

# Development Assessment REPORT DA 13/2021

## Application Summary

<b>Application No:</b>	13/2021
<b>Title Details:</b>	Lot 41 & 42 DP 751679
<b>Address:</b>	Irrigation Way (West) MURRAMI 2705
<b>Applicant:</b>	Milbrae Quarries Pty Ltd
<b>Date Application Received:</b>	22/01/2021
<b>Owner:</b>	Woods Property Group Pty Ltd
<b>Site Area:</b>	12.7869 ha
<b>Zoning:</b>	RU1 Primary Production
<b>Existing Use:</b>	Extractive Industry (Quarry)
<b>Proposed Development:</b>	Expansion and continued use of Extractive Industry (Quarry)

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### **Executive Summary**

The applicant (Milbrae Quarries Pty Limited) is seeking development consent for continued use and expanded operation of the Hillview Quarry which comprises the extraction and processing of raw materials and associated product transport.

The development proposal includes extraction, production and transportation of up to 250,000 tonnes of quarry materials per year. The quarry has been operating since the early 1970s it is currently operating under Development Consent Development Application (DA) 32/2006, issued to the former owner by Leeton Shire Council (LSC) in 2008. The current approval allows extraction of quarry material up to 30,000m<sup>3</sup>. This application will enable the applicant to expand the extraction area of the quarry and continue operations to allow extraction of up to 250,000 tonnes of material.

As part of the Development Application, an Environmental Impact Statement (EIS) has been prepared by R.W. Corkery & Co. Pty Ltd, which included A Traffic Impact Assessment prepared by The Transport Planning Partnership Pty Ltd, Air Quality Assessment prepared by Northstar Air Quality Pty Ltd, Noise and Vibration Impact Assessment prepared by Muller Acoustic Consulting Pty Ltd, Biodiversity Development Assessment Report prepared by Ozark Environmental and Heritage Management Pty Ltd and Aboriginal Archaeological and Historic Heritage Impact Assessment prepared by Ozark Environment and Heritage Management Pty Ltd.

The site is located in northern part of Leeton Shire and is adjacent to the north eastern boundary of Griffith Shire. The Quarry has been operating since the early 1970s. The surrounding land uses are agricultural.

The land is zoned RU1 Primary Production under the provisions of Leeton Local Environmental Plan (LEP) 2014.

The proposal is a designated and integrated development application as well as Regional Development. General Terms of Approval have been issued by Environmental Protection Authority (EPA).

Based on the Section 4.15 assessment detailed in this report, the development application is recommended for approval subject to the conditions provided in draft format for the consideration of the Western Regional Planning Panel.

## **1. INTRODUCTION**

### **1.1 Scope of this report**

This report has been prepared to provide an overview of the proposal and the statutory assessment procedure used during the processing of the development application. An assessment of the key issues of the development is then provided.

### **1.2 The Development**

The applicant is seeking development consent for the expansion and continued use of an existing approved quarry on the subject site. The proposal includes extraction and transportation of up to 250,000 tonnes of quarry material, importation of up to 1,500 tonnes per annum of concrete and other construction materials and the continuation of crushing and screening of fragmented rock and imported materials on site using a mobile processing plant.

The existing quarry is located over two separate lots. The quarry was approved on 3 April 2008 under DA 32/2006 for recommissioning of abandoned rock quarry which included approval of processing up to 30,000m<sup>3</sup> of material per annum. Figure 1 shows the existing quarry layout which includes the following: drilling and blasting to fragment new material, vegetation clearing and soil stockpiling, removal and stockpiling of material, loading fragmented material into the mobile processing plant, processing fragmented material to manufacture a range of crushed rock products and loading and transporting products to end points of use. The existing quarry currently has a bench height of approximately 185m AHD. Another DA was approved on site for the installation and operation of a weighbridge on 12 October 2016 under DA 83/2016. The weighbridge has not been installed.

The extracted material is currently processed on site by crushing and screening materials using mobile equipment brought to the Quarry, prior to transportation to their points of use. The mobile processing plant comprises of the following key equipment, or equivalent; Jaw Crusher, Cone Crusher, Screen (triple deck) and Horizontal Shaft Impactor (HSI) Crusher. It is noted that other mobile processing plant configurations (e.g. a wheeled processing plant comprising a primary crusher, secondary crusher and radial stacker) may also be used on site depending on availability.

The mobile equipment fleet including hydraulic drill rig, excavators, front end loaders, bulldozer and water cart as well as the mobile processing plant are stored on site on the Quarry floor. The proposed Office and amenities area also proposes a parking area for light vehicles.

The proposal involves and expansion and continued use of the existing quarry details of this is listed below which has been extracted from the EIS prepared by R.W. Corkery & CO. Pty Limited.

The applicant is seeking development consent for the following activities:



- Extraction of material from within the proposed extraction area to produce up to 250 000 tonnes of Quarry products per annum.
- Importation of up to 1 500tpa of concrete washout and other construction materials for recycling and incorporation in products produced within the Quarry.
- Continue to crush and screen fragmented rock and imported materials on site using a mobile processing plant.
- Ongoing transportation of up to 250 000tpa of Quarry products to end points of use within the Leeton Shire and the broader Riverina Region.
- Ongoing employment of local personnel.
- Progressive and final rehabilitation of the Quarry to develop a final landform suitable for biodiversity conservation and grazing.
- A demountable office and portaloo is to be located to the west of the extraction area immediately to the south of the Quarry Access Road to replace existing structures.
- Ancillary activities to the operation of a quarry including blasting, stockpiling of quarried and imported construction materials.

The extraction and processing methods of quarry materials are not proposed to change from the current practises.

The existing extraction area and Quarry Layout and the proposed full extent of the quarry extraction area are shown on figure 1 and figure 2.

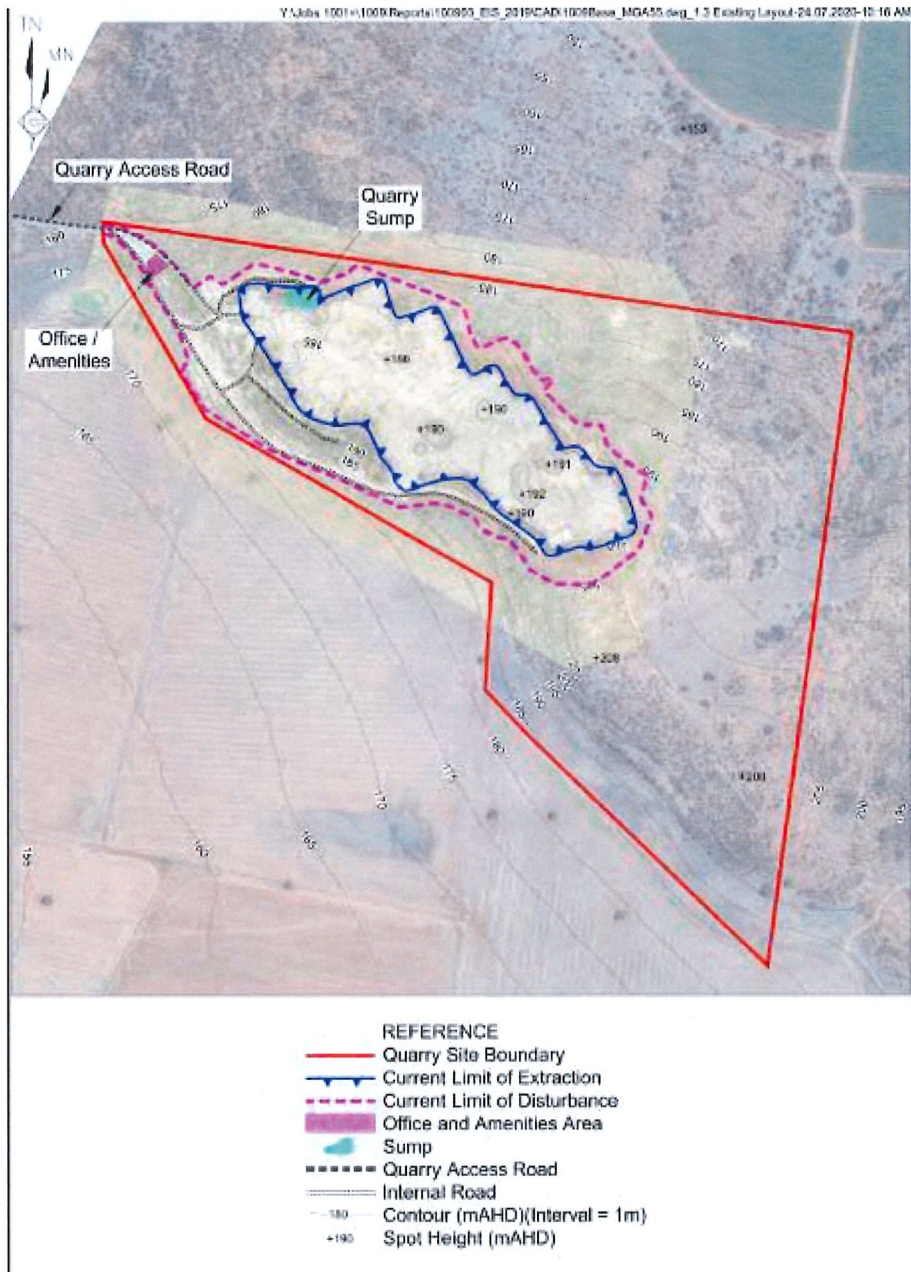
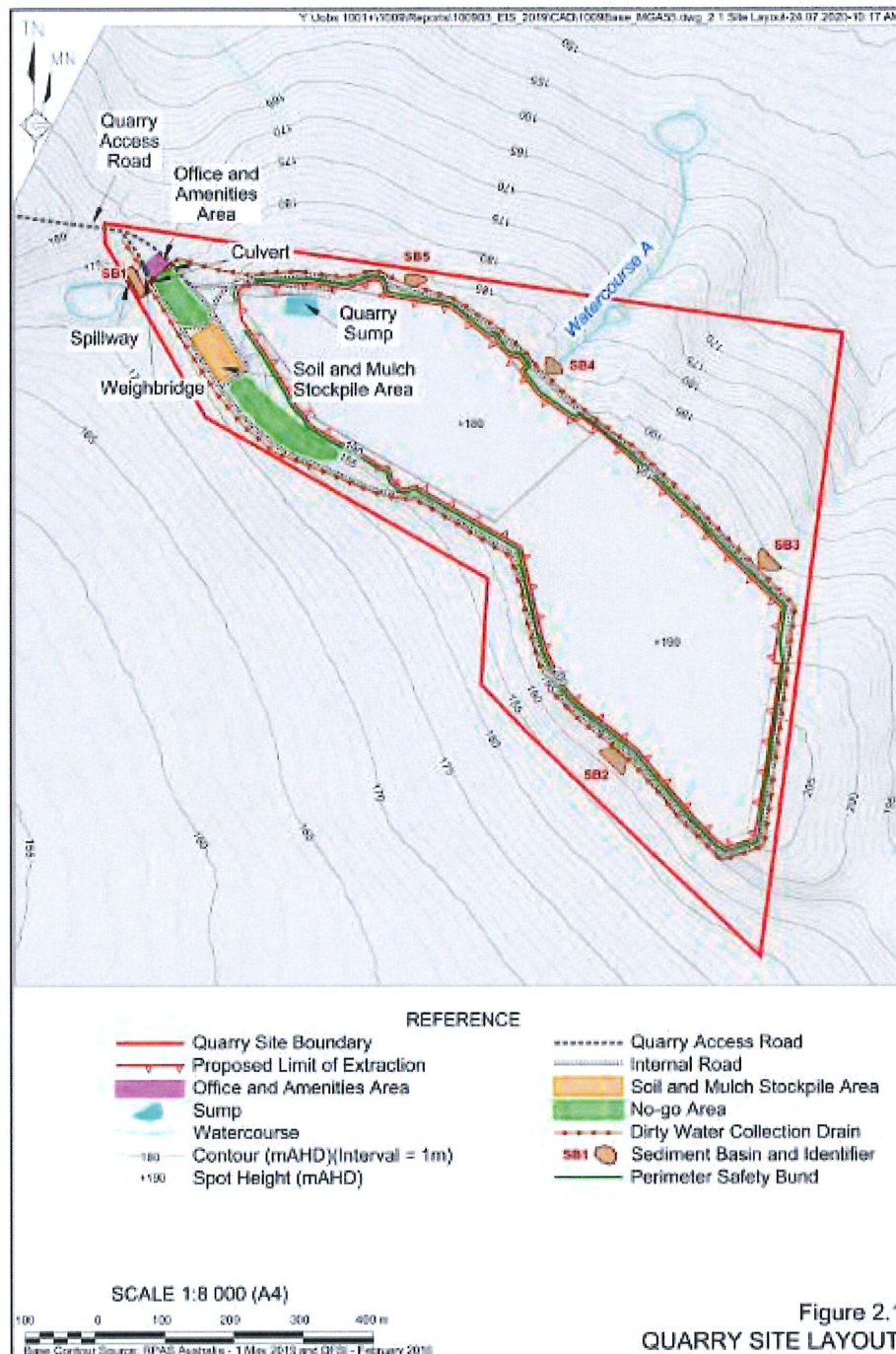


Figure 1 Existing Hillview Quarry Layout, plan supplied in EIS.





**Figure 2 Proposed Full Extent of the Quarry Development**

The proposed hours of operation are as follows:

- Monday to Friday: 7am – 7pm
- Saturday: 7am – 1pm

It is proposed to employ three to five personnel at the quarry site during extraction and processing periods or when there is an order to fill.

The extraction is proposed to be carried out in three stages as follows:

- Stage 1 – Stage 1 proposes to progressively development the extraction area over a total area of 17.4ha. This stage involves pushing unusable quarry material to construct a perimeter and safety bund around the

edge of the extraction area. Extraction during this stage is to extend the existing extraction area by approximately 7.8ha. Two benches are to be development during Stage 1 at 200m AHD and 190 AHD with extraction to progress towards the east.

- Stage 2 – Stage 2 proposes to progressively develop the extraction area by approximately 5.8ha to cover a total area of approximately 23.2ha. This stage is to comprise the continued progression of extraction operations towards the east to an elevation of approximately 190m AHD. The extraction area is proposed to reach its full extent by the end of stage 2.
- Stage 3 – Stage 3 proposes the development of a single bench at approximately 180m AHD. The development of this bench is to involve progressive extraction towards the east covering an area of 8.7ha. A ramp is to be constructed at the western end of the extraction area to provide vehicular access to the quarry floor.

The stages of extraction are shown on figure 3 and figure 4.



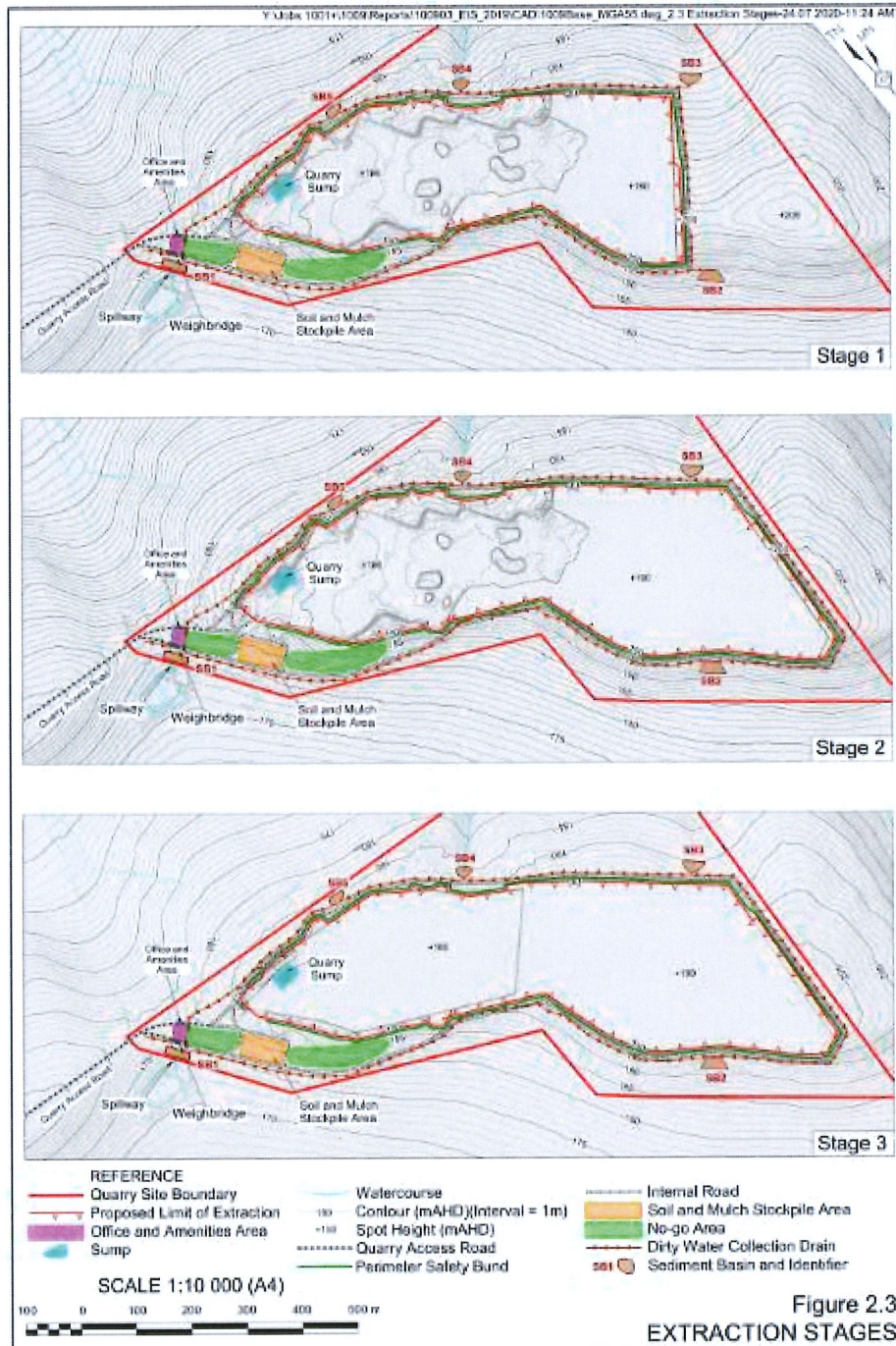
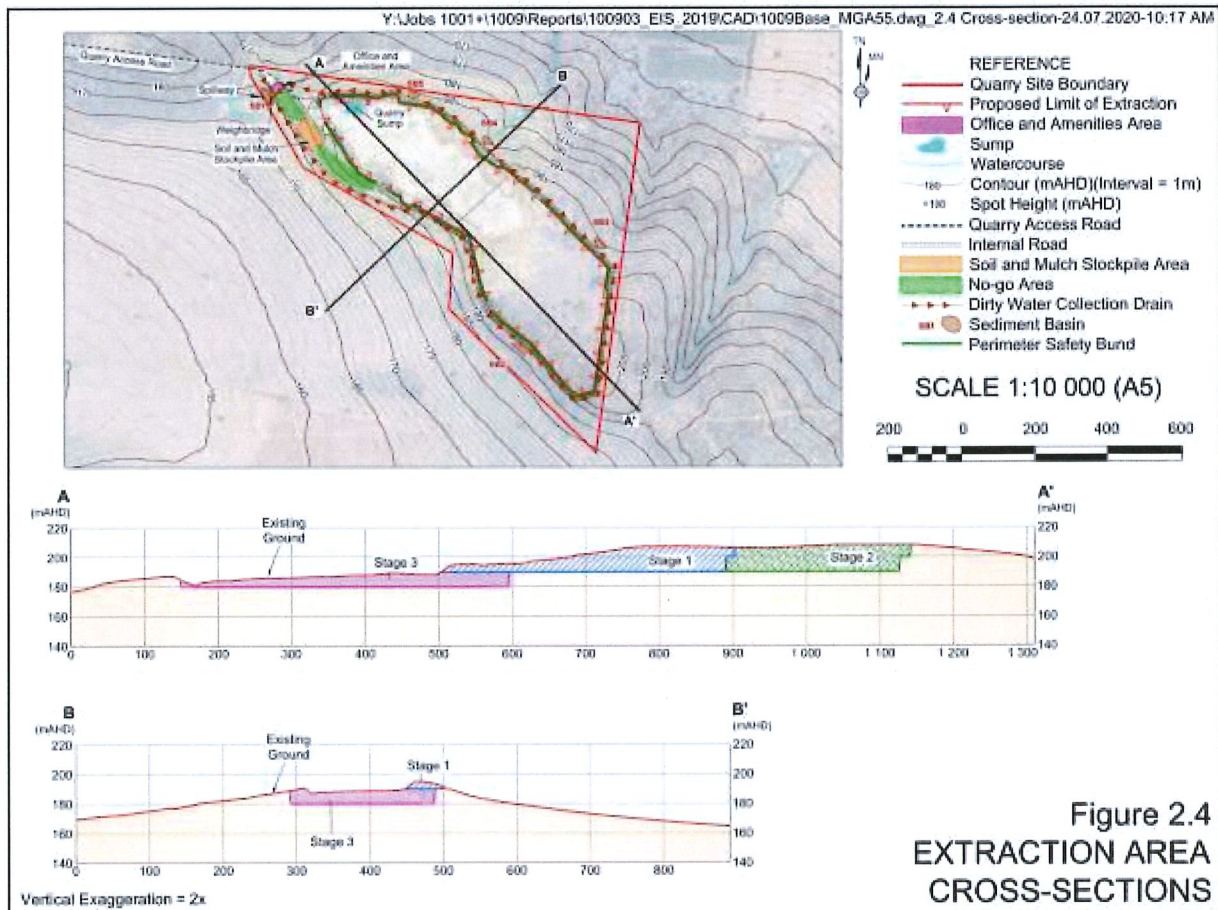


Figure 3 Proposed Extraction Stages



**Figure 4 Extraction Area Cross-Sections showing depth of extraction.**

### **1.3 Site description and surrounding land use and development context**

The subject site has an area of 12.8ha and straddles two lots having a total area of approximately 257 ha. The subject site is located approximately 26km northwest of Leeton and 20km southeast of Griffith, it is bound in the north and west by Griffith Shire and is accessed through Griffith Shire via Whitton Stock Route Road and onto Moon Road. The land on which the Quarry Site is situated is owned by Woods Property Group Pty Ltd which is part of the Milbrae Business Group. The Quarry Access Road traverses freehold land owned by Milbrae Quarries Pty Ltd and the Woods Property Group Pty Ltd.

The Quarry has operated since early 1970s and is currently operating under DA 32/2006 issued to the former owner by Leeton Shire Council on 3 April 2008. The Quarry Site is used principally for the extraction and processing of the targeted sandstone and conglomerate resource with periodic grazing to the south.

The quarry site covers an area of 51 ha of which approximately 32 ha is to be disturbed throughout its life. The site is hilly with the terrain sloping moderately to steeply to the southwest and moderately to the northeast from the crest of the ridge. The natural landform of the Quarry Site has been significantly modified throughout the life of the extractive operation. The site contains some native vegetation.

The uses surrounding the site are agricultural specifically dryland cropping and mixed irrigation farming.



Figure 5, 6 and 7 shows the location of the quarry.



Figure 5 Quarry Site Location



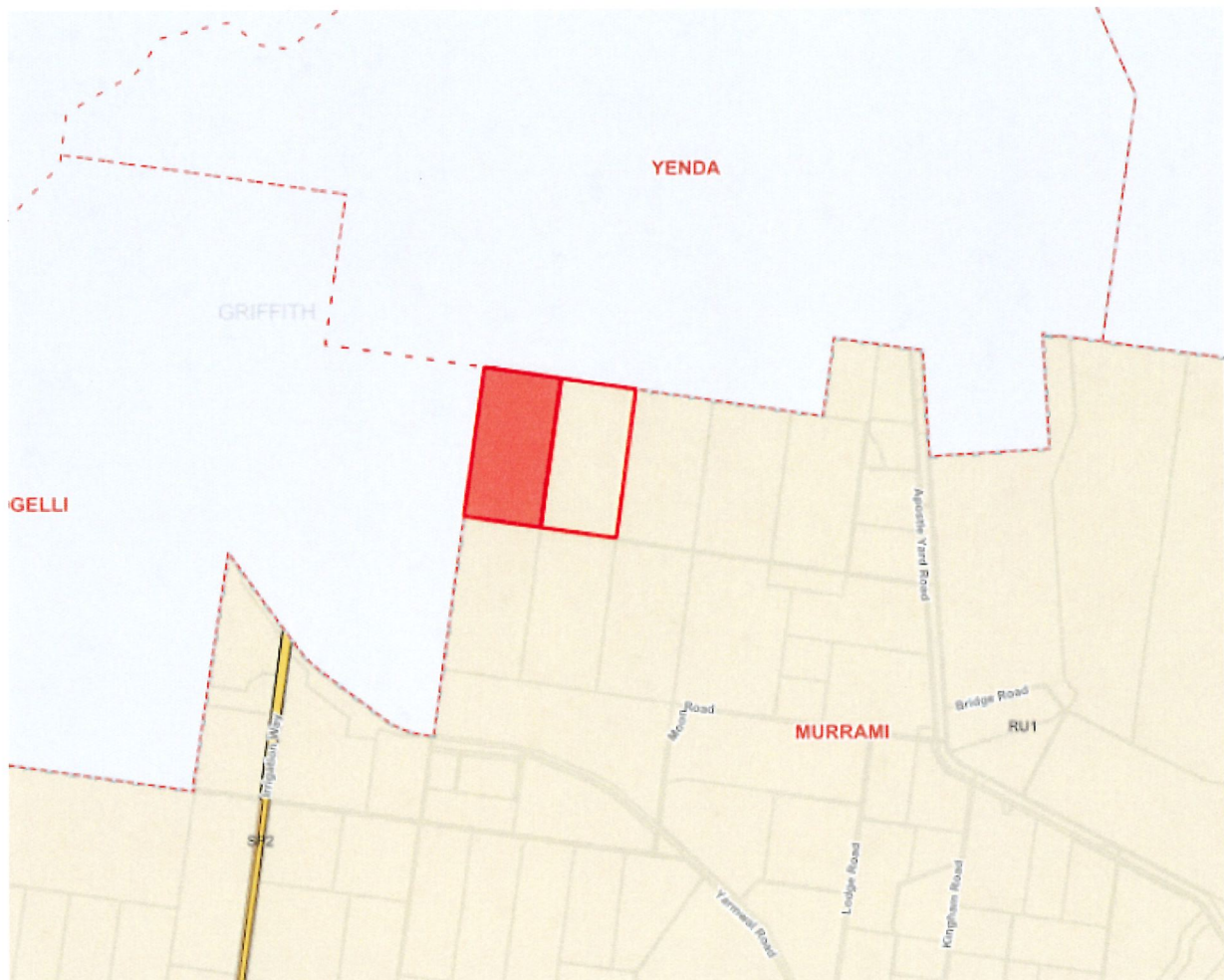
Figure 6 Quarry Site



Figure 7 Location of Quarry, map supplied in the EIS

The site is zoned RU1 Primary Production under the provisions of the Leeton LEP. The zoning of the site and surrounding land is shown on figure 8.





**Figure 8 Zoning of the site**

The closest dwellings are situated 870m, 970m and 980m north of the quarry site, figure 9 shows the land ownership within and surrounding the Quarry Site. There is little to no visibility of the Quarry Site from surrounding residences or public areas. The existing perimeter remnant vegetation acts as a screen for the Quarry.

The quarry operates on a part time basis when materials are required and has the potential to create land use conflicts through the creation of noise and dust. There have been no complaints about the operation of the quarry throughout its lifetime and there were no submissions received from residents objecting the DA. Additionally, the noise impact assessment has found that noise impact is not expected to constrain the proposal and the air quality assessment concluded that the proposal is predicted to comply with the assessment criteria.

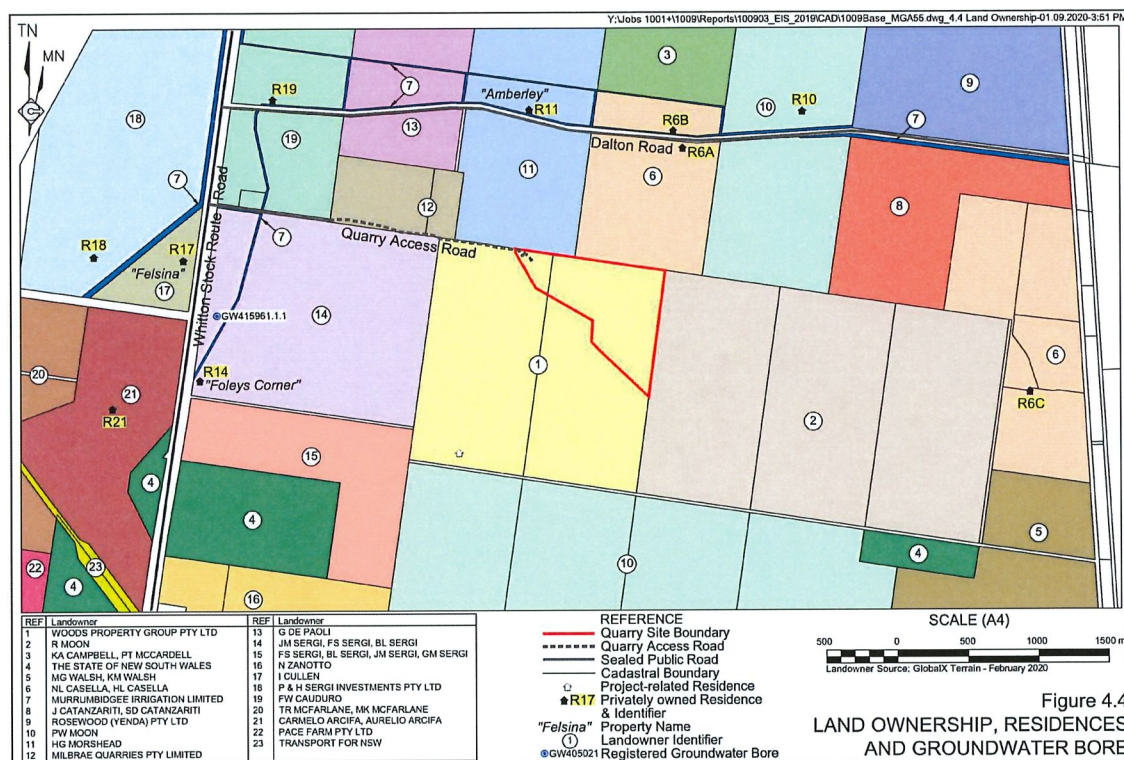


Figure 9 Land ownership and residences, map supplied in EIS

## 2.0. STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

### 2.1. Legislation

#### Environmental Planning and Assessment Act (EP & A Act) 1979

Approval to undertake development in NSW is governed by the Environmental Planning and Assessment Act 1979 (EP&A Act). As identified in Clause 2.2 (Leeton Local Environmental Plan 2014), land within the development site is zoned RU1 Primary Production under the Leeton Local Environmental Plan (LEP) 2014.

Extractive Industries are permitted with development consent within this zone. As a result, development consent under Part 4 of the EP&A Act will be required.

The proposal is both integrated and designated development. General terms of approval were requested and received from the relevant approval agency (being EPA).

In accordance with Schedule 1 Clause 8 and Schedule 1 of the EP&A Act the development was publicly exhibited for a period of twenty eight (28) days. One (1) submission of support was received.

#### Protection of the Environmental Operations Act (POEO Act) 1997

Section 48 of the Act requires any occupier of a premises to undertake scheduled activities if an appropriate licence is held for that premises.

Paragraph 19 of Schedule 1 of the POEO Act identifies that extractive industries that extract more than 30,000t of materials per year require an Environment



Protection Licence. As the proposal would result in extraction of up to 250,000t per annum of material, an Environment Protection License is required.

### **Biodiversity Conservation Act (BC Act) 2016**

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The Applicant has considered opportunities to minimise impacts to native vegetation for the Proposal. Residual impacts to biodiversity would include removal of approximately 17.57ha of native vegetation. This impact triggers the Biodiversity Offset Scheme and therefore the residual impacts have been assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) prepared by OzArk (see Appendix 8 EIS). Residual impacts to biodiversity values would be offset in accordance with the BC Act.

### **National Parks and Wildlife Act (NP & W Act) 1974**

The NP&W Act aims to manage and conserve nature, objects, places and features that have ecological and cultural value. The NP&W Act is administered and enforced by Heritage NSW within the Department of Premier and Cabinet.

Aboriginal places and objects are protected under the NP&W Act. An Aboriginal Heritage Impact Permit (AHIP) is required for consent to destroy, deface or damage an identified Aboriginal object or Aboriginal place. No Aboriginal places or objects of significance have been identified within the Quarry Site.

### **State Environmental Planning Policy (State and Regional Development) 2011**

One of the purposes of this State Environmental Planning Policy (SEPP) is to provide the basis for development to be declared 'regionally significant development' and to further confer the function of a regional planning panel to determine development applications. As designated development for the purpose of extractive industry, the Quarry is classified as regional development under this SEPP and therefore determination of the application will be by the Western Regional Planning Panel.

### **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

Pursuant to Clause 18A the proposal is identified as designated development as it is:

- Extractive Industry located in the Western Division, and
- Obtain or process for sale or reuse more than 40,000 cubic metres in total.

## **2.2 Chronology of events and public notification and statutory referrals**

DA lodged	Lodged 22 January 2021
DA advertised, site signposted	5 February 2021
Newspaper notices	5 February 2021 and 19 February 2021
Period of public notification	5 February 2021 to 6 March 2021

Referral agency letters	Environmental Protection Authority, Transport for NSW, WaterNSW, Department of Primary Industry – Agriculture, Department of Regional NSW – Mining Exploration & Geoscience, DPIE – Environment, Energy & Science, Natural Resources Access Regulator, Rural Fire Service, Heritage NSW – Department of Premier and Cabinet
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### 3.0 SECTION 4.15 ASSESSMENT

Section 4.15 of the Act provides for heads of consideration against which the proposal is to be assessed. Each of the subsections will be dealt with below.

#### 3.1. (a)(i) Environmental Planning Instruments

##### 3.1.1. Leeton Local Environmental Plan 2014

The site is located within the RU1 Primary Production Zone. The development is defined as 'Extractive Industry' and is a development permitted with consent.

***“extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.”*

***“extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).”*

The following provisions of the LEP apply:

- Clause 1.2: Aims of Plan
- Clause 2.3: Zone objectives and land use table
- Clause 2.3 subclause 1: land use table
- Clause 6.3 Terrestrial Biodiversity
- Clause 6.12 Essential Services

Clause of LEP	Comments
<b>Clause 1.2 Aims of Plan</b> (1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Not applicable



(a) to encourage sustainable economic growth and development,	The proposal will generate economic growth and contribute to the economy.
(b) to preserve rural land for all forms of primary production,	The quarry is existing, and the proposed extension will not interfere with any of the surrounding agricultural production.
(c) to identify, protect, conserve and enhance Leeton's natural assets,	Not applicable
(d) to identify and protect Leeton's built and cultural heritage assets for future generations,	Not applicable
(e) to allow for the equitable provision of social services and facilities for the community,	Not applicable
(f) to provide housing choices for the community,	Not applicable
(g) to minimise land use conflicts and adverse environmental impacts,	The proposal is not anticipated to lead to any land use conflict with surrounding properties.
(h) to promote ecologically sustainable development.	Not applicable

### **Clause 2.3 Zone objectives and Land Use Tables**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The development has been assessed in accordance with the relevant RU1 zoning. The assessment considers that the development is consistent with the RU1 objectives.
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### **Clause 2.3 subclause 1 objectives of zone**

Objectives are as follows:

<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The proposed continued use of the land for extractive industry provides productive use of the natural resource within the Quarry Site. As the land to be disturbed under the Proposal is currently only used for periodic grazing of livestock or passive
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	<p>biodiversity conservation, it is expected that the proposal would not adversely impact upon agricultural resources. Following the completion of the Proposal, the land would be rehabilitated to provide for passive biodiversity conservation and grazing.</p>
<p><i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></p>	<p>The proposal is to provide for continued supply of Quarry products for use in construction and infrastructure projects throughout the Leeton LGA and the broader Riverina Region. This industry, i.e. an extractive industry, would continue to operate alongside a variety of primary industry enterprises in the Leeton LGA and assist to maintain the economic diversity of the area.</p>
<p><i>To minimise the fragmentation and alienation of resource lands.</i></p>	<p>The Proposal is to allow for the extension and continued operation of the Hillview Quarry and would not result in the fragmentation or alienation of resource lands.</p>
<p><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></p>	<p>The land within and immediately surrounding the Quarry Site is zoned RU1 – Primary Production and E3 – Environmental Management (Located in Griffith Shire). The Quarry Site is located within the RU1 Primary Production zone and the land uses surrounding the Quarry Site in land zoned RU1 – Primary Production principally comprising dryland cropping and mixed irrigation farming. The land immediately to the north of the Quarry Site is zoned E3 – Environmental Management and is used principally for passive biodiversity conservation and sporadic grazing of livestock.</p> <p>The closest dwellings are situated 870m, 970m and 980m north of the quarry site. The quarry operates on a part time basis when materials are required and has the potential to create land use conflicts through the creation of noise and dust. There have been no complaints about the operation of the quarry and there</p>



	<p>were no submissions received from residents objecting the DA. Additionally, the noise impact assessment and air quality assessment concluded that the proposal is predicted to comply.</p> <p>Therefore, it is unlikely that land use conflicts would arise as a result of the proposal.</p>
<i>To provide opportunities for intensive and extensive agriculture in appropriate locations consistent with the environmental capability of the land and access to irrigation water.</i>	<p>The Quarry Site is located within an area of elevated, vegetated terrain principally suited for passive biodiversity conservation and sporadic grazing of livestock. This is demonstrated by the Land and Soil Capability (LSC) of the Quarry Site (predominantly LSC Class 4) which has been identified as land which has moderate to severe limitations which generally restricts land management options for high-impact land uses such as cropping, high intensity grazing and horticulture. It was found that much of the land surrounding the Quarry Site is located within the Riverine Plains and comprises land more suited to agricultural activities. Much of the land within this area is also serviced by irrigation canals and channels which further increases the suitability of the land for agricultural activities. It is, therefore, considered that the Quarry Site is strategically located to minimise any potentially adverse impacts on agricultural land.</p>
<i>To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.</i>	<p>The continued operation and extension of the Hillview Quarry would allow for the extraction and processing of raw natural materials to produce a range of crushed rock products. The existing operation has demonstrated a strong demand for these products both within Leeton LGA and the broader Riverina Region for applications in construction and infrastructure projects. It is considered that the Proposal would allow for the continued provision of these valuable services to the local community.</p>

<i>To protect and enhance the water quality of receiving watercourses and groundwater systems so as to reduce land degradation.</i>	The Proposal has been designed to avoid or minimise potential impacts to receiving watercourses and groundwater systems as far as practicable. To this end, a range of sediment and erosion control structures have been incorporated within the design of the Proposal to prevent the off-site discharge of sediment-laden water.
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### **Clause 6.3 Terrestrial biodiversity**

<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) protecting native fauna and flora, and</li> <li>(b) protecting the ecological processes necessary for their continued existence, and</li> <li>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</li> </ul>	<p>It is acknowledged that the Proposal has the potential to impact fauna and flora through the direct clearing of approximately 17.57ha of native vegetation and through indirect impacts such as the introduction of pests and weeds, increased edge effects and habitat fragmentation. It is noted that potential impacts to biodiversity have been avoided to the greatest extent practicable through the design of the Proposal with the residual impact to be offset as part of the Proposal's biodiversity offset strategy.</p> <p>The EIS concludes potential direct impacts would be suitably offset and potential indirect impacts would be managed through the implementation of measures to avoid or mitigate potential risks.</p>
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### **Clause 6.12 Essential Services**

<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable vehicular access.</li> </ul>	<p>The subject site has access to all essential services. Water is available to the site via Water Entitlements from Murrumbidgee Irrigation Supply Channel. Mains power is available to the existing dwelling house at the southern side of the site via overhead high voltage power lines. The Quarry site does not have power available, power is available from off-grid solar. Council's reticulated water supply and sewerage systems are not available in the area.</p> <p>The site has access via a sealed access road from Whitton Stock Route</p>
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	Road and Moon Road.  The subject land is adequately serviced, and the proposed development does not require any additional services.
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### 3.2 State Environmental Planning Policies (SEPPs)

#### 3.2.1. SEPP (State and Regional Development) 2011

Clause of SEPP	Comments
<b>Clause 3 Aims of Policy</b>	
The aims of this Policy are as follows— (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development.	As designated development for the purpose of extractive industry, the Quarry is classified as regional development under this SEPP.
<b>Schedule 7 Regionally significant development</b>	
<b>7 Particular designated development</b> Development for the purposes of— (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> , or	The proposed development is for an extractive industry and is considered to be designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> .

#### 3.2.2. SEPP (Mining, petroleum production and Extractive Industries) 2007

Clause of SEPP	Comments
The proposed development is defined as an Extractive Industry and therefore this policy applies to the assessment of the development. The clauses of the SEPP relevant to the assessment of the application are outlined below, with comments provided as to how the development satisfies the requirements.	
<b>Clause 13 Compatibility of proposed development with mining, petroleum production or extractive industry</b>	
(2) Before determining an application to which this clause applies, the consent authority must— (a) consider— (i) the existing uses and approved uses of land in the vicinity of the	The Council has considered the effect of the proposed development on the uses surrounding the development site. The quarry has been in operation since the early 1970s and is currently operating under DA 32/2006 approved

<p>development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</p> <p>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and</p> <p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p>	<p>on 3 April 2008. There have been no complaints made with Council about the operation of the quarry.</p> <p>Part of the quarry site is used for dryland cropping and grazing of cattle. The surrounding land uses are agricultural specifically dryland cropping and mixed irrigation farming.</p> <p>The proposed expansion of the Quarry will have a minimal impact to the uses of the existing site and surrounding locality, there is unlikely to be an incompatibility of land uses.</p> <p>There is likely to be a positive benefit through the production of products required to service the local and regional market with minimal negative impacts on residences or surrounding environment.</p>
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**Clause 14: Natural resource management and environmental management**

<p><i>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner.</i></p> <p><i>(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,</i></p>	<p>The Council has considered the effect of the proposed development on natural resources specifically water resources including surface water and groundwater. As part of the development application an EIS was prepared by R.W. Corkery &amp; Co. Pty Limited. The EIS found that during previous extraction activities and the exploration drilling no groundwater was intersected and impacts to groundwater were minimal.</p> <p>The EIS stated that the applicant proposes to continue to ensure that appropriate management and mitigation measures are implemented in relation to the handling and storage of hydrocarbons to ensure minimal risk of groundwater contamination and proposed to monitor for any signs of contamination to groundwater during extraction operations.</p> <p>The applicant proposes to continue the management of surface water runoff</p>
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<p><i>(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,</i></p> <p><i>(c) that greenhouse gas emissions are minimised to the greatest extent practicable.</i></p>	<p>to limit the potential for sediment laden runoff leaving the Quarry Site. The extraction area has been designed to drain internally to minimise the risk of sediment-laden discharge off site. Surface water is to be managed in a manner that maximizes opportunities for the reuse and recycling of captured surface water.</p> <p>The proposal includes the removal of approximately 17.57ha of native vegetation, including 4.06ha of vegetation in poor condition and 13.51ha in moderate condition.</p> <p>The residual impacts to native vegetation are to be offset in accordance with the Biodiversity Offset Scheme.</p> <p>The potential direct residual impacts will be suitably offset and potential indirect impacts will be managed through the implementation of measures to avoid or mitigate potential risks.</p> <p>The quarry has been designed to avoid impacts to surrounding vegetation as far as practicable.</p> <p>Emissions associated with the Proposal would represent approximately 0.0002 % of Australian and 0.0009 % of NSW emissions totals for the year 2018. Emissions are proposed to be reduced further through the implementation of a maintenance program for all plant and equipment.</p>
<p><b>Clause 16: Transport</b></p>	
<p><i>(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—</i></p>	<p>The Council has considered the effect of the proposed development on the transport network. As part of the development application a Traffic Impact Assessment was prepared by The Transport Planning Partnership Pty Ltd. This document found that the transport of materials from the Quarry site is to continue to occur on the</p>

<p>(a) <i>require that some or all of the transport of materials in connection with the development is not to be by public road,</i></p> <p>(b) <i>limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,</i></p> <p>(c) <i>require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.</i></p>	<p>public road network.</p> <p>The Road Transport Assessment concludes that the transportation of Quarry Products from the Hillview Quarry is to be accommodated on the surrounding road network with acceptable impacts on the capacity, efficiency and safety of the road network.</p> <p>Transport for NSW have reviewed the EIS and have provided comments, generally it does not object to the application.</p>
<p><b>Clause 17: Rehabilitation</b></p>	
<p>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.</p>	<p>The Council has considered the effect of the proposed development on the environment specifically rehabilitation of the subject site. The rehabilitation of the site will be conditioned.</p>
<p>In particular, the consent authority must consider whether conditions of the consent should—</p> <p>(a) <i>require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</i></p> <p>(b) <i>require waste generated by the development or the rehabilitation to be dealt with appropriately, or</i></p> <p>(c) <i>require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the <a href="#">Contaminated Land Management Act 1997</a>), or</i></p> <p>(d) <i>require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</i></p>	<p>The applicant proposes to rehabilitate the quarry site to create a final landform that is suitable for grazing and biodiversity conservation. The applicant's objectives for rehabilitation are centered on creating a final landform that is safe, secure, non-polluting, stable and suitable for biodiversity conservation and grazing.</p> <p>The specific objectives for the long-term rehabilitation program are to; provide a low-maintenance, geotechnically stable and safe landform with minimal erosion; and establish native vegetation similar to what is currently within and surrounding the Quarry Site or pasture species as required.</p> <p>The applicant proposes progressive rehabilitation of disturbed areas that are no longer required. This is proposed to be undertaken throughout the life of</p>



	<p>the quarry through the use of un-usable material being placed on previously disturbed areas to create a roughened surface to contain rainfall and provide a suitable substrate for the growth of native vegetation. Unused materials would be progressively placed on the disturbed areas once activities have ceased in that area. This provides substrate for the growth of trees and shrubs which are to be planted with tubestock or seeding.</p> <p>The extraction floor is proposed to be rehabilitated toward the end of operations ceasing to allow for flexibility in the event that further operations will occur under an additional approval. Fragmented material would be covered with topsoil and seeded or planted with endemic vegetation species or pasture species. The applicant proposes to retain a number of large tree trunks which are to be placed temporarily in the soil and mulch stockpile area for use in rehabilitating the site</p>
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### 3.2.3. SEPP No. 33 (Hazardous and Offensive Development)

Clause of SEPP	Comments
<b>2 Aims, objectives etc</b>	
<p>This Policy aims—</p> <p>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</p> <p>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and</p> <p>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</p> <p>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</p> <p>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</p> <p>(f) to require the advertising of applications to carry out any such development.</p>	

### 3 Definitions of “potentially hazardous industry” and “potentially offensive industry”

**“potentially hazardous industry** means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—  
(a) to human health, life or property, or  
(b) to the biophysical environment,  
and includes a hazardous industry and a hazardous storage establishment.”

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

### 13 Matters for consideration by consent authorities

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)—  
(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and  
(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and  
(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and  
(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the

The Council has considered the effect of the proposed development. As part of the development application an EIS was prepared by R.W. Corkery & Co. Pty Limited.

The EIS found that the Proposal involves the use of diesel fuel, a Class 3 C1 combustible liquid, and small amounts of other hydrocarbons including lubricating oils and combustible liquids.

Ammonium nitrate would not be stored on site, rather it would be transported to the Quarry Site for blasting on the day of each blast. As the quantity required for each blast does not exceed the relevant thresholds for Class 5.1 materials.

SEPP 33 does not require the storage of diesel or ammonium nitrate to be considered further.



<p>application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</p> <p>(e) any likely future use of the land surrounding the development.</p>	
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#### 3.2.4. SEPP (Primary Production and Rural Development) 2019

Clause of SEPP	Comments
<b>3 Aims of Policy</b>	
<p>The aims of this Policy are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational</p>	<p>The subject land is not identified as State or regionally significant agricultural land by Schedule 1 of the Primary Production and Rural Development SEPP.</p> <p>The Proposal would not remove any land currently managed for intensive agriculture although it is acknowledged that sporadic grazing is undertaken, principally to control bush fire fuel loads. As demonstrated at numerous other quarry sites where agricultural activities are undertaken concurrently within extractive industry. The Quarry is an existing use and is not currently impacting on the surrounding agriculture. The proposed expansion and continued use of the quarry is not likely to have an impact on the surrounding agricultural uses. The protection of the land that is the subject of the Proposal would not provide any public benefit. In fact, the employment and local economic stimulus that would be generated by the Proposal is considered to be of wider public benefit. The Quarry is an existing use and already has impacts however these are not considered detrimental as no submissions or any complaints have been made during the life of the quarry nor were any submissions opposing the application received.</p>

factors.	As a result, the Primary Production and Rural Development SEPP is not considered further.
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### 3.2.5. State Environment Planning Policy (SEPP) (Koala Habitat Protection) 2020)

Clause of SEPP	Comments
<b>Part 2 Development control of koala habitats</b>	
<b>Clause 7 Land to which this Part applies</b>	
<p>This Part applies to land—</p> <p>(a) that is land to which this Policy applies, and</p> <p>(b) that is land in relation to which a development application has been made, and</p> <p>(c) that, whether or not the development application applies to the whole, or only part, of the land—</p> <p>(i) has an area of more than 1 hectare, or</p> <p>(ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.</p>	<p>The subject land is identified as land to which the State Environmental Planning Policy (SEPP) (Koala Habitat Protection) 2020 applies. The subject land has an area of greater than 1 hectare.</p>
<b>Clause 8 Step 1—Is the land potential koala habitat?</b>	
<p>(1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.</p> <p>(2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.</p> <p>(3) If the council is satisfied—</p> <p>(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or</p> <p>(b) that the land is a potential koala habitat, it must comply with clause 9.</p>	<p>The Council has considered the effect of the proposed development on potential koala habitats. As part of the development application an EIS was prepared by R.W. Corkery &amp; Co. Pty Limited</p> <p>The EIS found that consultation with BCD determined that the assessment did not need to consider the Koala SEPP and that the Proposal would be assessed in accordance with SEPP 44 as the SEARs was issued prior to the commencement of the new SEPP.</p> <p>The Quarry Site comprises areas where Poplar box (<i>Eucalyptus populnea</i>), a Koala feed tree, constitutes at least 15% of the total number of trees in the upper canopy. As such, these areas are considered potential Koala Habitat. However, as there are no records of Koalas within 10km and no</p>



	Koalas were observed during ecological surveys, areas of remnant vegetation within the Quarry Site are not considered core Koala Habitat and further consideration of SEPP 44 is, therefore, not required.
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### 3.2.6. State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land (SEPP 55)

Clause of SEPP	Comments
<b>Clause 7 Contamination and remediation to be considered in determining development application</b>	
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	<p>The Council has considered the effect of the proposed development and whether the land is contaminated. As part of the development application an EIS was prepared by R.W. Corkery &amp; CO. Pty Limited.</p> <p>The EIS found that as the areas proposed for disturbance within the Quarry Site have previously been used for extractive industry, agriculture or biodiversity conservation, the Applicant is satisfied that no contaminated land occurs on the Quarry Site. This SEPP is therefore not considered further in this document.</p>

### 3.3 (a) (ii) Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments to be considered in this assessment.

### 3.4 Any development control plan

Leeton Shire Council does not currently have a Development Control Plan (DCP).

### 3.5 The likely impacts of that development,

The impacts of the development includes the environmental impacts and the social and economic impacts in the locality.

The EIS addressed the likely impacts of the development on the environment and the measures to mitigate the effects.

### **3.5.1 Access, Transport and Traffic**

The Quarry has operated intermittently and on a campaign basis since the early 1970s and is currently operating under Development Consent DA 32/2006, issued to previous owner by Council on 3 April 2008. The Quarry currently has approval to extract 30,000m<sup>3</sup>

The existing site access will be retained and does not require any upgrading. The Quarry Access Road traverses Lots 1 & 2 DP 104993 owned by Milbrae Quarries Pty Ltd and the Woods Property Group Pty Ltd. Consideration should be given to; including this land as a parent property for the EIS Development Application, and creating an easement over the private access road, or consolidation of the quarry and access road.

A Traffic Impact Assessment was prepared and found that the traffic generation would be a maximum of 12 laden truck movements per hour and 92 laden truck movements per day on the days when products are dispatched. The Traffic Impact Assessment undertaken for the EIS concluded that the level of service would remain good on the surrounding road network during morning and evening peak hours with the combined effects of traffic growth and additional Proposal-generated traffic. It also identified that adequate line of sight is available at all intersections and that no road upgrades would be required as part of the Proposal.

Recommendations from the Traffic Impact Assessment include the development of a Traffic Management Plan and widening the single gate entrance to allow inbound and outbound truck movements simultaneously, this will be a condition.

Transport for NSW (TfNSW) was consulted by Council of the application and reviewed the application and accompanying EIS.

TfNSW advised Council that they will not object to the development and provided recommended conditions and they are attached to this report.

### **3.5.2 Heritage**

No Aboriginal or European heritage sites were recorded during archaeological surveys undertaken to inform the EIS. As such, it has been assessed that there is a low likelihood that the Proposal would adversely harm cultural heritage items or sites.

A plan of management is to be prepared in the event of Aboriginal artefacts being found within the Quarry Site, this will be a conditioned.

### **3.5.3 Water**

Water is currently available to the site via four (4) water entitlements from a Murrumbidgee Irrigation supply channel. The water is pumped from the channel and is stored in ten (10) 20,000L water tanks and a 3ML dam. Previously water has been obtained under the entitlement or carted in as



required. The applicant proposes to continue obtaining water as required by pumping from the channel under the water entitlement or by carting it in.

The water is currently used when required by the water truck for dust suppression on internal roads and other unsealed surfaces during extraction and processing periods. Water is also required for the water sprays on the mobile processing plant. The applicant proposes to continue using water for dust suppression. The applicant proposes to obtain water from the Quarry sump and sediment basins as required.

The extraction area is designed to be internally draining to minimize the risk of sediment-laden discharge off site. All the runoff drains to a sump located on the floor of the extraction area. The sump receives runoff from the entire extraction area.

The applicant proposes to construct a total of five (5) sediment basins to collect and manage sediment laden runoff. The construction of dirty water collection drains is proposed to convey sediment laden runoff from areas of operational disturbance to sediment basins. The sump and sediment basins are to be retained in the final landform to provide water supply for future agricultural uses.

### **3.5.4 Air Quality**

The Applicant noted in its EIS that Milbrae would implement set mitigation and management methods to minimise the potential for air quality related impacts surrounding the site. A specific management plan should be prepared to address this and it is a condition of consent.

The results of the air quality assessment undertaken for the EIS concluded that the Proposal is predicted to comply with all impact assessment criteria.

The EPA has issued General Terms of Approval and they are attached to this report.

### **3.5.5 Flora and Fauna**

OzArk Environmental & Heritage Management Pty Ltd (OzArk) were commissioned by R.W. Corkery and Sons who prepared the EIS. They undertook an assessment on the flora and fauna present on the site and also a Biodiversity Development Assessment Report (BDAR).

It is proposed that a total of 17.57ha of vegetation would be removed by the Proposal comprising approximately 4.06ha of vegetation in poor condition and 13.51ha in moderate condition.

The removal of native vegetation is to be offset in accordance with the Biodiversity Offset Scheme under the BC Act. It is noted that the Quarry Site has been designed to avoid impacts to surrounding vegetation as far as practicable. A condition will be applied to any subsequent development consent to address this.

### **3.5.6 Noise**

The noise and vibration impact assessment undertaken for the Proposal concluded that operational noise attributable to activities within the Quarry Site and road traffic noise generated by product transport would be within nominated limits and would have minimal impacts at surrounding residences. Blast overpressure and ground vibration levels would also be well below criteria levels at all surrounding residences.

Predictive modelling from the Noise and Vibration Assessment found that the proposed blasting regime that is proposed is not expected to exceed the adopted criteria. In addition, vibration is not expected to be an issue for the surrounding residences.

The noise assessment concluded that the maximum noise is identified to remain below the sleep disturbance trigger level at all residence receivers. Therefore, sleep disturbance due to maintenance activities within the Quarry are unlikely to cause awakening reactions to adjacent receivers.

Based on the results of the Noise and Vibration Assessment there are no noise or vibration related issues that could prevent the extension and continued use of the Quarry.

### **3.5.7 Natural Hazards**

#### **Flood**

The Quarry site is located at an elevation of approximately 208m AHD and there is no risk of flooding.

#### **Bushfire**

The subject land is identified as bush fire prone land. Some areas of the quarry site will remain vegetated and there is risk for bush fire to spread.

The applicant proposes a number of mitigation and management measures which will be included in bush fire management plan in consultation with Rural Fire Service (RFS) which would be documented in an Environmental Management Strategy, this will be a condition.

### **3.5.8 Social Impact**

The Quarry has been operating since the 1970s and is currently operating under DA 32/2006 which was approved on 3 April 2008 and issued to the previous owner.

The continued operation and expansion may generate dust and noise on site which has the potential to impact surrounding residences. The closest residence is 870m to the north of the quarry, it is considered that the separation distance between the quarry and sensitive receptors and the existing hill may minimize any potential impacts. During the life of the Quarry no complains have been made with Council.



### **3.5.9 Economic Impact**

The continued use and expansion of the Quarry is considered to have a positive impact upon the economy. The Quarry currently employs local residents, and it proposes to continue employment of local personnel. In addition to providing employment in the local area and region the quarry also supplies crushed rock products to Leeton Shire and surrounding Shires. The expansion and continued use proposes to continue to supply crushed rock and quarried material to the surrounding area.

### **3.6 The suitability of the site for the development**

The site is in a rural area and is suitable for the use of land as a quarry. The quarry has operated at this site since the 1970's and is currently operating under DA 32/2006 issued to the former owner by Leeton Shire Council on 3 April 2008.

The quarry has not received any complaints during its life of operation. Extractive industries are permitted in the zone with development consent. The development will be conditioned to ensure minimal impact on the environment and surrounding area.

### **3.7 Public Submissions**

One (1) submission was received supporting the development. The submission states:

*"We have no objections to continued or extended quarry operations. We operate a vineyard and share common boundaries. We have never had any issues with the operations. In fact, they are excellent neighbours, and we wish them well in their continued and expanded operations."*

### **3.8 The public interest**

The development was advertised and publicly exhibited in accordance with provisions of the EP& A Act and Leeton Community Participation Plan. One submission of support was received as a result of the public notification. It is considered to be in the overall public interest that the Application be approved.

## **4. CONCLUSION**

The proposal is for the continued use and expanded operation of the Extractive Industry (Hillview Quarry) which comprises the extraction and processing of raw materials and associated product transport at its Hillview Quarry.

The development application is designated development and an EIS was submitted to identify all potential impacts.

The EIS has been prepared in accordance with the Director General's requirements issued by the Department of Planning. All relevant legislation for the assessment of the development and the identified impacts are assessed within this report.

The development application was processed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Based on the above assessment of the proposal, it is recommended to the Western Region JRPP that the development application for Lot 41 and 42 DP 751679, via 88 Moon Road, Murrumbidgee be approved subject to the conditions listed in Appendix A.

Assessing Officer:



Sarah Sharman

**Town Planner**

Date: 1/10/2021

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Approved under delegated authority:



Francois Van Der Berg

**Manager Planning, Building & Health**

Date: 1/10/2021

**I have not identified any conflicts of interest in this process.**



Sarah Sharman

**Town Planner**

Date: 1/10/2021

## **APPENDIX A – CONDITIONS**

### **General Conditions**

#### **Approved Plans**

1. Approval is granted for continued use and expanded operation of the Extractive Industry (Hillview Quarry) which comprises the extraction and processing of 250,000 tonnes per annum of raw materials and associated product transport at Lot 41 & 42 DP 751679 to be undertaken generally in accordance with the stamped approved Environmental Impact Statement except where modified in red or by any of the following conditions:

<b>Title/Plan no:</b>	<b>Ref no:</b>	<b>Sheet no:</b>	<b>Drawn by:</b>	<b>Dated:</b>
Environmental Impact Statement	Hillview Quarry	-	R.W. Corkery & CO. PTY. Limited	December 2020
Updated Biodiversity	Hillview Quarry	1-187	OzArk Environmental	30/07/2021



Development Assessment Report			and Heritage Pty Ltd	
Traffic Impact Assessment	Hillview Quarry	1-32	The Transport Planning Partnership	7 December 2020
Air Quality Assessment	Hillview Quarry	1-58	Northstar Air Quality	8 December 2020
Noise and Vibration Impact Assessment	Hillview Quarry	1-44	Muller Acoustic Consulting	December 2020
Sediment Basin Storage Requirement Calculations	Hillview Quarry	1-9	R.W. Corkery & CO. PTY. Limited	December 2020
Aboriginal Archaeological and Historic Heritage Impact Assessment	Hillview Quarry	1-39	OzArk Environmental and Heritage Pty Ltd	December 2020

**{Reason: To ensure that the development is undertaken in accordance with that assessed}**

2. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.

## **Transport**

### **Access**

3. The current single width gate on the Quarry Access Road is to be widened to allow inbound and outbound truck movements to occur simultaneously.

The access road to the quarry is located on private land for a length 790m through lots 1 & 2 DP 104993 was previously constructed and sealed following approval of 32/2006. This private access road is located within Griffith LGA and is zoned E3 Environmental Management and mapped as Terrestrial Biodiversity under the Griffith Local Environmental Plan 2014.

Whilst this private access road is in the ownership of Milbrae Quarries, consideration should be given to:

- a. including this land as a parent property for the EIS Development Application and
- b. consolidation of the quarry and access road.

**{Reason: To ensure the development has an appropriate and legal access}**

## Records

4. The quarry operator shall maintain accurate records of the extraction quantities and traffic movements (with a maximum of 12 loaded vehicles per hour). This information shall be recorded as material out the gate using the weighbridge or other agreed upon methodology. These records shall be kept on site and be available for inspection at the request of either of the Consent Authority or Transport for NSW.

***{Reason: To ensure the development is undertaken and operated in accordance with TfNSW requirements and to minimise the impact of the proposed development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network}***

5. All works associated with the development shall be at no cost to Transport for NSW.

***{Reason: To ensure the development is carried out and operated in accordance with TfNSW requirements}***

## Signage

6. Installation of T-Junction sign (w2-3) on Moon Road on approach to Whitton Stock Route.

***{Reason: To ensure the road is appropriately sign posted}***

7. A bi-directional hazard marker (d4-2-3) is required to be installed on the western side of the Whitton Stock Route across from the terminating Moon Road. A 'Moon Road' street blade shall also be installed at that location.

***{Reason: To ensure the road is appropriately sign posted}***

8. Advanced warning side road intersection (w2-4L and w2-4R) signs are required on the northern and southern approach to Moon Road along with Trucks Entering (t2-25) signs on both approaches.

***{Reason: To ensure the road is appropriately sign posted}***

## Heritage

9. The applicant must ensure the development does not cause any direct or indirect impacts on any Aboriginal artefacts.

## Discovery of Human Remains

10. If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The applicant must notify the NSW Police and Heritage NSW as soon as possible following the discovery, and work must not recommence in the area until this is authorised by Heritage NSW.



## Environment

11. The applicant is to prepare and submit to Council an Environmental Management Plan which shall include; vegetation clearing, traffic management, air quality management, soil and water management, rehabilitation management and a pollution incident response management plan the plan is also to include an Environmental Management Strategy.

**{Reason: To ensure any environmental issues are managed and mitigated effectively.}**

12. The Quarry is not to import more than 1,500 tonnes of concrete washout and other construction materials per annum.

**{Reason: To ensure the Quarry operates in accordance with what has been assessed.}**

13. The Quarry is not to produce more than 250,000 tonnes of Quarry products per annum. Production quantities shall be recorded as material out the gate using the weighbridge or other agreed methodology.

**{Reason: To ensure the Quarry operates in accordance with what has been assessed.}**

## Ecosystem credit requirement conditions

14. Prior to the clearing of any further native vegetation, the class and number of ecosystem credits in accordance with Table 1 must be retired to offset the residual biodiversity impacts of the development.

15. The requirement to retire credits in condition 14 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

16. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 must be provided to the consent authority prior to the clearing of further native vegetation.

**Table 1 Ecosystem credits required to be retired – like for like**

<b>Impacted plant community type</b>	<b>Number of ecosystem credits</b>	<b>IBRA subregion</b>	<b>Plant community type(s) that can be used to offset the impacts from development</b>
(PCT 82) Western Grey Box – Poplar Box – White Cypress Pine Tall woodland on red loams mainly of the eastern Cobar	67	Lower Slopes, Bogan-Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee	56, 74, 76, 80, 81, 82, 237, 244, 248, 251, 628

Peneplain Bioregion		and Nymagee. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	
(PCT 185) Dywer's Red Gum – White Cypress Pine- Currawang Shrubby woodland mainly in the NSW South Western Slopes Bioregion	167	Lower Slopes , Bogan- Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	104, 106, 122, 175, 176, 177, 178, 180, 184, 185, 186, 188, 218, 239, 256, 257, 258, 292, 317, 318, 319, 328, 329, 332, 334, 357, 424, 427, 439
(PCT 317) Currawang very tall shrubland on siliceous rocky ridges and cliffs mainly in the NSW South Western Slopes Bioregion	79	Lower Slopes , Bogan- Macquarie, Inland Slopes, Lachlan Plains, Murray Fans, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	104, 106, 122, 175, 176, 177, 178, 180, 184, 185, 186, 188, 218, 239, 256, 257, 258, 292, 317, 318, 319, 328, 329, 332, 334, 357, 424, 427, 439

### Species credit retirement conditions

17. Prior to the clearing of further native vegetation, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.



18.The requirement to retire credits in condition 17 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

19.Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 must be provided to the consent authority prior to further clearing of native vegetation.

**Table 2: Species Credit Requirements**

<b>Species Credit Species</b>	<b>Credits Required</b>	<b>IBRA Subregion</b>
<i>Austrostipa metatoris</i> / A spear-grass (flora)	81	Anywhere in NSW
<i>Crinia sloanei</i> / Sloane's Froglet (Fauna)	60	
<i>Myotis Macropus</i> / Southern Myotis (Fauna)	22	
<i>Petaurus norfolcensis</i> / Squirrel Glider (Fauna)	67	

### **Biodiversity**

### **Vegetation Clearance**

20.The applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

### **Street Address**

21.The street address allocated to the premises shall be displayed so that it is clearly visible from the road at the gate at the front of the allotment.

The street address is 88 Moon Road, Yenda.

**{Reason: To permit identification of the property and to comply with the requirements of the Local Government Act 1993.}**

### **Storage and handling of Dangerous Goods**

22.The applicant must store and handle all chemicals, fuels, oils used on-site in accordance with:

- a. The requirements of all relevant Australian Standards; and
- b. The NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids

### **Bush Fire Emergency Management Plan**

23.A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants, include recommendations of Section 5.9.2.4 and Table 5.18 of the Environmental Impact Statement and the following:

- a. detailed measures to prevent or mitigate fires igniting;
- b. work that should not be carried out during total fire bans;
- c. availability of fire-suppression equipment, access and water; storage and maintenance of fuels and other flammable materials;
- d. notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate;
- e. appropriate bush fire emergency management planning; and
- f. include provisions for operations that may and may not be carried out on days of Total Fire Ban.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to commencement of continued operations.

***{Reason: Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of developments.}***

## **Inner Protection Area**

24. All structures within the proposed Office and Amenities Area are to be located with consideration of the required 18m inner protection area (IPA).

***{Reason: Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.}***

## **NSW Environmental Protection Authority (EPA) General Terms of Approval:**

### **Administrative conditions**

#### ***A 1. 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 No 13/2021 submitted to Leeton Shire Council on 22 January 2021; and
- the environmental impact statement titled "Hillview Quarry" dated December 2020 prepared by R. W. Corkery & Co. Pty Ltd relating to the development.

#### ***A2. Fit and Proper Person***

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

***{Reason: To ensure compliance with the Protection of the Environment Operations Act 1997}***

#### ***A3. Premises to which the General Terms of Approval applies***



**A3.1** These General Terms of Approval apply to the following premises:  
The Hillview Quarry Lot 41 and 42 DP 751769 depicted at Figure 1.3.2 of the Environmental Impact Statement titled 'Hillview Quarry' prepared by R.W. Corkery & Co dated December 2020 kept on EPA file DOC21/66459.

## **Limit conditions**

### ***L 1. 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. Waste***

**L2.1** The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

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

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

Code	Waste	Description	Activity	Other Limits
NA	Construction Waste	Concrete and similar materials for road base and excluding metals, plastic, timber and paper	Resource recovery	A maximum of 1,500 tonnes received at the premises in each annual return reporting period.

### ***L3. Extraction and processing limits***

**L3.1** The applicant must not extract more than 250,000 tonnes of material at the premises in each annual return reporting period.

**L3.2** The premises must not process more than 251,500 tonnes of any material in each annual return reporting period.

### ***L4. Noise limits***

**L4.1** Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40 dB(A) during the day time (7am-6pm) and a noise

criterion of 35 dB(A) at any other time, except as expressly provided by these general terms of approval.

**L4.2** Noise from the premises is to be measured at the nearest sensitive receptor not associated with the premises to determine compliance with this condition.

### **L5. Hours of operation**

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

Activity	Monday Friday	to	Saturdays	Sundays Public Holidays	or
Site development and construction	7:00am 7:00pm	–	7:00am 1:00pm	–	Nil
Extraction operations	7:00am 7:00pm	–	7:00am 1:00pm	–	Nil
Drilling operations	7:00am 6:00pm	–	7:00am 1:00pm	–	Nil
Blasting operations	10:00am 3:00pm	–	Nil		Nil
Processing operations	7:00am 7:00pm	–	7:00am 1:00pm	–	Nil
Product dispatch	7:00am 7:00pm	–	7:00am 1:00pm	–	Nil
Maintenance	24 hours / day		24 hours / day		Nil
Note 1: During the winter months (i.e. June, July and August) operations would be restricted to between 7:00am and 6pm.					

### **L6. Blasting**

#### **Overpressure**

**L6.1** The overpressure level from blasting operations on the premises must not:  
Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and

Exceed 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be asses to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

#### **Ground vibration (ppv)**

**L6.2** Ground vibration peak particle velocity from the blasting operations at the premises must not:



Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and  
Exceed 10mm/s at any time,

**L6.3** The premises must only undertake 1 blast per week between Monday to Friday and 10am to 3pm.

**L6.4** Blast monitoring must be in accordance with conditions at M5.

## **Operating conditions**

### **01. Odour**

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

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

### **02. Dust**

**02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**02.3** Vehicle speed limits are restricted a maximum of 20km/h in the quarry boundaries on unsealed roads and 50km/h on the quarry access road between the quarry and Whitton Stock Route Road.

**02.4** Dust suppression in the form of water spray's or mists must be used during mobile processing operations.

### **03. Contaminated stormwater**

**02.1** All rainfall falling on the active or disturbed quarry areas must be captured and detained on the premises in dams or retention basins. This condition applies to rainfall events up to but not exceeding the regional 1 in 20 year 24 hour average recurrent interval event.

## **Monitoring and recording conditions**

### **M1 Monitoring records**

**M1 .1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to

comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:  
in a legible form, or in a form that can readily be reduced to a legible form;  
kept for at least 4 years after the monitoring or event to which they relate took place; and  
produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

## **M2. Requirement to monitor volume or mass**

**M2.1** The applicant must monitor:

the volume of material extracted at the premises;

the volume of material processed at the premises, and

the volume of construction waste received at the premises.

at the frequency and using the method and units of measure, specified below.

Frequency	Units of Measure	Sampling Method
Weekly	Tonnes	Weighbridge

## **M5. Blast Monitoring**

**M5.1** One blast undertaken at the premises must be monitored in each annual return reporting period.

**M5.2** For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest affected premises not associated with the development and must be.

*At a residential boundary; or*

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

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



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

## **Reporting conditions**

### **R1. Annual Returns**

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

## **Attachement 'B' – Mandatory Conditions for all EPA Licences**

### **Administrative conditions**

#### **Other activities**

(To be used on licences with ancillary activities)

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

- **Waste storage (construction waste)**

### **Operating conditions**

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

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

#### **Maintenance of plant and equipment**

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

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

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

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

The record must include details of the following:

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

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

### **Telephone complaints line**

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

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

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

### **Reporting conditions**

#### **Annual Return documents**

##### ***What documents must an Annual Return contain?***

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

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

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

##### ***Period covered by Annual Return***

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

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

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

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



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

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

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

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

### **Deadline for Annual Return**

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

### **Notification where actual load can not be calculated**

(Licences with assessable pollutants)

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

The notification must specify:

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

### **Licensee must retain copy of Annual Return**

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

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

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

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

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

### **Notification of environmental harm**

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

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

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

### **Written report**

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

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

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

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

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

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

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

### **General conditions**

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

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



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

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

Reasons for conditions:

- prevent and/or minimise any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.