

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	30 September 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Shane Wilson, Jenny Clark
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 September 2021.

MATTER DETERMINED

PPSWES-79 – Narrandera – DA50/2020-2021 at Stuart Highway Gillenbah for extension and continued operation of Strontian Quarry (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the revised conditions dated 21 September 2021 and amended as per below. The amendments are minor in nature and provide further clarity on requirements. The full set of approved Conditions of Consent are listed as Schedule 2.

- Condition 2 amended to read as follows:

Approved Plans and Documentation

The development shall be undertaken in accordance with the following documents unless where amended by a condition of consent, specifically Conditions 8 and 11:

Ref No	Drawing/Document Title	Prepared by	Version	Date
Ref No. 1010/2	Environmental Impact Statement for the Strontian Quarry	R.W. Corkery & Co Pty Limited		March 2021
DOC21/032448	Landowners Consent	NSW Planning, Industry & Environment – Crown Lands		22 Feb 2021

Note 1: Modifications to the approved plans and/or documents will require the lodgement and consideration by Council of a modification pursuant to section 4.55 of the *Environmental Planning and Assessment Act*, as amended.

REASON: To enable the operation of the development to be in accordance with the development approval.

- New Condition, inserted as condition 8 and subsequent conditions renumbered, to read as follows:
Surrender of Development Consent – DA-027-2011-2012

The operator must surrender the existing development consent DA-027-2011-2012 upon the satisfactory completion of the following conditions contained within this consent being DA-050-2020-2021:

- *Condition 9 – Environmental Management Plan*
- *Condition 10 – Section 88b instrument*
- *Condition 11 – Bushfire Protection*
- *Condition 12 (7 - 10) – Biodiversity Management Plan*
- *Condition 13 – Maintenance of Strontian Road*
- *Condition 14 – NSW EPA Requirements*
- *Condition 15 – Road Works*

Until such time as the above works are completed the operations of the quarry must be conducted in accordance with DA-027-2011-2012.

REASON: To ensure the conditions of consent and operating conditions applied by DA-050-2020-2021 replace the previous approval conditions.

- Condition 8.1 (now Condition 9.1), amended to read as follows:
Amend Action 5. Biodiversity to include any maintenance or replacement requirements under the Biodiversity Management Plan required by condition of consent 11.
- Condition 11.1 (now Condition 12.1) amended to read as follows:
Quarry operations may continue within the existing area of disturbance prior to the retirement of biodiversity credits with no vegetation clearing permissible until the class and number of ecosystem credits in Table C.1, as follows, have been retired to offset the residual biodiversity impacts of the development.
- Condition 11.3 (now Condition 12.3) amended to read as follows:
Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of condition 1 must be provided to Council prior to the expansion of the current quarry footprint.
- Condition 11.4 (now Condition 12.4) amended to read as follows:
Quarry operations may continue within the existing area of disturbance prior to the retirement of species credits with no vegetation clearing permissible until the class and number of species credits in Table C.2, as follows, have been retired to offset the residual biodiversity impacts of the development.
- Condition 11.6 (now Condition 12.6) amended to read as follows:
Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of Table C.2 requirements must be provided to the Narrandera Shire Council prior the expansion of the current quarry footprint.
- Condition 11.7 (now Condition 12.7) amended to read as follows:
Prior to the commencement of work, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority Narrandera Shire Council consistent with section 6.2 of the BDAR and include items 1 through 6 in this condition. The Biodiversity Management Plan may form part of an Environmental Management Plan.
- Condition 11.1 is deleted.
- Reasons for condition 11 (now Condition 12) amended to read as follows:

To ensure compliance with the NSW Biodiversity Conservation Act 2016 Section 7.13 (5) of the Biodiversity Conservation Act 2016 which requires that a condition to retire credits is complied with before any development that would impact on biodiversity values is carried out.

- Condition 12 (now Condition 13) amended to read as follows:
The operator of the quarry is to establish a mutually agreed arrangement for the maintenance of the section of Strontian Road required to be upgraded under Condition 15, with Narrandera Shire Council prior to any works of Strontian Road with Narrandera Shire Council prior to any works commencing.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Shane Wilson
 Jenny Clare	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-79 – Narrandera – DA 50/2020-2021
2	PROPOSED DEVELOPMENT	The extension and continued operation of Strontian Quarry and associated product transport as follows: • Increase the extraction of material from the site from 30,000m3 per annum to 125,000 tons per annum (approximately 75,000m3). • Import up to a maximum of 1,500 tonnes per annum of concrete washout and other construction materials for recycling and incorporation into Quarry products. • Crushing and screening of fragmented rock and imported materials on site using a mobile processing plant. • Ongoing transportation of up to 125,000 tonnes per annum of Quarry products to end points of use within Narrandera Shire and the broader Riverina area. • Progressive and final rehabilitation of the Quarry to develop a final landform suitable for passive nature conservation and grazing.
3	STREET ADDRESS	Lots 133 & 134 DP 726537 Strontian Road Gillenbah NSW 2700
4	APPLICANT/OWNER	Applicant - Geoff Pigram, Milbrae Quarries Pty Ltd Owner - NSW Department of Planning, Industry & Environment – Crown Lands
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 - o State Environmental Planning Policy (Primary Production and Rural Development) 2019 - o Narrandera Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 31 August 2021 • Revised conditions: 21 September 2021 • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site Visit & Briefing: 13 July 2021 - o <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Shane Wilson, Jenny Clarke - o <u>Council assessment staff</u>: Garry Stoll - o <u>Secretariat staff</u>: Amanda Moylan - o <u>Applicant</u>: Geoff Pigram • Final briefing to discuss council's recommendation: 22 September 2021

		- o <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Shane Wilson, Jenny Clarke - o <u>Council assessment staff</u>: Garry Stoll, Bridey Hugo - o <u>Secretariat staff</u>: Carolyn Hunt, Kim Holt - o <u>Applicant</u>: Geoff Pigram, Tracey Cotter, Caiden O’Conner
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2 – CONDITIONS OF CONSENT

PROPOSED CONDITIONS OF CONSENT DA 050-2020-2021																
Cond #	Details															
GENERAL																
1.	Consent This Consent is for the Extension and continued operation of Strontian Quarry on Lots 133 & 134 DP 726537, Strontian Road, Gillenbah NSW 2700, and associated product transport as follows: • Increase the extraction of material from the site from 30,000m³ per annum to 125,000 tons per annum (approximately 75,000m³), with all measurements to be taken at time of removal via calibrated loader scales. • Import up to a maximum of 1,500 tonnes per annum of concrete washout and other construction materials for recycling and incorporation into Quarry products. • Crushing and screening of fragmented rock and imported materials on site using a mobile processing plant. • Ongoing transportation of up to 125,000 tonnes per annum of Quarry products to end points of use within Narrandera Shire and the broader Riverina area. • Progressive and final rehabilitation of the Quarry to develop a final landform suitable for passive nature conservation and grazing. • Quarry operations are to be conducted over a total maximum area of 7.6ha.															
2.	Approved Plans and Documentation The development shall be undertaken in accordance with the following documents unless where amended by a condition of consent, specifically Conditions 8 and 11: <table><tr><th>Ref No</th><th>Drawing/Document Title</th><th>Prepared by</th><th>Version</th><th>Date</th></tr><tr><td>Ref No. 1010/2</td><td>Environmental Impact Statement for the Strontian Quarry</td><td>R.W. Corkery & Co Pty Limited</td><td></td><td>March 2021</td></tr><tr><td>DOC21/032448</td><td>Landowners Consent</td><td>NSW Planning, Industry & Environment – Crown Lands</td><td></td><td>22 Feb 2021</td></tr></table> Note 1: Modifications to the approved plans and/or documents will require the lodgement and consideration by Council of a modification pursuant to section 4.55 of the Environmental Planning and Assessment Act, as amended. REASON: To enable the operation of the development to be in accordance with the development approval.	Ref No	Drawing/Document Title	Prepared by	Version	Date	Ref No. 1010/2	Environmental Impact Statement for the Strontian Quarry	R.W. Corkery & Co Pty Limited		March 2021	DOC21/032448	Landowners Consent	NSW Planning, Industry & Environment – Crown Lands		22 Feb 2021
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3.	Maximum Area of Operations and Quantities of Excavation The maximum area of operations, including areas for extraction, office and amenities operational disturbance area and roads, over Lots 133 & 134 DP 726537 is to be 7.6 ha. The maximum quantity of material to be extracted per annum is 125,000 tonnes. REASON: <i>The proposed development was assessed and considered on the basis of a maximum operation area of 7.6ha and the maximum annual excavation of 125,000 tonnes any increase of these development standards would represent a modification of the development and a further application.</i>
4.	Aboriginal Cultural Heritage 1. No Aboriginal objects may be harmed without an approval from Heritage NSW. 2. If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: • Not further harm the object(s) • Immediately cease all work at the particular location • Secure the area so as to avoid further harm to the Aboriginal object(s) • Notify heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location • If, following the identification of Aboriginal objects, harm cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work can continue. In the event that skeletal remains are unexpectedly encountered during work activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted. REASON: <i>To protect all items of Aboriginal Cultural Heritage in accordance with NSW Heritage – Aboriginal Cultural heritage Regulation requirements and the National Parks and Wildlife Act 1974.</i>
5.	Lapsing of Consent This Consent is valid for a period of five years from the date of consent. It will lapse if the approved use of any land or construction work has not commenced prior to that date. No further extensions will be granted. REASON: <i>To comply with Section 4.53(1) of the Environmental Planning and Assessment Act, 1979, as amended.</i>
6.	Amenity - General The development is to be conducted in a manner that will not interfere with the amenity of the locality by Reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

	REASON: So that the development does not reduce the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.
7.	Damage to Council Infrastructure Any damage to Council infrastructure as a result of construction or associated works is to be rectified at the cost of the developer and to the satisfaction of Council. It is therefore requested that any damage that is obvious before work commences is notified to Council to avoid possible later conflict. REASON: To ensure that any damage to Council infrastructure as a result of the development is repaired or made good by the developer.
PRIOR TO WORKS COMMENCING	
8.	Surrender of Development Consent – DA-027-2011-2012 The operator must surrender the existing development consent DA-027-2011-2012 upon the satisfactory completion of the following conditions contained within this consent being DA-050-2020-2021: • Condition 9 – Environmental Management Plan • Condition 10 – Section 88b instrument • Condition 11 – Bushfire Protection • Condition 12 (7 - 10) – Biodiversity Management Plan • Condition 13 – Maintenance of Strontian Road • Condition 14 – NSW EPA Requirements • Condition 15 – Road Works Until such time as the above works are completed the operations of the quarry must be conducted in accordance with DA-027-2011-2012. REASON: To ensure the conditions of consent and operating conditions applied by DA-050-2020-2021 replace the previous approval conditions.
9.	Environmental Management Plan The applicant is to prepare and submit to Council, an Environmental Management Plan based on the Summary of the Environmental Measures and Monitoring Measures outlined in Table 6.1 Pages 6-3 to 6-6 of the Environmental Impact Statement with the inclusion of the following; 1. Amend Action 5. Biodiversity to include any maintenance or replacement requirements under the Biodiversity Management Plan required by condition of consent 11. 2. Amend Action 6. Cultural Heritage to include the requirements of condition of consent No. 4. 3. Amend Action 9. Public Safety Hazards to include the following; • Detailed measures to prevent or mitigate fires igniting. • List works that should not be carried out during total fire bans. • Details on the appropriate storage and maintenance of fuels and other flammable materials.

	• Details outlining the maintenance of an APZ around any infrastructure on site (office / amenities). • Details of the provision of on-site fire-suppression equipment, access for fire fighting vehicles and a water supply for fire fighting. • Contact details of the local NSW RFS Fire Control Centre. 4. Any appropriate requirements specified by the NSW EPA as included in the Environmental Protection Licence. REASON: <i>To ensure the day to day operations of the quarry comply with the maintenance of appropriate standards relating to biodiversity, Aboriginal Heritage, bushfire and operational licence requirements.</i>
10.	Section 88B Instrument The Applicant is to create a Section 88B Instrument creating a Right of Way over the existing quarry access on Lot 105 DP754552 in favour of Lot 133 DP726537 and is to include a Restriction as to User preventing any present or subsequent proprietor of Lot 105 DP754552 from seeking to extinguish, remove, modify or restrict the benefit of the Right of Way and easement for services without the prior written consent of Council being obtained. A copy of this instrument must be provided to Council within 6 months of the date of this determination. REASON: <i>To create legal access, as required to protect the operation of the consent.</i>
11.	Bush Fire Protection Before commencing any works, the Applicant is to establish: • A suitable APZ around any infrastructure on site (office / amenities). • Arrangements for a suitable onsite water supply for fire fighting. REASON: <i>To ensure the day to day operations of the quarry comply with the maintenance of appropriate standards relating to bushfire requirements.</i>
12.	Biodiversity Ecosystem Credit Retirement 1. Quarry operations may continue within the existing area of disturbance prior to the retirement of biodiversity credits with no vegetation clearing permissible until the class and number of ecosystem credits in Table C.1, as follows, have been retired to offset the residual biodiversity impacts of the development. 2. The requirement to retire credits in condition 1 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. 3. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of condition 1 must be provided to Council prior to the expansion of the current quarry footprint. Table C.1 Ecosystem credits required to be retired – like for like

Impacted plant community type	No. of Ecosystem Credits	IBRA Subregion	Plant community type (s) that can be used to offset the impacts from development
Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion	16	Lower Slopes subregion of the NSW South Western Slopes region	PCT 185
White Cypress Pine woodland on sandy loams in central NSW wheatbelt	1		PCT 70
Western Grey Box-White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverain Bioregion	9		PCT 80

Species Credit Retirement

4. Quarry operations may continue within the existing area of disturbance prior to the retirement of species credits with no vegetation clearing permissible until the class and number of species credits in Table C.2, as follows, have been retired to offset the residual biodiversity impacts of the development.
5. The requirement to retire credits outlined in condition 4 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator.
6. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of Table C.2 requirements must be provided to the Narrandera Shire Council prior to the prior the expansion of the current quarry footprint.

Table C.2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA Subregion
<i>Austrostipa metatoris</i> (A spear-grass)	1	Any in NSW
<i>Austrostipa wakoolica</i>	23	

	(A spear-grass)		
	<i>Cerartetus nanus</i> (Eastern Pygmy-possum)	21	
	<i>Diuris callitrophila</i> , <i>Diuris sp. Oaklands</i> , <i>D. L. Jones 5380</i> (Oaklands Diuris)	32	
	<i>Lepidium monoplocides</i> (Winged Peppercross)	22	
	<i>Petaurus norfolcensis</i> (Squirrel Glider)	15	
	<i>Tylophora linearis</i>	1	
	Biodiversity Management Plan 7. Prior to the commencement of work, a Biodiversity Management Plan must be prepared to the satisfaction of the Narrandera Shire Council consistent with section 6.2 of the BDAR and include items 1 through 6 in this condition. The Biodiversity Management Plan may form part of an Environmental Management Plan. 8. The Biodiversity Management Plan must identify the development site as per the BDAR and approved plans. 9. The Biodiversity Management Plan must identify areas of native vegetation that are to be retained as outlined in the BDAR. 10. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR. REASON: To ensure compliance with the NSW Biodiversity Conservation Act 2016 Section 7.13 (5) of the Biodiversity Conservation Act 2016 which requires that a condition to retire credits is complied with before any development that would impact on biodiversity values is carried out.		
13.	Maintenance of Strontian Road The operator of the quarry is to establish a mutually agreed arrangement for the maintenance of the section of Strontian Road required to be upgraded under Condition 15, with Narrandera Shire Council prior to any works commencing. REASON: To establish a proportionate and agreed level of contribution towards the maintenance of the section of Strontian Road principally used for the carting of excavated material from the quarry		

14. **NSW EPA Requirements**

Prior to any works commencing the Applicant is to apply for and receive an EPA Environmental Protection Licence for the proposed continuation and extension of the quarry.

A copy of this licence is to be provided to Narrandera Shire Council prior to any works commencing.

The quarry is to be operated and managed in accordance with the following EPA requirements;

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in

accordance with the proposal contained in:

- the development application DA/50-2020-2021 submitted to Narrandera Shire Council on *13 April 2021*;
- the environmental impact statement titled "Strontian Quarry" *dated March 2021* and prepared by *R. W. Corkery & Co Pty Ltd* relating to the development.

A2. Fit and Proper Person

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

A3. Premises to which the General Terms of Approval applies

A3.1 These General Terms of Approval apply to the following premises:

The Strontian Quarry Lot 133 and 134 DP 726537 as depicted in Figure 2.1 of the environmental impact statement titled "Strontian Quarry" *dated March 2021* and prepared by *R. W. Corkery & Co Pty Ltd* kept on EPA file DOC21/301665.

Limit conditions

L 1. Pollution of waters

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

L2. Waste

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

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

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

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

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

L3. Extraction and processing limits

L3.1 The applicant must not extract or process more than 126,500 tonnes of material at the premises in any annual return reporting period.

L4. Noise limits

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

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

L5. Hours of operation

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

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Site development and construction	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Extraction operations	6:00am – 6:00pm	8:00am – 5:00pm	Nil

Blasting operations	10:00am – 3:00pm	Nil	Nil
Processing operations	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Product despatch	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Maintenance	24 hours / day	24 hours / day	Nil

L6. Blasting

Overpressure

L6.1 The overpressure level from blasting operations on the premises must not:

Exceed 115 dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and Exceed 120 dB (Lin Peak) at any time.

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

Ground vibration (ppv)

LG.2 Ground vibration peak particle velocity from blasting operations level from blasting operations on the premises must not:

Exceed 5 mm/sec for more than 5% of the total number of blasts over a period of 12 months; and

Exceed 10 mm/sec at any time.

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

LG.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 particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

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 to a maximum of 20km/h in the quarry boundaries on unsealed roads and 40km/h on the quarry access road.

03. Contaminated stormwater

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

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

M2. Requirement to monitor volume or mass

M2.1 The applicant must monitor:

- the volume of material extracted and processed at the premises, and
- the volume of construction waste received at the premises
- at the frequency and using the method of units of measures, specified below

Frequency	Units of measure	Sampling method
Daily	Tonnes	Weighbridge

M3. Blast Monitoring

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

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

At the residential boundary; or 30 metres from residences in rural situations where the boundary is more than 30 metres from residences.

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

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

Reporting conditions

R1. Annual returns

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

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 reason 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.

Recording of pollution complaints

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 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 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 the 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 approve 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 the condition until the date of first review of 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 or 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. REASON: <i>To ensure that the operation and extension of the quarry complies with the requirements of the Environmental Protection Authority and the Protection of the Environment Operations Act 1997.</i>
DURING OPERATION	
15.	Roadworks The Developer will be required to undertake at their cost the following roadworks from 50m south of the quarry entrance up to the Sturt Highway intersection (total approximate distance of 300m): • The shoulders on both sides of Strontian Road shall be widened and sealed (10/7 two coat seal) to create a width of not less than 8m with 1m of additional gravel shoulder to be formed. • Strontian Road shall be upgraded to incorporate a sealed (10/7 two coat seal) basic left turn (BAL) and basic right turn (BAR) with 1m of additional gravel shoulders at the entrance to the quarry site. • The entrance access road to the quarry shall be upgraded and sealed to cater for the turning radius of the largest heavy vehicle that is identified as entering the site. • The quarry operators are to undertake maintenance of this section of Strontian Road for a period of not less than 12 months. Prior to undertaking these road works the Developer is to apply to Narrandera Shire Council for a Section 138 Permit under the NSW Roads Act 1993, the application will include full civil design plans for all required works. REASON: <i>To ensure that the section of Strontian Road from the intersection of Strontian Road and the Sturt Highway to 50m to the south of the quarry entrance is upgraded and maintained to accommodate the expected increase in vehicle movements.</i>
16.	Maintenance of EPA Environment Protection Licence The quarry is to all times operate under a current EPA Environment Protection Licence. REASON: <i>The operation of the quarry is a licensed activity under the Protection of the Environment Operations Act 1997.</i>

17. **Annual Reporting Obligations**

The proponent be required to provide annual production data relating to the annual quantity of construction materials produced from the quarry to NSW Planning & Environment – Land Use Assessment – Geological Survey of NSW – Mining, Exploration & Geoscience.

REASON: *To ensure that relevant statistical information is collected annually.*