

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSWES-133
<b>DA Number</b>	DA2022/029
<b>LGA</b>	Carrathool Shire Council
<b>Proposed Development</b>	Continued Operation and Expansion of Existing Western Riverina Quarry involving the extraction and processing of up to 250,000 tonnes of quarry products per annum over a 30-year period.
<b>Street Address</b>	439 Wiltshire Road Rankins Springs NSW 2669
<b>Applicant/Owner</b>	Applicant: Rockwoods Investment Group Pty Ltd Owner: Kalrag Pty Ltd
<b>Date of DA lodgement</b>	29 March 2022
<b>Number of Submissions</b>	One (1).
<b>Recommendation</b>	That Development Application 2022/029 (WRPP Reference No. PPSWES-133) be Approved subject to Conditions
<b>Regional Development Criteria (Schedule 6, Clause 7) of State Environmental Planning Policy (Planning Systems) 2021</b>	Schedule 3, Section 26, Designated development: Development for the purposes of “extractive industries” of the Environmental Planning and Assessment Regulation 2021.
<b>List of all relevant s4.15(1)(a) matters</b>	<p><b>Relevant Environmental Planning Instruments</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021;</li> <li>• State Environmental Policy (Resources and Energy) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• Carrathool Local Environmental Plan 2012.</li> </ul> <p><b>Relevant Other Matters</b></p> <ul style="list-style-type: none"> <li>• Suitability of the site for development;</li> <li>• Environmental and social impacts of the development;</li> <li>• Agency referrals and comments;</li> <li>• Publicly notified and advertised for 28 days;</li> <li>• Public Submissions</li> <li>• NSW State Plan 2021</li> <li>• Murray Riverina Regional Plans 2036 and 2041</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p><b>Attachment A:</b> Development Application Assessment Report</p> <p><b>Attachment B:</b> Environmental Impact Statement for Western Riverina Quarry prepared by R.W. Corkery &amp; Co. Pty Limited dated June 2024.</p> <p><b>Attachment C:</b> Biodiversity Development Assessment Report dated June 2024 prepared by OzArk Environment and Heritage.</p> <p><b>Attachment D:</b> Aboriginal Cultural Heritage and Historic Heritage Assessment Report, Revision 3, for Western Riverina Quarry Expansion dated March 2024, prepared by OzArk Environment and Heritage.</p> <p><b>Attachment E:</b> Plan of Management for Koomaringa Aboriginal Place dated June 2024 prepared by OzArk Environment and Heritage.</p> <p><b>Attachment F:</b> General Terms of Approval from NSW EPA.</p> <p><b>Attachment G:</b> General Terms of Approval from NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW.</p> <p><b>Attachment H:</b> Undated Community Submission received 2 May 2022</p> <p><b>Attachment I:</b> Water NSW submission dated 17 May 2022</p>

	<b>Attachment J:</b> Department of Planning and Environment-Biodiversity and Conservation Division submission dated 22 November 2022 <b>Attachment K:</b> Transport for NSW submission dated 20 October 2022 <b>Attachment L:</b> Department of Primary Industries-Agriculture submission dated 28 April 2022 <b>Attachment M:</b> NSW Rural Fire Service submission dated 15 July 2022 <b>Attachment N:</b> Land Owners consent <b>Attachment O:</b> Submissions Report from Applicant dated October 2022 <b>Attachment P:</b> Advisory Notes
<b>Report prepared by</b>	Ralph Tambasco Relief Registered Certifier and Planning Officer
<b>Report date</b>	June 2024

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

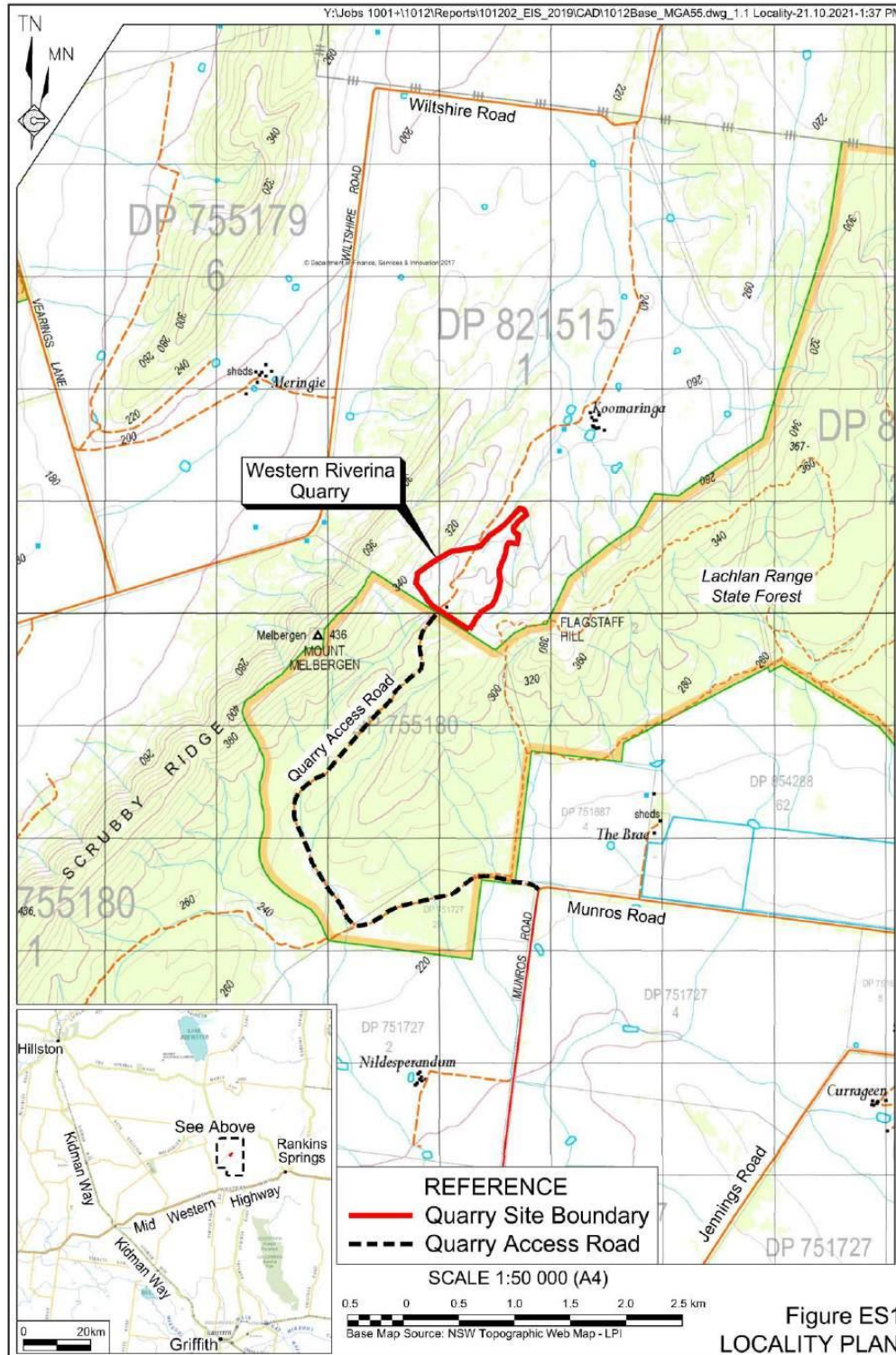
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

## 1. Overview of the Project

Development Application DA2022/029 (WRPP Reference No. PPSWES-133) seeks consent for an Extractive Industry to be located on Lot 1 DP 821515, 439 Wiltshire Road, Rankins Springs, located approximately 17 km northwest from the village of Rankins Springs and 41 Km northwest from the village of Goolgowi.

**Figure 1: Locality Map of proposed development site**



The proposal seeks to utilise the existing Quarry Site which commenced operations in 1987 under Development Application DA 1/86 issued by Carrathool Shire Council on 25 May 1987. A subsequent Development Application (DA 2/91) was approved by Carrathool Shire Council on 19 July 1991 which allowed the Quarry to extract, process and transport an unspecified quantity of products each year.

DA2/91 does not appear to have been accompanied by an Environmental Impact Statement or a Statement of Environmental Effects, hence the unknown volumes and quantities of extracted materials. However, the associated Environment Protection License (EPL) 3767 issued in respect to DA2/91 allowed extraction of between 30,000 tonnes per annum up to 100,000 tonnes per annum.

The current proposal is seeking consent mainly for an increase in the annual extraction rate of Quarry products to 250,000 tonnes per annum as well as an extension of operations to include a total Quarry Operational Disturbance area of 35.58 hectares out of a total Quarry site area of 46.5 hectares.

The extraction of up to 250,000 tonnes of material in any one year has been identified as being necessary to supply hard rock and road base products to a range of infrastructure and construction projects and markets throughout the Carrathool LGA and the broader Riverina region of NSW undertaken by private operators and local Councils. The Applicant has identified a further 4.9 million tonnes of resource adjacent to and beneath the current approved extraction area. It is expected that the ongoing operations of the Quarry will be extended for a period of 30 years from the commencement of operations of the new consent.

In addition to the above activity, the proposal will comprise the following activities:

- Receiving up to 1,500 tonnes per annum of concrete washout and other building 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 20,000 tonnes of aggregate;
- Transportation of up to 250,000 tonnes per annum of Quarry products involving a maximum of 60 laden heavy vehicle movements per day and a maximum of 12 laden heavy vehicle movements per hour;
- Ongoing employment of local personnel
- Progressive and final rehabilitation of the Quarry.

If the application is approved, the existing development consent over the land will be surrendered by the Applicant to Council upon commencement of the activities proposed under the new development consent.

The project is not classified as a State Significant Development as the extraction volume is less than 500,000 tonnes of extractive material per year, the total available resource is less than 5 million tonnes and extraction will not occur from an environmentally sensitive area of State significance.

## **2. Western Regional Planning Panel**

The Western Regional Planning Panel is the determining authority for this DA under Section 4.5 (b) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) as it is considered to be Regionally Significant Development under Schedule 6, Clause 7, of State Environmental Planning Policy (Planning Systems) 2021 as it meets the requirements for designated development as an extractive industry under Section 26, Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) and Section 2.15 of the EP&A Act 1979.

## **3. Location, History and Permissibility**

The development is located on Lot 1 DP 821515 (quarry activities), Lot 1 DP 755180 (part access road) and Lot 29 DP 751727 (part access road), with a street address of 439 Wiltshire Road Rankins Springs. The access is within Crown Land being the Lachlan Range State Forest which is leased to P.A. Woods and B.L. Woods (P.A. Woods and Co. Pty Ltd) as joint tenants under a perpetual lease agreement.

The total site cover of the quarry is 46.5 hectares of which approximately 40.5 hectares being the actual operational disturbance area of the Quarry, including associated areas of disturbance. The site is located located approximately 17 km northwest from the village of Rankins Springs and 41 km northwest from the village of Goolgowi.

The access is within Crown Land being the Lachlan Range State Forest which is leased to P.A. Woods and B.L. Woods (P.A. Woods and Co. Pty Ltd) as joint tenants under a perpetual lease agreement. The lands adjacent to the site are used for rural production. Privately-owned residential properties are located from 2.2 km to 9.2 km in all directions from the closest proposed operational area within the Quarry site.

The site is licensed under Environmental Protection Licence (EPL) number 3767 which will require a variation to increase the scale of the Scheduled Activity from between 30,000 tonnes to 100,000 tonnes per annum to the proposed maximum extraction rate of 250,000 tonnes per annum.

## **4. Integrated Development**

The application is also identified as Integrated Development pursuant to Section 4.46 of the EP&A Act 1979 as it will require a variation to the Environment Protection Licence (EPL) 3767 issued under the Protection of the Environment Operations Act 1997 to reflect the increased production and area by the operation, an Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife Act 1974 (NPW Act 1974) to authorise the removal and salvage of three Aboriginal heritage artefacts and a Section 138 consent under the Roads Act 1993 for proposed works within a Road Reserve being the intersection of the Mid-Western Highway and Munros Road.

## **5. Community Exhibition and Notification**

The application was firstly placed on public exhibition from the 7 April 2022 until the 4 May 2022. Written notification was provided to all adjoining and adjacent landowners and properties within a 2.2 km to 9.2 km radius of the site (total of 10 properties as identified in the EIS) and an advertisement was placed in two local newspapers serving the area on one occasion in each newspaper on the 6 April 2022. One public submission was received at the expiry of the exhibition period.

The application was secondly placed on public exhibition on the 4 May 2022 and the 25 May 2022. Written notification was again provided to all adjoining and adjacent landowners and properties within a 2.2 km to 9.2 km radius of the site (total of 10 properties as identified in the EIS) and an advertisement was placed in two local newspapers serving

the area on two occasions in each newspaper on the 4 May 2022 and on the 25 May 2022. The exhibition period ended on the 1 June 2022 and no further submissions were received.

## **6. Conclusion**

The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality and site suitability impacts have been assessed during the assessment of this proposal and are considered to be satisfactory in the circumstances of the case subject to the imposition of conditions of development consent.

Issues raised during the public exhibition periods and by the objector have been addressed and form part of the recommended conditions of consent where applicable.

The proposed development complies with the requirements of the EP&A Act, 1979; the EP&A Regulation 2021; relevant State Environmental Planning Policies and the Carrathool Local Environmental Plan 2012 and is therefore recommended for approval subject to the attached conditions of development consent.

Draft conditions of consent were forwarded to the Applicant and to all NSW Government Agencies involved in the application for their comment

## **7. Recommendations**

- (a) That having considered the matters raised and discussed in the assessment of the Application, Development Application 2022/029 (WRPP Reference No. PPSWES-133) for the Continued Operation and Expansion of the Existing Western Riverina Quarry at Lot 1 DP 821515, 439 Wiltshire Road, Rankins Springs, be approved subject to the conditions in the attached Recommended Draft Conditions of Consent; and**
- (b) That those persons who made submissions in relation to the Application be notified in writing of the determination.**

## **LEGISLATIVE REQUIREMENTS**

### **Forestry Act 2012**

The proposed development seeks to utilise an existing private quarry access road which traverses Lot 29 DP 751727 and Lot 1 DP 755180 being the Lachlan Range State Forest which is leased to P.A. Woods and B.L. Woods (P.A. Woods and Co. Pty Ltd) as joint tenants under a perpetual lease agreement. The application was not referred to the NSW Forestry Corporation but was referred to NSW Department of Primary Industries-Agriculture, who advised by letter dated 28 April 2022 that as there would be very limited impacts on surrounding agriculture and forestry, they had no further comments in relation to the Application.

In addition, the NSW Department of Industry-Crown Lands, by email dated 24 June 2019, raised no comments in relation to the Application.

### **Mining Act 1992**

The proposed extractive industry is not deemed to be “mining” under the Mining Act 1992 on the basis that no prescribed “mineral” are proposed to be mined and removed or processed from the site. In addition, the proposed development is not a “mining operation” and does not involve the extraction of material classified as a mineral under Schedule 1 of the Mining

Regulation 2016. Also, the land comprising the proposed development is not the subject of a mining lease granted pursuant to the Mining Act 1992. Rather, the works involve processing existing waste rock material (quartzite and basalt) from the Overburden/Interburden Emplacement. Rehabilitation of the site will still be a requirement and a recommended condition of consent has been prepared to require a detailed Rehabilitation Plan that addresses the entire area of the site.

### **Protection of the Environment Operations Act 1997**

In accordance with Section 48 of the Protection of the Environment Operations Act 1997 (POEO Act 1997), the proposed development is identified under Schedule 1 of the Act as a 'scheduled activity' requiring a licence for the premises at which the activity is carried on. For 'crushing, grinding or separating' of more than 150 tonnes per day or 30,000 tonnes per year of materials, or 'extractive activities' of more than 30,000 tonnes of material per year, an Environment Protection Licence (EPL) is to be obtained. The applicant currently holds an EPL (EPL 3767) for 'crushing, grinding or separating' activities associated with the rehabilitation of the subject site, however, the Environment Protection Authority (EPA) confirms in accordance with the General Terms of Approval issued on the 20 June 2022 for the proposed development, that the current EPL will require amendment. The General Terms of Approval issued by the EPA have been included in the recommended conditions of consent.

### **Environmental Planning and Assessment Act 1979**

#### **Section 1.3 – Objects of Act**

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

**Comment:** It is considered that the proposed development will achieve the objects of the EP&A Act 1979 with key issues identified and addressed within this assessment report. Specifically, the proposal will mine waste rock material for future use in construction activities which will positively contribute to the economic welfare of the Riverina Region. Further, due to the location of the proposal being within the existing quarry site that has been operating since 1987, it is also considered that the proposal will have minimal impact on the environment, promoting the orderly use of the land.



### **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994**

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

The application seeks to remove approximately 4.23 hectares of native vegetation to extend quarry operations, which includes an extraction area, processing and product stockpiling area, ancillary components area and operational disturbance area. The development application was supported by a Biodiversity Development Assessment Report prepared by OzArk Environment and Heritage Management Pty Ltd dated June 2024 and included as Appendix 7 in the EIS, which aimed to consider the impacts to biodiversity under the following legislation:

- Environment Protection and Biodiversity Conservation Act 1999
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Fisheries Management Act 1994
- Biosecurity Act 2015.
- Environmental Planning and Assessment Act 1979
- Water Management Act 2000
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

Assessments of significance were prepared for threatened species and ecological communities listed under the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The assessments concluded that as the native vegetation clearing threshold of 1 hectare will be exceeded, entry into the Biodiversity Offset Scheme will be triggered and 62 Ecosystem Credits and 6 Species Credits are required to be offset by the Proponent.

### **Section 4.10 - Designated Development**

The development proposal is Designated Development pursuant to Section 2.15 of the EP&A Act 1979 and Section 26, Schedule 3 of the EP&A Regulation 2021. Section 26, Schedule 3 of the Regulation identifies that the proposed quarry is designated development as it is an Extractive Industry that would:

- Extract more than 30,000 cubic metres of material per year; and
- Will disturb a total surface area of more than 2 hectares of land including excavation, and the storage of material and overburden.

As the proposed quarry is identified as Designated Development, the development application must be accompanied by an Environmental Impact Statement (EIS) prepared in the form prescribed by the EP&A Regulation 2021. This must include and address all specific matters raised in the Planning Secretary's Environmental Assessment Requirements (SEAR's) for the project issued by the Department on 17 July 2019, including key issues to be addressed as follows:

- A comprehensive description of the proposal including resource amount type and composition, layout of works, impacts of the development, rehabilitation, land use conflict identification, permissibility, and identification of sensitive receivers;
- A conclusion justifying why the development should be approved along with alternatives, site suitability and whether the project is consistent with the objects of the Act;



- An assessment of potential impacts at all stages including noise, air, water, biodiversity, heritage, traffic and transport, land resources, waste, hazards, visual, social and economic and rehabilitation.

It is considered that the EIS and supporting documentation has adequately addressed the requirements of the SEAR's for the proposal.

#### **Section 4.14 Consultation and development consent – certain bushfire prone land**

In accordance with Section 4.14 of the EP&A Act 1979, development for any purpose on bushfire prone land (recorded as bushfire prone land on a relevant certified map) shall conform to the specifications and requirements of the document Planning for Bush Fire Protection 2019 prepared by the NSW Rural Fire Service (RFS) in co-operation with the Department, that are relevant to the development, or a certificate is provided by a person recognised by the RFS stating the development conforms to the relevant specifications and requirements.

Whilst no new buildings are proposed under the current application, the site contains a number of existing buildings established under the previous consents. It is confirmed that vegetation has been significantly disturbed around the existing buildings, in excess of 50m in each direction. It is considered the buildings have sufficient asset protection zones already in place. The development also is able to achieve compliance with access for fire and emergency vehicles.

The Application was referred to the RFS on the 6 April 2022 for comment. The RFS had no objections to the proposed development subject to the imposition of a condition to ensure compliance with the bush fire management and mitigation measures listed in the EIS, together with several other additional conditions. These will be included in the recommended conditions of consent.

#### **Section 4.46 - Integrated Development**

The development proposal is Integrated Development pursuant to Section 4.46 of the EP&A Act 1979 as it will require a variation to the Environmental Protection Licence (EPL 3767) issued under the Protection of the Environment Operations Act 1997 (POEO Act) to reflect the increased production and area by the operation.

Schedule 1 (19) of the POEO Act identifies that the proposed extractive industry is a 'Scheduled Activity' as it would involve the extraction of, processing (via crushing, grinding or separating) and storage of more than 30,000 tonnes of extractive material per year. General Terms of Approval dated 20 June 2022 have been received from the EPA, who have requested that the General Terms of Approval issued by the EPA be included in the recommended conditions of consent.

The Applicant will need to make a separate application to the EPA to vary EPL 3767 in accordance with the requirements of the General Terms of Approval should development consent for the proposal be granted by Council. A copy of the General Terms of Approval are included as Attachment F to this report.

Section 91 (2) of the Water Management Act 2000 was initially considered as part of the application with referral to Water NSW, however, it was clarified by Water NSW, that water was to be obtained via the existing bore at the site and that no further investigation was required by them. However, Water NSW raised the issue that the current water supply works approval for the site (70CA617191) does not have an associated Water Access License and the Applicant must submit an application to Water NSW to attach a Water Access Licence to the works prior to any water being taken through the bore. This requirement will be included in the recommended conditions of consent.

The NPW Act 1974 provides for the protection of Aboriginal objects and Aboriginal places. Under Part 6 of the Act, an Aboriginal object is defined as *“any deposit, object or material evidence relating to indigenous and non-European habitation of the area that comprises NSW, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains”*.

An Aboriginal place is defined under the NPW Act 1974 as an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It is an offence under Section 86 of the NPW Act 1974 to “harm or desecrate an object the person knows is an “Aboriginal object” and a strict liability offence to “harm an Aboriginal object” or to “harm or desecrate an Aboriginal place”, whether knowingly or unknowingly. Section 90 of the NPW Act 1974 requires an Aboriginal Heritage Impact Permit (AHIP) to be obtained for consent to destroy, deface or damage an identified Aboriginal object or Aboriginal place. The AHIP must be issued by NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW.

The Aboriginal Cultural Heritage and Historic Heritage Report Assessment Report, Revision 3, dated March 2024 and the accompanying Plan of Management, Koomaringa Aboriginal Place, dated June 2024, prepared by OzArk Environment and Heritage have both been forwarded to NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW to assist them in their processing of the AHIP. The Applicant will need to comply with the requirements of the General Terms of Approval from NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW should development consent for the proposal be granted by Council. A copy of the General Terms of Approval are included as Attachment G to this report.

#### **Section 4.15- Evaluation - Environmental Planning & Assessment Act 1979**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

##### **4.15(1)(a) Requirements of Regulations and Policies**

*(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?*

#### **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

In accordance with the SEPP, Council must consider whether a development is a hazardous storage establishment, hazardous industry or other potentially hazardous industry; or an offensive storage establishment, offensive industry or other potentially offensive industry, with consideration given to current circulars or guidelines published by the former Department of Planning relating to hazardous or offensive development. The current guideline applicable is the *“Hazardous and Offensive Development Application Guidelines- Applying SEPP 33”*.

The applicant confirms, based on the risk screening method of Appendix 4 to the Guidelines, that small quantities of hazardous materials will be held or used on the site during operation, including diesel fuel, other hydrocarbons, along with lubricating oils and greases. The application states the materials will be stored separately onsite within bunded areas or storage areas with no other flammable materials.

It is considered that the development is not a “potentially hazardous industry” requiring a preliminary hazard analysis to be provided to support the application. In accordance with the Guidelines for a “potentially offensive industry”, and the requirement for licencing of a Schedule Activity under the POEO Act 1997, the advice from NSW EPA is that the proposal is consistent with the current EPL issued to the proponent, subject to a number of variations to this licence. The proponent will need to make a separate application to the EPA to vary the

EPL should development consent be granted. On the basis of the above, no further assessment of this SEPP is required.

It is noted that while the land is potentially contaminated given its past use for extractive industry, agriculture and passive biodiversity conservation purposes, the proposal is considered to be a non-sensitive land use. In this regard, the potential contamination status of the land is considered to not adversely impact on the proposed use or those persons utilising the development. Therefore, no further investigations in relation to contamination is required.

As part of the rehabilitation of the site and any future quarry closure plan, it will be necessary to ensure that the land is returned to a satisfactory landform including the need to address and mitigate potentially contaminated material used in the rehabilitation process.

## **STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021**

Part 2.3 “*Development application – matters for consideration*” of State Environmental Planning Policy (Resources and Energy) 2021 sets out specific matters which must be considered in the assessment of a development application for an Extractive Industry. The relevant matters are addressed below.

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

Section 2.17 requires that before determining an application for consent for development for the purpose of an extractive industry, the consent authority must consider:

- *The existing uses and approved uses of land in the vicinity of the development;*
- *Whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
- *Any ways in which the development may be incompatible with any of those existing, approved or likely approved uses.*

In addition, the consent authority must evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to above, and evaluate any measures proposed by the applicant to avoid or minimise any incompatibility associated with the ways in which the development may be incompatible with any existing or approved or likely approved uses.

On the basis of the requirements of Section 2.17, it is considered that the proposed quarry can be operated in a manner that is unlikely to have a significant impact on the existing land uses (predominately grazing land and State Forest) in the immediate vicinity, subject to achieving the recommended conditions of consent, and the proposal is likely to result in a net community benefit.

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

Section 2.20 requires that before granting consent, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:

- *The impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable;*
- *That impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable;*
- *That greenhouse gas emissions are minimised to the greatest extent practicable.*

The EIS and associated documents have identified and provided justification that the proposed development is able to be carried out in an environmentally responsible manner with mitigation measures to control sediment and erosion, limiting impact on biodiversity as a result of road upgrades and also managing noise and dust during operations. Appropriate recommended conditions of consent will be imposed.

### **Section 2.21 – Resource Recovery**

Section 2.21 requires that before granting consent for an extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery and whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material. Further, Section 2.21 provides that the consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery or processing of the extractive industry.

The EIS identifies that the principal waste to be generated would include general solid waste being overburden and interburden, processing fines, recyclables, waste oil and grease, used batteries, and metal. The applicant states all non-production waste could be contained within rubbish bins or skips and removed by a waste contractor/recycler. It is not considered necessary to apply specific conditions aimed at optimising the efficiency of resource recovery during operations other than ensuring the waste is appropriately managed onsite and disposed of to a licenced waste facility.

### **Section 2.22 - Transport**

Section 2.22 requires that before granting consent for development for the purpose of an extractive industry that involves transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions to do any one or more of the following:

- *Require that some or all of the transport of materials in connection with the development is not to be by public road;*
- *Limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools;*
- *Require the preparation and implementation, in relation to the development, of a code of conduct relating to transport of materials on public roads.*

Further, Section 2.22 states that if the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy to each roads authority for the road and the Roads and Traffic Authority (now Transport for NSW) if it is not a roads authority for the road.

A Traffic Impact Assessment Report was submitted with the EIS with recommendations to be reflected in the conditions of consent where appropriate. The development application was referred to Transport for NSW (TfNSW) for comment.

TfNSW required the Applicant to engage a “*suitably qualified person*” to certify that the intersection of the Mid-Western Highway and Munros Road is compliant with the general minimum preferred treatment for rural road intersections, being a Basic Auxiliary Left (BAL) and Basic Auxiliary Right (BAR) treatment as per Austroads (2020b).

The outstanding information was submitted to TfNSW by the Proponent. By letter dated 20 October 2022, TfNSW advised that they had no objection to the proposal subject to conditions

that they would like imposed on the consent. These conditions will be included in the recommended conditions of consent.

### Section 2.23- Rehabilitation

The Biodiversity Development Assessment Report undertook a detailed biodiversity assessment as part of the SEARs for the project and concluded that overall none of the vegetation within or in close proximity to the existing Quarry is likely to constitute a threatened ecological community and found no evidence of koalas or their presence despite thorough searches.

However, despite no identified major ecological (flora and fauna) threats, rehabilitation of the land is considered and conditioned appropriately. The proposed rehabilitation aims to return the areas of the quarry to its pre-quarrying conditions after quarrying activities have ceased.

A draft condition of consent has been prepared to require a detailed Rehabilitation Plan that addresses the entire area of the site and consideration of rehabilitating the excavation and hard stand areas, and any other additional matters as determined by Carrathool Shire Council.

### STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The Western Regional Planning Panel is the determining authority for this Development Application under Section 4.5 (b) of the Environmental Planning and Assessment Act 1979 as it is considered to be "Regionally Significant Development" under Schedule 6 Clause 7, of State Environmental Planning Policy (Planning Systems) 2021 as it meets the requirements for Designated Development as an extractive industry under Section 26, Schedule 3 of the EP&A Regulation 2021 and Section 2.15 of the EP&A Act 1979.

### NSW STATE PLAN 2021

Clause	Subject	Comments
Goal 3 of the State Plan Drive Economic Growth in Regional NSW	Increase the share of Jobs in Regional NSW	The proposed development is consistent with this goal.

### RIVERINA MURRAY REGIONAL PLANS 2036 AND 2041

Clause	Subject	Comments
	Local Government Narratives	<p><i>Carrathool Shire, situated in the far north-west of the region, encompasses predominately rural land. The shire had a population of 2,733 in 2015. It contributed an estimated \$115 million to the region's gross regional product, mainly through irrigated agricultural produce such as cotton, wheat, rice and vegetables. The shire includes the local centre of Hillston and the surrounding villages of Goolgowi, Merriwagga, Rankins Springs and Carrathool.</i></p> <p><i>Key opportunities for the shire include ongoing large-scale cotton farming and processing, agricultural transport services and value-added manufacturing.</i></p> <p><b>Priorities:</b></p> <ul style="list-style-type: none"> <li><i>Enhance community wellbeing through better access to services, particularly health and education.</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Attract investment to promote private sector development of value-adding agricultural processing facilities.</i></li> <li>• <i>Support the sector through diversification and more intensive production of crops, including cotton, nuts and olives, as well as poultry.</i></li> </ul> <p>The proposed development is not inconsistent with the local narrative expressed in the Murray Riverina Regional Plan</p>
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Priority sectors	growth	<p><i>Further diversification of the economy will be achieved through a focus on the following priority growth sectors: Including renewable energy and mining</i></p> <p>Although the proposal is not considered to be “mining” but rather an “extractive industry”, it can, nevertheless, be considered to be consistent with the priority growth sectors outlined in this Plan</p>
	Goal 1, - A Growing and Diverse Economy. Priority growth sectors include a focus on renewable energy and mining and sustainably managing mineral resources	The proposed development is generally consistent with this goal.
	Direction 12 “sustainably manages mineral resources”	The mineral resources sector delivers economic and employment benefits in the region. Significant mining activity is occurring at Lake Cowal Gold Mine near West Wyalong and some other parts of the region have mineral and petroleum potential. Communities can benefit from the development of mineral resources, with the degree of benefit and impact varying across the life cycle of a development. Care must be taken to manage the impacts of mining to produce long-term sustainable economic, social and environmental outcomes.

### **CARRATHOOL SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)**

The following clauses of the LEP 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application:

#### **Clause 1.2 Aims of Plan**

The application is not contrary to the relevant aims and objectives of the plan.

#### **Clause 1.4 Definitions**

The proposal is defined in accordance with the LEP 2012 as an:

***Extractive Industry*** - *extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive*

*materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.*

### **Clause 2.2 Zoning of Land to Which Plan Applies**

The land is zoned RU1 Primary Production and is therefore subject to the Plan. The proposed Extractive Industry is permissible with consent in the RU1 Primary Production zone. It is noted that the Quarry Access Road traverses land zoned RU3 Forestry, however, this land is leased to the Applicant under a perpetual lease agreement and it is considered that the ongoing use of the internal access road across this land will not conflict with the objectives of both zones.

It is also noted that both the NSW Department of Primary Industries-Agriculture and the NSW Department of Industry-Crown Lands raised no objections nor had any comments in relation to the proposed development.

### **Clause 2.3 Zone Objectives and Land Use Table**

The objectives of the RU1 zone and how the proposal satisfies the objectives is addressed below:

- 1. To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

**Comment:** The proposed continued use of the land for extractive industry provides productive use of the natural resource within the Quarry site. As land within the Quarry site is currently not being used for agricultural activities, it is not expected that the proposal would adversely impact upon agricultural resources. Following the completion of the proposal, the land would be rehabilitated to provide for grazing and passive biodiversity conservation. The proposal does not significantly impact upon the ability of the land to be used for the purposes of primary production into the future and once rehabilitation occurs.

- 2. To encourage diversity in primary industry enterprises and systems appropriate for the area.*

**Comment:** The proposal will not hinder the ability of the land to be used for a diversity of primary industry enterprises. It would continue to operate alongside a variety of primary industry enterprises in the Carrathool LGA and assist to maintain the economic diversity of the area.

- 3. To minimise the fragmentation and alienation of resource lands.*

**Comment:** The proposal does not contribute to unreasonable fragmentation of resource land. The site would allow for the extension and continued operation of the existing.

- 4. To minimise conflict between land uses within this zone and land uses within adjoining zones.*

**Comment:** The proposal will not result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent. The land within and immediately surrounding the Quarry site is zoned RU1 Primary Production and RU3 Forestry and is principally used for grazing, dryland cropping and forestry. As the proposal would not result in any significant off-site impacts, it is considered that it will not result in land use conflicts with other surrounding land uses.

- 5. To facilitate farm adjustments*

**Comment:** The proposal will not limit the achievement of this objective as no land currently managed for agriculture would be removed or impacted upon.

- 6. To enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality*



**Comment:** The proposal will not limit the achievement of this objective as no land currently managed for agriculture would be removed or impacted upon.

7. *To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity of the area*

**Comment:** No tourist or visitor accommodation is located in the area immediately surrounding the Quarry. As such, the continued operation of the Quarry would not impact upon the achievement of this objective.

#### **Clause 5.10 Heritage Conservation**

In accordance with Clause 5.10, consideration must be given to existing or potential environmental heritage sites recorded over or in the vicinity of the site. It is confirmed in the Aboriginal Cultural Heritage and Historic Heritage Report Assessment Report, Revision 3, dated March 2024 prepared by OzArk Environment and Heritage that no historic heritage sites, archaeological sensitive sites or potential historical archaeological deposits were identified or recorded on or in the vicinity of the subject site. To ensure that in the unlikely event that historical relics or deposits are unearthed during the proposed works, the Historical Heritage Unanticipated Finds Protocol shall be followed in accordance with the NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW requirements. This will be included in the recommended conditions of consent.

#### **Clause 5.21 Flood Planning**

The subject site is not identified as being within the flood planning area in accordance with Council's mapping. No further consideration is necessary.

#### **Clause 6.1 Earthworks**

The proposal involves extensive earthworks over the 'Overburden/Interburden Emplacement' to remove and process waste rock material for reuse in construction activities. Clause 6.1(3) states as follows:

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters—*

- a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- b) the effect of the development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or the soil to be excavated, or both,*
- d) the effect of the development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material and the destination of any excavated material,*
- f) the likelihood of disturbing relics,*
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

It is considered that the development will not:

- detrimentally impact drainage patterns or soil stability due to the location of the extraction activities proposed over the existing site;
- will not affect the future use or redevelopment of the site following rehabilitation activities;
- will not impact on the amenity of adjoining properties subject to compliance with the recommended conditions of consent;
- impact on any known relics, with any new finds being subject to the requirements of the Office of Environment and Heritage;
- impact on any waterway, drinking water catchment or environmentally sensitive area, and;
- cause any significantly adverse impacts to the site or to surrounding lands.

### **Clause 6.3 Terrestrial Biodiversity**

A small section of the development footprint is located within an area of “Biodiversity” in the South-Eastern corner of the Lot. It will require the removal of approximately 4.23 hectares of native vegetation. Most of the 35.58 hectares of the operational disturbance area is occupied by an active quarry and hence lacks a coverage of vegetation.

Surviving native vegetation is confined to the periphery of the subject land, where it exists in a degraded condition. This vegetation is mainly White Cypress Pine woodland; White Cypress Pine - Poplar Box woodland; Dwyer's Red Gum - White Cypress Pine - Currawong shrubby woodland and Dwyer's Red Gum - Black Cypress Pine- Currawong shrubby low woodland.

As a result, the proposal was supported by a Biodiversity Development Assessment Report which confirms that no threatened flora or fauna will be significantly impacted by the proposal. However, as the area of vegetation to be removed will exceed the threshold, it will require entry into the Biodiversity Offset Scheme under the Biodiversity Conservation Regulation 2017. In total, 62 Ecosystem Credits and 6 Species Credits are required to be offset by the Proponent.

The proposed impact footprint has been reduced and altered to minimise impact on biodiversity and heritage. The footprint has reduced in size by 12.24 hectares thus avoiding approximately 5.20 hectares of native vegetation. In addition, vegetation will be removed in a manner that avoids damage to surrounding vegetation, ensuring disturbance to vegetation and soil is kept to a minimum. Consequently, the proposed limited removal of vegetation in the operational area has been designed to minimise the impact on the area of biodiversity and is not considered to have a significant adverse environmental impact.

### **Clause 6.4 Groundwater vulnerability**

The site is not identified as groundwater vulnerable in accordance with Council's LEP 2012 mapping. It is considered that the development is unlikely to contaminate groundwater, have an adverse impact to groundwater depended ecosystem or have a cumulative impact on groundwater with the management measures proposed.

### **Clause 6.5 Riparian Land and Watercourses**

The site is not identified as impacting on riparian lands and watercourses in accordance with Council's LEP 2012 mapping. The study area contains thirty-six 1<sup>st</sup> order, unnamed, minor non-perennial watercourses; eight 2<sup>nd</sup> order, unnamed, minor, non-perennial watercourses and one 3<sup>rd</sup> order, unnamed, minor, non-perennial watercourse. There is no mapped Key Fish Habitat or Protected Riparian Land on the subject land. Sediment runoff during ground disturbance and vegetation removal may flow into watercourses within the study area and impact the stream, however with the implementation of sediment control measures, the

likelihood of this occurring is low. It is considered that the development is unlikely to contaminate any major watercourses as the Quarry site is not located near any major watercourses and is not at risk of flooding.

#### **Clause 6.6 Wetlands**

No wetlands are mapped on the site in accordance with council's mapping. In addition, the directory of Important Wetlands of Australia indicates that there are no nationally important wetlands in or in close proximity downstream of the study area.

#### **Clause 6.7 Essential Services**

All essential services that are relevant to the proposal are available on the subject site as a result of past quarrying activities. No new services are proposed on the site.

##### *(ii) Draft environmental planning instruments (EPI)*

No draft environmental planning instruments apply to the land to which the Development Application relates.

##### *(iii) Any development control plan*

Carrathool Shire Council does not have a Development Control Plan in place.

##### *4.15(1)(a) Provisions of any Planning Agreement or Draft Planning Agreement – (1)(a)(iia)*

The applicant has not requested to enter into a Planning Agreement in respect of the proposed development.

##### *4.15(1)(a) Regulations –(1)(a)(iv)*

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021**

Relevant sections of the Regulations have been considered during the assessment of this proposal.

##### *4.15(1)(b) Likely impacts of the development – Including environmental impacts on both the natural and built environments, and social and economic impacts of the locality.*

The following matters have been identified by the NSW Department of Planning Industry and Environment (DPIE) under the Secretary's Environmental Assessment Requirements as the key environmental issues for consideration associated with the proposed quarry.

#### **Noise and Vibration**

The EIS includes a Noise and Vibration Impact Assessment addressing onsite (operational) noise generated by transportation activities and noise from blasting.

Onsite operation noise has been assessed against the Noise Policy for Industry; transport noise is assessed against the NSW Road Noise Policy (RNP) and noise and vibration levels from blasting has been assessed under the Australian and New Zealand Environment Council (ANZEC) 1990- "Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration".

Under Schedule 1 of the POEO Act 1997, extractive industries that extract, process or store more than 30,000 tonnes per year of material are required to be licenced by the NSW EPA. An EPA licence regulates air, noise, water and waste impacts from an activity or operation. The current proposal to increase operations to 250,000 tonnes per annum will require an amendment to the existing EPA licence. As a licenced premises, all noise related activities within the quarry site, including operation of plant and equipment and the internal haulage route, will be regulated by the EPA.

The current EPL regulates that noise from the premises must not exceed an 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 or approved by the EPA. It is anticipated that noise generated by the project will not exceed the currently prescribed levels. A noise and vibration impact assessment was undertaken by Consultants in February 2022 and ten residential dwellings were identified as the most potentially affected by noise emissions from the quarry and determining the existing noise environment by measuring the existing ambient noise level. The nearest sensitive receiver is approximately 2.2km from the proposed extraction areas and 2.5km from the Quarry access road.

A computer model was developed by the Consultant to quantify project noise emissions to neighbouring receivers using 3D noise modelling software rather than attending the site and setting up noise loggers.

### **Operational Noise**

Quarry operations for noise prediction included extraction, processing, product loading and transportation. The predicted noise levels at each receiver during calm meteorological conditions during the day period and noise-enhancing meteorological conditions during the night period show that noise emissions from the Quarry satisfy the Project Noise Trigger Levels at all residential receivers for each operational scenario under normal operating conditions. Noise emissions from the private haulage access road are also considered under the NSW Industrial Noise Policy criteria therefore transport on the private road is assessed as operational noise.

The traffic noise contribution from the Quarry is predicted to remain below the relevant day period (7am to 10pm) assessment criteria for all dwellings along the travel routes and satisfies the NSW Road Noise Policy's relative increase criteria.

The following noise mitigation measures are proposed to ensure compliance with the required criterion of 60dB(A) being the Intrusiveness Noise Levels adopted for the proposal:

- All drivers to sign a Driver's Code of Conduct requiring a high standard of driver performance to minimise effects of noise and the use of quiet work practices.
- Ensure operations do not begin before 7am or continue after 7pm in relation to extraction operations and processing operations, including vehicles arriving on site and leaving the site and for site establishment and construction
- Limit truck movements to a maximum of 120 per day (60 laden trucks) and a peak of 12 laden trucks per hour.
- Internal road network to be surfaced, as required, to limit body noise from empty trucks
- Machines found to produce excessive noise compared to industry best practice should be removed from site or stood down until repairs or modifications can be made.

Airblast overpressure and vibration levels are predicted to meet the ANZEC criteria at all assessed receivers for blasts up to 152kg Maximum Instantaneous Charge (MIC). Blasts will be restricted to between 10.00am and 3.00pm Monday to Friday to reduce impacts from noise or vibration on surrounding residences. Blasts are to be undertaken in accordance with the guidelines of Australian and New Zealand Environment Conservation Council (ANZECC). No more than 1 blast is permitted during any one day excluding misfires.

Council will require that all residents within a 1km radius and Carrathool Shire Council are to be notified of each scheduled blast occurrence, including details of the time, date and location of the blast. Notification of each blast is to be undertaken a minimum of 24 hours prior to the occurrence of each blast. In addition, blast impacts would be monitored during each blast to

ensure that blast characteristics do not result in overpressure or vibration levels that are not consistent with existing blasting methods.

Additional strategies and mitigation measures in relation to blasting that could be identified in any future Quarry Environmental Management Plan include:

- Blasting is limited to one blast per day, on any day during which blasting is permitted.
- Except in circumstances where an urgent blast is required for safety or emergency reasons, the quarry operator is to provide notification of each blast to all properties within a 900 metre (m) radius of the site. The notification is to be made by telephone, email or mail prior to the blast occurring at the site. In the event that an urgent blast has to take place at the site for safety or emergency reasons, the quarry operator is to notify Council in writing within 24 hours of the blast occurring, outlining the reasons for the blast.
- Handling, transport and use of explosives shall be carried out in accordance with the requirements of Australian Standard AS2187, and applicable legislation.
- Only suitably experienced and qualified blasting personnel shall be employed or contracted to provide blasting services.
- Recommended Blast Exclusion Zones will be established for flyrock protection.
- All blasts shall be face profiled, surveyed and bore tracked to ensure airblast overpressure compliance, combined with the ability to control face burst that can cause flyrock incidents.
- Blast volumes shall be maximised to reduce the frequency of disturbances to the neighbouring properties. Shot sizes should be limited to a maximum of 3 rows deep initially, to minimise vibration reinforcement if utilising a non-electric initiation system. Once actual blast vibration data has been collected and analysed shot sizes may be increased, if the data supports increasing the blast Maximum Instantaneous Charge (MIC) and remaining under 5mm/s.
- Orientate blasts with free faces not directly facing the sensitive receivers, to assist with airblast overpressure control.
- Initiation sequencing for initial blasts, targeting an MIC of 1 blast hole maximum, until the vibration attenuation can be accurately assessed.
- A blast plan shall be prepared for each blast, containing blast hole layout, initiation sequence, charging, stemming type and height, charge weight and any other design element, required for good blasting practice.
- A blast vibration equation shall be developed specific to the Boradwater Quarry.
- Blast areas may be dampened down prior to blasting to minimise dispersion of dry and fine materials where practicable, or where it is identified as a source of potential dust nuisance.



Monitoring strategies to be undertaken by the quarry manager include:

Monitoring of blasting activities must be undertaken in accordance with the *NSW Industrial Noise Policy* and the Australian and New Zealand Environmental Council (ANZECC, 1990) *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration*. Permanent blast monitoring locations will be established at the two closest neighbouring properties.

### **Airblast overpressure and ground vibration monitoring**

For the purposes of checking compliance with the airblast overpressure conditions and ground vibration conditions and for investigating complaints of noise and vibration annoyance, monitoring must be undertaken and at least the following descriptors, characteristics and conditions determined:

1. maximum instantaneous charge (MIC) in kg
2. location of the blast within the quarry (including which bench level)
3. airblast overpressure level, dB (linear) peak
4. peak particle velocity (mms<sup>-1</sup>)
5. location, date and time of recording
6. meteorological conditions (including temperature, relative humidity, temperature gradient, cloud cover, wind speed and direction)
7. distance/s from the blast site to noise-affected building/s, structure/s or the boundary of any noise-sensitive place.

Where a nuisance complaint regarding airblast overpressure or ground vibration is received, consideration will be given to available monitoring results and locations, and if required or advantageous, a monitor will be installed at an appropriate location in consultations with the administering authority. All monitoring and reporting shall be undertaken by a person or body possessing both the qualifications and the experience appropriate to perform the required measurements.

If the monitoring program indicates unacceptable blast overpressure or ground vibration levels are occurring, then the blast program is to be modified (e.g. reduced instantaneous charge, revised blast geometry) to ensure future blasts satisfy the EPA criteria.

Based on the above operating scenarios, the assessment of noise generated by the project confirms that the noise levels comply with the Noise Policy for Industry criteria and will not cause sleep disturbance at all assessed residential receivers.

Further, the road noise criteria will be satisfied for the Munros Road and Mid-Western Highway receivers for worst case operational road traffic, with no ameliorative measures being required. The assessment has utilised the daily average traffic volumes over one week from Sunday 16 February 2020 to Saturday 22 February 2020 of 33 vehicles (19 light vehicles and 14 heavy

vehicles) on Munros Road and 282 vehicles (90 light vehicles and 192 heavy vehicles) on the Mid-Western Highway.

The assessment demonstrates that the projected road traffic noise, when operating at maximum capacity, will comply with the assessment criteria during day time operations. It should be noted that for road noise assessments, the day period is from 7am to 10pm with any night assessment period being from 10pm to 7am. The application was also referred to the EPA with General Terms of Approval issued for the development which have been included within the recommended conditions of consent. It is therefore considered that the proposed development is unlikely to have an adverse significant impact on surrounding land and sensitive receptors from project related noise emissions.

### **Air Quality**

Whilst the subject site is remote in location and primarily bounded by State Forest and agricultural land, the application provided an assessment of air quality impacts of the development, including dust impacts from operational and haulage activities. It was determined that some of the general mitigation measures to be implemented for the project include:

- Apply water to internal roads and stockpile areas to minimise dust generation;
- Dust collection systems on the drill rig to be regularly serviced
- Ensure that all haulage vehicles have their loads covered;
- Respond to air quality related complaints including modifying site operations in the event that dust emissions from operations are not acceptable.

The application was also referred to the EPA with General Terms of Approval issued for the development which have been included within the recommended conditions of consent. It is therefore considered that with the implementation of the mitigation measures during operation, the proposed development is unlikely to have an adverse significant impact on surrounding lands as a result of air quality emissions or result in cumulative air quality impacts due to the remote nature of the site.

### **Water**

The EIS provides a detailed assessment of the proposed quarry on surface and ground water. With regard to potential groundwater and surface water impacts, the EIS identifies the following:

- The continued management of water in accordance with the site water management system anticipates that there would be a low likelihood that sediment laden water would be discharged to surrounding watercourses;
- The proposal would not substantially reduce the size of catchments of the quarry and therefore not result in a reduction of water available for environmental or other purposes;
- The proposal would not exacerbate the impact of or be impacted by flooding;
- The proposal would not intersect any saturated aquifers and therefore would not adversely impact groundwater resources over the site or upon other groundwater users.

Based on the information provided within the EIS, the conditions of consent recommended by Council, the requirements of the NSW EPA General Terms of Approval and the response received from Water NSW, it is considered that proposed development is unlikely to have an adverse or significant impact on surface or groundwater quality. It is important to note that the application does not require or trigger an approval under the Water Management Act 2000 for the actual quarry expansion works on the basis of harvestable rights within the existing storage



dam on the site. Therefore, General Terms of Approval are not required under the Water Management Act 2000 for the proposed Quarry expansion.

However, notwithstanding the comments in Water NSW's letter dated 17 May 2022 that *"for the purposes of the Water Management Act 2000, no further investigation is required by this agency"*, a "controlled activity approval" under the Water Management Act 2000 **may** be required to allow for a specified "controlled activity" on waterfront land for any proposed inverts to be constructed at each crossing over the existing Quarry access road to ensure adequate cross drainage and maintenance of flow regimes as a result of the access road being crossed by several non-perennial watercourses. This will be included in the recommended conditions of consent.

### **Biodiversity**

The proposal will require the removal of approximately 4.23 hectares of native vegetation comprising approximately 4.13 hectares of vegetation in poor condition and 0.10 hectares in moderate condition. Most of the 35.58 hectares proposal footprint is occupied by an active quarry and hence lacks a coverage of vegetation. Surviving native vegetation is confined to the periphery of the subject land, where it exists in a degraded condition. The development application was supported by a Biodiversity Development Assessment Report prepared by OzArk Environmental and Heritage Management which aimed to consider the impacts to biodiversity under the following:

- Environment Protection and Biodiversity Conservation Act 1999
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Fisheries Management Act 1994
- Biosecurity Act 2015.
- Environmental Planning and Assessment Act 1979
- Water Management Act 2000
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

Following vegetation and fauna surveys of the site of vegetation removal using transects, the assessment concluded that the area of impact totals 4.23 hectares. Assessments of significance were prepared for threatened species and ecological communities listed under the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The assessments concluded that no threatened flora or fauna species were identified or observed in the study area and therefore threatened species and ecological communities would not be significantly impacted by the proposal. However, as the area of vegetation to be removed will exceed the threshold, it will require entry into the Biodiversity Offset Scheme under the Biodiversity Conservation Regulation 2017. In total, 62 Ecosystem Credits and 6 Species Credits are required to be offset.

On the basis of the above, it is considered that the proposed development is not likely to have a significant effect on any threatened species, population or ecological communities or their habitats. However, the Biodiversity and Conservation Division of the Department of Planning and Environment advised that additional information was required to be submitted to justify outcomes stated in the Biodiversity Development Assessment Report (BDAR) prior to the determination of the Development Application. The proponent revised the BDAR to ensure that it met the minimum requirements of the Biodiversity Assessment Method (BAM) in relation to Plant Community Types selection, Targeted surveys, Prescribed and indirect impacts and Biodiversity offset credit obligation.

### **Aboriginal Cultural Heritage and Historic Heritage Significance**

The application was supported by an Aboriginal Cultural Heritage Assessment and Historic Heritage Assessment Report dated March 2024 (Revision 3) prepared by OzArk Environmental and Heritage Management which included a desktop assessment of AHIMS, the LEP 2012, Commonwealth Heritage Listings and a National Native Titles Claims Search.

A field survey of the subject site was also undertaken with a total of 34 sites of Aboriginal cultural heritage value identified. Of these, only three were located inside the maximum limit of disturbance and will be impacted directly by the proposal, and 31 sites will not be harmed.

In summary, the report identified that the subject property is unlikely to contain any Aboriginal sites or historic heritage items which may constrain the quarry. Notwithstanding this, the report made the following recommendations in order to manage and mitigate the impact on any unexpected finds as part of the Historical Heritage Unanticipated Finds Protocol:

- Cease all ground surface disturbance in the area of the finds immediately once the finds are uncovered;
- Contact the police if the finds are of human remains;
- Seek verification of the find from a suitably qualified person, such as a heritage consultant;
- Notify Heritage NSW and the relevant local Aboriginal community representatives if the finds are verified or a likely to be Aboriginal in origin;
- Record all finds and register them on the appropriate databases; and,
- Prepare a management strategy in consultation with the local Aboriginal community and approval from the relevant determining authority.

In summary, it is considered that the proposed development is unlikely to have a significantly adverse impact on Aboriginal or Cultural Heritage and is consistent with the objectives of Clause 5.10 of the Carrathool Local Environmental Plan 2012. Notwithstanding this, it is recommended that a condition of consent be applied requiring that in the event that any previously unrecorded or unanticipated Aboriginal object/artefact or historic object is encountered, the Unanticipated Finds Protocol must be implemented.

### **Traffic and Transport**

A detailed Traffic Impact Assessment Report was submitted with the EIS, prepared by Transport Planning Partnership Pty Ltd. The assessment details that based on the operational hours and production amount proposed, the proposal is likely to generate the following average vehicle movements:

- A maximum of 12 laden truck movements per hour and an average of 36 heavy vehicle trips per weekday at average production and an average of 54 heavy vehicle trips per weekday at peak production
- A maximum of 60 laden truck movements on any one day
- A maximum of 24 heavy vehicle trips per hour associated with materials haulage and 120 vehicle trips per day associated with materials haulage.
- 20 light vehicle movements per day.

The assessment details that the total traffic volumes, including the proposed development during a 'busy day' scenario, would remain below threshold volumes and as such no road capacity concerns are generated by the proposal. As such, the assessment concludes that no measures would be required to provide additional capacity to accommodate the proposal and the existing vehicle routes are of an adequate standard to accommodate vehicles associated with the proposal.

The EIS however proposes additional management measures relating to the installation of a GIVE WAY sign facing drivers exiting the quarry access road at its intersection with Munros Road, a driver code of conduct, limiting the number of departing trucks to a maximum of 60 per day and 12 per hour and maintaining accurate records of the number of haulage trucks and continued dust suppression within the site.

Transport for NSW required the Applicant to engage a “*suitably qualified person*” to certify that the intersection of the Mid Western Highway and Munros Road is compliant with the general minimum preferred treatment for rural road intersections, being a Basic Auxiliary Left (BAL) and Basic Auxiliary Right (BAR) treatment as per Austroads (2020b). The outstanding information was submitted to TfNSW by the Proponent. By letter dated 20 October 2022, TfNSW advised that they had no objection to the proposal subject to conditions that they would like imposed on the consent. These conditions will be included in the recommended conditions of consent.

As a result of the recommendations of TfNSW, the conditions have been included and as such, the proposal is not considered to result in significantly adverse traffic or transport impacts.

### **Land Resources**

The subject site is principally used for the extraction and processing of the targeted hard rock resource. Land uses immediately surrounding the Quarry Site principally comprise land used for forestry, grazing and dryland cropping. The Lachlan Range State Forest borders the site to the East and South. The land within the site has been identified in the EIS to be mapped as having a land and Soil Capability of Class 8 being land that has extreme limitations and incapable of sustaining agricultural production.

Section 5.7.3 of the EIS identifies that management and mitigation measures would be implemented to minimise the potential for unacceptable land resource-related impacts including:

- Clearly delineate areas subject to vegetation clearing, soil stripping or stockpiling using markers;
- Stripping or placing soil is not to occur during wet conditions;
- Manage soil stockpiles in the following manner:
  - o Stockpiles are to be no more than 2m high and contain slopes of 1:3 or less;
  - o Stockpiles should achieve effective 70% cover within 10 days formation and may be achieved using mulches, spray on polymer-based products or hessian to allow vegetation cover to become established;
  - o Spread seed of a suitable cover on soil stockpiles to facilitate revegetation;
  - o Ensure soil stockpiles have a surface that is as ‘rough’ as possible in the micro scale to assist in surface water runoff control and seed retention;
  - o Signpost stockpiles and limit operation of machinery.
- Rip and scarify all areas to be respread with topsoil.

Based on this information, it is accepted that the proposed quarry will have an acceptable impact with regard to potential degradation of soil and land resources. An additional condition relating to sediment and erosion control and suitable measures being implemented for the life of the operations will also be recommended to mitigate such impacts on the site.

### **Waste**

The EIS identifies that the proposed quarry would generate general wastes and recyclables, including food scraps, waste oils and greases, tyres and scrap steel / metal. As the subject site is not serviced by any Council waste collection, a private, commercial contractor will be

required to collect wastes from the site or the wastes shall be removed and taken to a licenced waste facility.

No wastes are permitted to be delivered to the Council managed Waste Transfer Stations as these are for domestic wastes only. Notwithstanding, it is not considered that the quantities of wastes generated by the proposal would significantly impact the subject site or surrounding land. A recommended condition of consent has however been imposed requiring that in the event of any servicing, repair or maintenance of plant on-site, any such work must be undertaken by a suitably qualified contractor with all waste to be disposed of in a suitable manner.

### **Hazards**

Hazardous and dangerous goods have previously been considered under the heading State Environmental Planning Policy (Resilience and Hazards) 2021. On the basis that the EIS identifies that hydrocarbons (fuels) will be bunded within impervious areas in accordance with AS1940, the proposed development should not be considered to be a potentially hazardous industry. Further, the EIS considered potential bush fire risks associated with the proposal such as activities that may cause ignition, water availability for firefighting and site access.

The EIS includes management and mitigation measures to minimise the potential for unacceptable public safety-related impacts including the need to prepare an Emergency Management Plan. The requirement to prepare an Emergency Management Plan has also been included as a condition of consent to ensure that a process is implemented for the life of the project that allows for early evacuation and response to bush fires. On the basis of the information submitted, it is considered that the proposed development is unlikely to have an adverse significant impact on the site or to surrounding lands as a result of hazards or bush fire risk.

### **Visual**

In assessing the visual impact of the proposed quarry, the visibility of the proposal from land surrounding the site along with views to and from the site were considered. The site is bounded by mature native vegetation, including the Lachlan Range State Forest. The EIS confirms that the proposal has been designed to minimise potential impacts to visual amenity with any residual impacts to be mitigated by the following measures:

- Remnant vegetation located within the northern part of the Quarry site would be retained;
- Revegetation of the perimeter safety bund around the extraction area and terminal benches to assist in providing a long-term acceptable landform.

Based on this information, it is deemed that the proposed quarry will have an acceptable impact with regard to visual amenity and with future rehabilitation activities for the project, there will be an improved overall future landform which will reduce visual impacts to surrounding land. There will be no visibility of the Quarry site from surrounding residences with the closest residence located approximately 2.2 km from the Quarry site. Also, the visibility of the Quarry site from local roads and the Mid-Western Highway are limited by intervening topography and remnant and planted vegetation.

### **Social and Economic**

The EIS concludes that the proposal will not have unacceptable impacts on the community and adverse socio-economic impacts are likely to be negligible. The proposal seeks to maximise benefits to the community including the following management and mitigation measures:

- Proactively consult throughout the life of the proposal with residents who could be impacted by the proposal;
- Job opportunities at the Quarry would be advertised in local newspapers
- Locally based employees and contractors would be encouraged to participate in training and education programs;
- Give preference when engaging new employees to candidates from surrounding areas over candidates from further afield; and,
- Give preference to suppliers of equipment, services or consumables located within surrounding communities.

Further, while the quarry is unlikely to have an unacceptable environmental impact, it provides full time employment for 4 full-time people, plus additional opportunities for between 4 and 12 truck drivers throughout its operational life which would contribute wages and other benefits to the Carrathool Local Government Area each year. On the basis of the information submitted, the proposal is unlikely to result in any adverse significant socio-economic impacts to the surrounding community.

### **Rehabilitation**

Rehabilitation has previously been addressed under the heading State Environmental Planning Policy (Resources and Energy) 2021. Despite no identified major ecological (flora and fauna) threats found as a result of the proposal, rehabilitation of the land is considered and conditioned appropriately.

The proposed rehabilitation aims to return the areas of the quarry to its pre-quarrying conditions after quarrying activities have ceased. A draft condition of consent has been prepared to require a detailed Rehabilitation Plan that addresses the entire area of the site and consideration of rehabilitating the excavation and hard stand areas, and any other additional matters as determined by Carrathool Shire Council.

#### *4.15(1)(c) Suitability of Site for Development*

##### **(A) DOES THE PROPOSAL FIT IN THE LOCALITY?**

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate facilities in the area available for the development.

##### **(B) ARE THE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT?**

Yes. The site is not subjected to any significant natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site. Management measures, in accordance with the EIS and conditions recommended however will ensure that site will remain suitable for the development.

#### *4.15 (1)(d) Submissions made in accordance with Act or Regulations*

##### **(A) PUBLIC SUBMISSIONS**

The application was placed on public exhibition and advertised and neighbour notified, in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Act, 1979 and Part 3, Division 5 of the Environmental Planning and Assessment Regulation 2021. At the end of the notification period, one (1) submission was received. A copy of the submission is included as Attachment H.

The applicant was provided an opportunity to respond to the submission made and the applicant's response is included as Attachment O. A summary of the objections have been further detailed below, including Council's response to the matters of concern.

Matters of Concern	Council Comment
Dust generation from trucks entering and leaving the site	Section 6 of the Air Quality Impact Assessment Report in Appendix 4 of the EIS concludes that emissions would comply with the annual average air quality criteria and dust deposition at all sensitive receptor locations. The report also concludes that there would be no measurable increase in air quality impacts at receptors in proximity to haulage routes. In addition, the Applicant has committed to implementing several best practice mitigation measures to ensure that dust impacts are minimised. These recommendations will be included in the recommended conditions of consent.
Drainage and Runoff Management	The existing sub-standard dam is to be upgraded to provide a minimum total capacity of 1,408m <sup>3</sup> comprising a sediment storage basin zone and a water settlement zone. Water would overflow from the dam via a rock-lined spillway. Sediment basins will be maintained so that they continue to meet capacity requirements. As far as drainage from the Quarry Access Road is concerned, the Applicant proposes to construct inverts at each of the six crossings to ensure adequate cross drainage and maintenance of flow regimes.

## **(B) SUBMISSIONS FROM PUBLIC AUTHORITIES**

The application was referred to the following State Agencies:

- Water NSW
- NSW Roads and Maritime Services (now Transport for NSW)
- NSW Environment Protection Authority
- NSW Department of Primary Industries-Agriculture
- NSW Department of Planning and Environment- Biodiversity and Conservation Division
- NSW Department of Planning and Environment- Heritage NSW (now NSW Department of Climate Change, Energy, the Environment and Water)
- NSW Rural Fire Service
- NSW Department of Planning, Industry and Environment
- NSW DPIE- Environment, Energy and Science
- Griffith Local Aboriginal Land Council

The responses received from the Agencies who submitted a response, along with the General Terms of Approval required from NSW Environment Protection Authority and the General Terms of Approval from NSW of Climate Change, Energy, the Environment and Water-Heritage NSW have been received and included as Attachment F and Attachment G respectively.

## RECOMMENDED DRAFT CONDITIONS OF CONSENT

### GENERAL CONDITIONS

1. The development is to be carried out in substantially in accordance with the following:

- Environmental Impact Statement for Western Riverina Quarry dated June 2024 prepared by R W Corkery and Co. Pty Ltd, including commitments given in writing by the Applicant, except where amended by the following conditions of this consent.
- Biodiversity Development Assessment Report dated June 2024 prepared by OzArk Environment and Heritage.
- Aboriginal Cultural Heritage and Historic Heritage Assessment Report, **Revision 3**, for Western Riverina Quarry Expansion dated March 2024, prepared by OzArk Environment and Heritage.
- Plan of Management for Koomaringa Aboriginal Place dated June 2024, prepared by OzArk Environment and Heritage.
- In accordance with the conditions of this consent

Any modification to the approved documents, other than as required by following conditions, will require the lodgement and consideration of a modification application by Council.

2. Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council.
3. For clarity, this development consent provides approval for the continued operation and expansion of the Western Riverina Quarry for a period of **30 years** from the date of commencement of this consent.  
The date of the commencement of the 30-year period is to be confirmed in writing by Council.

**Note:** *The Applicant is required to rehabilitate the site in stages as the development permits and carry out additional undertakings to the satisfaction of Council and the Department of Planning and Environment following the 30-year operational period. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.*

4. The Applicant shall not:

- (a) transport more than 250,000 tonnes of quarry products from the site during any financial year;
- (b) process more than 250,000 tonnes of quarry products during any financial year.



5. This development consent does not include approval to import waste material, including soil for rehabilitation of the project site. Separate development consent may be required for the importation of fill material, if it is not identified as exempt development.
6. No building work is to commence on the site until a Construction Certificate has been obtained from either Council or a Registered Private Certifier certifying that the proposed works are in accordance with the relevant National Construction Code-Building Code of Australia Volume One.
7. The Applicant shall ensure that all the plant and equipment used at the site is:
  - (a) maintained in a proper and efficient condition; and,
  - (b) operated in a proper and efficient manner.
8. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
9. All rehabilitation works shall be completed within 24 months following the completion of quarry extraction and processing activities.
10. Flammable materials stored on-site are to be stored in bunded areas or storage areas and in accordance with *Australian Standard 1940:2017- The Storage and Handling of Flammable and Combustible Liquids*.

#### **PRIOR TO COMMENCEMENT OF OPERATIONS**

11. The Applicant is to submit to Council evidence that the required Biodiversity Offset credits, namely, 62 Ecosystem Credits and 6 Species credits, have been purchased and retired to offset the residual biodiversity impacts of the development, as per the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd and the Biodiversity Development Assessment Report dated June 2024 prepared by OzArk Environment and Heritage.
12. The requirement to retire credits in Condition 11 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits and species credits, as calculated by the BAM Credit Calculator and established by the BDAR.
13. Evidence of the retirement of the credits or payment to the Biodiversity Conservation Fund in satisfaction of Conditions 11 and 12 must be provided to Council prior to operational commencement.
14. Prior to commencement of quarry activities the applicant shall provide Council with a procedure that will be implemented for the life of the project to:
  - (a) Keep the local community and relevant agencies informed about the operation and environmental performance of the development.
  - (b) Receive, handle, respond to and record complaints.
  - (c) Resolve any disputes that may arise.

- (d) Respond to any non-compliance.
  - (e) Respond to emergencies.
  - (f) Monitor environmental impacts.
15. Prior to commencement of quarry activities, the boundaries of the approved quarry footprint shall be clearly marked on site by a Registered Surveyor. The Applicant shall also ensure that:
- (a) the location of the quarry footprint boundaries is confirmed by Survey and a copy of the Survey Report is submitted to Council prior to commencement;
  - (b) the markers are easily identifiable and sufficiently durable;
  - (c) the markers remain in place for the life of the consent;
  - (d) all contractors and employees on the site are made aware of the quarry boundaries and that no works extend beyond the markers.
16. At the conclusion of the extraction activities, the boundaries of the extraction footprint area shall be clearly identified by a Registered Surveyor and a copy of the Survey Report is to be submitted to Council.
17. Prior to the commencement of quarry activities, the Applicant must submit to Council a Transport Management Plan that provides details and procedures for the following matters:
- (a) notification of all internal and external cartage / haulage operators of the approved haul route for access to and egress from the site.
  - (b) regular inspection of the haul route for identification of defects and rectification and repair of any identified requirements in a timely manner.
  - (c) compliant investigation procedure and procedure for dealing with non-compliant drivers
  - (d) method of monitoring truck speeds by the operator
  - (e) a driver training and induction procedure. This shall include a requirement for drivers to sign a Code of Conduct acknowledgement that they agree to comply with the requirements and ongoing education about the requirements.
  - (f) record keeping including any proposal to keep log books of truck journeys and complaints. Such records are to date and time of any complaints or monitoring; name of person making the complaint, if given; outcome and steps taken to remediate any investigation relating to a complaint or monitoring. The record book is to be kept on site at all times and made available to authorised officers of Council or the EPA as required. Carrathool Shire Council is to be notified of the outcome of any investigations or breaches.
  - (g) a Driver Code of Conduct that applies to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The Code is to include, but not be limited to, matters such as use of mobile phones, driving in adverse weather conditions, awareness of animal strikes on roads, driver

fatigue and the restriction of haulage being only approved via the Quarry Access Road and Munro's Road to the Mid-Western Highway.

- (h) the maximum haulage truck payload is to be 38 tonnes and is to be a vehicle of no more than 26 metres in length.
- (i) truck movements are to be limited to sixty (60) per day and twelve (12) per hour regardless of any wet weather out-loading delays.
- (j) all truck access is to cease whenever road conditions are deemed to be unsuitable in accordance with the "Approved Area with Travel Conditions" for vehicles of type GML Type 1 A-double published by Carrathool Shire Council.
- (k) installation of a "GIVE WAY" sign facing drivers exiting the Quarry Access Road at its intersection with Munro's Road.
- (l) continued dust suppression within the site.

The Quarry operator shall ensure all drivers adhere to the Code of Conduct, promptly address any complaints or community issues and shall implement any reasonable mitigation measures as required.

## 18. TRANSPORT FOR NSW CONDITIONS

### Attachment 1

#### General Conditions

1. Works to the intersection of the Mid Western Highway and Munros Road shall be located, designed and constructed in accordance with the Austroads Guide to Road Design to the satisfaction of Transport for NSW to provide the following:
  - a) As a minimum the intersection shall be constructed as a sealed Basic Right Turn (BAR) treatment in accordance with the Austroads Guide to Road Design for the posted speed limit as per (**attachment 2**)
  - b) Works within the road reserve of the Mid Western Highway shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway.
  - c) As a minimum the pavement design on the Mid Western Highway shall be in accordance with Austroads standards and to the satisfaction of Transport for NSW.
  - d) The works to the Mid Western Highway shall be line marked in accordance with the Austroads Guide to Road Design for the posted speed limit.
  - e) The design vehicle for the works shall be a Road Train heavy vehicle.
2. Works associated with the development shall be at no cost to Transport for NSW.

#### Prior to the commencement of works on Mid Western Highway or the issuing of a Construction Certificate, the developer must:

1. Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works on the Mid Western Highway.

##### Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: [www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html](http://www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html)
- More information on WADs can be found at: [www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf](http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf)

#### Prior to the commencing works within the road reserve, the developer must:

1. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

##### Notes:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
2. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

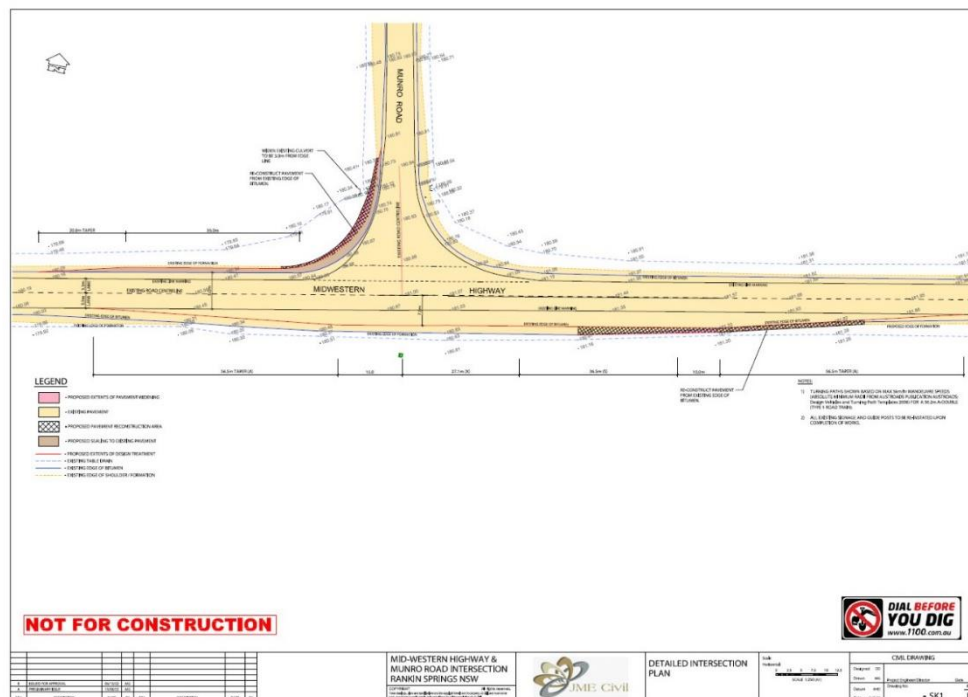
**Notes:**

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

**Prior to the commencement of operations or the issuing of an Occupation Certificate, the developer must:**

1. Provide evidence to Transport for NSW to demonstrate that all works within the road reserve have been completed in line with the approved plans and documentation.

**Attachment 2**



19. Prior to the commencement of use, the Applicant must provide Council with copies of all Management Plans that may include, but not limited to:

- (a) A detailed Site Management Plan including the arrangement and control measures for areas where storage of fuels, lubricants and maintenance of vehicles is to be carried out.
- (b) Soil and Water Management Plans
- (c) Waste Management Plans

- (e) Site Rehabilitation and Vegetation Management Plans.
- (f) Transport Management Plan
- (g) Bush Fire Emergency Management and Operations Plan

These Plans are required for Council records only.

20. Prior to the commencement of use, the Applicant must prepare and submit to Council a Bush Fire Emergency Management and Operations Plan identifying all relevant risks and mitigation measures associated with the operation of the Extractive Industry including the following:

- a) Measures to prevent or mitigate fires igniting;
- b) Work that should not be carried out during total fire bans;
- c) Availability of fire-suppression equipment, access and water;
- d) Storage and maintenance of fuels and other flammable materials;
- e) Notification processes to be implemented of works that have the potential to ignite surrounding vegetation during the bush fire danger period;
- f) Appropriate bush fire emergency management planning protocols.

21. Implementation of a Driver Code of Conduct (CoC) to apply to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The CoC must include, but not be limited to, the use of mobile phones, driving in adverse weather conditions (fog and icy road conditions), awareness of animal strikes on roads, driver fatigue and the restriction of haulage being only approved via the Quarry Access Road and Munro's Road to the Mid-Western Highway. The CoC must be provided to all employees or contractors prior to entry to the site or during each site induction.

22. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:

- (a) The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and "Managing Urban Storm water: Soils and Construction - Volume 2E - Mines and Quarries (DECC, 2008);
- (b) Air quality (dust) management measures; and
- (c) Noise management measures.
- (d) Blasting operations

23. The existing consent (DA 2/91) approved on 19 July 1991 is to be surrendered prior to the commencement of operations under this consent.

## **DURING OPERATIONS**

24. General operation of the extractive industry is to be restricted to the following times:

- Monday to Friday - 7.00am to 7.00pm
- Saturdays – 7.00am to 3.00pm

Articulated trucks and water carts are restricted to the following times:

- Monday to Saturday - 7.00am to 6.00pm

Blasting operations are to be restricted to between 10am to 3.00pm Monday to Friday and no more than once per day.

No quarrying activities (including extraction, crushing, screening, blasting washing and transport) are permitted on Sundays or Public Holidays.

25. The Driver Code of Conduct shall be implemented and adhered to by the operator, staff and contactors at all times.
26. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
27. The internal Quarry Access/Haulage Road is to be maintained so that it is trafficable to all vehicles including fire-fighting trucks and emergency services (two-wheel drive traffic), at all times. This road is to be speed-limited to 20km/h.
28. The internal Quarry Access/Haulage Road must be **bitumen** sealed from the front entrance of the Quarry site for an internal distance of **2km** and must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (e.g. dust) at all times.
29. The Applicant must obtain a "controlled activity approval" under the Water Management Act 2000 to allow for a specified controlled activity on waterfront land for any proposed inverts and other drainage works to be constructed at each crossing over the existing Quarry Access Road to ensure adequate cross drainage and maintenance of flow regimes as a result of the Quarry Access Road being crossed by several non-perennial watercourses.
30. Trucks entering and leaving the premises that are carrying loads on public roads must be covered at all times, except during loading and unloading.
31. Haulage operations coinciding with local school bus pick up/drop off times are to be avoided.
32. The development site is to be managed for the life of the project in the following manner:
  - (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - (b) Appropriate dust control measures;
  - (c) All equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

41. All waste, with the exception



of topsoil to be re-used, generated on site shall be disposed of to a licensed waste disposal facility.

33. The development must ensure that a static water supply, of a minimum 20,000 litres, is accessible and reliable for firefighting purposes for the life of operations and provided in accordance with Planning for Bush Fire Protection 2019.
34. The development must ensure that all bush fire management objectives are complied with by ensuring that all bush fire management and mitigation measures listed in Sections 5.9.2.3, 5.9.2.4 and Table 5.25 of the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd, are complied with.
35. The Asset Protection Zones in accordance with Table 5.24 of the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd and Appendix 4 of Planning for Bush Fire Protection 2019 are to be provided and maintained at all times around built assets within the Ancillary Components Area and surrounding vegetation of the site.
36. All proposed access roads around the perimeter of the site shall be constructed and maintained to a standard suitable for a Category 1 fire-fighting vehicle.
37. The Applicant must apply to Water NSW to attach a Water Access Licence to the works prior to any water being taken through the existing bore.
38. A Complaints Register is to be maintained by the operator of the quarry. Details of the date, time, complainant contact details (if offered), nature of the complaint and adopted corrective actions are to be recorded in the complaints register. A copy of the complaints register is to be given to Council upon request.
39. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the Heritage Branch of the Department.
40. Measures should be taken to ensure that quarry activities do not contribute to the spread of noxious weeds.
41. No materials are permitted to be disposed of or stored on crown land, roads or waterways.
42. The vehicular entrance and exit to the site and the direction of traffic movement within the site shall be clearly indicated by means of signage to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises at all times.
43. Any servicing, repair or maintenance of plant required on-site must be undertaken by a suitably qualified employee or contractor with all waste to be disposed of in a suitable manner and transported to a licensed waste facility.
44. An Annual Return detailing the amount of material extracted and area of extraction shall be provided to Council.
45. Prior to any blasting event occurring, the quarry operator shall notify Carrathool Shire Council Customer Service and adjoining neighbouring property owners at least 24 hours in advance.

46. Following the extraction and processing of not more than 50% of material, the operator of the quarry must prepare a Quarry Closure Plan. The Quarry Closure Plan must be submitted to and approved by Council and the Resources Regulator (as relevant). The Quarry Closure Plan must describe:

- (a) The final land use and landform options considered, and justification of the preferred option selected;
- (b) Rehabilitation methods to be implemented;
- (b) Completion criteria; and
- (c) Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

47. The Applicant is to comply with the requirements of the Koomaringa Quarry Construction and Maintenance Agreement for Munro's Road dated 29 June 2000 whilst the Quarry remains active for the 30-year Quarry expansion of operations period.

#### **INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**

48. NSW Environment Protection Authority  
Compliance with General Terms of Approval in Attachment F.

49. NSW Department of Climate Change, Energy, the Environment and Water- Heritage  
NSW  
Compliance with General Terms of Approval in Attachment G.