statutory instruments have been reviewed in the EIS, to identify which environmental aspects require consideration in the EIS. Council has assessed the application, along with relevant agencies against all required and applicable planning legislation.

### 3.1 MANDATORY MATTERS FOR CONSIDERATION

Council has undertaken a detailed assessment of the proposed development, taking into consideration each of the relevant matters listed in Section 4.15 of the EP&A Act, including:

- a) The provisions of:
  - i. Any environmental planning instrument (see sections 3.3 and 3.4)
  - ii. Any proposed instrument that has been the subject of public consultation under this Act (not applicable)
  - iii. Any development control plan (see section 3.4)
  - iv. Any planning agreement (not applicable)
  - v. The regulations (see section 3.3)
- b) The likely impacts of the development (see sections 5 and 6)

- c) The suitability of the site (see section 6)
- d) Any submissions made in accordance with the EP&A Act or regulations (see section 4.1)
- e) The public interest (see section 7).

## 3.2 COMMONWEALTH LEGISLATION

### **Environment Protection and Biodiversity Conservation Act 1999**

Under the EPBC Act, if a project has the potential to have a significant impact on a matter of national environmental significance, it is required to be referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) for assessment as to whether it represents a 'controlled action' and therefore requires approval from the Minister for the Environment.

The ecological assessment undertaken by OzArk Environment and Heritage (OzArk) (2021a) has concluded that significant impacts to MNES would not occur and referral of the Proposal to the DCCEEW was not required. An assessment of potential biodiversity impacts is presented by the applicant in Section 5.5 of the EIS and in OzArk (2021a) which is included as **Appendix 7 in the EIS**.

Council is satisfied that these impacts have been considered and can be satisfactorily addressed. Council has included conditions of consent that will ensure that the development operates in accordance with the provisions of this Act.

## 3.3 NSW LEGISLATION

The key NSW legislation relating to the approvals and licences required for the Proposal are identified and discussed as follows:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)

Extractive industry is permitted with consent on land zoned RU1 – Primary Production under the Coolamon Local Environmental Plan 2011. Development consent for the Proposal is being sought in accordance with Part 4, Division 4.3 of the EP&A Act and will need to be evaluated in accordance with Section 4.15 of the EP&A Act.

As an extractive industry with an annual production rate greater than 30 000m<sup>3</sup> per annum, the Proposal is classified as “designated development” under Schedule 3, Section 26 of the Environmental Planning and Assessment Regulation 2021. It is noted that the Proposal would also classify as designated development due to the proposed area of disturbance which exceeds the nominated 2ha threshold for land disturbance. As designated development for the purpose of an extractive industry, the application is also classified as Regionally Significant Development under Part 2.4 and Schedule 6, Section 7(1)(a) of the State Environmental Planning Policy (Planning Systems)

2021 and the consent authority for the application will be the Southern Regional Planning Panel in accordance with Section 4.5(b) of the EP&A Act.

The Proposal is also classified as 'integrated development' in accordance with Division 4.8 of the EP&A Act as a variation to Environment Protection Licence (EPL) 4132 would be required in addition to development consent. Therefore, the application was referred to the Environment Protection Authority (EPA), and in accordance with Section 4.47 (3) of the EP&A Act and Council has obtained general terms of approval from the EPA included in the draft conditions.

- *Protection of the Environment Operations Act 1997 (POEO Act)*

The POEO Act provides the legislative and administrative framework to protect, restore and enhance the quality of the environment in NSW by reducing risks to human health and the preventing the degradation of the environment from development and other relevant activities. The most significant element of the legislation with regard to the Proposal is the requirement for a variation to EPL 4132. As extractive industry, the existing operation is classified as a 'Scheduled Activity' under Schedule 1(19) of the POEO Act and is therefore required to operate in accordance with EPL 4132. A variation would be required to increase the scale of the Scheduled activity to reflect the proposed maximum extraction rate of 300 000tpa.

Council referred the development application to the EPA and has received general terms of approval.

- *Water Management Act 2000 (WM Act)*

The WM Act provides clear arrangements for controlling land-based activities that affect the quality and quantity of the State's water resources. It provides for four types of approval, namely:

- water use approval (Section 89) – which authorises the use of water at a specified location for a particular purpose, for up to 10 years;
- water management work approval (Section 90) – which authorises the construction and use of specified water supply, drainage and flood works;
- controlled activity approval (Section 91(2)) – which authorises works carried out within 40m of waterfront land; and
- aquifer interference activity approval (Section 91(3)) – which authorises interference of an aquifer.

The ongoing operation of the Quarry would not require any of the above approvals.

- *Roads Act 1993 (Roads Act)*

A permit under Section 138 of the Roads Act would be required to undertake the proposed upgrades to Seberrys Lane and for the construction of the new Quarry exit. Coolamon Shire Council would be the issuing authority for the required permit as Seberrys Lane is not a classified road.

- *Biodiversity Conservation Act 2016 (BC Act)*

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Council notes that the applicant has considered opportunities to minimise impacts to native vegetation for the Proposal. Residual impacts to biodiversity would include removal of approximately 8.7ha of native vegetation. This impact triggers the Biodiversity Offset Scheme and therefore the residual impacts have been assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) prepared by OzArk (2021a). Residual impacts to biodiversity values would be offset in accordance with the BC Act.

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 credits 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 the removal of any native vegetation approved under the consent that demonstrates that one of the following has occurred, that:

1. Biodiversity Stewardship Site is established to offset all required credits identified under the BDAR and associated documentation;
2. The required credits have been purchased on the open market;
3. Payment has been made into the Biodiversity Conservation Fund; and or
4. A combination of items 1, 2 and/or 3 above has occurred.

### 3.4 STATE ENVIRONMENTAL PLANNING POLICIES

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 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.

Schedule 6 provides under section 7 'Particular designated development' that:

- (1) *Development for the purposes of—*  
(a) *extractive industry facilities that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26.*

As previously identified, as an extractive industry with an annual production rate greater than 30000m<sup>3</sup> per annum, the Proposal is classified as "designated development" under Section 26, Schedule 3 of the Environmental Planning and Assessment Regulation 2021. It is noted that the Proposal would also classify as designated development due to the proposed area of disturbance which exceeds the nominated 2ha threshold for land disturbance.

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

The site is an existing and approved extractive industry and Council considers the development proposal for the continued operation and expansion to be suitable and appropriate. Surrounding land uses are agricultural in nature and the application has demonstrated via the EIS and supplementary studies that any impacts can be satisfactorily ameliorated in combination with conditions of development consent.

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

The development is an existing extractive industry and the proposed development for enlargement is considered compatible.



### *Section 2.20 - Natural resource management and environmental management*

Council considers that there will be no impacts on water resources, including surface and groundwater resources, and that any impacts on threatened species and biodiversity, have been avoided, or minimised to the greatest extent practicable and residual impacts will be offset through the biodiversity offset scheme. The application has demonstrated via the EIS and supplementary studies that any impacts can be satisfactorily ameliorated in combination with conditions of development consent

### *Section 2.21 - Resource recovery*

Council considers that the application has demonstrated that it will be undertaken via methods that optimise the efficiency of recovery of extractive materials to minimise the creation of waste in association with the extraction.

### *Section 2.22 – Transport*

The application was referred to Transport for NSW who raised no objection to the proposal – see comments elsewhere within this report. Council has considered the provisions of this clause and is satisfied that the development adequately addresses transport matters and will be effectively serviced.

### *Section 2.23 - Rehabilitation*

Council has considered the provisions of this clause and in accordance with the provisions of the clause has imposed conditions that:

- require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, and
- require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.

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

## **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.

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.

Council considers that the application has satisfactorily addressed the requirements of Chapter 3 of the SEPP.

#### *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.

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.

Council has reviewed the EPA's Contaminated Land Records which did not identify any contaminated land either within or immediately surrounding the Quarry Site.

Council is satisfied that 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.

Council's assessment has concluded that the development is considered to not be inconsistent with the objectives and relevant provisions of the Primary Production SEPP.

### 3.5 LOCAL PLANNING PROVISIONS

#### ***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.*

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.

#### ***The Coolamon Development Control Plan***

The Coolamon Development Control Plan (DCP) applies to all land to which the Coolamon LEP applies and provides development controls for specific types of development. There are no specific controls in the Coolamon DCP relating to development for extractive industry.

#### ***Notification Requirements***

Chapter 14.3 of the DCP identifies that notification of developments is required for developments that are likely to have a significant adverse impact on an adjoining or nearby parcel of land or

building. Council is responsible for providing written notification to relevant parties if the requirement for notification is triggered.

This is discussed elsewhere within this report.

#### *Rural Zone Planning Considerations*

Chapter 18.2 of the Coolamon DCP requires that development proposals within rural zones consider a range of matters. The development complies with these matters.

## 4. CONSULTATION

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 as follows:

- *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.

## 4.1 SUBMISSIONS AND RESPONSES

Council received six (6) Agency submissions and two (2) Public submissions. A detailed submissions and response table can be viewed in Appendix A of this report

Submitter	Submission	Applicant Response	Council Response
<b>Agency Submissions</b>			
TfNSW	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.	The applicant noted the response.	<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"> <li>• Access</li> <li>• Impact on Road Network</li> <li>• Safety and efficiency of road network.</li> </ul>
NSW DPI	<p>NSW DPI raised matters relating to:</p> <ul style="list-style-type: none"> <li>• Land use conflict</li> <li>• Weed Management</li> <li>• TSRs</li> </ul>	The applicant noted the response and advised that these matters had been addressed in the EIS.	<p>It is considered that the applicant has identified potential land use conflicts 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>Council considers that there will be no impact on Travelling Stock Routes and Weeds will be proactively managed.</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.	N/A	Noted. GTAs included in consent.
NSW Rural Fire Service	The RFS provided a submission and proposed conditions.	The applicant does not agree with need to install a rainwater tank for firefighting purposes.	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	A condition to supply (or continue to supply) annual production data to MEG should be included as a condition of consent.	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 a number of conditions of Consent for Aboriginal cultural heritage.	Applicant agrees.	The recommended conditions have been included in the consent.
<b>Public Submissions</b>			
Mark and Renee Doyle And Patricia Doyle	<p>The submissions have been grouped into the following themes:</p> <ul style="list-style-type: none"> <li>• <b>Air Quality</b></li> <li>• <b>EPA or an extractive licence with DPIE</b></li> <li>• <b>Rehabilitation</b></li> <li>• <b>Traffic</b></li> </ul>	The applicant provided responses to the matters raised in the submission.	Council is satisfied that after the assessment of this application that the matters have been generally addressed within the application or can be addressed via conditions of development consent.



## 5. ASSESSMENT

In assessing the merits of the project, Council has considered:

- R.W Corkerys Environmental Impact Statement and additional information as provided to Council and uploaded to the NSW Planning Portal
- Submissions from the Public and Agencies and the applicants Responses to Submissions
- The objects of the EP&A Act, including the object to encourage Ecologically Sustainable Development
- Relevant Environmental Planning Instruments
- Relevant guidelines and policies; and
- Relevant statutory requirements of the EP& A Act and Regulation.

Council agrees with the Secretary's Environmental Assessment Requirements that the key issues for detailed assessment in this report are traffic, noise and vibration, biodiversity, heritage, hazards and waste, air quality and visual amenity, the public interest and .

The following sub-sections of this report assess the key issues in detail and align with the key issues identified in the **Secretary's Environmental Assessment Requirements (SEARS)**. Section 7 of this report shows an assessment of all other relevant issues for the project.

### 5.1 Key Issues

#### 5.1.1 Traffic

The development will undoubtedly increase traffic to the site via the surrounding road network.

The development will utilise the following roads:

- Seberrys Lane
- Wallerobie Road
- Ardlethan Road
- Methul Road
- Maxwells Lane
- Mary-Gilmore Way
- Burley Griffin Way

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).

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.

- 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.

There is ample car parking areas available on site.

Council is satisfied that the measures identified by the applicant and the proposed conditions of development consent will adequately manage traffic related project impacts. It should be noted that Council requires for traffic safety and road efficiency reasons that the upgrade of Seberry's Lane is completed prior to the operation of the new development consent and for an EMP to be developed and submitted to Council for approval and implemented prior to operation of the new consent.

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. A draft VPA has been compiled and advertised.

#### 5.1.2 Noise and Vibration

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.

12 privately-owned residences are located within distances of 0.6km to 3.3km of the development Site.

Noise and vibration will occur as a result of the development via:

- Operation of plant and machinery
- Extraction activities
- Blasting activities
- Transportation activities

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.

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.

Airblast overpressure and vibration levels are also predicted to meet the criteria at all assessed receivers for blasts up to 110kg MIC.

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.

To ensure future compliance with the relevant EPA and DECCW policies, the NIA recommends that:

- 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 management and product despatch. Maintenance activities would be undertaken 24/7 when required.

Council is satisfied that the development has adequately considered the acoustic impacts and proposes satisfactory amelioration measures. Conditions of consent have been included on the approval to ensure that the noise levels do not exceed allowable levels and that blasting is restricted to 12 blasts per year.

### 5.1.3 Biodiversity

The development proposes / will require the removal of up to approximately 8.7ha of native vegetation which is not listed under the NSW BC Act or EPBC Act, and 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**

<b>Plant Community Type</b>	<b>Condition</b>	<b>Area Disturbed (ha)</b>	<b>Credits Required</b>
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
<b>Total</b>		<b>8.70</b>	<b>116</b>

Source: OzArk (2021a) – Modified after Figure 7-1

**Table 2.7**  
**Species Credits Required for Biodiversity Offset**

<b>Species</b>	<b>Credits Required</b>
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
<b>Total</b>	<b>536</b>

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 the removal of any native vegetation approved under the consent that demonstrates that one of the following has occurred, that:

1. Biodiversity Stewardship Site is established to offset all required credits identified under the BDAR and associated documentation;
2. The required credits have been purchased on the open market;
3. Payment has been made into the Biodiversity Conservation Fund; and or
4. A combination of items 1, 2 and/or 3 above has occurred.

Council and the NSW Biodiversity, Conservation and Science Division are satisfied that biodiversity impacts have been satisfactorily addressed and has applied conditions of consent for the future management of biodiversity outcomes on the site.

#### 5.1.4 Heritage

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.

Council is satisfied that heritage impacts associated with the proposal have been adequately addressed. A condition of development consent will be placed on any consent to capture these recommendations.

#### 5.1.5 Hazards and Waste

The SEARs for the Proposal required the EIS to include an assessment of potential hazards, including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks, and the transport, storage, handling and use of any hazardous or dangerous goods.

##### *Bush Fire Hazards*

The Quarry Site is not located within a designated bush fire prone area which in turn means an assessment of bush fire risk is not required under Section 4.14 of the EP&A Act 1979.

Notwithstanding the above, it is recognised that some areas of the Quarry Site will remain vegetated and, therefore, it may be possible for bush fire to spread both within the Quarry Site and adjacent to the Quarry Site if management measures are not adopted to mitigate this hazard.

The application was referred to the NSW Rural Fire Service who have requested the imposition of conditions on the consent – this has been undertaken.

Council is satisfied that Bushfire hazards have been considered satisfactorily and that measures are in place to address

##### *Handling Storage and Disposal of Hydrocarbons*

Specific hazard-related impacts that may result as a consequence of the Proposal relate primarily to the handling, storage and disposal of hydrocarbons. In order to minimise the potential for hydrocarbon contamination, the following controls and safeguards would be implemented.

Hydrocarbons and hazardous materials would only be purchased from licensed suppliers for the transport of dangerous goods in accordance with *Dangerous Goods (Road and Rail Transport) Act 2008 No 95*.

Diesel would be stored in a bunded above-ground tank in accordance with *AS 1940 – 2017 The Storage and Handling of Flammable and Combustible Liquids*, or an updated or replacement standard.

Hydrocarbon waste would be removed from site and disposed of by a licenced waste contractor at a licenced waste facility.

Hydrocarbon spill kits would be appropriately located within the workshop and administration office to ensure spill response and clean up can be carried out immediately following the detection of any spills.

In the event of a hydrocarbon leak or spill, the Applicant would implement the following spill management procedure.



Spills or leaks of other pollutants would be handled in accordance with the relevant Safety Data Sheet.

Council considers that with the proposed hydrocarbon management practices and the controls and safeguards, potential hazards as a result of hydrocarbon and hazardous materials to be used on the Quarry Site would be minimised.

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.

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 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.

The applicant proposes to continue to manage non-production wastes as follows.

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.

Waste management is considered to have been satisfactorily addressed for the purpose of the development proposal.

#### 5.1.6 Rehabilitation

As nominated in Section 5.4.2 of the Rehabilitation Management Plan (November 2022), progressive rehabilitation activities would be limited to terminal benches within the extraction area as all other areas would continue to be utilised throughout the life of the Proposal.

<p align="center"><b>Table 1</b> <b>Indicative Staged Rehabilitation Areas</b></p>					
<b>Domain</b>	<b>Cumulative Rehabilitation Area (ha)</b>				
	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Stage 4</b>	<b>Closure</b>
Domain 1 – Extraction Area	0.1	0.3	0.4	0.6	14.1
Domain 2 – Operational Disturbance Area	-	-	-	-	20.1
Domain 3 – Southern Stockpiling Area	-	-	-	-	24.3
<b>Total</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>	<b>0.6</b>	<b>58.5</b>
Source: Rockwoods Pty Ltd					

Council appreciates that progressive rehabilitation beyond these areas is not feasible nor practicable for the following reasons.

- *Resource Sterilisation*

The current Proposal targets the Walleroobie Volcanics (a series of felsic volcanics) which would be extracted from within an area of 17ha to a maximum depth of 217m AHD. Geological mapping (available on MinView1) identifies that the Walleroobie Volcanics outcrops only sporadically within the region with most areas of outcrop covered by extensive vegetation. Within the Quarry Site, the targeted material is highly suited to produce both specified and unspecified aggregates and native vegetation is limited. As such, the current Quarry site is considered a valuable current and future source of aggregates for the Riverina Region.

The Walleroobie Volcanics is understood to extend both laterally to the south and vertically below the floor of the proposed extraction area. As such, it is considered inappropriate to rehabilitate areas within the southern part of the extraction area or the floor of the extraction area until towards the end of the Project life. It is noted that while this resource will not be targeted as part of this application, it may be targeted for extraction as part of a future Modification or Development Application. Any rehabilitation would effectively sterilise this resource.

It is noted that this approach is consistent with the requirement nominated by the Division of Resources and Geoscience in the SEARs correspondence dated 2 July 2019. This correspondence states that:

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

- *Dirty Water Management*

The extraction area would effectively act as a dirty water catchment and sump throughout the life of the Project. The extraction area has been designed to be internally draining with runoff during periods of heavy rain to flow to the Quarry Sump which would be progressively enlarged throughout the life of the Quarry, as required. Any rehabilitation of the floor of the extraction area prior to the end of the Project life would be impractical to maintain due to the large volumes of sediment-laden runoff which would ultimately report to the Quarry Sump or infiltrate towards the regional groundwater table below the extraction floor.

- *Operational Constraints*

The floor of the extraction area would continue to be used for operational purposes through the life of the Proposal (e.g. temporary stockpiling of fragmented material, loading and haulage of fragmented material). Limiting operations within a high-traffic area to provide for rehabilitation activities would not be feasible nor viable.

It is anticipated that the Southern Stockpiling Area pad would be progressively developed as required during Stage 3.

The footprint of the pad would be minimised to match operational requirements. It is anticipated that progressive development of the pad would be Project-driven with any area of expansion driven by supply and demand (e.g. a surge stockpiling area to stockpile materials required to supply a major infrastructure project). Council understands that it is not possible to accurately reflect any staging for the construction of the pad as the area required would be dependent on demand. However, it is reasonable to assume that areas closest to the processing plant would be constructed first to reduce haulage distances.

A sediment basin would be constructed within the southeastern corner of the area of disturbance to allow for the construction of the pad. Dirty water drains would be progressively developed to convey sediment-laden runoff from within the disturbance area to this sediment basin.

It is estimated that between approximately 0.2m and 0.3m of topsoil would be removed from within the footprint of the Southern Stockpiling Area. The topsoil recovered would be either transferred directly to the western batter of the Southern Stockpiling Area pad prior to seeding or stockpiled in a designated soil stockpiling area.

It is anticipated that the Southern Stockpiling Area would be used for stockpiling Quarry products and soil removed during any progressive development of the pad.

As nominated in Section 2.4.11 of the EIS, no stockpiling activities would be undertaken within 10m of the power lines.

Notwithstanding the above, it is considered unlikely that the full extent of the Southern Stockpiling Area would be required. Current market forecasts indicate that the existing Processing and Northern Stockpiling Area would continue to provide sufficient area within which to stockpile Quarry products. It is noted that the Processing and Northern Stockpiling Area is fenced and, as such, it is considered appropriate that any areas within the proposed footprint of the Southern Stockpiling Area would continue to be managed for agriculture (i.e. cereal cropping, grazing) until such time as any progressive development of the pad is deemed operationally necessary.

A rehabilitation bond has been provided for as contained within the draft voluntary planning agreement, providing for a rehabilitation contribution to be paid by the Developer annually, amounting to 5% of the Estimated Rehabilitation Costs each year (a total sum of \$1,235,848.00).

Council is satisfied that biodiversity impacts can be sustainably managed and that the site can be satisfactorily rehabilitated.

### 5.1.7 Air Quality

An Air Quality Impact Assessment (AQIA) for the Proposal was undertaken by Northstar Air Quality Pty Ltd (Northstar), appendix 5 in the EIS.

Sources of air emissions include:

- 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.

Emission types include:

- 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)

The applicant has proposed to implement management and mitigation practices that limit the generation of emissions from the development:

- Fabric filters on drill rigs
- Application of water on unsealed haulage routes (internal)  $< 2 \text{ L}\cdot\text{m}^{-2}\cdot\text{hr}^{-1}$
- Reduction in vehicle speeds below  $40 \text{ km}\cdot\text{hr}^{-1}$  (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

Council is satisfied that 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/conditions of consent. Council notes that the emissions at sensitive receptors are predicted to be within the relevant EPA air quality criteria.

### 5.1.8 Visual Amenity

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.

The Quarry Site is located on a topographic high and is surrounded by low-lying land which is largely cleared. Infrastructure in the form of power lines and local roads are features of the local visual setting.

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.

It appears that there is limited to non-existent visual impacts from the site from surrounding privately-owned residences.

The applicant proposes the following mitigation measures to address / reduce visual and streetscape amenity impacts from existing and proposed development:

- '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 Doyles 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'.

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 Doyles land, Seberrys Lane and Wallerobie Road. This landscaping plan will be required to be submitted for approval prior to operations commencing under the new consent and be implemented within 12 months from the date any consent is issued.

#### 5.1.9 Water

The SEARs required the EIS to include an assessment of the potential impacts of the Proposal on water.

The following subsections provide an assessment of potential impacts to water resources as a result of the Proposal and describe the management and mitigation measures that would be implemented by the Applicant.

##### **Groundwater:**

No groundwater has been intersected during previous extraction and drilling activities with drilling completed to a depth of approximately 27m beneath the floor of the existing extraction area i.e. to a minimum elevation of approximately 202m AHD. It is noted that the proposed extraction area would extend to a minimum elevation of approximately 217m AHD.

The closest registered bore is located approximately 6km to the southwest of the Quarry Site.

Due to the absence of groundwater during previous extraction and drilling activities, specific management and mitigation measures in relation to groundwater are not considered to be required for the Proposal. The development is still required to ensure that appropriate management and mitigation measures are implemented in relation to the handling and storage of hydrocarbons to manage the risk of groundwater contamination and would visually monitor for any signs of groundwater inflow during extraction operations in accordance with the measures outlined in Section 5 of the EIS.

##### **Surface Water:**

The Quarry Site is located on a topographic high with a maximum elevation of 280m AHD and is not at risk of flooding.

The proposed water management system for the Quarry has been developed in a manner that enables the:

- efficient recovery and use of natural resources;
- effective management of available storage volumes that prevents uncontrolled discharge to receiving environments; and
- effective water quality management strategies that prevent discharge of sediment-laden water to receiving environments.

Water collected within the historical extraction area is of a volume that meets the maximum harvestable right under the WM Act. It is proposed that runoff collected within the historical extraction area would be used to contribute towards meeting the operation's water demand. No licences or approvals would be required for the Proposal under the WM Act or the Water Act.

## **Catchments and Surface Water Management**

### *Extraction Area – Sediment-laden Runoff*

Rainfall captured within the extraction area would remain in this location, a small proportion of which would ultimately infiltrate towards the regional groundwater table below the extraction floor. The extraction area catchment is expected to reach its maximum extent of 19.8ha at the end of Stage 4 of operations. Runoff during periods of heavy rain would flow to the Quarry Sump which would be progressively enlarged throughout the life of the Quarry, as required.

### *Areas of Operational Disturbance – Sediment-laden Runoff*

The development proposes the construction of two permanent sediment basins would be constructed to collect and manage sediment-laden runoff. The sediment basin storage capacity calculations applied estimates of rainfall and erosion data, the soil hydrologic group and the catchment area to determine the maximum required capacity for each sediment basin within the Quarry Site. The capacities comprise the minimum settlement and storage requirements for a 90th percentile 5-day rainfall event i.e. 25.7mm (the design rainfall event specified in Volume 2E of the Blue Book for standard receiving environments (Landcom, 2004)). Water would discharge from sediment basins via rock-lined spillways. It is noted that the capacity of each sediment basin provides for the maximum area to be disturbed within each catchment throughout the life of the Proposal.

Sediment basins would be maintained such that they would continue to meet capacity requirements. This would involve excavation of sediment when this exceeds the sediment storage zone for each respective sediment basin and stabilisation of drainage and sediment basin walls. Excavated sediment would be stockpiled for incorporation in road pavement products or used in rehabilitation activities.

### *Undisturbed Areas – Clean Runoff*

The development proposes a clean water diversion would be constructed to direct runoff from the undisturbed areas upslope of the Ancillary Components Area, away from disturbed areas.

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.

Council is satisfied that there is sufficient on site storage of water for operational purposes which would be supplemented by bulk water deliveries from Golden Fields County Water County Council in the unlikely event that onsite water was unavailable.

### **5.1.10 Economic and Social Impact in Locality**

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.

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.

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.

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. Further, as described above in sections 5.1.2, 5.1.7 and 5.1.8, no significant noise, air quality or visual amenity impacts are anticipated on any of the nearest residential properties to the Quarry Site.

## 6.0 ASSESSMENT OF OTHER ISSUES

Council is satisfied that other potential impacts of Project would acceptable or could be suitably controlled by the imposition of appropriate conditions of approval. These issues and Councils assessment are set-out in the below.

<b>Section 4.15(1)(b) - likely impacts of that development</b>				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site and development will be satisfactorily serviced by utility infrastructure.
Suitability of the Site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is currently zoned rural and contains an existing quarry, the site is considered suitable for an extension to the Quarry. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under the relevant sections of this report section.

## 7.0 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 EP & A Act (as discussed within this report) it is considered that approval of the application is not inconsistent with the public interest.

The report has identified a number of impacts associated with the expansion of the quarry operations, namely biodiversity, traffic, heritage, water, noise, dust and operational management. The report identifies that with appropriate mitigation measures these issues will be addressed to an acceptable level.

Economically the proposal provides surety in the supply of construction materials to meet the demand of the Riverina Region and provide ongoing competition in gravel supply to ensure continued affordability of construction projects.

It is considered that the benefits economically, along with compliance with mitigation measures will provide a quarry that is considered to be in the public interest.



## 8.0 CONCLUSION

Council has carried out a detailed assessment of the merits of the project, in accordance with the requirements of the EP&A Act. The project would extract and process granite products from a recognised, significant regional resource and on this basis represents an important resource development for the region. Supply of granite products from the project to major employment generating industrial developments, further underpin the significance of the project.

Council has recommended a range of conditions to ensure that these impacts are suitably mitigated, managed and/ or offset. These conditions include requirements for The Proponent to:

- implement measures to minimise air quality, noise, water, traffic and visual impacts;
- implement a biodiversity offset strategy,
- progressively rehabilitate the site;
- pay Council an agreed contribution toward road maintenance;
- monitor and regularly report on environmental performance; and
- commission independent audits of operations, to ensure compliance with approval conditions and to ensure implementation of best-practice environmental management.

## 9.0 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, Walleroobie 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 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 Air Quality Management Plan. 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
    - a Noise Management Plan
    - a Rehabilitation Plan. The rehabilitation plan must:
      - Identify and describe the final landform and use of the site.
      - 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.
    - 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 Doyle's land, Seberry's 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) 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;
- determine the volume of material extracted from the site
  - the areas from which material has been extracted;
  - the volume of extracted material stockpiled on the site;
  - the areas on which material is stockpiled.
- g) 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]*

- h) 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 Walleroobie Quarry and Annexures	R.W Corkery and Co.Pty.Ltd March 2021

<b>New Office and Amenities Building (Drawings No. 20067 -1 to 20067 – 5)</b>	<b>J Stewart, 21.08.2021</b>
<b>Wallerroobie Quarry (DA 2021/44) – Applicants Response to Request for Information</b>	<b>R.W Corkery and Co.Pty.Ltd November 2022</b>
<b>Wallerroobie Quarry (DA 2021/44) - Response to Request for Information and Deferral</b>	<b>R.W Corkery and Co.Pty.Ltd March 2023</b>

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 60 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 2021:

- 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. 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 the Removal of Any Native Vegetation**

5. Prior to the removal of any native vegetation under this consent, unless otherwise agreed by the Secretary of BCD, 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 SAI	Species credits
<b><i>Chalinolobus dwyeri</i> / Large-eared Pied Bat ( Fauna )</b>								
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
							<b>Subtotal</b>	<b>234</b>
<b><i>Lophochroa leadbeateri</i> / Major Mitchell's Cockatoo ( Fauna )</b>								
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
							<b>Subtotal</b>	<b>93</b>
<b><i>Myotis macropus</i> / Southern Myotis ( Fauna )</b>								
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
							<b>Subtotal</b>	<b>93</b>
<b><i>Senecio garlandii</i> / Woolly Ragwort ( Flora )</b>								
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
							<b>Subtotal</b>	<b>116</b>

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.

#### Prior to Works Commencing

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%2020%2021.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_PCA-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 2021, as amended. Section 4.17(11) 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).**

**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.

## **General**

**14. 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.**
- **Base course proof roll. Survey levels and compaction results.**
- **Prior to sealing**
- **Into Maintenance inspection.**

**15. 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.

**16. 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.

#### **17. 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.

#### **18. Use of site**

- a) The carrying out of the respective elements of the development must be in accordance with the locations shown on the approved plans.
- 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.

#### **19. 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.

#### **20. 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 8000L. 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 then 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.

## **21. 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.

**22. 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.

**23. 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.

**24. 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 2021*, as amended, and Section 4.15 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

**25. 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.

**26. 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.

**27. 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.

**28. 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.

**29. 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.

**30. 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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Site Inspection</b>	<b>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.</b>
<b>Footings</b>	<b>When the footings have been excavated and all steel reinforcement has been placed in position.</b>
<b>Slab</b>	<b>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.</b>
<b>Wall frame</b>	<b>When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.</b>
<b>Roof frame</b>	<b>When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.</b>
<b>Wet Area</b>	<b>When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.</b>
<b>Drainage</b>	<b>When the stormwater and roof water drainage system has been completed.</b>
<b>Final</b>	<b>Required prior to occupation of the building.</b>

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.

**31. 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.



**32. 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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Internal Drainage</b>	<b>When all internal drainage work is installed and prior to concealment.</b>
<b>External Drainage</b>	<b>When all external drainage work is installed and prior to concealment.</b>
<b>Stormwater Drainage</b>	<b>When all external stormwater drainage work is installed and prior to concealment.</b>
<b>Plumbing</b>	<b>When all internal Plumbing work is installed and prior to concealment.</b>
<b>Septic System and Disposal Area</b>	<b>When the Septic System is installed and prior to covering and when disposal area/trenches are excavated and prior to covering.</b>
<b>Final</b>	<b>Prior to occupation of the building or structure.</b>

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

### **33. 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.

### **34. 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.

### **35. 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.

- 36. 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.

- 37. 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.

- 38. 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*.

- 39. 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.

- 40. 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.

**41. 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.

**42. 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.

**43. 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.

**44. 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.

**45. 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 <sup>1</sup>	Core	Contingency <sup>1</sup>
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.				

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***

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:
  - Not further harm the object(s),
  - Immediately cease all work at the particular location,
  - Secure the area so as to avoid further harm to the Aboriginal object(s),
  - Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location, and
  - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
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.
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.

### ***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 <sup>1</sup>	Core	Contingency <sup>1</sup>
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.

<b>Report by:</b>    <b>Colby Farmer</b> <b>Executive Manager Planning &amp; Environmental Services</b>  Date: 3 April 2023	<b>Report Approved by:</b>    <b>Tony Donoghue</b> <b>General Manager</b>  Date: 3 April 2023
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## APPENDIX A – DETAILED SUBMISSIONS AND RESPONSE TABLE

Submitter	Submission	Applicant Response	Council Response
<b>Agency Submissions</b>			
TfNSW	<ol style="list-style-type: none"> <li>1. The subject site is located remote from the classified road network;</li> <li>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;</li> <li>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.</li> </ol> <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>	<ol style="list-style-type: none"> <li>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.</li> </ol> <p>TTPP (2021) also 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>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"> <li>• Access</li> <li>• Impact on Road Network</li> <li>• Safety and efficiency of road network.</li> </ul>
NSW DPI	<ol style="list-style-type: none"> <li>1. Potential land use conflicts have not been fully identified and no specific reference has been made about whether a LUCRA has been done. There is limited information provided on any</li> </ol>	<ol style="list-style-type: none"> <li>1. A Land Use Conflict Risk Assessment (LUCRA) is a 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</li> </ol>	<ol style="list-style-type: none"> <li>1. It is considered that the applicant has identified potential land use conflicts within the EIS and that whilst there is no</li> </ol>

	<p>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>(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 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"> <li>• Traffic – Section 5.1</li> <li>• Air Quality – Section 5.2</li> <li>• Noise – Section 5.3</li> <li>• Erosion and Sediment Control – Section 5.4.3</li> <li>• Biodiversity – Section 5.5</li> <li>• Visual Amenity – Section 5.8.</li> </ul> <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>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>
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		<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 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"> <li>• 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).</li> <li>• Ardlethan Road – Walleroobie Road and London Tank TSRs (R1589 and R2350) extend from south of Walleroobie Road to the Newell Highway.</li> <li>• 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.</li> <li>• Burley Griffin Way – Harmons Tank TSR (R28826).</li> </ul> <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</p>	
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		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.	
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	<p>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:</p> <ul style="list-style-type: none"> <li>• 24-hour emergency contact details including alternative telephone contact;</li> <li>• Site infrastructure plan;</li> <li>• Firefighting water supply plan;</li> <li>• Site access and internal road plan;</li> <li>• Construction of asset protection zones and their continued maintenance;</li> <li>• Location of hazards (physical, chemical, and electrical) that will impact on the firefighting operations and procedures to manage identified hazards during the firefighting operation;</li> <li>• Mitigation measures designed to prevent a fire occurring within the site, and prevent a fire</li> </ul>	<p>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).</p> <p>2. All buildings would be located with consideration of the required 10m Asset Protection Zones (APZ).</p> <p>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.</p> <p>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.</p>	Noted. Conditions included in consent.

	<p>escaping the site and developing into a bush/grass fire risk to the surrounding area; and</p> <ul style="list-style-type: none"> <li>• Such additional matters as required by the NSW RFS District Office.</li> </ul> <p>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.</p> <p>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.</p> <p>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.</p>		
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	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.

	<p>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.</p>		
<p>Heritage NSW - Department of Premier and Cabinet</p>	<p>Heritage NSW recommended the following conditions of Consent for Aboriginal cultural heritage:</p> <ol style="list-style-type: none"> <li>7. No Aboriginal objects may be harmed without an approval from Heritage NSW.</li> <li>8. No Aboriginal objects may be harmed without an approval from Heritage NSW.</li> <li>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.</li> <li>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: <ul style="list-style-type: none"> <li>o Not further harm the object(s),</li> <li>o Immediately cease all work at the particular location,</li> <li>o Secure the area so as to avoid further harm to the Aboriginal object(s),</li> <li>o Notify Heritage NSW as soon as practical by calling 131 555 or emailing:</li> </ul> </li> </ol>	<p>Applicant agrees.</p>	<p>The recommended conditions have been included in the consent.</p>

	<p>info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location, and</p> <ul style="list-style-type: none"> <li>o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.</li> </ul> <p>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.</p> <p>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.</p>		
<b>Public Submissions</b>			
Mark and Renee Doyle	<ol style="list-style-type: none"> <li>1. Pleased that a new exit for the quarry is proposed.</li> <li>2. Improving the line of sight for drivers is essential.</li> <li>3. Concerns with trucks leaving the quarry and driver error.</li> <li>4. Concern with drivers pulling out onto Seberry's lane.</li> <li>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.</li> <li>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.</li> </ol>	<p><b>The applicant has provided responses under submission 'theme' headings.</b></p> <p><b>Air Quality:</b></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 exceedances of the assessment criteria as a result of the Proposal.</p>	<ol style="list-style-type: none"> <li>2. Noted – no further comment required.</li> <li>3. Noted – no further comment required.</li> <li>4. 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.</li> </ol>

	<p>7. Concern with proposed increase in the number of trucks that will be travelling on the Walleroobie and Methul Roads.</p> <p>8. Roads are not wide enough to fit the quarry trucks and farm machinery.</p> <p>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> <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</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"> <li>• The dust collection system on the drill rig would be regularly serviced to ensure it remains effective.</li> <li>• Fragmented material within the extraction area would be wet down using a sprinkler system after blasting and when loading the dump truck, as required.</li> <li>• Water suppression would be used on the hopper within the "Top Plant", as required.</li> <li>• Misting water sprays would be used on crushers and screens within the "Top Plant" and "Bottom Plant".</li> <li>• All unsealed internal roads would be surfaced with appropriate materials to limit dust lift-off, as required.</li> <li>• 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.</li> <li>• Appropriate care would be taken to avoid spillage during loading.</li> <li>• Load size would be limited, as appropriate, to ensure materials do not extend above truck sidewalls.</li> <li>• Each truck cover would be fully extended on laden product transport trucks before each truck leaves the Quarry Site.</li> </ul>	<p>5. 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.</p> <p>6. Agree. A condition of development requiring measures to reduce the likelihood of material leaving vehicles in transportation is proposed.</p> <p>7. 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>8. The application details transport routes which operators are limited to and Walleroobie Rd and Methul Rd will see increased vehicle movements. It should be</p>
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	<p>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>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The Applicant's complaints management system would continue to be maintained to ensure that all complaints are dealt with through investigation and implementation of corrective treatments.</li> </ul> <p><b>Community Consultation:</b></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><b>EPA or an extractive licence with DPIE:</b></p> <p>The Proposal will require the following approvals and/or licences:</p> <ul style="list-style-type: none"> <li>• Development consent from Council in accordance with the provisions of Part 4 of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act).</li> </ul>	<p>noted that travel along 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>9. Application is not proposing alteration to existing truck type usage. Existing intersection geometry, road formation width and signage satisfy current standards.</p> <p>10. 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>11. This is not an issue related to this application, Council staff will assess as maintenance issue.</p> <p>12. 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</p>
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		<ul style="list-style-type: none"> <li>• 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'.</li> <li>• 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.</li> </ul> <p><b>Rehabilitation:</b></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 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</p>	<p>approached for &gt;30m A-double road train usage along Walleroobie Rd but the assessment did not pass the TFNSW Heavy Vehicle Route Assessment Guidelines and declined.</p> <p>13. 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>14. See above response.</p> <p>15. Yes an Environmental Protection Licence is required. See General Terms of Approval in this consent.</p> <p>16. 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>17. 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>18. Detailed community consultation was undertaken by Council –</p>
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		<p>within 24 months would allow sufficient time for the trees to reach maturity prior to the progression of disturbance in the area.</p> <p><b>Traffic:</b></p> <p>The Applicant is committed to prioritising road safety throughout the life of the Proposal. 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. 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 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>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>
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		<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 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.</p>	
Patricia Doyle	<ol style="list-style-type: none"> <li>1. Trucks need to slow down especially on the Walleroobie Rd west of the quarry as it so narrow.</li> <li>2. Trucks need to give way when exiting on Seberrys Lane, instead of pulling out in front of oncoming traffic.</li> <li>3. This is School Bus route and mail run and with the extra traffic load this will need to be addressed.</li> <li>4. Keep dust to a minimum.</li> </ol>	<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.</p>	<ol style="list-style-type: none"> <li>1. Agree – this will be addressed via the provision of driver training and education as identified in the application.</li> <li>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</li> </ol>

	<p>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>	<p>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 returned to agriculture with the landform contoured to blend into the surrounding environment and stabilised with pasture / dryland crops.</p> <p><b>Note:</b> Other matters raised are addressed in proceeding responses.</p>	<p>in vehicle interaction. Detail design on intersections will be provided to Council for approval to ensure Australian Standards are achieved.</p> <p>3. The road network is considered to be of a suitable standard to cater for these combined traffic uses.</p> <p>4. Agree and dust management plan to be developed and approved by Council prior to operations under new consent commencing.</p> <p>5. No such use has been proposed.</p>
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## APPENDIX B – RESPONSES FROM RECORDS OF DEFERRAL TABLE

Record of Deferral Meeting Date	Panel Item	Response
Record of Deferral 23 August 2022	<i>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.</i>	All matters identified in the Record of Deferral have now been addressed.
	<i>The draft conditions sought to defer key considerations to a future time which in the opinion of the panel was not supportable.</i>	The draft conditions have been reviewed in consultation with Councils Planning Solicitor (BAL Lawyers) and have been satisfactorily addressed and amended as required. The conditions have also been reviewed a Department appointed Planning Consultant.
	<p><i>The Council's Assessment Report dated 1 August 2022 and draft conditions are to be comprehensively revised to:</i></p> <ol style="list-style-type: none"> <li><i>1. Address any additional information submitted by the applicant as referred to above</i></li> <li><i>2. Fully interrogate the development proposal as submitted and as amended by the additional information and specifically the assessment report is required to:</i> <ol style="list-style-type: none"> <li><i>a) Demonstrate how the SEARs issued for the proposal have been addressed in the application and documentation submitted.</i></li> <li><i>b) Demonstrate how matters raised in the previous Panel briefing dated 28 September 2021 and 29 March 2022 have been addressed.</i></li> <li><i>c) Provide details around the rehabilitation bond proposed and the manner in which it will be implemented over the life of the proposed development.</i></li> <li><i>d) Address the relevant provisions of applicable environmental planning instruments.</i></li> </ol> </li> </ol>	<p>This has been completed and a new report has been presented to the Panel.</p> <p>The assessment report and draft conditions address the address all additional information provided by the applicant.</p> <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><i>e) Address in detail the submissions received, and any mitigation measures proposed (by the amended details or through conditions) to address the issues raised.</i></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>
	<p><i>Should the final assessment report propose the grant of a development consent subject to conditions then the draft conditions must:</i></p> <p><i>a) Reference all relevant plans, specifications and reports that the applicant is relying on and the Council is recommending for approval.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The relevant plans and documentation have been referenced in the proposed conditions.</p> <p>The road 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 60 days of the commencement of the operational parts of this consent.</p>
	<p><i>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).</i></p>	<p>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>

	<i>Review of draft conditions that require works in an adjoining local government area such as condition 14.</i>	This condition has been removed from the draft consent.
	<i>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.</i>	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.
	<i>The additional information must detail the proposed phasing of operations between the existing approved and proposed operations.</i>	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.
	<p><i>Updated plans and documentation must be submitted that:</i></p> <ul style="list-style-type: none"> <li><i>a) Are drawn to scale delineating existing and proposed works and the extent of excavation including cross and longitudinal sections.</i></li> <li><i>b) Detail preliminary rehabilitation plans for the site including likely closure phasing.</i></li> <li><i>c) Include concept engineering plans for road upgrade and methods to manage impacts of such works.</i></li> <li><i>d) Include a methodology for calculating tonnages of material to be extracted (weighbridge or tonnage).</i></li> <li><i>e) 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></li> <li><i>f) Detail how the southern stockpile will be managed throughout the life of the proposal and how interrelates with the phasing of the proposed development.</i></li> </ul>	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.

	<ul style="list-style-type: none"> <li><i>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:</i></li> <li><i>a) Rehabilitation costs using the cost estimate tool for mines as issued by the Resources Regulator (<a href="https://www.resourcesregulator.nsw.gov.au/news-articles/updated-rehabilitation-costestimate-tool">https://www.resourcesregulator.nsw.gov.au/news-articles/updated-rehabilitation-costestimate-tool</a>)</i></li> <li><i>b) Agreement with Council on how the bond is calculated.</i></li> <li><i>c) Clarification of mechanism proposed for securing bond (bank guarantee or cash).</i></li> </ul>	<p>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'.</p>
	<i>An explanatory note to be appended to the draft Voluntary Planning Agreement.</i>	This has now been provided.
Record of Deferral 15 December 2023	<i>Provide Additional Commentary on the Developments Compliance with applicable SEPPS.</i>	This has now been completed and additional comments have been provided.
	<i>Amend the Assessment Report to remove reference to non-applicable Council Development Controls.</i>	Council staff have undertaken this action.
	<i>Enable the resolution of conditions that enable the development as currently approved to be carried out whilst deferred commencement conditions are being addressed that allow for the new development to become operational.</i>	<p>Council has imposed a deferred commencement condition which requires that the following matters be addressed prior to the operation of a new consent:</p> <ol style="list-style-type: none"> <li>Council and the proponent council shall enter into a Voluntary Planning Agreement.</li> <li>The applicant shall prepare an Environmental Management Strategy for the development.</li> </ol>

		<ol style="list-style-type: none"> <li>3. Prepare and submit a detailed storm water drainage management plan to Council for approval.</li> <li>4. The applicant shall prepare a Land Management and Rehabilitation Plan.</li> <li>5. An Air Quality Management Plan shall be prepared.</li> <li>6. A quantitative/volumetric survey of the site shall be undertaken by a practicing registered surveyor at the cost of the applicant/operator.</li> <li>7. Provide detailed plans for roadworks.</li> <li>8. The Seberrys Lane intersection road works are required to be completed in full prior to the operation of this consent.</li> </ol> <p>It is standard practice for Councils to issue 'deferred commencement consents' that allow for certain matters such as those identified above to be completed prior to a consent becoming operational.</p> <p>Council maintains that the current consents will allow for operations to continue at an extraction volume of 120,000 TPA. Once the above mentioned conditions have been satisfactorily completed the subject consent will become operational and extraction will increase up to 300,000 TPA.</p> <p>The applicant has a current consent for the extraction of 120,000 TPA and cannot exceed this</p>
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		<p>volume until the new consent becomes operational.</p> <p>The conditions in the consent are considered standard and workable and facilitate a development outcome for all parties.</p>
	<p><i>Clarify for the development for which consent is sought.</i></p>	<p>Whilst uncertain what the Panel is actually referring to, Council provides that development consent is being sought for the following:</p> <ul style="list-style-type: none"> <li>• An extension of operations resulting in a total disturbance area of up to 62ha.</li> <li>• An increase to the extraction rate from 120000tpa to 300 000tpa.</li> <li>• Importation of up to 1500tpa of concrete washout and other construction materials for recycling.</li> <li>• Product transportation involving a maximum of 104 laden trucks per day and a maximum of 12 laden trucks per hour.</li> <li>• Creation of new egress / exit from the site onto Seberrys lane.</li> <li>• 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).</li> <li>• Ongoing operations for a period of 25 years from the commencement of operations under the new development consent.</li> </ul>

		The application clearly demonstrates the existing and proposed components of the development site.
15 <sup>TH</sup> December 2022	<i>Not much to report on in regards to this – the minutes were very light on about was the Panel required.</i>	A Planning Consultant has been engaged and a revised report has been compiled by Council staff addressing Panel Deferral Matters.