



Determination Report

Development Application 2019/36
Extractive Industry - Macquarie Manor Quarry
Prepared for Narromine Shire Council

May 2020

Table of contents

1.	Introduction.....	4
1.1	Background and site overview	4
1.2	Existing operations.....	5
1.3	Environmental impact assessment.....	5
1.4	Purpose.....	5
1.5	Structure of this report	6
1.6	Scope and limitations.....	6
2.	The proposal	7
2.1	Description of the proposal	7
2.2	Need and justification for the proposal	7
2.3	Development of the proposal and options considered	7
3.	Statutory context	9
3.1	<i>Environmental Planning and Assessment Act 1979</i>	9
3.2	Environmental Planning and Assessment Regulation 2000	11
3.3	State environmental planning policies	11
3.4	Narromine Local Environmental Plan 2011	13
3.5	Narromine Shire Council Development Control Plan 2011	15
3.6	Other NSW legislation.....	15
3.7	Commonwealth legislation	18
3.8	Licencing and approvals	19
4.	Consultation and assessment of submissions	20
4.1	EIS exhibition	20
4.2	Summary of submissions.....	20
4.3	Consideration and response to submissions	21
4.4	Future consultation	26
5.	Assessment of key and other issues	27
5.1	Biodiversity.....	27
5.2	Noise and vibration	28
5.3	Surface water	28
5.4	Groundwater	28
5.5	Traffic and transport.....	29
5.6	Air quality	29
5.7	Aboriginal heritage	29
5.8	Historic heritage	30
5.9	Visibility	30
5.10	Land resources	30
5.11	Public safety and hazards.....	31
5.12	Socioeconomic.....	31
5.13	Summary.....	31

6. Conclusion.....32

Table index

Table 3-1 Consideration of the objects of the *EP&A Act*9

Table 3-2 Relevant SEPPs11

Table 3-3 Summary of other state legislation15

Table 4-1 Response to public submissions received.....21

Figure index

Figure 5-1 Location of scar tree30

Appendices

Appendix A – Recommended conditions of approval

Glossary

Term	Definition
NSW BC Act	NSW Biodiversity Conservation Act 2016
BCD	Biodiversity and Conservation Division of DPIE
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EP&A Regulation	NSW Environmental Planning and Assessment Regulation 2000
EPA	NSW Environment Protection Authority
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
EPL	Environment protection licence
GHD	GHD Pty Ltd
GTA	General Terms of Approval
NSC	Narromine Shire Council
POEO Act	NSW Protection of the Environment Operations Act 1997
SEARs	Secretary's Environmental Assessment Requirements No. 1257
SEPP	State Environmental Planning Policy

1. Introduction

1.1 Background and site overview

GHD has been engaged by Narromine Shire Council (NSC) to conduct an independent assessment of DA2019/36 for the continued operation and expansion of an existing extractive industry (quarry) on Lot 3 DP 808866 and Lot 1 DP 1220016, 116 Euromedah Road, Narromine. M.A & S.N Montgomery are the proponents for the quarry expansion and have been operating the quarry without relevant planning approvals.

The existing quarry, known as the Macquarie Manor Quarry, is located approximately 7 kilometres north-west of Narromine in Central NSW. The land, subject to the development proposal, is zoned RU1 Primary Production.

The project is not classified as a State Significant Development (SSD), pursuant to the *State Environmental Planning Policy (State and Regional Development) 2011*, as it is not proposed to extract more than 500,000 tonnes per annum (tpa), the total resource is less than 5 million tonnes and extraction will not occur within an environmentally sensitive area of State significance.

The proposal is considered Designated Development under Clause 19(1) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), as:

- More than 30,000 m³ of material would be extracted and processed annually
- Total disturbance would exceed 2 ha
- Blasting would be undertaken within 500 m of a non-proposal related residence.

With designated development, Section 4.12(8) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* requires the preparation of an Environmental Impact Statement (EIS) to accompany the development application lodged with Council.

Clause 7(a) of Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* identifies that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by NSC and determined by the Western Joint Regional Planning Panel.

The proposed quarry expansion is also Integrated Development, requiring the General Terms of Approval (GTA) from the relevant approval body, pursuant Section 4.46 of the *EP&A Act*.

All relevant State authorities who have an interest in the proposed quarry expansion were provided notice of the development in accordance with Division 4.7 of the *EP&A Act*. A background paper describing the proposal was prepared and submitted with an application for Secretary's Environmental Assessment Requirements (SEARs) to the Department of Planning and Environment (DPE) now Department of Planning, Infrastructure and Environment (DPIE) in 2018. The SEARs were subsequently issued and have been addressed in the EIS for the proposal.

The proposed development was publicly exhibited and notified to neighbouring land owners from 4 July 2019 to 7 August 2019 in accordance with Clause 80 of the *EP&A Regulation*.

1.2 Existing operations

The existing quarry has a disturbance area of approximately 2.9 ha containing several pits, shallow excavations and product stockpiles. Since acquiring the property, the landowner has continued to extract, crush and sell weathered granite and sedimentary rock materials into local markets. Extraction and processing operations are conducted on a campaign basis with a production rate of approximately 20,000 tpa over the last 2.5 years. It is understood that there is approximately 25,000 tonnes of crushed product stockpiled within the project site.

Existing plant consists of the following key elements:

- Extraction area
- Office, workshop and hard stand area
- Temporary product stockpile area
- Long-term product stockpile area
- Soil stockpile
- Raw water dam
- Sediment basins.

The proposal is described in detail in Section 2.

1.3 Environmental impact assessment

The proposal requires an assessment under Part 4 of the *EP&A Act*. M.A & S.N Montgomery are the proponents and the Western Joint Regional Planning Panel is the determining authority. R.W. Corkery & Co. Pty Ltd has prepared an EIS to address Clause 4.12(8) of the *EP&A Act*, Schedule 2 of the *EP&A Regulation* and the SEARs. The SEARs were issued on 13 September 2018 and are provided in Attachment 2 of the EIS.

The EIS documented the potential environmental impacts of the proposal, considered both negative and positive impacts, and proposed management and mitigation measures to protect the environment, where required. Specialist investigations also supported the EIS including a traffic assessment, heritage assessment, biodiversity assessment, noise and vibration impact assessment and groundwater impact assessment.

The exhibition of the EIS is discussed further in Section 4 of this report.

1.4 Purpose

The purpose of this report is to evaluate the proposal in accordance with Clause 4.15 of the *EP&A Act* to allow for a determination of the proposal in accordance with Clause 4.16 of the *EP&A Act*. This has been achieved by considering the following:

- Any relevant environmental planning instruments
- The likely impact of the development
- The suitability of the site for the development
- Any submissions made
- The public interest.

1.5 Structure of this report

This report is structured as follows:

- **Section 1** – Introduction
- **Section 2** – Description of the proposal including the options considered and the overall need
- **Section 3** – A review and consideration of the legislative and policy requirements
- **Section 4** – Overview of the consultation completed to date including the exhibition of the EIS, submissions received and the response to submissions as detailed in the Submissions Report
- **Section 5** – Identification of the key issues and an assessment of those issues relative to the proposal
- **Section 6** – Conclusion.

Recommended conditions of approval are provided in Appendix A.

1.6 Scope and limitations

This report has been prepared by GHD for Narromine Shire Council and may only be used and relied on by Narromine Shire Council for the purpose agreed between GHD and Narromine Shire Council as set out in this report.

GHD otherwise disclaims responsibility to any person other than Narromine Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Narromine Shire Council and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. The proposal

2.1 Description of the proposal

The proposal includes the following activities:

- Extraction of an average of 150,000 tpa, and a maximum of 500,000 tpa, using conventional drill and blast techniques, for a period of up to 28 years
- Crushing and screening of extracted material using mobile plant to produce a range of quarry products, including aggregates, railway ballast, road base and general fill
- Construction and use of a product stockpile area for storage and blending of extracted materials
- Loading and transportation of extracted and stockpiled material from the site via the existing site access road, Euromedah Road, and Eumungerie Road, using rigid trucks, truck and dog combinations, semi-trailers, B-double trucks and Type 1 A-double road trains. Daily heavy vehicle movements would be approximately 26 movements (13 loads) on average, with a maximum of 88 movements (44 loads) for limited periods
- Construction and use of surface water management structures, including sediment basins and diversion banks
- Establishment of ancillary infrastructure, including a workshop, a hard stand area, and offices
- Upgrade of the site access road, including sealing, to a distance of at least 200 m from Euromedah Road

2.2 Need and justification for the proposal

The objectives for the proposal are:

- To provide a high quality, economical source of hard rock products for:
 - Construction of the Melbourne to Brisbane Inland Rail Project
 - Road construction and maintenance, stabilisation and drainage works
 - Other construction projects principally within the Narromine Local Government Area
- To minimise, to the maximum extent practicable, the impact on the local environment, community and other stakeholders
- To provide for a final landform amenable to future use for agriculture and/or nature conservation purposes
- To ensure that operation of the quarry would be safe, reliable and cost-effective, contributing to the local economy of the Narromine Local Government Area

2.3 Development of the proposal and options considered

Granite is mostly confined to hilltops within the region surrounding the site. The proposed extraction area is situated on the only significant hilltop within the site where granite is exposed. It is therefore unlikely that other alternative quarry sites for granite exist within the site.

Several alternative extraction area designs were considered during the planning stages of the proposal, with the objective of maximising the quantity of granite that could be extracted whilst minimising surface disturbance. The extraction area design that is described in the EIS achieves that objective.

The consequences of not proceeding with the proposal include the following:

- The recoverable hard rock resources would not be extracted by the applicant. Such an outcome would be contrary to the State's and the applicant's objective to maximise resource utilisation
- The opportunity to generate 2 to 3 full-time-equivalent positions would be foregone
- Expenditure of approximately \$240,000 per year on wages within the Narromine Shire LGA, State and National economies, would be foregone
- Minor impacts on the local biophysical environment would not eventuate

3. Statutory context

3.1 *Environmental Planning and Assessment Act 1979*

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for the assessment and approval of development in NSW.

3.1.1 Objectives of the *EP&A Act*

The objects of the *EP&A Act* are listed in Section 1.3 of the Act. Section 5.6 of the EIS identifies the consistency of the proposal with the objects of the *EP&A Act*. Table 3-1 identifies the objects of the EP&A Act and confirms that each has been satisfied by the proposal and the EIS.

Table 3-1 Consideration of the objects of the *EP&A Act*

Object	Coverage
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;	The proposal would provide for the continuing use of the quarry site for extraction and processing operations, without compromising the rehabilitation objectives of the quarry.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;	On the basis that the proposal would offset the residual impacts to the biophysical environment, as described in Section 4.2.6 of the EIS, it is considered to conform to the principles of ecologically sustainable development.
c) to promote the orderly and economic use and development of land;	The proposal would result in a beneficial use of land for extractive activities without limiting surrounding land uses.
d) to promote the delivery and maintenance of affordable housing;	The proposal would not contribute to any additional pressure on local housing.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;	The proposal would not involve significant impacts to threatened species, populations and ecological communities, and their habitats. In addition, residual impacts would be offset, as described in Section 4.2.6 of the EIS.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);	No Aboriginal sites or sites of historic heritage significance were identified during surveys of the site. In response to cultural interest in a tree with a scar identified close to the proposed extraction area, mitigation measures are outlined in Section 4.8.8 of the EIS.
g) to promote good design and amenity of the built environment;	Not applicable to the proposal.

Object	Coverage
h) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State;	The relevant environmental planning legislation has been reviewed in Sections 3 and 5.3 of the EIS. The applicant contends that the proposal would meet the requirements of all relevant legislation and would not constrain the ability of different levels of government in the state to exercise their functions.
i) to provide increased opportunity for community participation in environmental planning and assessment.	The application was made publicly available to the public and the submissions have been considered in Section 4 of this report.

3.1.2 Ecologically sustainable development

Section 1.3(b) of the *EP&A Act* is

“to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment”

The definition of ecologically sustainable development (ESD) is found in clause 7(4) of Schedule 2 to the EP&A Regulation. The ESD principles consist of:

- a) *the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options*
- b) *inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations*
- c) *conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration*
- d) *improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems*

Section 5.3 of the EIS assesses the consistency of the proposal with the principles of ESD. The EIS assessment of the ESD principles is considered adequate. The discussion provided in

Section 5.3 of the EIS has been reviewed and the proposal is considered to be consistent with Section 1.3(b) of the *EP&A Act*.

3.1.3 Development consent under Part 4 of the *EP&A Act*

The proposal requires development consent and is therefore subject to Part 4 of the *EP&A Act*. In determining a development application, the consent authority is required to take into account the matters for consideration listed under Section 4.15 of the *EP&A Act* insofar as they are relevant to the development. These matters have been considered throughout this assessment report.

Due to the proposal being considered designated development (refer to Section 3.2), Section 4.12(8) of the *EP&A Act* requires the preparation of an EIS to accompany the development application lodged with Council.

The proposal is also classified as Integrated Development under Section 4.46 of the *EP&A Act* because an Environment Protection Licence will be required under Clause 19 of Schedule 1 of the *Protection of the Environment Operations Act 1997* and a Section 138 Permit under the *Roads Act 1993*.

The EIS indicates a works approval and water access licence is required under the *Water Management Act 2000* but WaterNSW advised the works approval or access licence are not required.

3.2 Environmental Planning and Assessment Regulation 2000

Under Clause 19(1) of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (*EP&A Regulation*), the proposal is considered designated development, as:

- More than 30,000 m³ of material would be extracted and processed annually
- Total disturbance would exceed 2 ha
- Blasting would be undertaken within 500 m of a non-proposal related residence

With designated development, Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (*EP&A Act*) requires the preparation of an EIS to accompany the development application lodged with Council.

3.3 State environmental planning policies

The relevant state environmental planning policies (SEPP) are summarised in Table 3-2 Relevant SEPPs below.

Table 3-2 Relevant SEPPs

SEPP	Comment
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	For a development for the purpose of extractive industry to be classified as State Significant, the proposal must either: • extract more than 500 000 tonnes of material per year • have a total resource (the subject of the development application) of more than 5 million tonnes; and/or • extract from an environmentally sensitive area of state significance

SEPP	Comment
	The proposal does not exceed or trigger any of these thresholds, therefore it is not of State significance. However, Clause 7(a) of Schedule 7 of the State and Regional Development SEPP identified that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by NSC and determined by the Western Joint Regional Planning Panel.
<i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>	Part 3 of the Mining SEPP sets out several matters that a consent authority must consider when assessing a development application for mining, petroleum production or extractive industry. Table 3.1 in Section 3.2.4.2 of the EIS presents a summary of each element requiring consideration and a reference to the Section in the EIS where each element is addressed.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	Not relevant to the application as the proposal does not fit any of the criteria in the SEPP.
<i>State Environmental Planning Policy 33 – Hazardous and Offensive Development</i>	In accordance with SEPP 33, the hazardous materials to be held or used within the site are required to be identified and classified in accordance with the risk screening method contained within the Appendix 4 of <i>Applying SEPP 33</i>. Hazardous materials are defined within that document as substances falling within the classification of the <i>Australian Code for the Transportation of Dangerous Goods by Road and Rail</i> (Dangerous Goods Code). The applicant states that no potentially hazardous goods would be used or stored within the project site. As a result, a preliminary hazard analysis is not required for the proposal.
<i>State Environmental Planning Policy No. 44 – Koala Habitat Protection</i>	Appendix 4 of the EIS contains a Biodiversity Development Assessment Report (BDAR) for the Proposal. In addressing SEPP 44, there are two questions that need to be considered: a) Is the land “Potential Koala Habitat”? ‘Potential Koala Habitat’ is defined in SEPP 44 as, “...<i>an area of native vegetation where trees of the type listed in Schedule 2 (Koala feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component</i>”; and b) Is the land “Core Koala Habitat”? “Core Koala habitat” is defined as an area of land with a resident population of koalas, evidenced by attributes

SEPP	Comment
	such as breeding females (females with young), recent sightings and historical records of a Koala population. The only suitable feed trees for this species within the development site were within PCT 267 and numbered two trees only. Each was examined for scratch marks and an area of 2m radius from the trees base was searched for Koala scat. No evidence of Koala was detected. In addition to this, no evidence of koalas being present or utilising the subject land was detected during a targeted survey. It was considered the proposal site does not support potential or core Koala habitat under the definitions of SEPP 44.

3.4 Narromine Local Environmental Plan 2011

3.4.1 Land use zoning

The site is situated within land zoned as Zone RU1 – Primary Production under the Narromine Local Environmental Plan 2011 (LEP). The objectives of the zone are:

“To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

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

To minimise the fragmentation and alienation of resource lands.

To minimise conflict between land uses within this zone and land uses within adjoining zones.”

Extractive industries are permissible with consent in this zone.

3.4.2 Clause 6.2 Flood planning

The objectives of Clause 6.2 are:

- “To minimise the flood risk to life and property associated with the use of land.
- To allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change.
- To avoid significant adverse impacts on flood behaviour and the environment.”

The site is partially located within the identified Flood Planning Area (LEP Flood Planning Map Sheet FLD_004). All areas of disturbance, including all areas utilised for operational activities, associated with the proposal are located above the Flood Planning Area which occupies the southern portion of the project site. Therefore it is not anticipated that the proposal will be subject to flooding or have any adverse impacts upon flood behaviour. Section 4.4.4 of the EIS provides additional information regarding flood impacts.

3.4.3 Clause 6.6 Groundwater vulnerability

Clause 6.6 identifies the following objective with regards to groundwater vulnerability:

“To maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.”

The LEP Groundwater Vulnerability Map Sheet GRV_004 confirms that the site is partially located within an area identified as 'Vulnerable Land'. All areas of disturbance, including all areas utilised for operational activities, associated with the proposal are located on land which is not identified as being vulnerable. Therefore it is not anticipated that the proposal would have any adverse impacts upon vulnerable groundwater systems or resources. Groundwater impacts are assessed in detail in the EIS, which confirm the proposal is unlikely to impact groundwater.

3.4.4 Clause 6.4 Terrestrial biodiversity

The objective of Clause 6.4 is the maintenance of terrestrial biodiversity, using the following approaches:

- “protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence; and
- encouraging the conservation and recovery of native fauna and flora and their habitats.”

A review of the Terrestrial Biodiversity Map Sheet BIO_004 confirms that areas within the project site are identified as 'Sensitive Area'.

Clause 6.4 further states the following.

- “(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:*
- (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.”*

Section 4.2 of the EIS provides information on biodiversity impacts and identifies management and mitigation measures. The analysis in the EIS found that there would be no serious and irreversible impacts on biodiversity associated with the proposal.

3.4.5 Clause 6.5 Riparian land and watercourses

The objectives of Clause 6.5 are to protect and maintain:

- “(a) water quality within watercourses,*
- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic riparian habitats,*
- (d) ecological processes within watercourses and riparian areas.”*

A review of the Watercourse Map Sheet WCL_004 confirms that areas within the project site are identified as 'Sensitive Area'.

Clause 6.5 further states:

- “(3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:*

- (a) is likely to have any adverse impact on the following:
- (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and its riparian areas, and
- (b) is likely to increase water extraction from the watercourse.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”

As all areas of disturbance, including all areas utilised for operational activities, associated with the proposal are located on land which is not identified as being Sensitive Area for the purpose of Clause 6.5, it is not anticipated that the proposal will have any adverse impacts upon sensitive watercourses or waterfront land.

3.5 Narromine Shire Council Development Control Plan 2011

The objectives of the Narromine Shire Council Development Control Plan 2011 (DCP) are:

- “To manage development such that it encourages planned and sustainable growth, whilst having regard to the local character, amenity, agricultural productivity and environmental values associated with the local government area;
- To provide the basis for future development; and
- To provide confidence to the community about the quality of development within the LGA.”

Table 3.2 in Chapter 3 of the EIS identifies the specific matters addressed by the DCP, relevance to the proposal and where in the EIS the matters raised are addressed. All the relevant sections of the DCP have been considered, with the exception of “Integrated Development” in Chapter 3 of the DCP. As discussed in Section 3.1.3 the proposal is considered Integrated Development and the provisions of that section apply.

3.6 Other NSW legislation

Section 3.2.3 of the EIS considered the application of other NSW legislation to the proposal. A summary is provided in Table 3-3 below.

Table 3-3 Summary of other state legislation

Legislation	Comment
<i>Heritage Act 1977</i>	A historic heritage assessment for the proposal is presented in Appendix 8 and summarised in Section 4.9

Legislation	Comment
	of the EIS. In summary, no listed places or objects would be disturbed by the proposal.
<i>Protection of the Environment Operations Act 1997</i>	The Protection of the <i>Environment Operations Act 1997</i> is administered by the Environment Protection Authority (EPA), which issues Environment Protection Licences (EPLs) for scheduled activities, including extractive industries. An EPL would be required as the proposal exceeds the 30,000 tpa threshold specified in Section 19 of Schedule 1 of the POEO Act. The POEO Act also requires immediate reporting of pollution incidents which cause or threaten to cause material harm to the environment. All holders of EPLs are required to prepare, implement and regularly test a Pollution Incident Response Management Plan (PIRMP). The applicant would prepare a PIRMP after an EPL is issued for the proposal. The EPA have issued General Terms of Approval for the proposal, which have been included in Appendix A.
<i>Water Management Act 2000</i>	Section 56 of the <i>Water Management Act 2000</i> provides arrangements for access licences. As per Clause 35(a) of the Water Management (General) Regulation 2018, a person is exempt from the requirement to hold a Water Use Approval if the use of the water is for a purpose for which development consent is in force under the <i>EP&A Act</i>. WaterNSW have provided clarification of the applicability of the Water Management Act, as discussed in Section 4.3.2 below.
<i>National Parks and Wildlife Act 1974</i>	The <i>National Parks and Wildlife Act 1974</i> protects Aboriginal places and objects. An Aboriginal Heritage Assessment for the proposal is presented in Appendix 8 of the EIS and is summarised in Section 4.8 of the EIS. A tree with a scar was identified immediately south of the southwest corner of the proposed extraction area and although this is likely to be the result of natural processes, the Applicant commits to avoiding the site. As a result, an Aboriginal Heritage Impact Permit is not required.
<i>Biodiversity Conservation Act 2016</i>	This Act has been considered in Section 4.2 of the EIS and a Biodiversity Development Assessment Report (BDAR) is presented in Appendix 4 of the EIS. The EIS states that the removal of approximately 5.6 ha of native vegetation would represent a permanent impact, or loss, of native vegetation and habitat and would be a residual impact of the proposal. The applicant would therefore commit to offset the impact to the Plant Community Types

Legislation	Comment
	(PCTs), ecosystem species and species credit species by entry into the Biodiversity Offset Scheme (BOS). Under the BOS, species credits will be required for the PCTs on site, and for the Pink-tailed Legless Lizard and the Large-eared Pied Bat. The proposed clearing areas have been designed to avoid and minimise impacts on Large-eared Pied Bats, which inhabit the site. Section 4.2.4 of the EIS contains management and mitigation measures to preserve biodiversity on the site. BCD has reviewed the EIS, confirming the assessment satisfies the requirements of the Biodiversity Conservation Act, refer to Section 4.3.2 below, and recommended conditions have been included in Appendix A.
<i>Roads Act 1993</i>	Section 138 of the <i>NSW Roads Act 1993</i> requires that all activities undertaken within Council's road reserve be approved by Council prior to the activities being undertaken. The proposal will require a Section 138 Permit under this Act for the following activities listed in Section 4.6.4 of the EIS: • Adding double solid centre line markings in Euromedah Road on each approach to the site entrance. • Upgrading the site entrance at the intersection of the site access road and Euromedah Road to a standard BAL/BAR intersection and install a give way sign on the site access road in the vicinity of the intersection. • The site access road would be sealed for a minimum distance of 200 m on its approach to the intersection with Euromedah Road. • Install a give way sign on the site access road south of the single lane site entrance gate to ensure that exiting vehicles give way to vehicles entering the project site. • Trim and maintain roadside vegetation to ensure visibility is not compromised.
<i>Rural Fires Act 1997</i>	The proposal is located on bushfire prone land. The applicant has committed to a range of management and mitigation measures relating to the potential for bushfires, detailed in Section 4.12.2 of the EIS. As a result, it is not anticipated that the proposal would significantly impact bush fire hazards. The NSW Rural Fire Service provided a submission with a number of recommendations (refer to Section 4.3.2), which have been included in Appendix A.
<i>Biosecurity Act 2015</i>	A total of 56 flora species were identified within the Project Site, comprising 50 native species and 6 exotic

Legislation	Comment
	species. The exotic species are weeds and include African Boxthorn, which is listed as a high threat weed under the BAM and as a priority weed for the Narromine LGA under the <i>Biosecurity Act 2015</i>. Another species, Tiger Pear, is also listed as a priority weed. A list of all flora species observed during the field assessment is presented in Appendix D of the EIS. The Applicant is required to control weeds and pests in accordance with the Act and will be a requirement of the Biodiversity and Rehabilitation Management Plan which is required in Appendix A.

3.7 Commonwealth legislation

The key Commonwealth Act relating to the proposal is the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. The *EPBC Act* provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the *EPBC Act* as matters of national environmental significance. The nine matters of national environmental significance to which the *EPBC Act* applies are:

- World heritage properties
- National heritage places
- Wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development

The EIS outlines the matters of national environmental significance relevant to the proposal are:

- Listed threatened species and ecological communities
- Listed migratory species

A Biodiversity Development Assessment Report (BDAR) was completed for the proposal by OzArk Environmental & Heritage Management Pty Ltd (OzArk). This report is presented as Appendix 4 in the EIS and is summarised in Section 4.2 of the EIS. The report found six Plant Community Types (PCTs) in the subject site, with four present in the proposed area to be cleared/disturbed. One of the PCTs in the proposed area to be cleared/disturbed is “White Box Yellow Box Blakely’s Red Gum Woodland”, which is listed as Critically Endangered under the *EPBC Act* and classified as an Endangered Ecological Community under the *NSW BC Act*. The BDAR states that this community does not meet the minimum criterion for listing as a Critically Endangered Ecological Community due to the requirement of higher quality vegetation

condition, particularly understorey diversity. Therefore, the proposal is not required to be referred under the *EPBC Act*.

3.8 Licencing and approvals

The development requires the following licences and approvals:

- Development Approval for Regional Development – Extractive Industry from the Joint Regional Planning Panel (JRPP) under Clause 4.5 of the *EP&A Act*
- Environmental Protection Licence under Clause 19 of Schedule 1 of *the Protection of the Environment Operations Act 1997*
- Section 138 Permit under the *Roads Act 1993*

4. Consultation and assessment of submissions

4.1 EIS exhibition

The EIS was placed on public display by NSC in accordance with Clause 80 of the *EP&A Regulation* from 4 July 2019 to 7 August 2019 at the following locations:

- Narromine Shire Council, 124 Dandaloo Street, Narromine, NSW
- NSW Department of Planning, Macquarie Street, Dubbo, NSW Area 1, Level 1/188 Macquarie St, Dubbo, NSW

Community consultation activities undertaken for the EIS exhibition comprised:

- Public display of the EIS in the foyer of Narromine Shire Council, 124 Dandaloo St, Narromine, NSW and the foyer of NSW Department of Planning, Macquarie St, Dubbo, NSW
- Placement of advertisements in the Narromine News on 3 July 2019 and 17 July 2019
- Placement of information on the NSC website from 4 July 2019 to the 7 August 2019

All agencies which responded to the SEARs together with those that did not provide a response were advised by email of the EIS exhibition and provided with a download link. All neighbours within 1 km of the development were also notified.

4.2 Summary of submissions

Two public submissions were received by NSC. Submissions provided comment on a range of issues in relation to the proposal.

The key issues raised in the public submissions were:

- Risk of vibration damage to the underground water aquifer
- Noise impacts on surrounding residential properties from quarry operations
- Noise impact from exhaust brakes from trucks on properties located on Euromedah Road
- Impact of the proposal on pedestrian safety at the bus stop at the intersection of Eumungerie and Euromedah Road
- Dust impacts on surrounding residential properties
- Contamination risks to the Macquarie River
- Impact of the proposal on nearby properties during a flood event
- Loss of property value

Section 4.3 provides a response to these submissions.

Agency submissions were received from:

- Crown Lands
- NSW Department of Primary Industries - Agriculture
- NSW Environmental Protection Agency
- NSW Natural Resources Access Regulator
- NSW Office of Environment & Heritage

- Rural Fire Service (RFS)
- Roads & Maritime Services
- WaterNSW
- Division of Resources and Geoscience

Section 4.3.2 provides consideration, discussion and response to the agency recommendations.

4.3 Consideration and response to submissions

4.3.1 Public submissions

Table 4-1 provides a response to issues raised during community consultation.

The applicant has responded to all of the public and most of the agency submissions in the report titled *Response to Submissions for the Continued Operation and Extension of the Macquarie Manor Quarry, Narromine* by R. W. Corkery & Co. Pty. Ltd.

Table 4-1 Response to public submissions received

Issue	Response
Risk of vibration damage to the underground water aquifer	Appendix 6 of the EIS presents a Groundwater Impact Assessment for the proposal. The proposed excavation is likely to intersect an aquifer or aquifers in fractured rock and is therefore considered an aquifer interference activity. Assessment of potential groundwater impacts indicates that potential drawdown impacts would not exceed “minimum impact considerations” outlined in the NSW Aquifer Interference Policy. The proposal would not pose an unacceptable risk to groundwater quantity or quality.
Noise impacts on surrounding residential properties from quarry operations	Section 4.3 of the EIS assesses the impacts of the proposal on noise and vibration, drawing on a specialist Noise and Vibration Impact Assessment presented in Appendix 5 of the EIS. Noise levels were modelled to estimate the impact on nearby residential receivers. The modelling found that: • There are no predicted exceedances of the adopted day time noise criterion as a result of the operational noise emissions from the quarry, however noise levels at R5 are expected to be equal the relevant criteria. • There are no predicted exceedances of the sleep disturbance noise screening criterion at any of the nearby residential receivers detailed in the assessment. • There are no predicted exceedances of the relevant criteria for noise and vibration levels from blasting operations. It is considered the potential noise impact on R5 can be managed via implementation of conditions requiring noise management and monitoring.

Issue	Response
Noise impact from exhaust brakes of trucks on properties located on Euromedah Road	Section 4.3 of the EIS assesses the impacts of the proposal on noise and vibration, drawing on a specialist Noise and Vibration Impact Assessment presented in Appendix 5 of the EIS. Section 6.3 of Appendix 5 models predicted noise levels for trucks travelling on Euromedah Road. The model is based on measured noise levels for trucks travelling on typical public roads. The measurements include a mixture of road configurations including where vehicles were travelling up and down hill and slowing to turn, then accelerating away etc. Traffic noise levels will be below the RMS criterion for all residential receivers that are greater than 40 m from the centre of traffic. There are no residences in this zone.
Impact of the proposal on pedestrian safety at the bus stop at the intersection of Eumungerie and Euromedah Road	Section 4.6 of the EIS assesses traffic and transport impacts of the proposal. Appendix 6 of the EIS contains a Road Transport Assessment. Neither the EIS nor Road Transport Assessment discuss safety issues at the bus stop at the intersection of Eumungerie and Euromedah Road. The response to submissions acknowledges this issue and commits to addressing it in the Drivers Code of Conduct and limiting, as far as practicable, proposal related vehicle movements during school pick up and drop off times. This is considered a practical approach and has been reflected in Appendix A.
Dust impacts on surrounding residential properties	Air quality impacts of the proposal are addressed in Section 4.7 of the EIS. Proposed management and mitigation measures to reduce dust impacts are listed in Section 4.7.3. The assessment concludes that the proposal would be highly unlikely to result in dust levels that would cause significant air quality-related impacts at any residence surrounding the site. Furthermore, as there are no other significant dust-emission sources in the vicinity of the site, the proposal would not result in cumulative air quality-related impacts. It is considered the potential dust impact can be managed via implementation of conditions requiring dust management and monitoring.
Contamination risks to the Macquarie River	Section 4.4 of the EIS assesses surface water impacts of the proposal and Section 2.6 describes the proposed water management operations associated with the proposal. The assessment anticipates that there would be a low likelihood that sediment-laden water would be discharged to surrounding water courses. As a result, it is assessed that the proposal would not result in significant surface water impacts.
Impact of the proposal on nearby properties during a flood event	Section 4.4 of the EIS assesses surface water impacts of the proposal and Section 2.6 describes the proposed water management operations associated with the proposal.

Issue	Response
	The site is partially located within the identified Flood Planning Area under the Narromine LEP. The EIS states that the proposal would not impact on the on the Flood Planning area nor any watercourses in the vicinity of the site, including the Macquarie River.
Loss of property value	Impacts on property values are not considered a planning concern and are not relevant to this Determination Report.

4.3.2 Agency submissions

Crown Lands

The NSW Department of Planning, Industry and Environment – Crown Lands had no comment or objection to the proposal.

WaterNSW

First submission

WaterNSW's first submission on the proposal, dated 6 August 2019, states that:

"The EIS states that if consent is granted the proponent will be applying for a Water Supply Work Approval for the Raw Water Dam. Prior to applying to WaterNSW the proponent will need to have the dam surveyed to determine the capacity of the dam that exceeds the property's Maximum Harvestable Right. The proponent will need to purchase water on the open market in the Coolbaggie Creek Water Source which is a part of the Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources and will be required to apply for the associated dealings subject to assessment. The entitlement to be sourced will be calculated by dam capacity less the property's harvestable right, divided by the dam reliability factor of 1.50 for this location."

WaterNSW also stated:

"The proponent currently holds 2 Combined Approvals on this property both linked to Water Access Licences.

- 80CA715189 authorises a bore on Lot 3 in DP808866.
- 80CA701089 authorises a 150 mm centrifugal pump on Lot 3 in DP808866.

If development consent is granted the proponent could extract water using the works authorised via these approvals to supply water to the quarry without requiring an amendment to either of these Approvals providing the water is taken in accordance with the conditions on both the Combined Approvals & Access Licences."

The applicant responded to this submission in October 2019, stating:

"As the Applicant intends to use water from the Raw Water Dam for dust suppression operations associated with the proposed quarrying operations, the Applicant acknowledges that a Water Supply Work Approval will be required for the Raw Water Dam to permit use of the structure in the event that the dam's capacity is determined to exceed the property's Maximum Harvestable Right (7.8 ML).

Prior to applying for a Water Supply Work Approval, the Applicant will have the existing Raw Water Dam surveyed to determine its capacity. Should the capacity exceed the property's

Maximum Harvestable Right, the Applicant will seek to purchase water on the open market in the Coolbaggie Creek Water Source as identified by WaterNSW.

The conditions of the combined approvals, 80CA715189 and 80CA701089, restrict the use of water allocations under those licences to irrigation purposes. It is anticipated that water stored in the sediment basin, sumps and Raw Water Dam would be adequate to supply the operational water requirements for the Proposal. In the event that inadequate water is available, the Applicant would either cease production, obtain additional water from a suitably licenced source, or investigate the possibility of applying to alter the conditions of the existing combined approvals.”

Conditions of consent have been included in Appendix A to require the Applicant to obtain the necessary approvals, if required.

Second submission

WaterNSW's second submission on the proposal, dated 21 January 2020, states that:

“I refer to our previous letter dated 6th August 2019 regarding this matter, and advising that the matter was not integrated development and therefore no GTAs were to be provided by WaterNSW.

The Department of Planning, Industry and Environment (DPIE) have now returned their groundwater impact assessment of the development and provide the following comments / recommendations for Council's attention.

The Department of Industry recommends the following:

- 1 Quarterly monitoring of groundwater level and basic groundwater field parameters; including as a minimum pH, EC, and major ions; from within the established monitoring bores be included in the operational groundwater management plan.*
- 2 Monitoring of groundwater seepage from quarry faces be monitored weekly, and included in the operational groundwater management plan for the quarry.*
- 3 Groundwater levels above 242m AHD are to be included as a trigger action response criteria in the operational groundwater management plan for the quarry.*
- 4 High volumes of groundwater infill seepage from quarry faces are also to be included in the operational groundwater management plan as a trigger action response criteria.*
- 5. The operational groundwater management plan is to be supplied to DPIE-Water for consultation purposes.”*

It is anticipated that the above controls will be included in the Water Management Plan required by the conditions in Appendix A.

4.3.2.1 NSW Biodiversity Conservation Division

BCD (previously Office of Environment & Heritage) provided comment on 3 July 2019 which was issued to the Applicant. Following review of the Applicants response to the BCD comments, BCD issued a letter dated 16 December 2019 indicating the additional information has satisfied the shortfalls identified in their submission.

The letter dated 16 December 2019 included two recommended conditions, which have been included in Appendix A.

4.3.2.2 NSW Rural Fire Service

The NSW Rural Fire Service (RFS) raised no objections to the proposal, subject to compliance with a number of recommendations, which have been included in Appendix A.

4.3.2.3 NSW Roads & Maritime Services

Roads and Maritime Services provided the following recommendations:

- The quantity of material exported from the site by road must not exceed 500,000 tonnes per annum and is not to exceed 6 trucks into or 6 trucks out of the site per hourly period.
- Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design is to be provided and maintained at the vehicular access servicing the land from the Euromedah Road.
- To provide suitable storage capacity for the largest class of vehicle accessing the site, any gate, grid or similar structure installed in the access is to be setback appropriately from the edge of the road on Euromedah Road.
- Roads and Maritime agrees with the recommendation to upgrade the site access at Euromedah Road to a basic (BAL/BAR) intersection treatment in accordance with Austroads Guide to Road Design 4A (copy enclosed). The intersection works are to be designed and constructed for a 100 km/h speed zone and able to accommodate the largest vehicle accessing the intersection.
- Installation of Advance Truck warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) under, located 250 metres in advance of the intersection of Eumungerie and Euromedah Roads.
- Eumungerie Road is a classified Regional road (MR572). Prior to the recommencement of operations of the quarry, a basic left (BAL) turn treatment is to be constructed by widening the pavement on Eumungerie Road for southbound trucks turning left into Euromedah Road, in accordance with Figure 8.2 Part 4A of the Austroads Guide to Road Design (copy enclosed). The BAL facility will also need to be sealed and built for a 100 km/h speed environment.
- The operator is to prepare and implement a code of conduct relating to transport of materials on public roads as part of considerations under Clause 16(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. These may include but are not limited to:
 - Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
 - Haul route restrictions under the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass.
 - Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
 - Restriction of haulage movements to occur outside of school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between haulage vehicles and buses or children.
 - Measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs.

The above recommendations have been considered and included, where relevant in Appendix A.

4.3.2.4 Division of Resources and Geoscience

The submission from Division of Resources & Geoscience (DRG) noted the following:

“The EIS identifies an approximate Extraction Area of 10 hectares and states a total hard rock resource of 4.2 Mt at a density of 2.6 tm³ (Page 1-7 Section 1 of EIS). The resource assessment in the EIS includes cross sections of the extraction area (Page 2-9 of Section 2 of

EIS) but fails to document the extent of the resource within the Project Site and methods used to assess the resource.

The EIS should document the method used to calculate the resource (e.g. drilling, trenching including spatial location). Characteristics of the material(s) to be produced including grain size and mineralogy, nature and extent of weathering or alteration should also be provided.

The EIS states that the proponent commissioned laboratory tests of the granite resource which determined its suitability for the intended purposes (Page 1-7 Section 1 of EIS) with further testing being undertaken by ARTC to assess suitability for use in rail projects (Page 1-7 Section 1 of EIS).

The EIS resource assessment should include all of the above with full documentation appended. The proponent should provide the above to the Division. If deemed commercial-in-confidence, the proponent should commit to providing the Division with full resource assessment documentation separately.

The proponent should be required to provide annual production data for the subject site to the NSW Division of Resources and Geoscience as a condition of development consent."

The Applicant provided a response to these comments which was forwarded to DRG and no further comments were received. Appendix A includes a requirement to provide annual production data to DRG.

4.3.2.5 NSW Department of Primary Industries – Agriculture

The NSW Department of Primary Industries did not raise any issues.

4.3.2.6 NSW Environmental Protection Agency

The NSW Environmental Protection Agency has provided their General Terms of Approval, which have been included in Appendix A.

4.3.2.7 NSW Natural Resources Access Regulator

The NSW Natural Resources Access Regulator (NRAR) advised the proposal was not a matter for NRAR.

4.4 Future consultation

Interested parties will be notified of the Joint Regional Planning Panel meeting to consider the application. Should the proposal receive Development Approval, consultation activities would continue in accordance with the requirements of the consent.

5. Assessment of key and other issues

The EIS was prepared in accordance with the *EP&A Act* and DPE SEARs (No. EAR 1257) issued on 13 September 2018. Appendix 3 of the EIS identifies where each SEAR is addressed in the EIS. Section 4 of the EIS assesses the environmental issues.

In addition to the mitigation and management measures provided in the EIS, recommended conditions of approval are included in Appendix A of this report.

5.1 Biodiversity

Section 4.2 of the EIS assesses biodiversity impacts of the proposal. The assessment describes the biodiversity values present within and immediately adjacent to the site and assesses the potential impacts of the proposal on ecological values.

A Biodiversity Development Assessment Report is presented in Appendix 4 of the EIS. The report found six Plant Community Types (PCT) were present on the subject land, four within the development footprint of the proposal:

- PCT185 - Dwyer's Red Gum – White Cypress Pine – Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion
- PCT267 - White Box – White Cypress Pine – Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion; and
- PCT467 - Blue-leaved Ironbark – Black Cypress Pine shrubby sandstone open forest in the southern Brigalow Belt South Bioregion.
- PCT82 – Western Grey Box – Poplar Box – White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion

The EIS anticipates impacts to native vegetation through the direct clearing of approximately 5.6 ha of the following PCTs from the proposed extraction area.

- PCT185 (Dwyer's Red Gum – White Cypress Pine) 3.1 ha
- PCT267 (White Box – White Cypress Pine – Western Grey Box) 1.0 ha
- PCT467 (Blue-leaved Ironbark – Black Cypress Pine) 1.5 ha

These PCTs provide habitat for 26 ecosystem species. In addition, two species credit species that are present, or are assumed to be present, would be impacted by the proposal:

- Large-eared Pied Bat
- Pink-tailed Legless Lizard

The removal of approximately 5.6 ha of native vegetation would represent a permanent impact, or loss, of native vegetation and habitat and would be a residual impact of the proposal. The applicant has committed to offset the impact to the PCTs, ecosystem species and species credit species by entering into the Biodiversity Offset Scheme.

Section 4.2.4 of the EIS lists proposed management and mitigation measures to protect biodiversity.

Figure 2.4 in the EIS shows a concept design for the proposed upgrade of the intersection of Euromedah Road and the site access road. The plans do not specify if native vegetation will need to be removed as part of the upgrade. The Applicant has since confirmed that the upgrade will not involve the removal of any native vegetation, but some vegetation on the northern side of Euromedah Road will need to be trimmed.

The assessment is considered adequate and addresses the SEARs related to biodiversity. Appendix A includes conditions of consent, as recommended by BCD, to ensure the impacts to biodiversity are minimised.

5.2 Noise and vibration

Section 4.3 of the EIS assesses the impacts of the proposal on noise and vibration, drawing on a specialist Noise and Vibration Impact Assessment presented in Appendix 5 of the EIS. Noise levels were modelled to estimate the impact on nearby residential receivers. The modelling found that:

- There are no predicted exceedances of the adopted day time noise criterion as a result of the operational noise emissions from the quarry, although under two scenarios modelled, the noise levels at R5 are equal the criteria.
- There are no predicted exceedances of the sleep disturbance noise screening criterion at any of the nearby residential receivers detailed in the assessment.
- There are no predicted exceedances of the relevant criteria for noise and vibration levels from blasting operations.
- Traffic noise levels will be below the RMS criterion for all residential receivers that are greater than 40 m from the centre of traffic and there are no residences within 40 m.

The assessment is considered adequate and addresses the SEARs related to noise and vibration. The EPA have issued their GTAs, which have been incorporated into Appendix A, and require noise to be managed appropriately.

5.3 Surface water

Section 4.4 of the EIS assesses surface water impacts of the proposal and Section 2.6 describes the proposed water management operations associated with the proposal. In summary:

- The proposal would not be impacted by flooding of the Macquarie River.
- It is anticipated that controlled discharges from the sediment basins would not be required.
- There is a low likelihood that sediment-laden water would be discharged to surrounding water courses.

The assessment is considered adequate and addresses the SEARs related to surface water. Appendix A include the EPA GTAs, which require water is managed appropriately.

5.4 Groundwater

Section 4.5 of the EIS assesses groundwater impacts of the proposal. Appendix 6 of the EIS contains a Groundwater Impact Assessment. In summary:

- The standing groundwater level in the vicinity of the proposed excavation is 230 m to 242 m AHD. As the base of the proposed excavation would be 252 m to 240 m AHD, it would be possible that an aquifer in fractured rock could be intersected.
- The proposal would not interfere with the Macquarie River and its surrounding alluvial aquifer.
- The proposal would not interfere with groundwater dependent ecosystems or culturally significant groundwater sites.

- Standing water levels within registered bores within the alluvial aquifer are below the base of the proposed excavation. As a result, the proposal would not interfere with these registered groundwater works.

The assessment is considered adequate and addresses the SEARs related to groundwater. The Water Management Plan included in Appendix A requires monitoring of groundwater to confirm if the quarry intersects groundwater.

5.5 Traffic and transport

Section 4.6 of the EIS assesses traffic and transport impacts of the proposal. Appendix 7 of the EIS contains a Road Transport Assessment. In summary:

- Sight distances for vehicles travelling in opposite directions on Euromedah Road is limited due to the crest on the road. However, the sight distances are considered adequate.
- Sight distances are considered adequate on other nearby intersections.
- A review of the crash history in the area did not highlight any location with a particularly poor crash history.
- Key intersections associated with the proposal would not be negatively impacted by the increase of traffic predicted from the proposal.
- A number of management and mitigation measures have been provided in Section 4.6.4 of the EIS.

The assessment is considered adequate and addresses the SEARs related to traffic and transport. However, as discussed in Section 4.3.2, RMS have provided some recommendations in relation to the traffic impacts associated with the proposal and these plus other traffic related conditions are included in Appendix A.

5.6 Air quality

Section 4.7 of the EIS assesses air quality impacts of the proposal. In summary:

- The proposal would be highly unlikely to result in dust levels that would cause significant air quality-related impacts at any residence surrounding the site.
- As there are no other significant dust emission sources in the vicinity of the site, the proposal would not result in cumulative air quality-related impacts.

The assessment is qualitative, rather than quantitative, as required by the SEARs. However, due to the relative isolation of the proposal and the fact EPA have issued their GTAs, the assessment is considered adequate. To confirm dust is not an issue, Appendix A includes provisions for air quality monitoring.

5.7 Aboriginal heritage

Section 4.8 of the EIS assesses Aboriginal heritage impacts of the proposal and Appendix 8 contains an Aboriginal and Historic Cultural Heritage Assessment. In summary:

- Two Aboriginal Heritage field studies were conducted on the site.
- One tree with a scar was identified immediately south of the southwest corner of the proposed extraction area, however it was determined that the scar is likely to be the result of natural processes.
- During the consultation process Aboriginal representatives showed interest in the tree. The proponent has modified the proposed extraction area to exclude the tree.

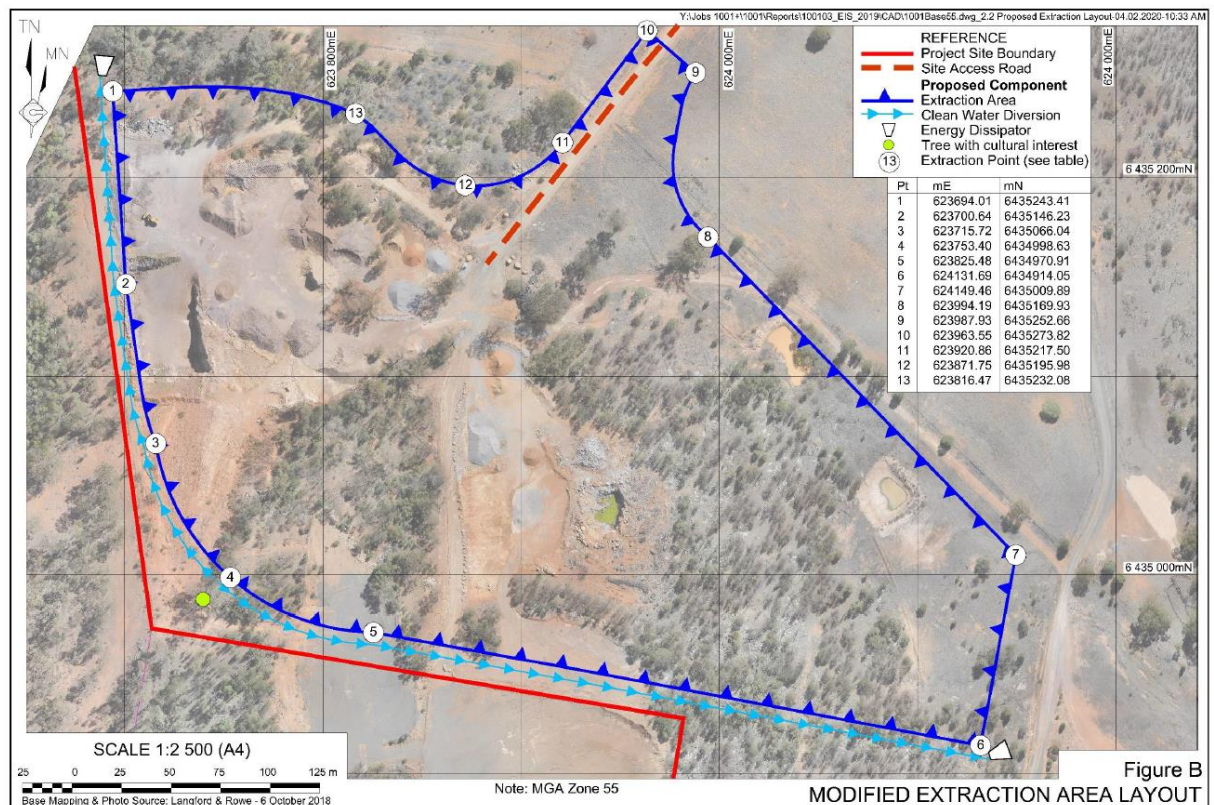


Figure 5-1 Location of scar tree

The assessment is considered adequate and addresses the SEARs related to Aboriginal Heritage. Appendix A also includes conditions to address Aboriginal heritage.

5.8 Historic heritage

Section 4.9 of the EIS assesses heritage impacts of the proposal and Appendix 8 contains an Aboriginal and Historic Cultural Heritage Assessment. The EIS concluded that no sites of historic heritage significance occur within the site.

The assessment is considered adequate and addresses the SEARs related to heritage.

5.9 Visibility

Section 4.10 of the EIS assesses visibility impacts of the proposal. Based on the relative isolation of the site, the proposed landscape and visual amenity related controls, the EIS assesses that the proposal would not impact significantly on local visual amenity.

The EIS also states that the proposed final landform would also provide for a landscape amenable for future agricultural uses and should therefore blend with the surrounding undisturbed lands.

The assessment is considered adequate and addresses the SEARs related to visibility. Appendix A also includes conditions to minimise the visual impact of the proposal.

5.10 Land resources

Section 4.11 of the EIS assesses land resources impacts of the proposal. Adherence to the recommended soil and growth medium stripping, handling, stockpiling procedures and other management practices together with appropriate rehabilitation practices would result in a minimal impact to soils and land capability within the site. Furthermore, the proposal would not limit agricultural activities within undisturbed sections of the site or surrounding lands.

The assessment is considered adequate and addresses the SEARs related to land resources. Appendix A also includes conditions to ensure the site is appropriately rehabilitated once the quarry has closed.

5.11 Public safety and hazards

Section 4.12 of the EIS assesses public safety and hazard impacts of the proposal. In summary:

- In relation to public safety risks associated with unauthorised access to the site, the applicant notes that the site is fenced, and gates would be locked when not in use.
- In relation to risks associated with hydrocarbons, based on the proposed management and mitigation measures, the risk of hydrocarbon contamination of land is considered negligible.
- In relation to bushfire risk, the proposal would not result in an increased risk of bushfire. In addition, the proposal would not require construction of infrastructure that would require protection from bushfire attack.

The assessment is considered adequate and addresses the SEARs related to public safety and hazards. Appendix A also includes conditions to address public safety and hazards.

5.12 Socioeconomic

Section 4.13 of the EIS assesses socioeconomic impacts of the proposal. The proposal is expected to have a positive socioeconomic effect by providing employment and contributing to the local economy.

The assessment is considered adequate and addresses the SEARs related to socioeconomic impacts.

5.13 Summary

The EIS and associated documentation has assessed the potential impacts of the proposal, considering both positive and negative impacts, and identified mitigation measures to minimise the impact on the environment, where appropriate. A summary of the potential impacts of the proposal are described and summarised in Sections 5.1 to 5.12 of this report.

Overall the proposal would result in a positive socioeconomic impact. Negligible and/or neutral impacts are anticipated for heritage, visibility, land resources, public safety and hazards, traffic and access, air quality, groundwater and surface water. Minor negative impacts are anticipated for biodiversity and noise and vibration as discussed in sections 5.1 and 5.2 of this report.

The implementation of mitigation measures proposed in the EIS would minimise the negative impacts on the receiving environment.

Recommended conditions of approval are also provided in Appendix A.

6. Conclusion

The preparation and public exhibition of the EIS is considered to have satisfactorily addressed the relevant matters in Part 4 of the *EP&A Act*. The EIS and supporting documentation are also considered to adequately address the SEARs issued for the proposal.

Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal, with the implementation of the identified mitigation and management measures and the recommended conditions of approval (provided in Appendix A to this report), is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats.

The proposal is recommended to be approved subject to the proposed mitigation measures in the EIS, and the recommended conditions of approval provided in Appendix A to this report.

Appendices

Appendix A – Recommended conditions of approval

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICANT DETAILS

Applicant: MA and SN Montgomery
Address: 116 Euromedah Road
NARROMINE NSW 2821

APPLICATION DETAILS

Development Application Number: **2019/36**
Description of Development: **Macquarie Manor Quarry**
plans, specifications and supporting documentation stamped with reference to this consent

LAND TO BE DEVELOPED

Address: 116 Euromedah Road, NARROMINE NSW 2821
Property Description: Lot 3 DP 808866

DETERMINATION DETAILS

Decision: **Approved subject to conditions**
Determination Date: **{{[granted], "d MMMM yyyy"}}**
Approval to operate from: **{{[granted], "d MMMM yyyy"}}**
Approval to lapse on: **{{[granted + 1824], "d MMMM yyyy"}}**
BCA Classification: Class 5, 7b and 10a

OTHER APPROVALS

Section 68 Local Government Act	refer Part B of this consent
Roads Act	refer Part C of this consent
EPA General Terms of Approval	refer Part H of this consent

A. ADMINISTRATIVE CONDITIONS

General

1. This consent relates to the Macquarie Manor Quarry as described in the EIS, plans, specifications and supporting documentation listed below and as modified by the following conditions. The development must be carried out in accordance with this consent.

Plan/Doc Title	Plan/Doc Reference No.	Issue No.	Prepared by	Date
Environmental Impact Statement	Ref. 1001/03	-	R.W. Corkery & Co. Pty. Limited	June 2019
Modified Extraction Area Layout	Figure B	-	R.W. Corkery & Co. Pty. Limited	04/02/2020
Proposed Project Site Layout	Figure 2.1	-	R.W. Corkery & Co. Pty. Limited	04/02/2020
Design of the Extraction Area	Figure 2.3	-	R.W. Corkery & Co. Pty. Limited	12/03/2020

Notes:

- Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.
 - Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.
2. The Macquarie Manor Quarry must not commence operation under this consent until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Limits of approval

3. The Applicant may carry out quarrying operations on the site for 28 years from the date of this consent.

Note: Under this approval, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of Council. Consequently, this approval 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. If the development has not been physically commenced within 5 years of the date of this consent, then this development consent will lapse.

Material extraction

5. The Applicant must not carry out extraction below a level of 240m AHD.

Note: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.

6. The Applicant must not extract more than 500,000 tonnes of extractive materials from the site in any 12 month period or 4,200,000 tonnes in total over the life of the quarry.

Extractive material transport

7. The Applicant must not:

- (a) transport more than 500,000 tonnes of extractive material from the site in any 12 month period;
- (b) dispatch more than 60 laden trucks from the site on any day; or
- (c) dispatch more than 6 laden trucks from the site in any hour.

8. The Applicant may only transport extractive material from the site on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported quarry products can only be accessed by other roads.

Staging, combining and updating strategies, plans or programs

9. With the approval of Council, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or

- program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).
10. If Council agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.
11. If Council agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

Revision of strategies, plans and programs

12. Within three months of:
- a) the submission of an incident report under condition 95;
 - b) the submission of an Annual Review under condition 91;
 - c) the submission of an Independent Environmental Audit under condition 93
 - d) the approval of any modification of the conditions of this approval (unless the conditions require otherwise); or
 - e) notification of a change in project stage under condition 9.

The Applicant must review, and if necessary revise the strategies, plans and programs required under this approval, to the satisfaction of Council and be submitted to Council for approval within six weeks of the review.

Evidence of consultation

13. Where conditions of this approval require consultation with an identified party, the Applicant must:
- a) consult with the relevant party prior to submitting the subject document; and
 - b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and

- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

National construction code of Australia

- 14. All building work must be carried out in accordance with the requirements of the National Construction Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

- 15. The Applicant must comply with the requirements of a Class 5, 7b and 10a, as relevant, construction as per the National Construction Code of Australia.

Demolition

- 16. The Applicant must ensure that all demolition work on site is carried out in accordance with AS 2601- 2001: The Demolition of Structures, or its latest version.

Section 7.11 Contributions

- 17. The Applicant must pay a monthly contribution to the Council for the maintenance of roads in accordance with the Council Section 7.11 Contributions Plan – Heavy Vehicles as in force at the time, unless the road impacts from the development are otherwise addressed, to Council's satisfaction, by the ARTC and the Inland Rail Project conditions.

Protection of public infrastructure

- 18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the project; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Compliance

- 19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

Production data

20. Each year, from the commencement of quarrying operations, the Applicant must provide annual quarry production data to NSW Division of Resources and Geoscience (DRG).

B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Long Service Levy Payment

21. The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council/Accredited Certifier, prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

Construction Certificate Application

22. A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out on site.

Engineering Plans

23. Engineering plans, showing details of all proposed construction works and adhering to any conditions of development consent, must be submitted to, and approved by, Council or an Accredited Certifier prior to issuing of the Construction Certificate.
24. Detailed design of road upgrades and construction works must be prepared in accordance with Austroads Guidelines and RMS QA Road works specifications, or to Council's satisfaction.
25. Provide a detailed design for the widening of Euromedah Road pavement and seal to 8.0 m and 7.0 m for Eumungerie Road on the approaches to the intersections with the Site Access Road and Euromedah Road respectively, as per a Sub-arterial road in the Narromine Shire Council Roads Management Strategy (Road Manual) – Part 3: Road Hierarchy. The distance of the widening and sealing must be in accordance with Austroads guidelines. A pavement design for the widening and access must also be submitted for consideration.
26. Detailed design for the upgrade of the site access at Euromedah Road to a basic (BAL/BAR) intersection treatment must be submitted to Council for consideration. The intersection works must be designed for a 100km/h speed zone and able to accommodate the largest vehicle accessing the intersection.

27. The design of the access on Euromedah Road must provide suitable setback from the edge of Euromedah Road to any gate, grid or similar structure for the stacking and storage of the largest class of vehicle accessing the site.
28. Detailed design for the upgrade of Eumungerie Road to a basic left (BAL) turn treatment by widening the pavement on Eumungerie Road for southbound trucks turning left into Euromedah Road must be provided to Council. The design of the BAL facility must conform to a 100km/h speed environment with a sealed pavement.
29. A minimum of 200 m must be sealed on the Site Access Road from Euromedah Road.

Road Drainage

30. The southern drainage pipe culvert must be relocated to a suitable location on the new Access Road.
31. The drainage culvert must be of appropriate size, minimum DN 375 to allow for the free passage of stormwater. A blockage factor of 50% must be considered.
32. The drainage culvert must be of an appropriate class with adequate cover to withstand the worst load combination (static and/or dynamic) for construction as well as operational traffic.

Pipe Backfill

33. All pipe backfill designs and construction must be in accordance with AS/NZ 3725:2007.

Building works

34. Prior to the issue of a construction certificate, the Applicant is to provide detailed construction plans of any buildings, including work shop, crib room, and amenities.
35. Prior to the issue of a construction certificate, a Section 68 approval is required for water plumbing works and sanitary drainage works for any associated infrastructure.

C. REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

S138 Roads Act Approvals

36. Prior to commencement of construction works, the proponent must contact Councils Engineering Department for determination of an Authority to Work Permit.

Project Plans & Testing

37. Prior to any works commencing, a project construction plan must be submitted to Council for review and approval to ensure all requirements are met. All documentation required for submission should follow Aus-spec 0161 Quality Management - Construction including road works and other services. This should include the following:
- Sequence of operations
 - Documented procedures and work instructions
 - Types of equipment required, capability, maintenance and calibration certificates
 - Any special working environment requirements
 - Personnel competency and skills required
 - Criteria for workmanship and tolerances
 - Materials required
 - Safety requirements
 - Reference documents
 - Records produced
 - Planning
 - Verification measures
 - Inspection, test and control points
 - Monitoring of continuous suitability
 - Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.

Notice of Commencement

38. The applicant must advise Councils Engineering Manager at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Erosion and Sediment Control

39. Prior to the commencement of works, erosion and sediment control measures must be in accordance with the approved soil erosion and sediment management control plan and must be installed and maintained until all disturbed areas have been revegetated and restored.

Temporary Onsite Toilet

40. Prior to the commencement of works, a temporary on-site toilet must be provided and maintained on-site throughout the construction of the project or until an alternative facility meeting Council's requirement is available on-site. Sewage must be disposed of at a licensed disposal facility. The Narramine Sewage Treatment Plant does not accept septic or pan waste.

D. REQUIREMENTS DURING CONSTRUCTION WORKS

Approved hours of Construction

41. Unless otherwise approved by Council, construction work may only be undertaken in during the following hours:
- Monday to Friday - 7:00am to 8:00pm
 - Saturday - 8:00am to 1:00pm
 - Sunday & Public Holidays - Nil

Building Materials, Plant and Equipment

42. During construction works, all building materials, plant and equipment must be placed on site to ensure that pedestrian and vehicular access in public places is not restricted.
43. The road reserve must be fully restored where damage has occurred as a result of these works.

Dust Abatement

44. During construction works, a water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works must be delayed or postponed.
45. Dust suppressant additives are also encouraged during construction works.

Fill

46. During construction works, fill material must not be placed in such a manner that natural drainage from adjoining land will be obstructed.

47. During construction works, fill material must not be placed on land in such a manner that surface water will be diverted to adjoining land.

Hazardous Substances or Dangerous Goods

48. During construction works, the storage of fuel, chemicals or any hazardous substances and dangerous goods must be secured and stored in accordance of the manufacturers' specifications.
49. Safety Data Sheets (SDS) must be kept on site along with a manifest.

Aboriginal Heritage

50. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and Biodiversity Conservation Division (BCD), and work must not recommence in the area until authorised by NSW Police and BCD.

E. REQUIREMENTS PRIOR TO OCCUPATION CERTIFICATE

WAE Drawings

51. Prior to the issue of an Occupation Certificate, a design report (printed and bound) and three (3) copies of which 1 x A0 size and 2 x A3 size of works-as-executed (WAE) drawings of the road works must be submitted to Council in hard copy format. The certified WAE drawings must be prepared by a registered surveyor and must indicate the following:
- Subgrade surface level
 - Subbase pavement level
 - Pavement base level
 - Invert levels of all pits, pipes and orifice plates
 - Nominal diameter (DN) and class of pipe(s)
 - Surface levels of pits and surrounding ground levels.
52. The plans must be accompanied by a report from the designer stating the conformance or otherwise of the as constructed works in relation to the approved design.
53. The WAE plan and design report must be in both CAD and PDF format and must be submitted for approval to Council prior to the issue of the Occupation Certificate.

Identification of Boundaries

54. Prior to the commencement of operations, or as otherwise agreed by Council, the Applicant must:
- a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction;
 - b) submit a survey plan of these boundaries to the Council; and
 - c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

Note: The limit of extraction and ancillary areas is shown conceptually on the stamped layout plans attached, as amended/clarified by the conditions below.

Notice of Commencement

55. Notice of commencement of quarry operations (at least 48 hours prior) is to be given to Council in writing.

Signage

56. Prior to the issue of an Occupation Certificate, the installation of "Advance Truck" warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) below the warning sign, must be installed 250 metres in advance of the intersection of Eumungerie and Euromedah Roads at no cost to Council.

Environmental management plan

57. Prior to the issue of an Occupation Certificate, the Applicant must prepare an Environmental Management Plan for the project to the satisfaction of Council. This plan must:
- (a) provide the strategic framework for environmental management of the project;
 - (b) identify the statutory approvals that apply to the project;
 - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (d) set out the procedures to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - (i) receive record, handle and respond to complaints;
 - (ii) resolve any disputes that may arise during the course of the project;

- (iii) respond to any non-compliance and any incident; and
 - (iv) respond to emergencies.
- (e) a protocol for periodic review of the plan
- (f) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this approval; and
 - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this approval.

Noise Management Plan

58. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Noise Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with the EPA;
 - (c) include a summary of relevant background or baseline data;
 - (d) describe the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (e) outline the relevant limits or performance measures and criteria;
 - (f) describe the measures to be implemented to ensure:
 - (i) compliance with the noise criteria and operating conditions in this approval;
 - (ii) best practice management is being employed;
 - (iii) noise impacts of the project are minimised during noise-enhancing meteorological conditions under which the noise criteria in this approval do not apply;
 - (g) include a procedure for attended noise monitoring in the event of a noise related complaint or request by Council.
 - (h) include a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
 - (i) detail who would be responsible for monitoring, reviewing and implementing the plan.

Blast Management Plan

59. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Blast Management Plan for the development to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with the EPA;
 - (c) include a summary of relevant background or baseline data;

- (d) outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
- (e) Include relevant limits or performance measures and criteria;
- (f) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
- (g) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
- (h) include community notification procedures for the blasting schedule;
- (i) provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (j) detail who would be responsible for monitoring, reviewing and implementing the plan.

Air Quality and Greenhouse Gas Management Plan

60. Prior to the issue of an Occupation Certificate, the Applicant must prepare an Air Quality Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with the EPA;
 - (c) include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (d) outline the relevant limits or performance measures and criteria;
 - (e) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this approval;
 - (ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
 - (iii) air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
 - (f) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:
 - (i) is capable of evaluating the performance of the project against the air quality criteria;
 - (ii) provides for the use of real-time monitoring measures, if directed by Council.
 - (g) provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible

- (h) detail who would be responsible for monitoring, reviewing and implementing the plan.

Water Management Plan

61. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Water Management Plan for the development to the satisfaction of Council. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) be prepared in consultation with the EPA and DPIE-Water;
 - (c) provide a summary of relevant background or baseline data;
 - (d) outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (e) include the relevant limits or performance measures and criteria;
 - (f) include a:
 - (i) Site Water Balance that includes details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers;
 - reporting procedures;
 - measures that would be implemented to minimise clean water use on site.
 - (ii) Surface Water Management Plan, that includes:
 - baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;
 - a detailed description of the surface water management system on site including the:
 - 1. clean water diversion system;
 - 2. erosion and sediment controls;
 - 3. dirty water management system; and
 - 4. water storages.
 - (iii) a program to monitor and report on:
 - 1. any surface water discharges;
 - 2. the effectiveness of the water management system; and
 - 3. surface water flows and quality in local watercourses.
 - (iv) Groundwater Management Plan, that includes:
 - baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
 - a program to monitor and report on groundwater inflows to the quarry pit and the impacts of the development on surrounding aquifers and privately-owned groundwater bores.
 - (v) Surface and Ground Water Contingency Strategy, that includes:
 - a protocol for the investigation, notification and mitigation of identified impacts on surface water flows and quality in water

- bodies and/or groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
 - the procedures that would be followed if any unforeseen impacts are detected during the development.
- (g) detail who would be responsible for monitoring, reviewing and implementing the plan.

Traffic Management Plan

62. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Traffic Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) provide a summary of relevant background or baseline data;
 - (c) include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (d) outline the relevant limits or performance measures and criteria;
 - (e) include details of all transport routes and traffic types to be used for project-related traffic;
 - (f) describe the processes in place for the control of truck movements entering and exiting the site;
 - (g) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school buses and stock movements;
 - (h) include and consider Chain of Responsibility requirements under the Heavy Vehicle National Law;
 - (i) include a Drivers' Code of Conduct that includes:
 - (i) toolbox meetings to facilitate continuous improvement initiatives and incident awareness;
 - (ii) drivers to adhere to posted speed limits or other required travelling speeds;
 - (iii) haul route restrictions under the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass;
 - (iv) drivers implement safe and quiet driving practices;
 - (v) measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs;
 - (vi) truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard;
 - (vii) measures to manage haulage movements during school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between haulage vehicles and buses or children, and

- (viii) the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.
- (j) a program to monitor and report on the effectiveness of the management measures to achieve the relevant criteria and conditions of this consent.
- (k) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
- (l) detail who would be responsible for monitoring, reviewing and implementing the plan.

Aboriginal Cultural Heritage Management Plan

63. Prior to the issue of an Occupation Certificate, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of Council. This plan must include an Unanticipated Finds Protocol consistent with Appendix 3 of the Aboriginal and Historic Cultural Heritage Assessment that accompanied the EIS and must:
- (a) provide a summary of relevant background or baseline data;
 - (b) describe the measures to be implemented on the site to:
 - (i) ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (ii) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;
 - (iii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places (unexpected finds), including provisions for burials, over the life of the project; and
 - (c) detail who would be responsible for monitoring, reviewing and implementing the plan.

Biodiversity Management Plan

64. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Biodiversity Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared in consultation with BCD;
 - (b) a description of the measures that would be implemented for:
 - (i) minimising the amount of native vegetation clearing within the approved development footprint;
 - (ii) minimising the loss of key fauna habitat, including tree hollows;
 - (iii) minimising the impacts on fauna on site, including undertaking pre-clearance surveys;

- (iv) rehabilitating and revegetating temporary disturbance areas;
- (v) protecting native vegetation and key fauna habitat outside the approved disturbance area;
- (vi) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;
- (vii) collecting and propagating seed (where relevant);
- (viii) controlling weeds and feral pests;
- (ix) controlling erosion; and
- (x) bushfire management.
- (c) a detailed program to monitor and report on the effectiveness of these measures.
- (d) identify the potential risks to successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
- (a) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Biodiversity offsets

65. Prior to the commencement of operation (or clearing any native vegetation), the Applicant must retire biodiversity credits of a number and class specified in Tables 1 and 2, in accordance with the Biodiversity Conservation Act 2016.

Table 1 Ecosystem credit requirements

Plant community type	Impact area (ha)	Credits required
PCT 467 Blue-leaved Ironbark – Black Cypress Pine shrubby sandstone open forest in the southern Brigalow Belt South Bioregion (including Goonoo)	1.5	31
PCT 185 Dwyer's Red Gum – White Cypress Pine – Currawang Shrubby Woodland mainly in the NSW South Western Slopes Bioregion	3.1	64
PCT 267 White Box – White Cypress Pine – Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion	1.0	31

Table 2 Species credit requirements

Species	Credits required
<i>Aprasia parapulchella</i> (Pink-tailed Legless Lizard)	31

Chalinolobus dwyeri (Large-eared Pied Bat)

238

Bushfire Management Plan

66. Prior to the issue of an Occupation Certificate, the Applicant must prepare:
- (a) a Bushfire Emergency Management and Evacuation Plan consistent with Develop Planning – A Guide to Developing a Bushfire Emergency Management and Evacuation Plan.
 - (b) a Fire Management Plan (FMP) for the proposed development in consultation with the local NSW RFS District Office. The FMP must include, but not be limited to the following:
 - (i) 24 hour emergency contact details including alternative telephone contact
 - (ii) site infrastructure plan
 - (iii) fire fighting water supply plan
 - (iv) site access and internal road plan
 - (v) location of hazards (physical, chemical and electrical) that will impact on the fire fighting operations and procedures to manage identified hazards to minimise the impact of bushfire and during the fire fighting operations
 - (vi) additional matters as required by the NSW RFS District Office.

G. OPERATIONAL REQUIREMENTS

Environmental Management

67. The Applicant must implement the Environmental Management Plan as approved by Council.
68. The Applicant must comply with the requirements of the Environment Protection Authority (EPA) General Terms of Approval, refer Part H of this consent.

Noise

69. The Applicant must implement the Noise Management Plan as approved by Council.

Blasting

70. The Applicant must implement the Blast Management Plan as approved by Council.

Air Quality

71. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by Council.

Odour

72. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Surface and Ground Water

73. The Applicant must implement the Water Management Plan as approved by Council.

Water Supply

74. The Applicant must ensure that it has sufficient water during all stages of the project, and if necessary, adjust the scale of quarrying operations on site to match its available water supply, to the satisfaction of Council.
75. The Applicant must obtain the necessary approvals for the project under the Water Management Act 2000.

Transport

76. The Applicant must implement the Traffic Management Plan as approved by Council.
77. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design must be provided and maintained at the vehicular access servicing the land from the Euromedah Road.

Monitoring of Product Transport

78. The Applicant must, by the use of a weighbridge (or other means as agreed by Council), make, and retain for at least 12 months, records of the - time of dispatch, weight of load and vehicle identification for each laden truck dispatched from the development. These records must be made available to Council on request and a summary included in the Annual Review.

Parking

79. The Applicant must provide sufficient parking on-site for all project-related traffic in accordance with Council's parking codes.

Heritage

80. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by Council.

Biodiversity

81. The Applicant must implement the Biodiversity Management Plan approved by Council.
82. Once quarry operations have ceased, the quarry must be rehabilitated, as outlined in the EIS, to the satisfaction of Council.

Visual

83. The Applicant must:
- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the project;
 - (b) revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;
 - (c) not erect or display any advertising structure(s) or signs on the site without the written approval of Council.

Note: This does not include business identification, traffic management and safety or environmental signs.

Waste

84. The Applicant must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its Environmental Protection Licence (EPL), and to the satisfaction of the EPA and Council;
 - (b) minimise the waste generated by the development;
 - (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - (d) monitor the amount of waste generated by the project.

85. Except as expressly permitted in an EPL, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

Storage of Liquids, Chemicals & Petroleum Products

86. The Applicant must ensure that all liquids, chemicals and/or petroleum products on site are stored in accordance with the relevant Australian Standard.

Safety

87. The Applicant must secure the site to ensure public safety to the satisfaction of Council and DRG.

Bushfire

88. The Applicant must implement the Bushfire Management Plan approved by Council.

Annual survey

89. At the anniversary of the commencement of the quarry, or other timeframe agreed by Council, the Applicant must engage an independent registered surveyor or other independent practitioner as agreed with Council to
- (a) survey the extent of the extraction area;
 - (b) survey the depth of the extraction;
 - (c) calculate the volume extracted since the previous survey; and
 - (d) confirm the boundary markers clearly mark the approved limit of extraction.

The survey must be provided to Council within six weeks of the anniversary date of the consent.

Annual Review

90. At the anniversary of the commencement of the quarry, or other timeframe agreed by Council, the Applicant must compile a report reviewing the environmental performance of the project over the past year, to the satisfaction of Council. This review must:
- (a) describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that is proposed to be carried out over the current 12 months;

- (b) include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months;
 - (c) include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this approval;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the EIS.
 - (d) identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence.
91. Copies of the Annual Review must be submitted to Council within six weeks of the anniversary of the commencement date, or other timeframe agreed by Council, and made available on the Project's website.

Independent Environmental Audit

92. Once 500,000 tonnes of material has been extracted, and at the request of Council, the Applicant must commission an Independent Environmental Audit of the project to assess compliance since the previous audit. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor;
 - (b) be carried out in consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, water licences and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and
 - (f) be conducted and reported to the satisfaction of Council.
93. Within three months of the triggers in Condition 92 for an Independent Environmental Audit, the Applicant must submit a copy of the audit report to Council, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the

implementation of the recommendations. The recommendations must be implemented to the satisfaction of Council.

Incident and Complaint Reporting

94. The Applicant must immediately (within 24 hours) notify Council and any other relevant agencies of any complaint, incident or non-compliance with the criteria in this consent. Within 7 days of the date of the complaint, incident or non-compliance, the Applicant must provide Council and any relevant agencies with a detailed report on the complaint, incident or non-compliance, and such further reports as may be requested.

H. EPA General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

- A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- the development application 2019/36 submitted to Narromine Shire Council on 19 June 2019;
 - the *Environmental Impact Statement* prepared for M.A & S.N Montgomery by R.W. CORKERY & C.O. PIY. LIMITED, dated June 2019, relating to the development.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

- L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, Section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

- L2.1 The EPA will determine discharge limits following submission of the report required by Condition L2.2.
- L2.2 Before construction at the quarry is commenced, the licensee must provide a report to the EPA at central.west@epa.nsw.gov.au which:
- a. identifies, for each pollutant which may be discharged from the premises' sediment ponds, the concentration that will maintain or restore the environmental values of receiving waters, in accordance with the *NSW Water Quality Objectives and Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC and ARMCANZ, 2000)
 - b. identifies all practicable measures that can be used to maintain or restore the environmental values of receiving waters, and

- c. nominates discharge quality limits based on the outcomes of points a and b, above.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Note: Condition L3 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits presented in the table below at the nominated locations:

Location	Noise Limits, dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minutes)	L _{Aeq} (15 minutes)	L _{Aeq} (15 minutes)	L _{Amax}
R1 - MA & LA Feddersen R2 - MR & RA Smith R3 - IJ, CI, AJ & PJ Roberts R4 - IJ, CI, AJ & PJ	40	35	35	52

Roberts				
R5 - BT & CG Nester				

L4.2 For the purposes of Condition L4.1:

- Day is the period from 7am to 6pm Monday to Saturday, and 8am to 6pm Sundays and Public Holidays.
- Evening is the period from 6pm to 10pm.
- Night is the period from 10pm to 7am Monday to Saturday, and 10pm to 8am Sundays and Public Holidays.

L4.3 The noise limits set out in Condition L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL; and / or, Stability category F with wind speeds up to and including 2m/s.

Stability Categories refer to Pasquill-Gifford Stability Categories A - Gas presented in Fact Sheet D of the *Noise Policy for Industry* (EPA 2017).

L4.4 Noise from the premises must not exceed the limits in Condition L4.1 positively adjusted by 5 dB during all meteorological conditions not stated in Condition L4.3.

L4.5 For the purposes of conditions L4.3 and L4.4:

- a. Data recorded by the onsite weather station must be used to determine meteorological conditions, and

- b. Stability category must be determined using the sigma-theta method referred to in Fact Sheet D of the *Noise Policy for Industry* (EPA 2017).

L4.6 To determine compliance:

- c) with the noise limits in condition L4.1 and L4.4, the noise measurement equipment must be located:
 - (i) Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises
 - (ii) Within 30 metres of a dwelling facade, but not closer than 3 metres, where any dwelling on the property is more than 30 metres from the property boundary closest to the premises, or, where applicable,
 - (iii) Within 50 metres of the boundary of a National Park or Nature Reserve.
- b) with the noise limits in Condition L4.1 and L4.4, the noise measurement equipment must be located:
 - (i) at the most affected point at a location where there is no dwelling at the location; or,
 - (ii) at the most affected point within an area at a location prescribed by Condition L4.6(a).

L4.7 A non-compliance of Condition L4.1 or L4.4, as applicable, will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- a) at a location other than an area prescribed by condition L4.6(a), and/or
- b) at a point other than the most affected point at a location.

L4.8 To determine the noise generated from the premises the modification factors in Fact Sheet C of the *Noise Policy for Industry* (EPA 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L5. Blasting

Airblast Overpressure Level

- L5.1 The airblast over pressure level from blasting operations on the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The airblast over pressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than 5% of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground Vibration (ppv)

- L5.3 Ground vibration peak particle velocity from blasting operations on the premises must not exceed 10 millimetres per second at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from blasting operations on the premises must not exceed 5 millimetres per second at any noise sensitive location for more than 5% of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Time of blasting

- L5.5 Blasting at the premises may only take place between 9:00am and 5:00pm Monday to Friday. Blasting is not permitted on Sundays or Public Holidays.
- L5.6 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6. Hours of operation

- L6.1 Activities on the premises must only be carried out:
- c) between the hours of 7am and 6pm Monday to Friday;
 - d) between the hours of 7am to 6pm Saturdays; and
 - e) at no time on Sundays or Public Holidays.
- L6.2 The following activities may take place outside the hours specified in Condition L6.1:
- a) the delivery of materials required by the police or other authorities for safety reasons
 - b) activities required in an emergency to aid loss of life, property, and/or to prevent environmental harm
 - c) activities approved through the process in Condition L6.3.
- L6.3 The hours of operation specified in condition L6.1 may be varied with the prior written approval of the EPA. Any request to vary the hours of operation must include:
- a) details of the nature and justification for activities to be conducted during the varied hours
 - b) evidence that appropriate consultation has been undertaken with potentially affected sensitive receivers and Narromine Shire Council
 - c) a noise impact assessment using the guidelines in the *Noise Policy for Industry* (EPA 2017), and other relevant EPA noise guidelines in force at the time of assessment.

Operating conditions

Note: Conditions 01 and 02 are mandatory on all environment protection licences and are included in Attachment B.

03. Dust

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

04. Other operating conditions

04.1 Stormwater/sediment control - construction phase

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during all activities at the premises. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).

04.2 Stormwater/sediment control - operational phase

An erosion and sediment control plan must be prepared and implemented. The plan must describe the measures that will be used to minimise soil erosion and the discharge of sediment and other pollutants to land and waters for the life of the project, and be prepared in accordance with *Managing Urban Stormwater: Soils and Construction, particularly Volume 2E: Mines and Quarries* (DECC 2008).

M1 Monitoring records

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

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

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

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

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

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Discharge points: Overflow from the spillway of each sediment basin (exact location to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids (TSS)	mg/L	Daily during any discharge	Representative sample
Oil & Grease	mg/L	Daily during any discharge	Representative sample
pH	pH	Daily during any discharge	Representative sample

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by Condition M2 must be done in accordance with:

- the Approved Methods Publication ; or
- if there is no methodology required by the Approved Methods Publication, by the general terms of approval or by a licence under the *Protection of the Environment Operations Act 1997*, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

M4. Blast monitoring

M4.1 To determine compliance with condition(s) L5.1 to L5.4:

- a) Airblast over pressure and ground vibration levels must be measured and recorded, for all blasts carried out at the premises, at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels;

- b) Instruments used to measure and record the airblast over pressure and ground vibration level must meet the requirements of Australian Standard AS 2187.2-2006

NOTE: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions LI .1 to LI. 4 at any "noise sensitive locations" other than the locations identified in the above condition.

- M4.2 The airblast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement , relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

Special conditions

E1. Air Quality Management Plan

- E1.1 Before starting construction, the Applicant must prepare and implement an Air Quality Management Plan that includes proactive and reactive management measures for construction and operational activities at the premises to ensure that particulate emissions are minimised as far as reasonably practicable.
- E1.2 The AQMP required by Condition E1.1 must include:
- a) Key performance indicator(s) for emission controls;
 - b) Monitoring method(s) including location, frequency and duration;
 - c) Response mechanisms;
 - d) Responsibilities;
 - e) Record keeping;
 - f) Compliance reporting.
 - g) A protocol to benchmark the emission controls adopted at the site against best management practice every 3 years. This includes, each time controls are benchmarked, setting timelines to implement all additional identified feasible and reasonable controls.

E1.3 The Air Quality Management Plan required by Condition E1.1 must include a Trigger Action Response Plan for dust. The plan must include but not be limited to:

- a) Defined dust trigger levels;
- b) A monitoring program; and
- c) Proposed dust controls and management measures.

01 Activities must be carried out in a competent manner

01.1 Licensed activities must be carried out in a competent manner.

This includes :

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

02 Maintenance of plant and equipment

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

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

Monitoring and recording conditions

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- a. the date and time of the complaint;
- b. the method by which the complaint was made;
- c. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d. the nature of the complaint;

- e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f. if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 Conditions M6.1 and M6.2 do not apply until 3 months after the licence is issued.

Reporting conditions

R1 Annual Return documents

What documents must an Annual Return contain?

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) a Statement of Compliance,
- b) a Monitoring and Complaints Summary,
- c) a Statement of Compliance - Licence Conditions,
- d) a Statement of Compliance - Load based Fee,
- e) a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
- f) a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
- g) a Statement of Compliance - Environmental Management Systems and Practices.

Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

R1.2 An Annual Return must be prepared in respect of each reporting, except as provided below

Note: *The term "reporting period" will be defined in the dictionary at the end of the licence. Do not complete the Annual Return until after the end of the reporting period.*

R1.3 Where this licence is transferred from the licensee to a new licensee,

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

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

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

Deadline for Annual Return

R1.5 The Annual Return for the reporting period must be supplied to the EPA using eConnect EPA or registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

- R1.6 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA

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

- R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a. the licence holder; or
 - b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: *The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act*

R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a. where this licence applies to premises, an event has occurred at the premises; or
 - b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

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

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

G1 Copy of licence kept at the premises or on the vehicle or mobile plant

G1.1 A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

G2 Contact number for incidents and responsible employees

G2.1 The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA:

- a. to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and
- b. to contact the licensee's senior employees or agents authorised at all times to:
 - (i) speak on behalf of the licensee, and
 - (ii) provide any information or document required under licence.

G2.2 The licensee is to inform the EPA of the contact number within 3 months of the licence being issued.

I. REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

- 95. Ensure the proposed development:
 - (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant environmental planning instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- 96. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
- 97. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
- 98. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- 99. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
- 100. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
- 101. Ensure the development does not conflict with the public interest.

K GENERAL ADVICE

LAPSING OF DEVELOPMENT CONSENT

102. Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

RIGHT OF APPEAL

103. If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 of the *Environmental Planning and Assessment Act, 1979*).

REVIEW OF DETERMINATION

104. An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.
- (a) If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.
 - (b) A Review cannot be requested for:
 - (i) a determination to issue or refuse to issue a complying development certificate, or
 - (ii) a determination in respect of designated development, or
 - (iii) a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

Date of notice: 9 December 2019

Phil Johnston
Director Community and Economic Development

L ADVISORY NOTES

Electrical and Telecommunication Services

DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

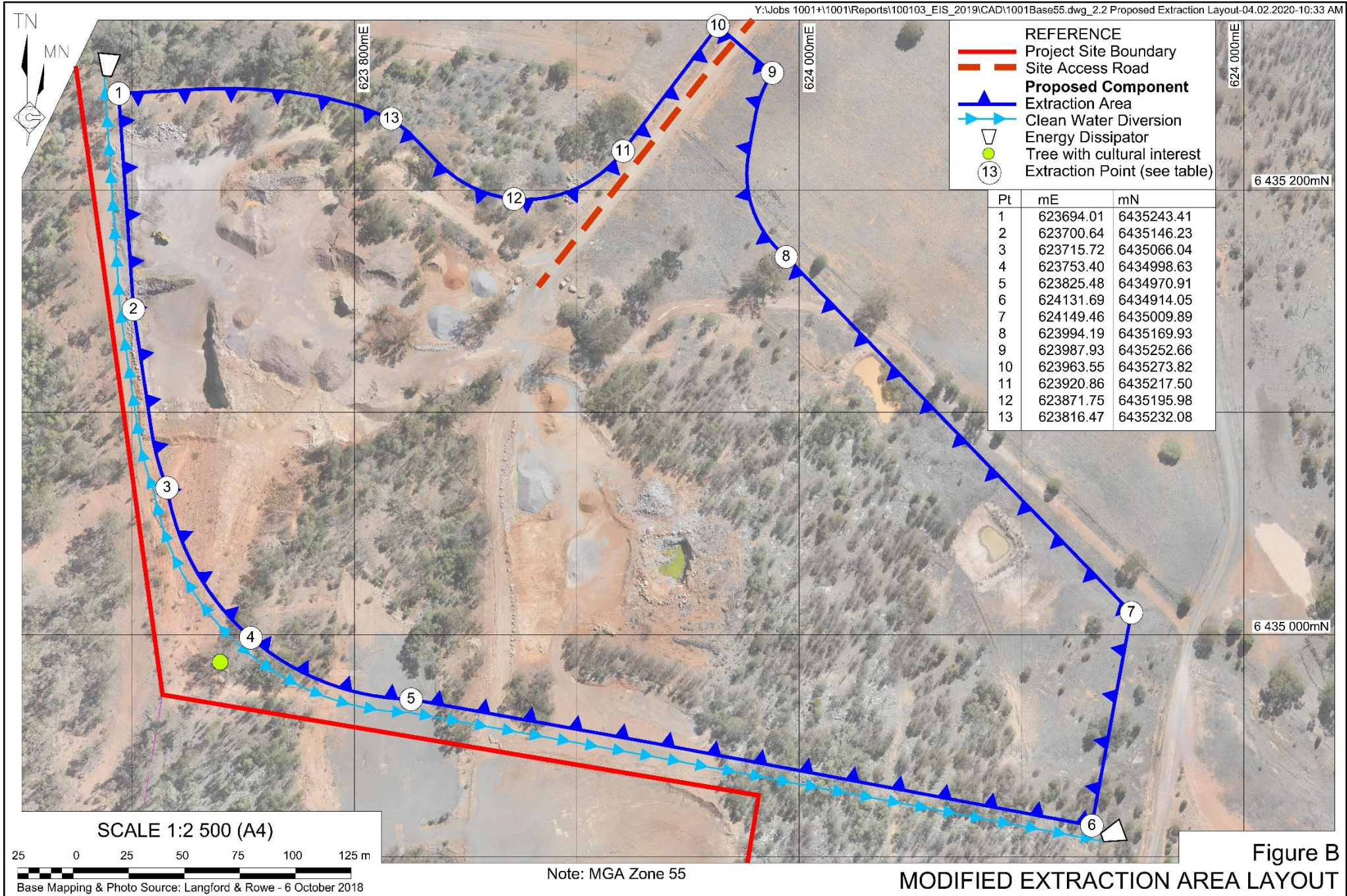
TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.

National Broadband Network

If, as a result of this approval, you wish to connect to the NBN (National Broadband Network), you must do so online via:
<http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html>

M APPROVED PLANS



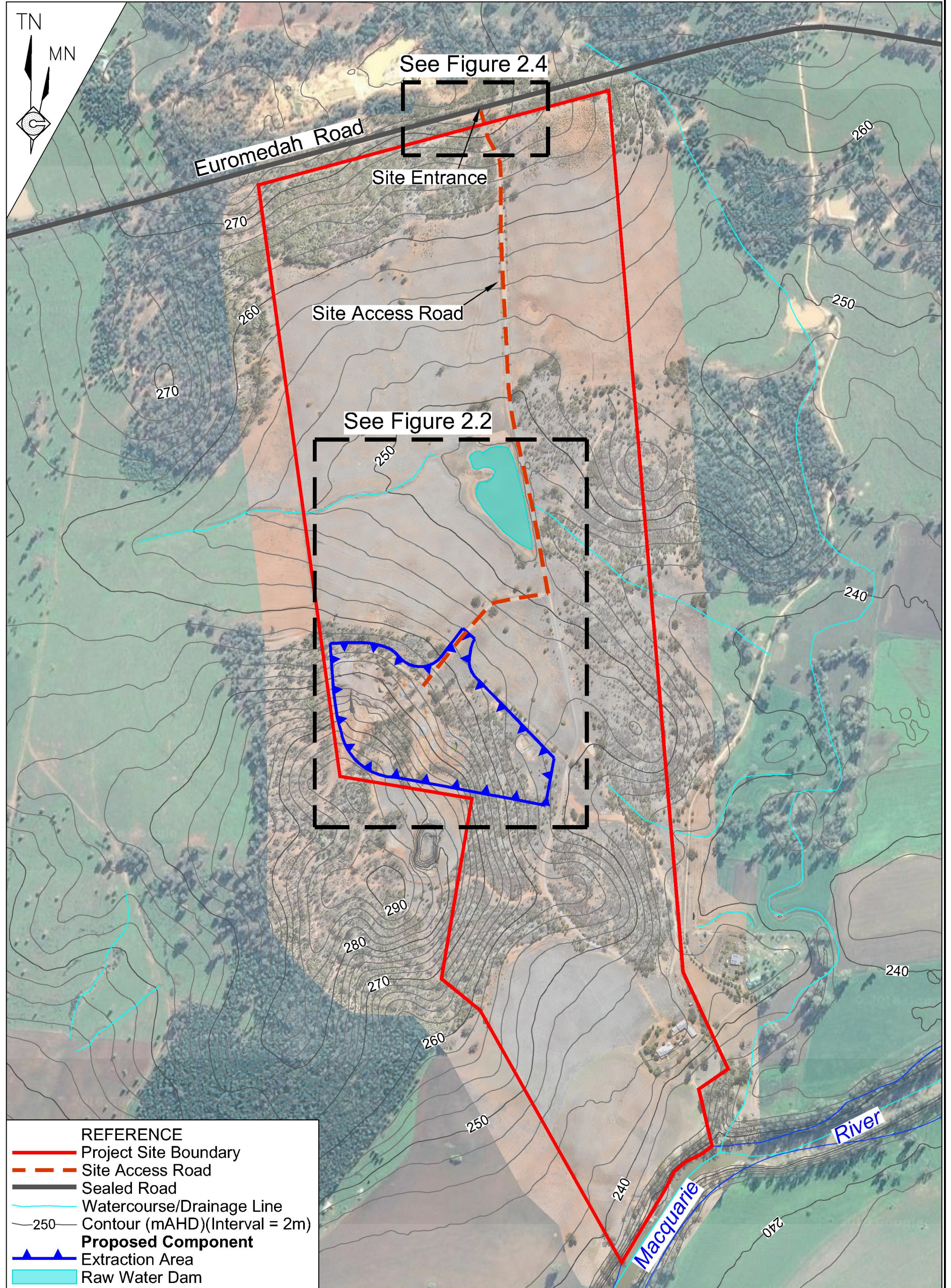


Figure 2.1

PROPOSED PROJECT SITE LAYOUT

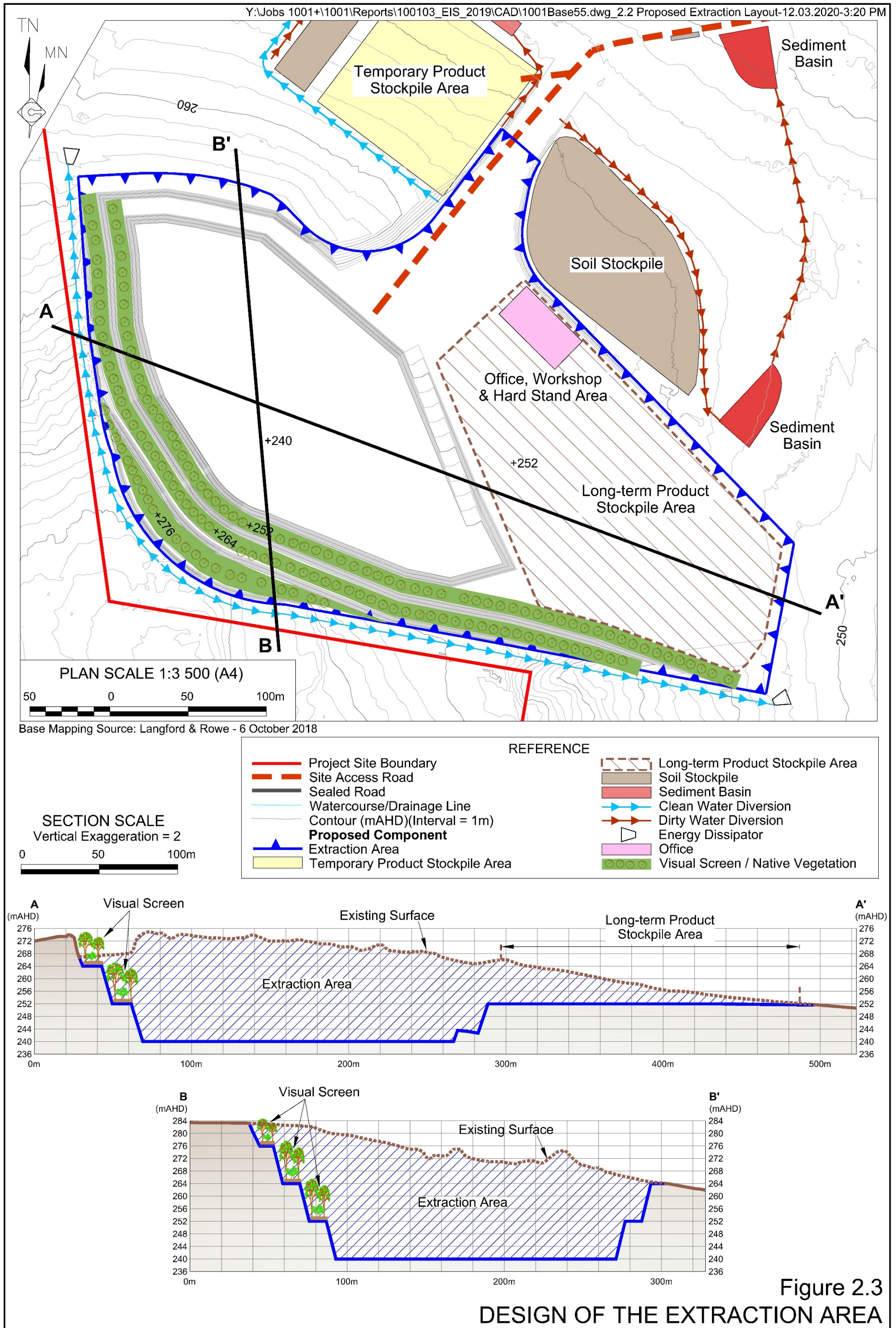


Figure 2.3
DESIGN OF THE EXTRACTION AREA

GHD

230 Harbour Drive

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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	C. Harris	B. Luffman		D. Mees		29/05/2020

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