Determination Report - Development Application 2021/36

Continued Operation of Reid's Pit

Narromine Shire Council

9 November 2022

The Power of Commitment

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The Power of Commitment

Executive summary

Orana Quarries and Crushing Pty Ltd (the proponents) propose to continue and extend the operations of Reid's Pit, which is located at Lot 71 DP755119, 515 Tantitha Road, Narromine (the site). The site is located approximately 10 kilometres east of Narromine and 24 kilometres west of Dubbo, in central New South Wales.

The Proposal would comprise:

– Extraction of up to 500,000 tonnes per annum (tpa) of granite and clay material at an average rate of 165,000 tpa to 200,000 tpa for a period of up to 30 years
– Crushing, screening and blending of the extracted material using mobile plant to produce hard rock products used for rail ballast, road construction and maintenance, stabilisation and drainage works, and other construction projects
– Transportation of the extracted material via the public road network
– Ancillary activities, including construction and use of stockpile areas, water management structures and site infrastructure

The site is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011* and extractive industries are permissible with development consent in this zone.

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

– Disturb a total surface area of more than 2 hectares of land
– Extract and process more than 30,000 m^3 of extractive material per year

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

The proposed quarry is also Integrated Development, requiring:

– General Terms of Approval (GTA) under the Protection of the Environment Operations Act 1997
– Section 138 Permit under the *Roads Act 1993*

The Environmental Impact Statement (EIS) was placed on public display by NSC as required by Division 5 of the *EP&A Regulation* from 17 May 2021 to 14 June 2021. One public and 11 agency submissions were received. The issues raised have been considered.

The preparation and public exhibition of the EIS is considered to have satisfactorily addressed the relevant matters in Section 4.15 of the EP&A Act. The EIS and supporting documentation are also considered to adequately address the SEARs issued for the proposal.

The proposal is in a relatively isolated location, with the topography and vegetation screening it from sensitive receivers. The distance to sensitive receivers also means the impact from noise and dust is expected to be minimal. The proposal is not anticipated to intercept groundwater and surface water is proposed to be managed appropriately. The proposal has been designed to minimise clearing of native vegetation and no heritage sites were identified on site. Some improvements to the site access intersection with Tantitha Road are proposed and the conditions of approval require the Mitchell Highway and Tantitha Road intersection to be upgraded, in accordance with TfNSW advice.

Benefits of the proposal include employment opportunities and the supply of quality materials for local construction projects.

Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal be approved pursuant to Section 4.16(1)(a) of the EP&A Act, subject to the proposed mitigation measures in the EIS, and the recommended conditions of approval provided in Appendix A.

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Glossary

Term	Definition
AQIA	Air Quality Impact Assessment
BC Act	NSW Biodiversity Conservation Act 2016
BCD	Biodiversity and Conservation Division of DPIE (now known as BCD)
BCS	Biodiversity, Conservation and Science Directorate
BDAR	Biodiversity Development Assessment Report
DPI	NSW Department of Primary Industries
DPE	NSW Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EP&A Regulation	NSW Environmental Planning and Assessment Regulation 2021
EPA	NSW Environment Protection Authority
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
EPL	Environment protection licence
ESD	Ecologically sustainable development
GHD	GHD Pty Ltd
GTA	General Terms of Approval
LEP	Local Environmental Plan
Mining SEPP	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
NIA	Noise Impact Assessment
NSC	Narromine Shire Council
POEO Act	NSW Protection of the Environment Operations Act 1997
RFS	NSW Rural Fire Service
SEARs	Secretary's Environmental Assessment Requirements No. 1250
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
WRPP	Western Regional Planning Panel

1. Introduction

1.1 Overview

Orana Quarries and Crushing Pty Ltd (the proponents) propose to continue and extend the operations of Reid's Pit, which is located at Lot 71 DP755119, 515 Tantitha Road, Narromine (the site). The site is located approximately 10 kilometres east of Narromine and 24 kilometres west of Dubbo, in central New South Wales.

The Proposal would comprise:

– Extraction of up to 500,000 tonnes per annum (tpa) of granite and clay material at an average rate of 165,000 tpa to 200,000 tpa for a period of up to 30 years
– Crushing, screening and blending of the extracted material using mobile plant to produce hard rock products used for rail ballast, road construction and maintenance, stabilisation and drainage works, and other construction projects
– Transportation of the extracted material via the public road network
– Ancillary activities, including construction and use of stockpile areas, water management structures and site infrastructure

The site is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011* and extractive Industries are permissible with development consent in this zone.

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

– Disturb a total surface area of more than 2ha of land
– Extract and process more than 30,000 m^3 of extractive material per year

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

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

The proposal is also Integrated Development under Section 4.46 of the EP&A Act, requiring the General Terms of Approval (GTA) from the Environment Protection Authority (EPA) for an Environment Protection Licence (EPL) under Section 43(b) the *Protection of the Environment Operations Act 1997*.

All relevant State authorities who have an interest in the proposed quarry expansion were provided notice of the development in accordance with Division 4.8 of the EP&A Act. The proposed development was also publicly exhibited and notified to neighbouring land owners from 17 May 2021 to 14 June 2021 as required by Division 5 of the *EP&A Regulation*.

1.2 Purpose of this report

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

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

1.3 Structure of this report

This report is structured as follows:

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

Recommended conditions of approval are provided in Appendix A.

1.4 Scope and limitations

This report has been prepared by GHD for Narromine Shire Council and may only be used and relied on by Narromine Shire Council for the purpose agreed between GHD and Narromine Shire Council as set out in Section 1.2 of this report.

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

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

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

Where this report is relied on or used without obtaining this further advice from GHD, to the maximum extent permitted by law, GHD disclaims all liability and responsibility to any person in connection with, arising from or in respect of this report whether such liability arises in contract, tort (including negligence) or under statute.

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

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

2. Site description

2.1 Site location

The site is located at Lot 71 DP755119, 515 Tantitha Road, Narromine, which is within the Narromine Shire Council Local Government Area (LGA) and approximately 10 kilometres east of Narromine and 24 kilometres west of Dubbo, in central New South Wales.

The surrounding area is dominated by agricultural land uses with the nearest sensitive receiver a residence greater than 1 km away from the site.

2.2 Site features

The area surrounding the site is relatively flat to gently undulating with an elevation of around 250 mAHD. The site forms the western end of the Obley Granite ridgeline with an elevation up to approximately 280 mAHD. Figure 2.1 shows the areas slopes to the northwest towards a drainage line that drains approximately 2.4km to the north towards the Macquarie River.

The site and surrounding area is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011.*

As shown by Figure 2.1, the site is not mapped on the Biodiversity Values Map but as shown by Figure 2.3, part of the site is mapped as a Terrestrial Biodiversity Sensitive Area.

Figure 2.3 also shows Groundwater Vulnerable Land areas surround the site.

2.3 Site history

The site has been operating as an extractive industry for over 20 years with material extracted by various operators using traditional free dig and drill and blast methods to a depth of approximately 8 m below the natural surface.

The site currently has a total disturbance area of approximately 20ha comprising several pits, shallow excavations, vehicle tracks and product stockpiles (Figure 2.4). The Applicant has continued to extract, crush and sell granite materials and blended clay and granite materials into local markets. Extraction and processing operations are conducted on a campaign basis with a production rate of approximately 140,000 tpa over the last four years. It is understood that there is approximately 30,000t of crushed product stockpiled within the site.

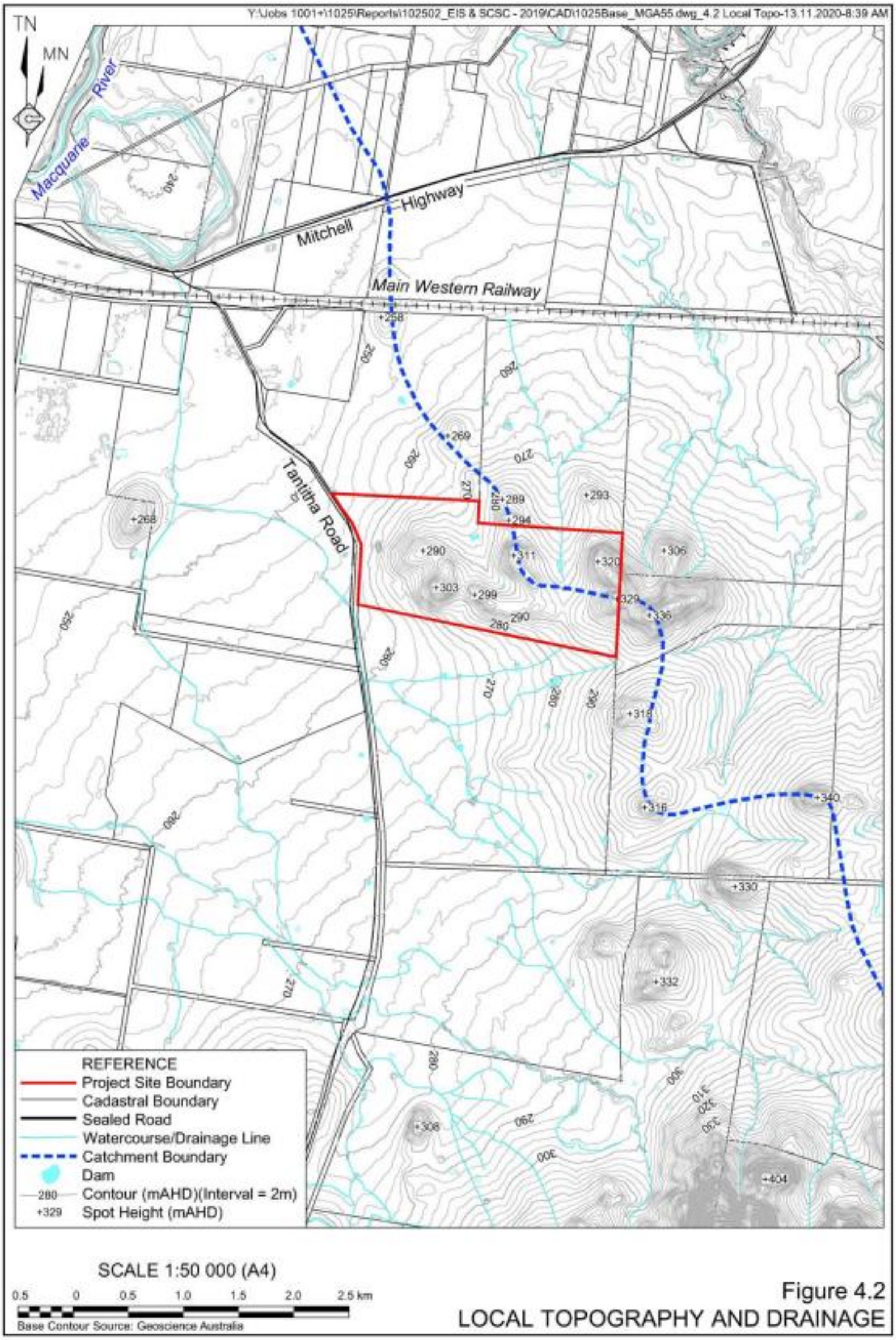


Figure 2.1 ***Topography and drainage***

Figure 2.2 ***Biodiversity values map (AREA 2020)***

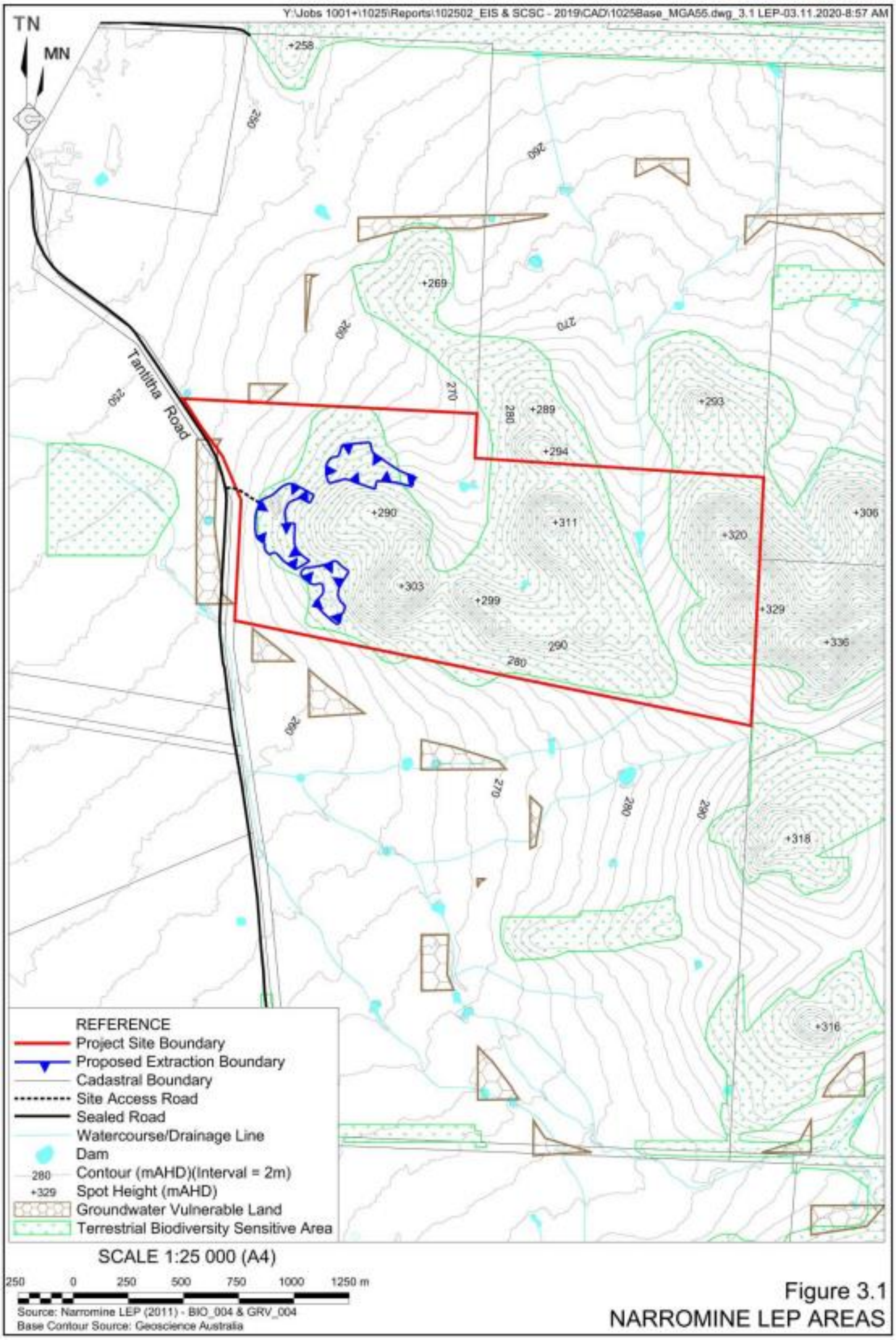


Figure 2.3 Narromine LEP areas

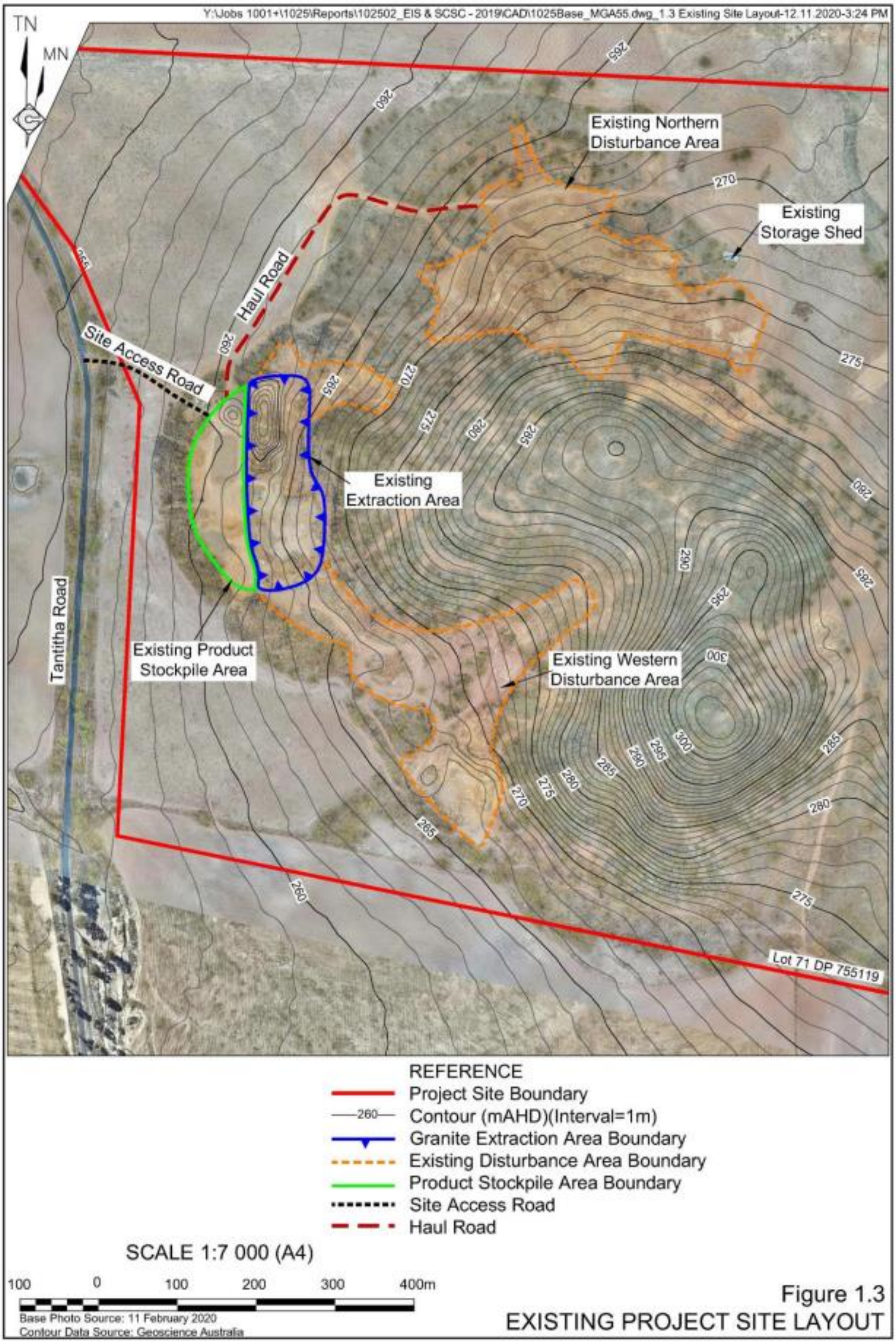


Figure 2.4 ***Existing site layout***

3. The proposal

3.1 Proposal summary

The Proposal would produce rail ballast for use on the Inland Rail Project as well as road base and aggregates for use in road construction and maintenance, construction of commercial, private and public infrastructure, and other construction projects principally within the Narromine Shire Council LGA.

The proposal would include the following activities:

– Extraction of an average of 165,000 tpa to 200,000 tpa, and a maximum of 500,000 tpa, using conventional drill and blast techniques, for a period of up to 30 years.
– Extraction would continue from three existing extraction areas. granite would continue to be extracted from the North and West Extraction Areas and clay would continue to be extracted from the South Extraction Area. The details of each extraction area is provided in Table 3.1 and illustrated in Figure 3.1 to Figure 3.4.

Table 3.1 Extraction area summary

Extraction area	Area (ha)	Floor (mAHD)	Volume (m^3)
North (Granite)	4.75	250	869,728
West *(Granite)	5.26	239	920,292
South (Clay)	3.07	265	57,823
Total	**13.08**		**1,847,843**

– Crushing, screening and blending of extracted material using mobile plant to produce a range of quarry products, including aggregates, railway ballast, road base and general fill.
– Use of an in pit stockpile area for storage and blending of extracted materials.
– Loading and transportation of extracted and stockpiled material from the site via the existing site access road, Tantitha Road, Webbs Siding Road and the Mitchell Highway, using truck and dog combinations. Daily heavy vehicle movements would be approximately 36 movements (18 loads) on average, with a maximum of 112 movements (56 loads) for limited periods.
– Construction and use of surface water management structures, including sediment basins and diversion banks.
– Continued use of ancillary infrastructure, including site office and ablutions.
– Widening the sealed surface of the site access road on its approach to Tantitha Road to accommodate the proposal-related traffic.
– Progressive rehabilitation of the site to achieve a final land use of agriculture and/or nature conservation.

3.2 Need and justification for the proposal

Extractive resources are site specific, limited in occurrence by geological conditions and are finite. Extractive resources underpin all urban and infrastructure development and make a major contribution to the ongoing economic growth of the community through direct and indirect employment opportunities. The Australian Government has committed $9.3 billion for ARTC to deliver the Inland Rail Project. Construction materials are required to complete the project. By establishing Reids Pit in close proximity the rail alignment it enables the cost of raw construction materials to be minimised, impacts on traffic networks to be reduced and the local communities disrupted from construction activities to benefit from local employment opportunities and spending in the local community that might not otherwise be the case should construction materials be hauled from further afield.

Due to the operations already existing, no other options were considered in the EIS, however it is claimed that several extraction area designs were considered with the objective of maximising the quantity of granite and clay that could be extracted whilst minimising surface disturbance.

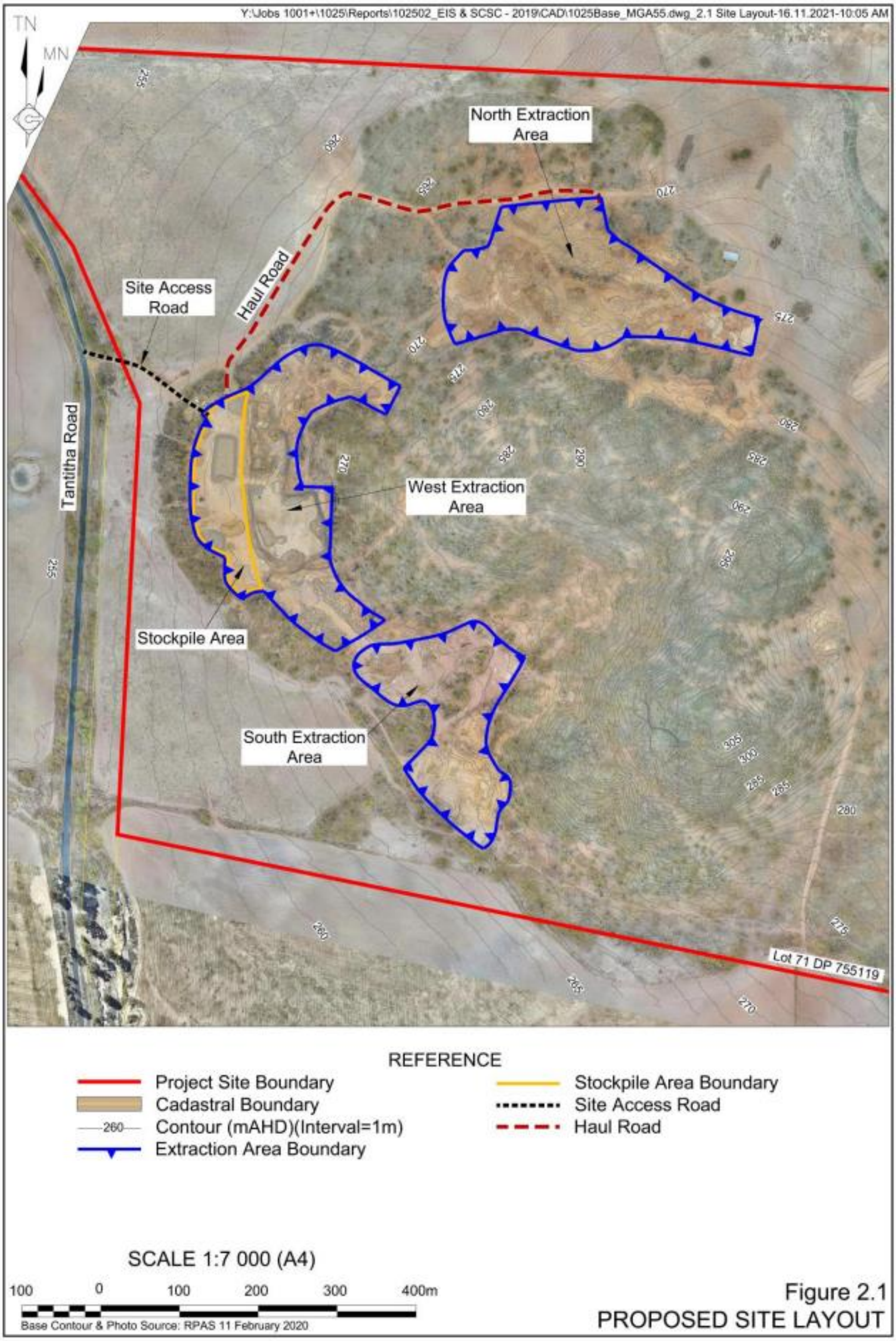


Figure 3.1 Proposed site layout

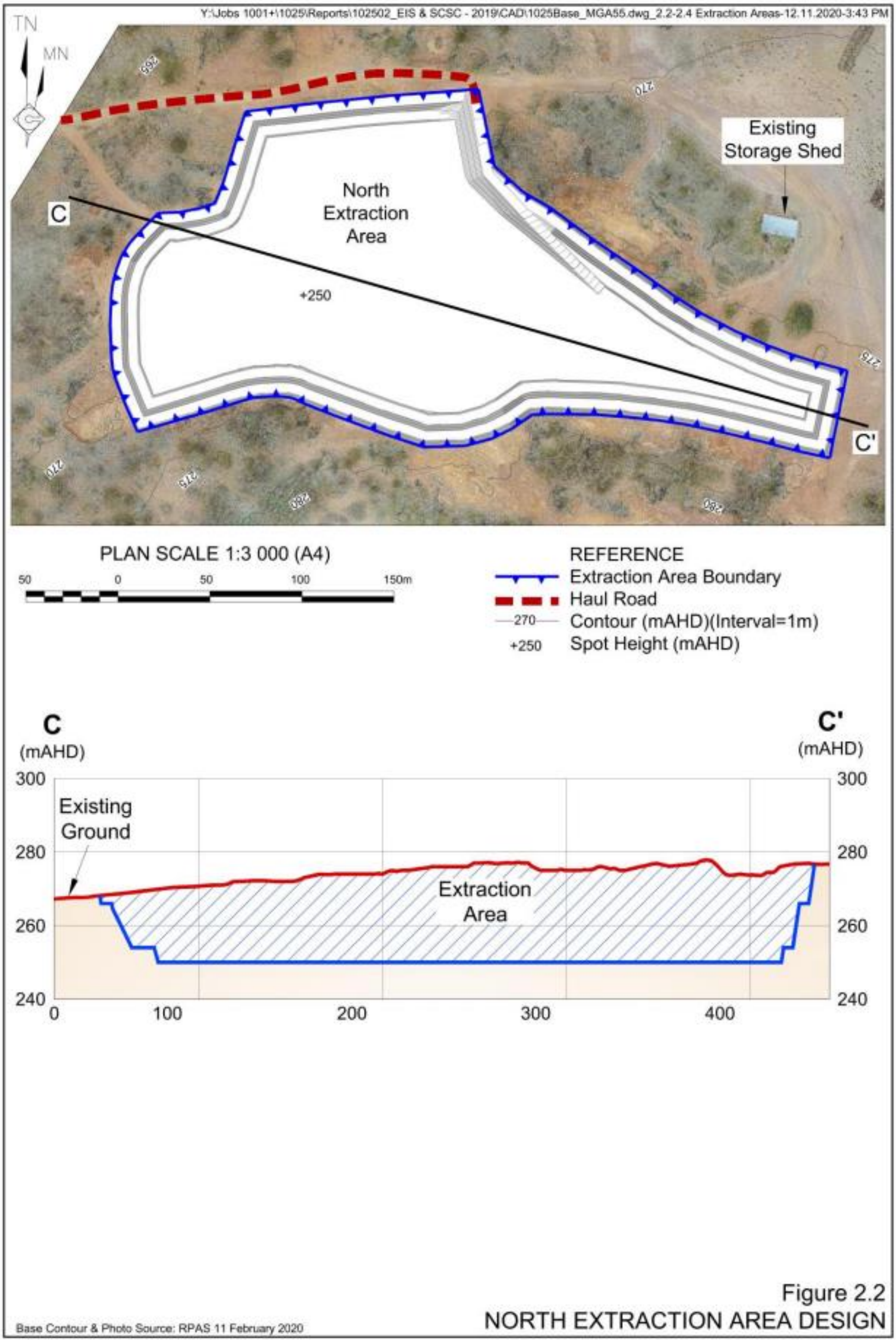


Figure 3.2 Proposed northern extraction area

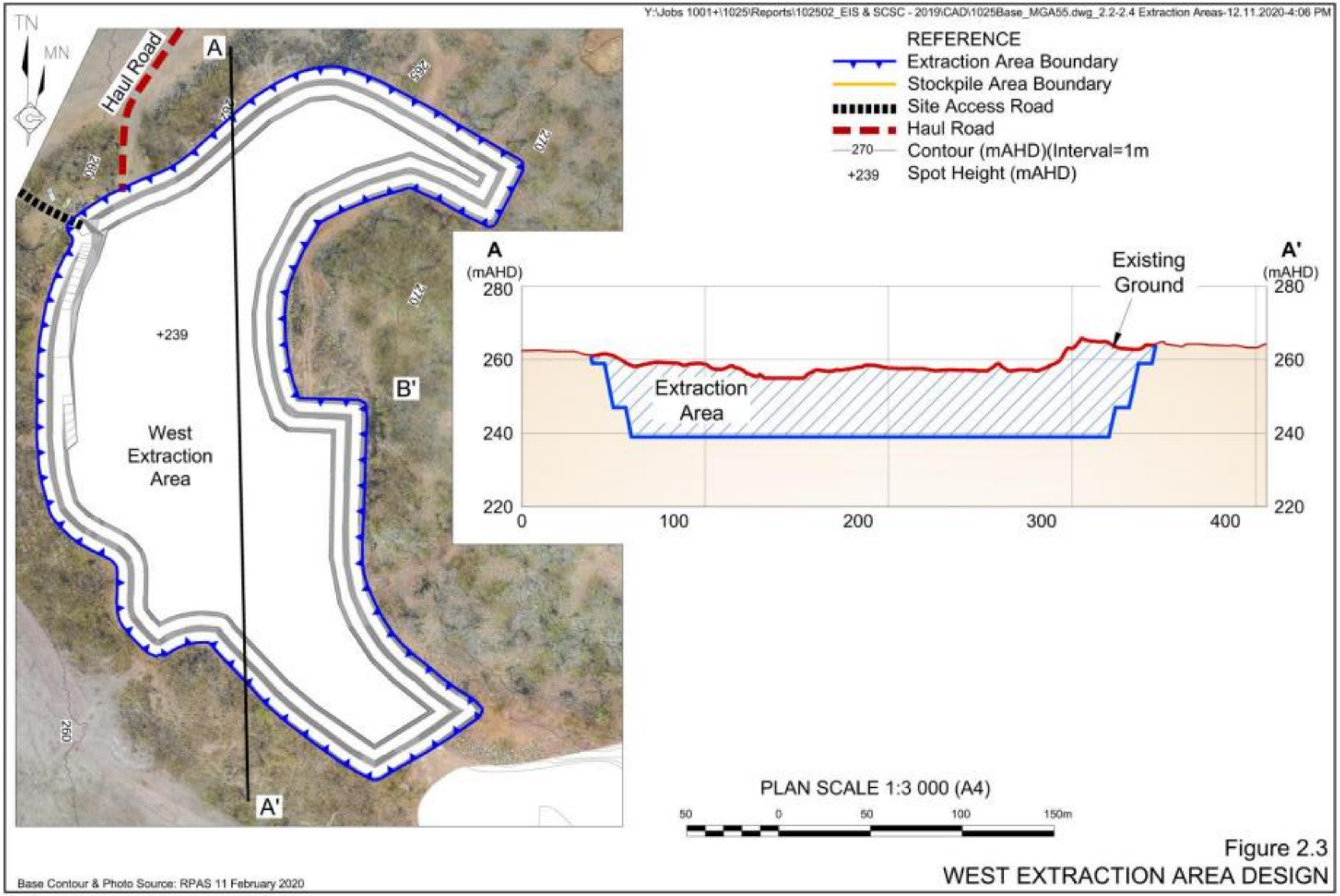


Figure 3.3 Proposed western extraction area

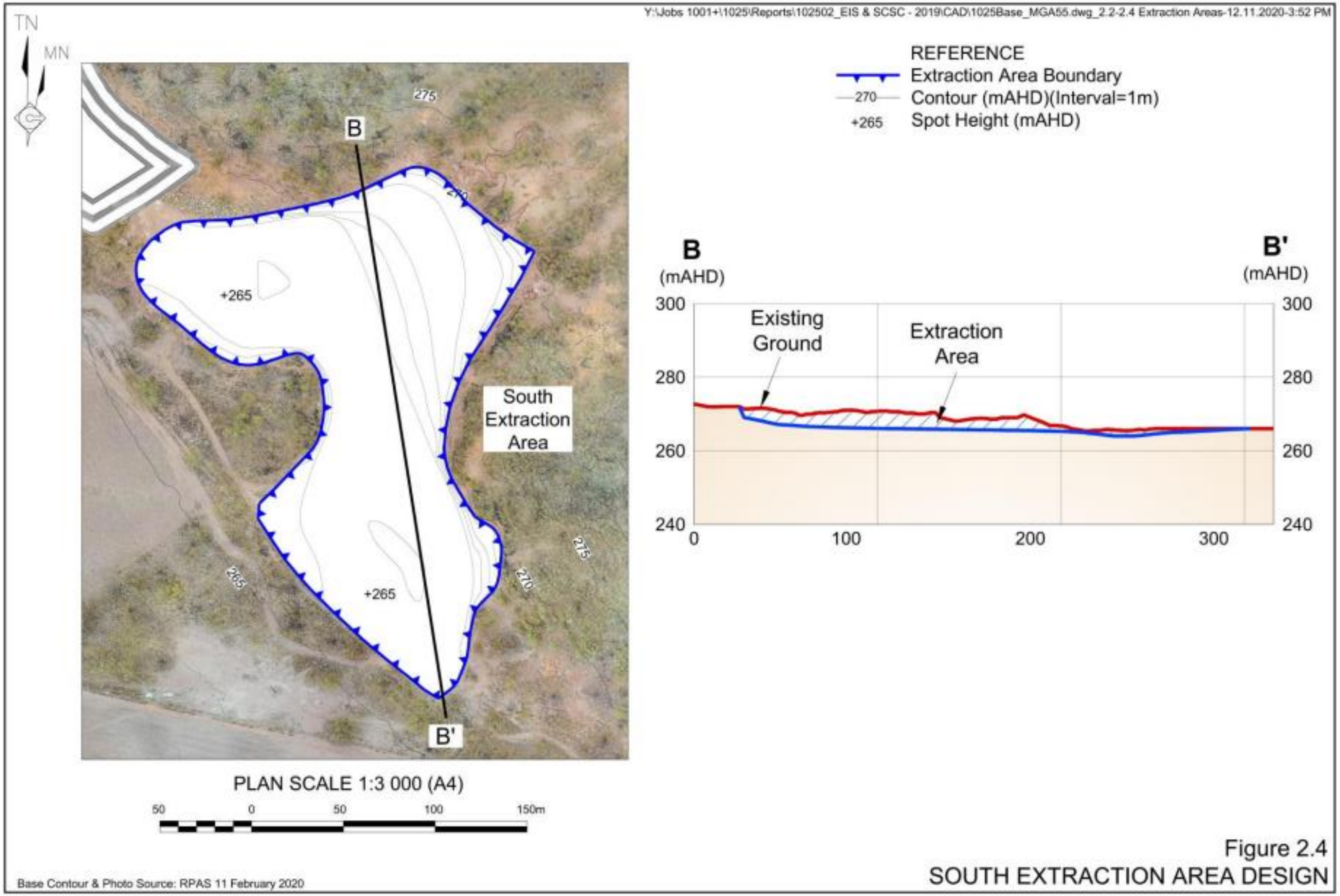


Figure 3.4 *Proposed southern extraction area*

4. Statutory context

4.1 Environmental Planning and Assessment Act 1979

The *EP&A Act* provides the framework for the assessment and approval of development in NSW.

4.1.1 Objectives of the *EP&A Act*

The objects of the *EP&A Act* are listed in Section 1.3 of the Act. Table 4.1 outlines the current objects of the Act with consideration of the proposal.

Table 4.1 Consideration of the objects of the EP&A Act

Object	Consideration of the proposal
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;	The proposal is for the continued use of an area for an extractive industry that has demonstrated it has suitable resources and has already been extensively disturbed, so future environmental impacts will be limited. It would provide some economic benefit to the community via employment opportunities and associated spending.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;	Section 5 of the EIS identifies how the project is consistent with the principles of ESD.
c) to promote the orderly and economic use and development of land;	The proposal outlines how the site would be developed in a managed fashion to provide a positive economic outcome, while complying with the relevant environmental requirements.
d) to promote the delivery and maintenance of affordable housing;	Not applicable to the proposal.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;	The proposal would not involve significant impacts to threatened species, populations and ecological communities, and their habitats.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);	Heritage assessments of the site indicate there are no Aboriginal sites or sites of historic heritage significance.
g) to promote good design and amenity of the built environment;	Not applicable to the proposal.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;	Not applicable to the proposal.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State;	The proposal is integrated and designated development, so the responsibility of environmental planning and assessment is shared between state and local government agencies.
j) to provide increased opportunity for community participation in environmental planning and assessment.	The application was made publicly available, and the submissions have been considered in Section 5 of this report.

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

The proposal requires development consent and is therefore subject to Part 4 of the *EP&A Act*. In determining a development application, the consent authority is required to take into account the matters for consideration listed under section 4.15 of the *EP&A Act* insofar as are relevant to the development. How these matters have been considered in this assessment report is outlined in Table 4.2.

Table 4.2 Matters for consideration

Matters for consideration	Comment
The provisions of— (i) any environmental planning instrument, and	Discussed in Section 4
(ii) any development control plan, and	Discussed in Section 4.2.1
(iii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not relevant, no proposed instruments have been subject to public consultation
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not relevant, no planning agreements are relevant to the proposal
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Discussed in Section 4.1.3
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Discussed in Section 6
(c) the suitability of the site for the development,	The suitability of the site has been assessed by considering the planning instruments and environmental impacts associated with the development
(d) any submissions made in accordance with this Act or the regulations,	Discussed in Section 5
(e) the public interest.	Discussed in Section 5

4.1.3 Environmental Planning and Assessment Regulation 2000

The Development Application was prepared and submitted prior to the commencement of the EP&A Regulation 2021, so it has been assessed according to EP&A Regulation 2000. Under Clause 19 of Schedule 3 of the EP&A Regulation 2000, the proposal is considered designated development, as it would extract more than 30,000 m^3 per annum and the total disturbance area would exceed 2 hectares.

As designated development, the Clause 4.12(8) of the EP&A Act requires the Development Application to be accompanied by an Environmental Impact Statement (EIS) in accordance with the EP&A Regulations. An EIS has been provided.

4.2 Environmental Planning Instruments

The Development Application was prepared and submitted prior to the consolidation of State Environmental Planning Policies (SEPP) which came into effect on 1 March 2022. This assessment therefore refers to the former SEPPs, as summarised in Table 4.3 below.

Table 4.3 Relevant EPI

EPI	Comment
State Environmental Planning Policy (State and Regional Development) 2011	For a development for the purpose of extractive industry to be classified as State Significant, the proposal must either: – Extract more than 500,000 tonnes of material per year – Have a total resource (the subject of the development application) of more than 5 million tonnes, and/or – Extract from an environmentally sensitive area of state significance The proposal does not exceed or trigger any of these thresholds, therefore it is not of State significance. However, Clause 7(a) of Schedule 7 of the State and Regional Development SEPP identified that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by NSC and determined by the Western Joint Regional Planning Panel.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Part 3 of the Mining SEPP sets out several matters that a consent authority must consider when assessing a development application for mining, petroleum production or extractive industry. It is considered the proposal satisfactorily demonstrates how it: – Is compatible with other land uses – Is compatible with mining, petroleum production or extractive industry – Considers the natural resource and environmental management – Addresses resource recovery – Minimises transportation issues – Proposes rehabilitation
State Environmental Planning Policy (Infrastructure) 2007	According to Clause 84 of the Infrastructure SEPP, developments that will significantly increase the total number of trucks using a level crossing require the consent authority to consider any response from the rail authority, the implications to traffic safety and the feasibility of the development that does not involve the use of the level crossing. The concurrence of the rail authority is also required. Multiple attempts have been made to contact ARTC who have not responded. The SEPP permits a consent authority to grant consent if the rail authority has not responded within 21 days.
State Environmental Planning Policy 33 – Hazardous and Offensive Development	Mines have the potential to be hazardous or offensive to the local environment if not appropriately managed. However, given that extractive industries are permissible at the site, it is not the intention of the definitions to exclude these uses from these locations. Rather, it is a trigger to ensure that all appropriate site management controls and environmental impact mitigation measures are implemented and monitored during the quarry's operations. In this respect, given the location of the quarry, its established operational record, its separation from neighbours, and the intended management, mitigation and monitoring measures proposed to be implemented, no such detrimental impact is anticipated to occur. Potential impact on the environment is specifically addressed in Section 6 of this report. In summary however: – There would be no polluting discharge from the site which would pose a significant risk to human health, life or property. – There would be no polluting discharge from the site which would pose a significant risk to the biophysical environment. The proposed hard rock quarry is therefore not considered to be a potentially hazardous or offensive industry.

EPI	Comment
State Environmental Planning Policy– Koala Habitat Protection 2019	Part of the site is within the 'Koala Development Application Map' area. This triggers preparation of a Koala Assessment Report in accordance with the Koala Habitat Protection Guideline (NSW Government 2019). The EIS includes an assessment of the impact to Koalas using the EPBC Koala Habitat Assessment tool and the test of significance in accordance with the Biodiversity Conservation Act. Both of these assessments concluded there would not be a significant impact to Koalas.
State Environmental Planning Policy No, 55 – Remediation of land	SEPP 55 requires that consent for any development cannot be granted unless the consent authority has considered whether the land is contaminated. The EIS claims the site has previously been used only for extractive industry, agriculture and/or nature conservation. While extractive industries and agriculture do present a risk of contamination, the risk is considered to be low and no evidence of contamination was observed during the site inspection, so on balance contamination is not considered to be an issue.
Narromine Local Environmental Plan 2011	The site is located within land zoned as Zone RU1 – Primary Production under the Narromine Local Environment Plan 2011 (LEP). Extractive industries are permissible with consent in this zone. Other relevant provisions in the LEP, include: – Flood planning – Groundwater vulnerability – Terrestrial biodiversity – Sensitive watercourses The site is not mapped in the flood planning, groundwater vulnerability or sensitive watercourses areas. Part of the site is mapped as terrestrial biodiversity. Biodiversity issues are discussed in more detail in Section 6.1 but it is considered the proposal would not have a significant impact on biodiversity.

4.2.1 Narromine Shire Council Development Control Plan 2011

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

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

Table 4.4 below identifies the relevant provisions of the DCP and their relevance to the proposal.

Table 4.4 Relevant provisions of the Narromine Shire Council Development Control Plan 2011

Chapter	Section of DCP	Relevant	Comment
3	Integrated Development	Y	As discussed in Section 4.1.2, the Proposal is classified as and is being assessed as Integrated Development under Section 4.46 of the *EP&A Act*.
	Designated Development	Y	As discussed in Section 4.1.3, the Proposal is classified as and is being assessed as Designated Development under Clause 19 of Schedule 3 of the EP&A Regulation.
	Certificates	N	No building or subdivision works are proposed.
	Pre-Lodgement Meetings	Y	The Applicant met with the Council in July 2019 and RWC and Council held a prelodgement teleconference on 7 April 2021.
	Developer Contributions	Y	The Applicant would make contributions to the Council under Section 7.11 of the EP&A Act.
	Environmental Impact Statement/Environmental Assessment	Y	The required information specified in the DCP is provided throughout the EIS.
	Heritage Impact Statement	N	The proposal is not in the vicinity of and would not have impacts on any locally listed heritage items or items of heritage interest.

Chapter	Section of DCP	Relevant	Comment
	Development Assessment	Y	The matters for consideration listed in Section 4.15 of the EP&A Act are addressed throughout the EIS.
4	Notification and Advertising Requirements	Y	As a Designated Development, the Proposal is required to be publicly notified and/or advertised for at least 28 calendar days.
5a	Residential Development	N	Development is not within Zone R1 of the Narromine LEP.
5b	Rural Residential Development	N	Development is not within Zone R5 of the Narromine LEP.
5c	Rural Development	Y	Development is within zone RU1 of the Narromine LEP.
	Rural Development Objectives	Y	Considered throughout the EIS.
	Building Envelopes	Y	All structures on the site would be set back 50 metres from any local road, 100 metres from any arterial or main road and 40 metres from any side or rear property boundary.
	Dual Occupancy (Attached) or Rural Workers Dwellings	N	No dwellings are proposed.
	Building Design	N	No dwellings are proposed.
	Rural Subdivision	N	No subdivision is proposed.
	Rural Activities	N	No rural activities or industries are proposed.
	Other Development	N	No development within this category is proposed.
	Extractive Industries	N	The DCP requires extractive industry proposal to consider amenity issues on dwellings and the community. The safe and suitable access also needs to be considered. Both of these issues are considered throughout this assessment report.
	Offensive, Heavy or Hazardous Industries in Rural Areas	N	The proposal is not classified as an offensive, heavy or hazardous industry.
5d	Commercial Development	N	Development is not within Zone B2 of the Narromine LEP.
5e	Industrial Development	N	Development is not within Zone IN1 of the Narromine LEP.
5g	Heritage Development	N	The proposal is not in the vicinity of, and would not have impacts on any locally listed heritage items or items of heritage interest.
5h	Other Development	N	No development within this category is proposed.

4.3 Other NSW legislation

Table 4.5 below assesses the application of other NSW legislation to the proposal.

Table 4.5 Summary of other state legislation

Legislation	Comment
Heritage Act 1977	A historic heritage assessment for the proposal concluded that no listed places or objects would be disturbed by the proposal.
Protection of the Environment Operations Act 1997	The *Protection of the Environment Operations Act 1997* (POEO Act) is administered by the Environment Protection Authority (EPA), which issues Environment Protection Licences (EPLs) for scheduled activities, including extractive industries. An EPL would be required as the proposal would extract more than 30,000 tonnes per annum, as specified in Clause 19 of Schedule 1 of the POEO Act. The EPA have issued their General Terms of Approval for the proposal.
Water Management Act 2000	Section 56 of the *Water Management Act 2000* provides arrangements for access licences. As per Clause 35(a) of the Water Management (General) Regulation 2018, a person is exempt from the requirement to hold a Water Use Approval if the use of the water is for a purpose for which development consent is in force under the EP&A Act.

Legislation	Comment
	The proposal is also not expected to intercept groundwater, so an aquifer interference permit is not required. NRAR and WaterNSW provided advice that for the purposes of the Water Management Act 2000, no licences or permits are required.
National Parks and Wildlife Act 1974	The *National Parks and Wildlife Act 1974* protects Aboriginal places and objects. An Aboriginal Heritage Assessment (AREA 2021) for the proposal did not locate any Aboriginal objects or potential archaeological deposits on the site.
NSW Biodiversity Conservation Act 2016	A Biodiversity Assessment Report (AREA 2021) indicated the proposal did not trigger any of the thresholds for a Biodiversity Development Assessment Report, nor did it expect the proposal would have a significant impact on any species, populations or communities. BCD has reviewed the report and has indicated it is acceptable.
Roads Act 1993	Section 138 of the *NSW Roads Act 1993* requires that all activities undertaken within Council's road reserve be approved by Council prior to the activities being undertaken. The proposal will require a Section 138 Permit under this Act for the upgrade of the intersection of the access road and Tantitha Road. A Section 138 permit will also be required for the upgrade of the intersection of Mitchell Highway and Tantitha Road.
Rural Fires Act 1997	The proposal is located on bushfire prone land. The applicant has committed to a range of management and mitigation measures relating to the potential for bushfires. As a result, it is anticipated the proposal can manage the threat of bush fire. The NSW Rural Fire Service provided a submission dated 8 August 2021 recommending some conditions, which have been considered in Appendix A.
Biosecurity Act 2015	The NSW *Biosecurity Act 2015* provides a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter. This includes risks from weed species, pests, contaminants, non-indigenous animals and bees. The Biodiversity Assessment Report (AREA 2021) indicated that there were no weeds of national significance identified at the site.

4.4 Commonwealth legislation

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

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

Under the Act referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The Biodiversity Assessment Report (AREA 2021) concluded the proposal is unlikely to significantly impact on relevant MNES or on Commonwealth land. Accordingly, the proposal has not been referred under the EPBC Act.

4.5 Other relevant plans and policies

4.5.1 Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 includes Direction 8: Sustainably manage mineral resources which provides five actions. DPE indicated actions 8.1, 8.2 and 8.3 are particularly relevant (refer to Table 5.2), which include:

- Consult with the Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansions
- Protect areas with potential mineral and energy resources extraction through local land use strategies and local environmental plans
- Protect infrastructure that facilitates mining from development that could affect current or future extraction

In regards to the first action the Division of Resources and Geosciences (now Department of Regional NSW – Mining, Exploration and Geoscience (MEG)) have been consulted, see Table 5.2, with their recommendations included in the draft conditions in Appendix A.

In regards to the other two actions, the site and surrounds are zoned RU1 which permits extractive industries with consent. It is also considered this is the most appropriate zone to protect the area from land uses that are not compatible with the proposal.

4.6 Licencing and approvals

The development requires the following licences and approvals:

- Development consent in accordance with Section 4.16(1)(a) of the EP&A Act
- EPL under Clause 19 of Schedule 1 of the POEO Act
- Section 138 Permit under the Roads Act 1993

5. Consultation and assessment of submissions

5.1 EIS exhibition

The EIS was placed on public display by NSC as required by Division 5 of the *EP&A Regulation* from 17 May 2021 to 14 June 2021 at the following locations:

– Narromine Shire Council, 124 Dandaloo Street, Narromine, NSW
– NSW Planning Portal

Community consultation activities undertaken for the EIS exhibition comprised:

– Public display of the EIS in the foyer of Narromine Shire Council, 124 Dandaloo St, Narromine, NSW
– Placement of information on the NSC website with a link to the NSW Planning Portal
– A notice on site

An advertisement was not placed in the local paper, the Northern Star, because it was not operating at the time of exhibition.

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

5.2 Public submissions

One public submission was received by NSC. The key issues raised in the public submission and how they have been considered is presented in Table 5.1.

Table 5.1 Summary of public submissions

Issue	Response
Illegal clearing	This was an issue raised by BCS also. The applicant provided additional information indicating the clearing had occurred prior to 25 August 2018, which satisfied BCD.
Traffic safety at the Mitchell Highway and Tantitha Road intersection	TfNSW have required the intersection of the Mitchell Highway and Tantitha Road is upgraded to a Channelised Right (CHR) turn treatment for eastbound traffic and an Auxiliary Short (AUL(S)) turn treatment for westbound traffic.

5.3 Agency submissions

A summary of the agency submissions and how they have been considered is presented in Table 5.2.

Table 5.2 Summary of agency submissions

Agency	Summary of submission	Response
TfNSW	TfNSW original comments related to: – A-Double Road Trains not being permitted on Tantitha Road – The assessment of the intersection of Mitchell Highway and Tantitha Road needing to be done in accordance with the warrants – Sight distance – Stacking between the level crossing and Tantitha Road/Webbs Siding Road intersection – The cumulative impact of Redden Quarry and the proposal should be considered	The Applicant responded to TfNSW comments which addressed most of the concerns but some issues remained. Ultimately, TfNSW recommended: – Provision of a Channelised Right (CHR) eastbound turn treatment at the intersection of Mitchell Highway and Tantitha Road. – Provision of an Auxiliary Short (AUL(S)) westbound turn treatment at the intersection of Mitchell Highway and Tantitha Road.

Agency	Summary of submission	Response
	– The Manildra Street/Mitchel Highway should be assessed – The traffic counts used were insufficient – Council to consider implementing a mechanism to collect contributions for the upgrade of Tantitha Road/Mitchell Highway intersection – TfNSW will be undertaking works at the Tantitha Road/Mitchell Highway intersection and is willing to work with Council to resolve the issue	– Traffic Management Plan (TMP) including Driver Code of Conduct is to be prepared. The above recommendations have been adopted in the recommended conditions in Appendix A.
Biodiversity, Conservation and Science Directorate (BCS)	BCS provided a response dated 28 May 2021 indicating a full Biodiversity Development Assessment Report (BDAR) was required and this should include prior unlawful clearing carried out after 25 August 2017.	The Applicant responded to the concerns raised by BSC, indicating no clearing had occurred since 25 August 2017 and that a BDAR was not required because the proposed clearing did not exceed any of the relevant thresholds. BCS confirmed they were satisfied with the response from the Applicant.
EPA	The EPA submitted General Terms of Approval dated 20 July 2021. This has been included in Appendix A.	NA
Rural Fire Service (RFS)	The RFS provided a number of recommended conditions, which have been adopted in Appendix A, where applicable.	NA
Department of Regional NSW – Mining, Exploration and Geoscience (MEG)	MEG indicated they are satisfied the resource to be extracted has been adequately assessed. MEG has no concerns with the proposed quarry. MEG requested that a condition of consent by included that required the Applicant to submit annual production data, which has been included in Appendix A.	NA
Department of Planning, Industry and Environment - Crown Lands	Crown Lands did not raise any objections to the proposed development.	NA
WaterNSW	As the proposal is not intercepting the groundwater table, no approvals would be required in so far as temporary construction groundwater take is concerned under the Water Management Act 2000.	NA
Natural Resources Access Regulator (NRAR)	For the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.	NA
Department of Primary Industries (DPI)	The DPI recommended consideration of: – Weeds, pests and pathogens and the preparation of a management plan to address this issue – The proposed material to be imported for rehabilitation be subject to some basic physical and chemical testing prior to use to determine if any amelioration is required for the nominated end activity to minimise any rehabilitation problems	The draft conditions in Appendix A have incorporated the DPI recommendations.

Agency	Summary of submission	Response
ARTC	ARTC recommended the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline be considered. Specifically, if the risk profile of the level crossing will change.	Multiple attempts were made to contact ARTC who have currently not provided a response.
Department of Planning and Environment (DPE)	DPE suggested the Central West and Orana Regional Plan 2036 be considered, specifically Direction 8: Sustainable manage mineral resources, particularly Action 8.1, 8.2 and 8.3	The Central West and Orana Regional Plan 2036 has been considered in Section 4.5.

5.4 Future consultation

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

6. Assessment of issues

The EIS was prepared in accordance with the *EP&A Act* and DPE SEARs (No. EAR 1433) issued on 27 May 2020. Attachment 4 of the EIS identifies where each SEAR is addressed in the EIS. Section 4 of the EIS assesses these environmental issues.

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

6.1 Biodiversity

The EIS includes a Biodiversity Assessment Report (AREA 2021) the assessment describes the biodiversity values present within and immediately adjacent to the site and assesses the potential impacts of the proposal on ecological values. It has identified that approximately 0.77ha of previously disturbed PCT185 (Dwyer's Red Gum – White Cypress Pine) would be cleared in the South Extraction Area. No threatened flora or fauna species were detected.

It concludes that the proposal will not have a significant impact on species, populations or communities. It also indicates the proposal does not trigger the requirement for a BDAR or offsetting under the BC Act.

It is considered the assessment adequately assess biodiversity impacts and addresses the SEARS.

6.2 Noise

The Noise and Vibration Impact Assessment (Spectrum Acoustics 2021) was prepared for the proposal and indicated:

– Predicted operational noise levels were less than the noise assessment trigger levels at all non-project-related receivers. Noise impacts over privately owned land were also lower than acceptable amenity levels.
– Ground vibration and overpressure levels from blasting are predicted to be below the criteria for all receivers.
– The off-site traffic noise would be well below the criterion of 55 dB(A), Leq(1hour) for all receivers.

The EPA have not raised any concerns with the assessment, it is therefore considered the assessment is adequate and addresses the SEARs related to noise and vibration.

6.3 Surface water

The EIS includes a water budget which indicates the operations could use up to 7.75 ML per year. The property where the quarry is located has a maximum harvestable rights of 15.29 ML and existing dams with a capacity of 7.7 ML It is proposed that by using water accumulated in sumps and basins the operations would have sufficient water, however if there is insufficient water, it is proposed to purchase water from a neighbouring landowner.

A range of mitigations measures in accordance with Landcom (2004) have been proposed to control water runoff and it is predicted that if these are implemented there is a low risk of water quality impacts from the operations.

The assessment is therefore considered adequate and addresses the SEARs related to surface water.

6.4 Groundwater

The EIS outlines six boreholes have been drilled on the property where the quarry is located and three are located within the site. All boreholes were drilled to a depth below the proposed depth of the quarry, with none intercepting groundwater: It is therefore considered unlikely the proposal would impact groundwater or impact on groundwater dependent ecosystems.

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

6.5 Traffic

The EIS included a Traffic Impact Assessment (TTPP 2020). This assessed the existing road and intersection conditions of the proposed haulage route and the impact the proposed additional traffic would have. The report concluded the proposal would be accommodated with acceptable impacts on the capacity, efficiency and safety of the surrounding road network. The mitigation measures proposed included a Drivers Code of Conduct, Traffic Management Plan and widening of the access road at the intersection with Tantitha Road.

Due to the number of truck movements Council considered a basic (BAL) upgrade of the site access and Tantitha Road intersection was necessary. As mentioned in Section 5.3, TfNSW also raised some traffic related issues, which resulted in the following recommendations:

– Provision of a Channelised Right (CHR) eastbound turn treatment at the intersection of Mitchell Highway and Tantitha Road.
– Provision of an Auxiliary Short (AUL(S)) westbound turn treatment at the intersection of Mitchell Highway and Tantitha Road.
– Traffic Management Plan (TMP) including Driver Code of Conduct is to be prepared.

The above recommendations have been adopted in the recommended conditions in Appendix A.

The assessment is considered adequate and addresses the SEARs relating to traffic.

6.6 Air quality

An Air Quality Impact Assessment (Todoroski 2021) was prepared for the proposal. In summary:

– A variety of activities on site have the potential to generate particulate emissions and greenhouse gas emissions.
– The results indicate the proposal would not increase the number of days above the 24-hour average criterion for PM2.5 and PM10 at the assessed receiver.
– If the proposed mitigation measures are implemented the potential impacts would be further reduced.

The EIS also claimed that due to the relatively small scale of the proposed operations, the Proposal would not have a significant impact on greenhouse gas emissions.

The EPA have reviewed the assessment and have issued their GTAs. The assessment is therefore considered adequate and addresses the SEARs.

6.7 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (AREA 2021) was prepared for the proposal. In summary:

– No sites of significance have been registered on the property.
– Two representatives of the Narromine Local Aboriginal Land Council visited the site.
– The site survey did not locate any Aboriginal objects or potential archaeological deposits.

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

6.8 Historic Heritage

The EIS indicates a desktop review of the relevant databases did not identify any sites of historic significance within the site. The EIS concluded that no sites of historic heritage significance occur within the site.

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

6.9 Visual amenity

The EIS assesses visual amenity impacts of the proposal by showing the distance, topography and vegetation between the site and sensitive receivers. Based on relative isolation of the site and the proposed landscape and visual amenity related controls, the EIS concludes that the proposal would not impact significantly on local visual amenity.

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

6.10 Land resources

The EIS assesses land resources impacts of the proposal and includes management and mitigation measures. While the claim that the proposal would have minimal impact to soils and land capability, it is acknowledged that the site has already been significantly modified. Furthermore, the proposal would not limit agricultural activities within undisturbed sections of the site or surrounding lands.

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

6.11 Waste

The EIS predicted there would be less than 25 kg per week of general solid waste generated by the proposal. A recycling bin would be provided. Any waste oil would be stored separately and collected by a licensed contractor. Additionally the EIS acknowledges no waste would be accepted on site.

6.12 Hazards

The EIS assesses the hazards associated with public access, hazardous chemicals and bushfire risk. A number of mitigation measures are proposed with the EIS concluding the risks associated with public access, hazardous chemicals and bushfire from the proposal are negligible.

The RFS have also reviewed the proposal and have suggested some conditions, which have been adopted in Appendix A, where relevant.

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

6.13 Rehabilitation

The EIS contains details of the progressive rehabilitation of the quarry and commits to preparing a detailed Quarry Closure Plan within five years of the consent. Regardless, rehabilitation objectives, proposed final landform and rehabilitation methods are provided.

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

6.14 Socioeconomic

Considering the predicted impacts on local noise, traffic, heritage, visual amenity and air quality, the proposal would be unlikely to have an unacceptable impact on residents or the environment within or surrounding the site. The proposal would also provide employment opportunities and provide a high quality products for local construction projects. As a result, adverse socio-economic impacts are likely to be negligible.

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

7. Conclusion/recommendation

The preparation and public exhibition of the EIS is considered to have satisfactorily addressed the relevant matters in Section 4.15 of the EP&A Act. The EIS and supporting documentation are also considered to adequately address the SEARs issued for the proposal.

The proposal is in a relatively isolated location, with the topography and vegetation screening it from sensitive receivers. The distance to sensitive receivers also means the impact from noise and dust is expected to be minimal. The proposal is not anticipated to intercept groundwater and surface water is proposed to be managed appropriately. The proposal has been designed to minimise clearing of native vegetation and no heritage sites were identified on site. Some improvements to the site access intersection with Tantitha Road are proposed and the conditions of approval require the Mitchell Highway and Tantitha Road intersection to be upgraded, in accordance with TfNSW advice.

Benefits of the proposal include employment opportunities and the supply of quality materials for local construction projects.

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

The proposal is recommended to be approved pursuant to Section 4.16(1)(a) of the EP&A Act, subject to the proposed mitigation measures in the EIS, and the recommended conditions of approval provided in Appendix A.

Appendices

Appendix A

Recommended conditions of approval

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

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

APPLICANT DETAILS

Applicant:	Orana Quarries and Crushing Pty Ltd
Address:	502 Dandaloo Road NARROMINE NSW 2821

APPLICATION DETAILS

Development Application Number:	**2021/36**
PAN:	**PAN-91482**
Description of Development:	**Extractive Industry (quarry and onsite processing of extractive materials)**

plans, specifications and supporting documentation stamped with reference to this consent

LAND TO BE DEVELOPED

Address:	515 Tantitha Road, NARROMINE NSW 2821
Property Description:	Lot 71 DP 755119

DETERMINATION DETAILS

Decision:	Approved subject to conditions
Determination Date:	{{[granted], “d MMMM yyyy”}}
Approval to operate from:	{{[granted], “d MMMM yyyy”}}
Approval to lapse on:	{{[granted + 1824], “d MMMM yyyy”}}

OTHER APPROVALS

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

A. GENERAL CONDITIONS

1. Approved plans and supporting documentation Development of the Extractive Industry being a continued operation of the quarry (Reid's Pit) and expansion must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Table 1 Approved reference documents

Plan/Doc Title	Plan/Doc Reference No.	Issue No.	Prepared by	Date
Proposed Site Layout	-	-	RW Corkery & Co. Pty Ltd	16/11/2021
North Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
West Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
South Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
Proposed Final Landform	-	-	RW Corkery & Co. Pty Ltd	12/11/2020

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Notes:

– an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

– Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

REASON: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. The Extractive Industry must not commence operation under this consent until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

REASON: To ensure the development proceeds in accordance with the approval conditions.

Limits of approval

3. The quarry operator may carry out extractive industry operations on the site for 28 years from the date of commencement. The operator is required to rehabilitate the site and carry out related undertakings to the satisfaction of Council and to the agreed final land use criteria. Consequently, the approval will continue to apply in all other respects, other than the right to conduct extractive industry and processing operations, until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard in accordance with the Rehabilitation and Closure Plan.

Note: The final land use criteria is to be consistent with the RU1 Primary Production zone objectives and include consultation with the landowner.

REASON: To ensure the limits and timeframe permitted for extractive operations are clearly applied.

Material extraction

4. The quarry operator must not exceed the limits in Table 2.

Table 2 Approved limits (Life o Quarry)

Extraction area	Area (ha)	Depth (m AHD)	Volume (m3)	Tonnes
North (Granite)	4.75	250	869,728	2,348,266
West (Granite)	5.26	239	920,292	2,484,788
South (Clay)	3.07	265	57,823	109,863
TOTAL	**13.08**		**1,847,843**	**4,942,917**

REASON: To ensure the limits permitted for extractive operations are clearly applied.

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

5. The operation of the extractive industry must not extract more than 500,000 tonnes of extractive materials from the site in any 12-month period or 4,942,917 tonnes in total over the life of the quarry.

REASON: To ensure the limits and timeframe permitted for extractive operations are clearly applied.

Extractive material transport

6. The pavement of the haulage route is to be rejuvenated prior to commencement of operations in accordance with this consent. The access route is to meet the relevant standard as per Council's Roads Management Strategy (Road Manual) – Part 3: Asset Planning Road Hierarchy.

REASON: To ensure the existing roads are upgraded to the relevant standard to ensure road safety and public infrastructure is adequate for the development.

Note: Tantitha Road is considered a 'hierarchy 3 road' in accordance with Table 17 Road Hierarchy at the time of Determination.

7. The quarry operations must not commence operations' production causing increase to the average annual daily traffic (AADT), until such time the approved haulage/access route is upgraded (including intersections) to the relevant standard as per Council's Roads Management Strategy (Road Manual) – Part 3: Asset Planning Road Hierarchy. The upgrade to the road network is to be at no cost to Council.

REASON: To ensure the haulage route is upgraded to the relevant standard as the quarry production and haulage increases from the quarry site, and to ensure road safety and public infrastructure is adequate for the life of the development.

Note: AADT is to be calculated in accordance with Austroads Guidelines.

8. The operation of the extractive industry must not:
    a. transport more than 500,000 tonnes of extractive material from the site in any 12 month period;
    b. dispatch more than 56 and an average of 18 laden trucks from the site on any day; or
    c. dispatch more than 6 and an average of 2 laden trucks from the site in any hour.

REASON: To ensure the limits for transport / haulage from the clearly defined.

9. Prior to commencing haulage from the quarry in accordance with this consent, the Mitchell Highway / Tantitha Road intersection is to be upgraded as follows:
    a. Provision of a Channelised Right (CHR) eastbound turn treatment
    b. Provision of an Auxiliary Short (AUL(S)) westbound turn treatment

    The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection.

REASON: To provide adequately designed and safe road conditions for the project and existing road users.

NOTE: To undertake the upgrade, widening of the existing road reserve may be required. Given the above works may require widening of the road corridor, to understand the potential land acquisition and environmental impacts of the upgrade consultation with TfNSW will be required.

10. Prior to commencing haulage from the quarry in accordance with this consent, the Webbs Siding / Tantitha Road intersection is to be upgraded. The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection, as follows:
    a. Provision of a Channelised Right (CHR) eastbound turn treatment
    b. Provision of an Auxiliary (AUL) westbound turn treatment

REASON: To provide adequately designed and safe road conditions for the project and existing road users.

NOTE: No works are to occur within the railway corridor without the separate necessary approval.

11. Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported quarry products can only be accessed by other roads. Where alternative routes utilise Council roads, these should be documented for calculation of contributions payable.

REASON: To ensure the transport / haulage routes are limited to those adequate for heavy vehicle movements.

Revision of strategies, plans and programs

12. A review, and if necessary, revision of the strategies, plans and programs required under this approval, to the satisfaction of Council, is triggered within three (3) months of the following:
    a. the submission of an incident report under condition.
    b. the submission of an Annual Review under condition 73;
    c. the submission of an Independent Environmental Audit under condition 74; or
    d. the approval of any modification of the conditions of this approval (unless the conditions require otherwise).

Any revised plans shall be submitted to Council for approval within six weeks of the review.

REASON: To ensure management measures are updated and adaptive to site conditions and circumstances.

Evidence of consultation

13. Where conditions of this approval require consultation with an identified party, the following is required:
    a. consult with the relevant party prior to submitting the subject document; and
    b. provide details of the consultation undertaken including:
        i. the outcome of that consultation, matters resolved and unresolved; and
        ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

REASON: To ensure adequate consultation is carried out and relevant matters addressed.

National Construction Code of Australia

14. All building work must be carried out in accordance with the requirements of the *Building Code of Australia.*

***REASON*:** This condition is prescribed under the *Environmental Planning and Assessment Regulation 2021*.

NOTE: *Building Code of Australia*, Volumes 1 and 2 of the *National Construction Code*, referred to as the *Building Code of Australia*, published by the Australian Building Codes Board, as in force from time to time.

Payment of section 7.11 contributions

15. Pursuant to section 7.11 of the Environmental Planning and Assessment Act 1979, monetary contribution is to be paid to Council. The contribution is to be levied in accordance with the adopted Section 7.11 Contributions Plan. The payment of a monetary contribution is to be ongoing for the life of the operation in accordance with the provisions of this Plan.

    The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Plan. Time of payment of contributions shall be:

    Within 28 days of receipt of a quarterly notice from the Council stating the contribution amount pursuant to the previous quarter's heavy haulage vehicle activity.

REASON: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development, and road maintenance due to heavy vehicle impacts.

Note: The current Plan is Narromine Shire Council Section 7.11 Contributions Plan 2020 – Heavy Vehicles. Contribution amounts will be adjusted by Council each quarter.

Compliance

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

B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Long Service Levy Payment

Payment of building and construction industry long service levy

17. Before the issue of a Construction Certificate, the operator of the quarry is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The final revised cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.

REASON: To ensure the long service levy is paid.
NOTE: The levy rate until 31 December 2022 is 0.35% of the cost of building and construction works of $25,000 and above (inclusive of GST). From 1 January 2023 the levy rate will change to 0.25% of the cost of building and construction works and will only be payable if the cost of works is $250,000 and above (inclusive of GST). *This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the* ***Building and Construction Industry Long Service Payments Act 1986****.*

Design amendments and Development Plans

18. The Development Plans are to be revised prior to issue of construction certificate as required. Before the issue of a Construction Certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the required amendments to the approved plans and supporting documentation stamped by Council and are in accordance with the approval conditions. Any amendments due to conditions are to be reflected on Construction plans.
    a. Plans are to demonstrate fulfilment of the commitments in Management Plans;
    b. Show required water tanks for water supply and firefighting; and
    c. Any requirements pertaining to compliance with other approvals required for the Project.
    d. Form detailed construction plans of any buildings, including site office and amenities.

REASON: To address conditions of approval.

Engineering Plans – Building Work

19. Engineering plans, showing details of all proposed construction works and adhering to any conditions of development consent, must be submitted to, and approved by, Council or an Accredited Certifier prior to issuing of the Construction Certificate.

REASON: To address conditions of approval.
NOTE: Footing details for transportable structures will need construction approval.

Requirement for Approval - Section 68 Local Government Act

20. Prior to issue of a Construction Certificate for building work an approval/s pursuant to Part A, Part B and Part C of section 68 Local Government Act 1993 are to be issued as relevant, including:

    a) Install a manufactured home, moveable dwelling or associated structure on land (such as a transportable office and the like)
    b) Approval to carry out Sewerage, Plumbing and Stormwater Drainage work.
    c) Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
    d) Operate a system of sewage management (within the meaning of section 68A).

***REASON*:** To ensure the appropriate approvals are in place for moveable structures, sewerage and plumbing related works.

21. Prior to issue of Construction Certificate submit a design for a dust and sediment control facility, such as a rumble grid, within the property entrance for approval by Council. The installation, ongoing maintenance and operations of such a facility shall be at no cost to Council.

***REASON*:** To ensure measures are in place to protect council road infrastructure from transfer of sediment and to reduce potential for dust.

C. PRIOR TO COMMENCEMENT OF ROAD WORK

Section 138 Roads Act – Council Roads

22. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve. (A consent may not be given with respect to a classified road except with the concurrence of TfNSW).

REASON: To ensure compliance with the Roads Act 1993 and Council policy.

23. Detailed design for the upgrade of the quarry site access at Tantitha Road to a basic (BAL) intersection treatment must be submitted to Council for approval. The intersection works must be designed for a 100 km/h speed zone and able to accommodate the largest vehicle accessing the intersection.

REASON: To ensure safe quarry site access is constructed to Council standards.

Section 138 Roads Act – Approval for Work on Mitchell Highway

24. To undertake private financing and construction works on the Mitchell Highway, in which TfNSW has a statutory interest, the developer is required to enter a formal agreement in the form of a Works Authorisation Deed (WAD) with TfNSW prior to works commencing.

REASON: To ensure compliance with the requirements of Transport for NSW (TfNSW).

25. A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of the Mitchell Highway. A Traffic Control Plan prepared by a SafeWork NSW accredited person is to be submitted as part of the ROL application.

NOTE: Please contact TfNSW 1300 656 371 for further information regarding a ROL.

Engineering Plans – Civil Construction

26. Detailed design of road upgrades and construction works must be prepared in accordance with Austroads Guidelines and RMS QA Road works specifications, or to Council's satisfaction.

REASON: To ensure compliance with the Roads Act and Council policy.

Pipe Backfill

27. All pipe backfill designs and construction must be in accordance with AS/NZ 3725:2007 Design for installation of buried concrete pipes.

REASON: To ensure adequate design standards are adopted.

C. REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Notice of Commencement

28. Prior to the commencement of any building work on the site, the person having the benefit of this consent:
    a. shall appoint a Principal Certifying Authority (PCA).
    b. shall ensure a Construction Certificate is issued by the PCA.
    c. shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.

REASON**:** To ensure statutory obligations are met.

Signs on site

2. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
    a) showing the name, address and telephone number of the principal certifier for the work, and
    b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
    c) stating that unauthorised entry to the work site is prohibited.

   Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

REASON: Prescribed condition EP&A Regulation, clause 70.

NOTE: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Project Plans & Testing

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

REASON**:** To ensure construction requirements are met and quality management measures implemented.

Dilapidation Report

30. Before any site or road work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifier or Council. The site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, is to occur prior to commencement of work and document evidence of any damage to existing assets and a copy of the report must be provided no less than 7 days before any site work commences. Failure to identify existing damage will result in all damage detected after completion of the building/road work being repaired at no expense to Council.

REASON: To establish and document structural condition of adjoining properties and document condition of existing assets on public land for comparison as site work progresses and is completed.

31. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW). Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (*www.safework.nsw.gov.au*) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

REASON: To safeguard against impact to assets and ensure the safety when working near electricity lines.

Erosion and Sediment Control

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

REASON: To ensure runoff and site debris do not impact local stormwater systems and waterways.

Temporary Onsite Toilet

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

REASON: To ensure amenities are available.

D. REQUIREMENTS DURING CONSTRUCTION WORKS

Approved hours of Construction

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

    The principal certifier must ensure building work or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

    Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

REASON: To protect the amenity of the surrounding area.

NOTE: Any variation to the hours of work requires Council's approval.

Works Near Electricity Infrastructure

35. There is overhead electricity infrastructure located within vicinity of the property. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

REASON: To ensure the safety when working near electricity lines.

Building Materials, Plant and Equipment

36. During construction works, all building materials, plant and equipment must be placed on site to ensure that pedestrian and vehicular access in public places is not restricted.

REASON: To preserve access and protect public infrastructure.

Dust Abatement

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

REASON: To ensure dust suppression is implemented during construction.

Fill

38. During construction works, fill material must not be placed in such a manner that:
    a. natural drainage from adjoining land will be obstructed; and
    b. surface water will be diverted to adjoining land.

REASON: To prevent fill causing stormwater impacts. **Uncovering relics or Aboriginal objects**

39. While any associated construction work and quarry operations are being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:
    a. the work in the area of the discovery must cease immediately;
    b. the following must be notified
        i. for a relic – the Heritage Council; or
        ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

a. for a relic – the Heritage Council; or

b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

REASON: To ensure the protection of objects of potential significance during works.

PRIOR TO ISSUE OF CERTIFICATE OF COMPLETION OR OCCUPATION CERTIFICATE

Repair of infrastructure

40. Before the issue of an occupation certificate or certificate of completion (for S68 approvals), the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

REASON: To ensure any damage to public infrastructure is rectified.
Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.

E. REQUIREMENTS PRIOR TO COMMENCEMENT OF OPERATIONS

Completion of Road Work

41. Council must be satisfied that all road works required have been completed in accordance with approved plans and documents and relevant conditions of this consent.

    Following completion of all engineering works with a final satisfactory inspection report, and prior to commencement of operations in accordance with this approval (and haulage), a defects bond of 5% of the value of works (not carried out by Council) shall be lodged with Council. The bond may be provided by way of monetary deposit with Council or via Bank Guarantee, which will be held to remedy any defects in public work that arise within 6 months after the work is completed. The maintenance bond period commences from the date of Council's written acceptance of the final inspection report and WAE drawings. If defects are not satisfactorily remedied, Council may use bond money to carry out rectification works. Any unspent bond money will be returned to the developer at the end of the defects period, less the cost of any rectification works carried out by Council.

REASON: To ensure road work is satisfactorily completed.

WAE Drawings

42. Prior to commencement, a design report (printed and bound) and three (3) copies of which 1 x A0 size and 2 x A3 size of works-as-executed (WAE) drawings of the road works must be submitted to Council in hard copy format. The certified WAE drawings must be prepared by a registered surveyor and must indicate the following:

    - Subgrade surface level
    - Sub-base pavement level
    - Pavement base level
    - Invert levels of all pits, pipes and orifice plates
    - Nominal diameter (DN) and class of pipe(s)
    - Surface levels of pits and surrounding ground levels.

    The plans must be accompanied by a report from the designer stating the conformance or otherwise of the as constructed works in relation to the approved design.

    The WAE plan and design report must be in both CAD and PDF format and must be submitted for approval to Council prior to commencement.

REASON: To ensure road work is satisfactorily completed and documented.

Post – Construction Dilapidation report

43. After the completion of all site establishment work and road work, a post-construction dilapidation report must be prepared by a suitably qualified engineer to the satisfaction of the Principal Certifier or Council, detailing whether:

    a. After comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, structures or works

    b. Where there has been structural damage to any adjoining buildings that is the result of the work approved under this development consent.

REASON: To identify any damage to adjoining properties and infrastructure resulting from development work.

Release of Securities

44. Prior to the release of any securities:
    a. Any public infrastructure damaged as result of the carrying out of work approved under this consent must be fully repaired to the written satisfaction of Council and at no cost to Council, or
    b. If the works in (a) are not carried out to Council's satisfaction Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
45. When a maintenance bond or other security under this consent is required, an application may be lodged to release the securities held by Council, after the relevant period.

***REASON*: To allow release of securities where terms and conditions for the securities have been met to Council's satisfaction.

Identification of Quarry Boundaries

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

REASON: To ensure the area of disturbance is limited to that approved.

Preservation of survey marks

47. Before the commencement of operations, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

    a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
    b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

REASON: To protect the State's survey infrastructure.

Notice of Commencement

48. Notice of commencement of operations (at least 48 hours prior) is to be given to Council in writing, with record of compliance with any commitments in the EIS and conditional requirements prior to commencement of operations.

REASON: To advise Council of commencement date and document compliance.

Signage

49. Prior to commencement, the installation of "Advance Truck" warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) below the warning sign, must be installed 250 metres in advance of the intersection of Tantitha Road at no cost to Council.

REASON: To ensure road safety signage is installed.

Note: Signage installation is to be included in the approval pursuant to s138 Roads Act.

Environmental management plan

50. An Environmental Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
    a. provide the strategic framework for environmental management of the project;
    b. identify the statutory approvals that apply to the project;

c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
d. set out the procedures to be implemented to:
    i. keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    ii. receive record, handle and respond to complaints;
    iii. resolve any disputes that may arise during the course of the project;
    iv. respond to any non-compliance and any incident; and
    v. respond to emergencies.
e. a protocol for periodic review of the plan
f. include:
    i. references to any strategies, plans and programs approved under the conditions of this approval; and
    ii. a clear plan depicting all the monitoring to be carried out under the conditions of this approval.

REASON: To ensure management details and mitigation measures are documented and adopted for the project.

Noise Management Plan

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

REASON: To ensure noise management and mitigation measures are documented and adopted for the project.

Blast Management Plan

52. A Blast Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
    a. be prepared by a suitably qualified and experienced person/s;
    b. be prepared in consultation with the EPA;
    c. include a summary of relevant background or baseline data;
    d. outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    e. Include relevant limits or performance measures and criteria;
    f. describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
    g. include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;

h. include community notification procedures for the blasting schedule;
i. provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
j. detail who would be responsible for monitoring, reviewing and implementing the plan.

REASON: To ensure blast management and mitigation measures are documented and adopted for the project.

Note: Temporary road closure procedures for blast events will require s138 Roads Act approval.

Air Quality and Greenhouse Gas Management Plan

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

REASON: To ensure air quality management and mitigation measures are documented and adopted for the project.

Note: Weather monitoring requirements of an EPL are to be detailed.

Water Management Plan

54. A Water Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
    a. be prepared by suitably qualified and experienced person/s;
    b. be prepared in consultation with the EPA and DPIE-Water;
    c. provide a summary of relevant background or baseline data;
    d. outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    e. include the relevant limits or performance measures and criteria;
    f. include a:
        i. Site Water Balance that includes details of:
            - sources and security of water supply;
            - water use and management on site;
            - any off-site water transfers;
            - reporting procedures;
            - measures that would be implemented to minimise clean water use on site.

ii. Surface Water Management Plan, that includes:
   - baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;
   - a detailed description of the surface water management system on site including the:
     – clean water diversion system;
     – erosion and sediment controls;
     – dirty water management system; and
     – water storages.

iii. a program to monitor and report on:
   - any surface water discharges;
   - the effectiveness of the water management system; and
   - surface water flows and quality in local watercourses.

iv. Groundwater Management Plan, that includes:
   - baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
   - a program to monitor and report on groundwater levels, inflows to the pit (if any) and the impacts of the development on surrounding aquifers and privately-owned groundwater bores.

v. Surface and Ground Water Contingency Strategy, that includes:
   - a protocol for the investigation, notification and mitigation of identified impacts on surface water flows and quality in water bodies and/or groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
   - the procedures that would be followed if any unforeseen impacts are detected during the development.

g. detail who would be responsible for monitoring, reviewing and implementing the plan.

REASON: To ensure water management and mitigation measures are documented and adopted for the project.

Note: The requirements of an EPL should be included in this Plan. Traffic Management Plan

55. A Traffic Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
   a. be prepared by suitably qualified and experienced person/s;
   b. be prepared in consultation with TfNSW;
   c. provide a summary of relevant background or baseline data;
   d. include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
   e. outline the relevant limits or performance measures and criteria;
   f. include details of all transport routes and traffic types to be used for project-related traffic;
   g. describe the processes in place for the control of truck movements entering and exiting the site;
   h. include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school buses and stock movements;
   i. include and consider Chain of Responsibility requirements under the Heavy Vehicle National Law;
   j. include a Drivers' Code of Conduct that includes:
      i. toolbox meetings to facilitate continuous improvement initiatives and incident awareness;
      ii. drivers to adhere to posted speed limits or other required travelling speeds;
      iii. haul route restrictions under the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass;
      iv. drivers implement safe and quiet driving practices;
      v. measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs;

vi. truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard;

vii. measures to manage haulage movements during school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between haulage vehicles and buses or children, and

viii. the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

k. a program to monitor and report on the effectiveness of the management measures to achieve the relevant criteria and conditions of this consent;

l. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

m. detail who would be responsible for monitoring, reviewing and implementing the plan.

REASON: To ensure traffic management and mitigation measures are documented and adopted for the project.

Note: Documentation of triggers for road upgrades relevant to conditions of approval are to be addressed.

Aboriginal Cultural Heritage Management Plan

56. An Aboriginal Cultural Heritage Management Plan must be prepared for the project to the satisfaction of Council. This plan must include:

a. provide a summary of relevant background or baseline data;

b. describe the measures to be implemented on the site to:

i. ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;

ii. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;

iii. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places (unexpected finds), including provisions for burials, over the life of the project; and

c. detail who would be responsible for monitoring, reviewing and implementing the plan.

REASON: To ensure heritage management and mitigation measures are documented and adopted for the project.

Biodiversity Management Plan

57. A Biodiversity Management Plan must be prepared for the project to the satisfaction of Council. This plan must:

a. be prepared in consultation with Biodiversity and Conservation Division of DPE;;

b. a description of the measures that would be implemented for:

i. minimising the amount of native vegetation clearing within the approved development footprint;

ii. minimising the loss of key fauna habitat, including tree hollows;

iii. minimising the impacts on fauna on site, including undertaking pre-clearance surveys;

iv. rehabilitating and revegetating temporary disturbance areas;

v. protecting native vegetation and key fauna habitat outside the approved disturbance area;

vi. maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;

vii. collecting and propagating seed (where relevant);

viii. controlling weeds, feral pests and pathogens;

ix. controlling erosion; and

x. bushfire management.

c. a detailed program to monitor and report on the effectiveness of these measures.

d. identify the potential risks to successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and

e. include details of who would be responsible for monitoring, reviewing, and implementing the plan.

REASON: To ensure biodiversity management and mitigation measures are documented and adopted for the project.

Rehabilitation and Closure Plan

58. A Rehabilitation and Closure Plan must be prepared for the project to the satisfaction of Council. This plan must:

a. outline the final land use and landform options considered, and justification of the preferred option;

b. detail any rehabilitation methods to be implemented for both planned and unplanned closure of the site, including the testing of imported material to confirm it is suitable for rehabilitation;

c. suitable completion criteria;

d. a risk assessment to demonstrate that post-closure risks associated with the proposed final landform and land use are acceptable; and

e. an estimate of the closure costs prepared in accordance with the current industry recognised guidelines. This estimate is to be updated annually.

The rehabilitation and closure plan must be prepared in accordance with any applicable legislation and the principles of the Strategic Framework for Mine Closure produced by the Australian and New Zealand Minerals and Energy Council and Minerals Council of Australia (ANZMEC, 2000).

REASON: To ensure Narromine Shire Council does not incur a financial liability as a result of quarry operations. To ensure rehabilitation management measures and end of life procedures are documented and adopted for the project.

Bushfire Management Plan

59. A Bushfire Emergency Management and Evacuation Plan consistent with '*Guidelines for the Preparation of Emergency/Evacuation Plan*', must be prepared, to the satisfaction of Council.

REASON: To ensure bushfire management and mitigation measures are documented and adopted for the project.

G. OPERATIONAL REQUIREMENTS

Environmental Management Plans

60. The Environmental Management Plans and adopted measures must be implemented for all phases of the Project.
    a. The Environmental Management Plans are to be available at the site office at all times.
    b. The Management Plans required by this consent may be combined/consolidated where practical for improved implementation.
    c. Management Plans are to be updated with changes to legislation, approval conditions and review processes to ensure management and mitigation measures are kept up to date.

REASON: To ensure adopted site management measures are implemented at all times.

Environment Protection Licence

61. The operator of the quarry must ensure a fit and proper person holds an Environment Protection Licence required pursuant to Protection of the Environment Operations Act 1997. Works and activities must comply with the requirements of the Environment Protection Authority (EPA) General Terms of Approval, issued pursuant to section 4.46 *Environmental Planning and Assessment Act 1979.*

REASON: *To ensure NSW EPA general terms of approval and mandatory EPL conditions are adopted.*

Note: General Terms of Approval are provided in Part H of this consent. The Proponent will need to make separate application to the EPA to obtain this licence.

Noise

Blasting

62. At least 14 days prior to any blast, the operator must submit a Section 138 Roads Act application to Council for the approval to temporarily close Tantitha Road.

    Blasting operation shall not commence until the Section 138 Roads Act application for the temporary closure of Tantitha Road has been approved.

REASON: *To* ensure safety protocols are in place for blast events, and to ensure the temporary closure of a public road is carried out with Council approval.

Water Supply

63. A legal and sufficient water supply is required for all stages of the project, and if necessary, the operator is to adjust the scale of operations on site to match its available water supply, to the satisfaction of Council.

REASON: *To* ensure the project has sufficient volume of water for dust suppression and processing obtained through legal sources.

Transport

64. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design must be provided and maintained at the vehicular access servicing the land from the Tantitha Road.

REASON: To maintain a safe driveway access into the quarry site.

Monitoring of Product Transport

65. By the use of a weighbridge (or other means as agreed by Council), records are to be made:
    a. Product Transport Details - retained for at least 12 months, records of the - time of dispatch, weight of load, route and vehicle identification for each laden truck dispatched from the development. These records must be made available to Council on request and a summary included in the Annual Review.

b. Product Volumes – tonnages of product leaving the site is to be recorded quarterly and provided to Council for calculation of the s7.11 contributions.

REASON: To ensure records of extraction and processing activity are kept for the Project and obligations to pay s7.11 contributions are met. Parking

66. The Applicant must provide sufficient parking on-site for all project-related traffic in a dedicated area away from active quarry areas. .

REASON: To ensure adequate parking is provided on site.

Visual

67. Visual amenity is to be maintained:
    a. all reasonable steps are to be taken to minimise the visual and off-site lighting impacts of the project;
    b. revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;
    c. not erect or display any advertising structure(s) or signs on the site without the written approval of Council.

REASON: To ensure impacts to visual amenity are mitigated.

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

Waste

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

REASON: To ensure waste is managed.

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

REASON: To prevent the quarry from accepting waste products without the necessary approvals.

NOTE: The only waste derived material that may be received at the development site must be:

a. virgin excavated material, within the meaning of Protection of the Environment Operations Act 1997; and

b. Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Storage of Liquids, Chemicals & Petroleum Products

70. All liquids, chemicals and/or petroleum products on site are to be stored in accordance with the relevant Australian Standard. During construction works and for the life of the operation, the storage of fuel, chemicals or any hazardous substances and dangerous goods must be secured and stored in accordance with the manufacturers' specifications. Safety Data Sheets (SDS) must be kept on site along with a manifest.

REASON: To ensure safe storage of hazardous substances. Safety

71. The quarry site must be secured to ensure public safety. Appropriate signage, fencing, bunding or the like must be installed to prevent visitor and unauthorised vehicle access to working areas of the quarry.

REASON: To ensure safety of public and visitors to site. Annual survey

72. At the anniversary of the commencement of operations, or other timeframe agreed by Council, an independent registered surveyor or other independent practitioner as agreed with Council to is required to:
    a. survey the extent of the extraction area;
    b. survey the depth of the extraction;
    c. calculate the volume extracted since the previous survey; and
    d. confirm the boundary markers clearly mark the approved limit of extraction.

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

REASON: To ensure approved extraction and disturbance limits are not exceeded.

Annual Review

73. At the anniversary of the commencement of operations, or other timeframe agreed by Council, a report reviewing the environmental performance of the project over the past year, is to be compiled to the satisfaction of Council. This review must:
    a. describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that are proposed to be carried out over the current 12 months;
    b. include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months;
    c. include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the:
        i. relevant statutory requirements, limits or performance measures/criteria;
        ii. requirements of any plan or program required under this approval;
        iii. monitoring results of previous years; and
        iv. relevant predictions in the EIS.
    d. identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence.

    Copies of the Annual Review must be submitted to Council within six weeks of the anniversary of the commencement date, or other timeframe agreed by Council, and made available on the Project's website.

REASON: To ensure approval requirements are implemented and monitored for improvement.

Independent Environmental Audit

74. Once 150,000 tonnes of material has been extracted, or after 3 years of operations under this consent whichever is sooner or at the request of Council, an Independent Environmental Audit of the project must be commissioned to assess compliance.. The audit must:
    a. be led by a suitably qualified, experienced and independent auditor;
    b. be carried out in consultation with the relevant agencies;
    c. assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, permits or leases for the project (including any assessment, strategy, plan or program required under these approvals);
    d. review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;
    e. recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and
    ~~f.~~ be conducted and reported to the satisfaction of Council.

    Within three months of the Independent Environmental Audit, a copy of the audit report is to be submitted to Council, NSW EPA, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of Council.

REASON: To implement a requirement for an independent environmental audit for the purpose of ensuring satisfactory environmental performance.

Incident and Complaint Reporting

75. An Incident and Complaint Register is to be established. Council and any relevant agencies are to be provided with a detailed report on complaint, incident or non-compliance, as a component of the Annual Review and such further reports as may be requested.

REASON: To ensure incident and complaint records are kept.

Note: The recording of pollution complaints should be in accordance with EPL conditions.

H. EPA General Terms of Approval

Attachment A - General terms of approval

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2021/36 submitted to Narromine Shire Council; and
- the environmental assessment titled "Continued operation of the Reid's pit, Narromine Environmental Impact Statement" prepared by R.W. Corkery & Co PTY. LIMITED and dated April 2021 relating to the Development Application identified above; and
- the specialist assessments accompanying the Environmental Assessment identified above.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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. Concentration limits

L2.1 No water discharges are permitted from the premises.

L3. Waste

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

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

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

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits presented in the table below at the nominated locations. The locations referred to in the table are shown in Figure 3 and Table 4.4 of the *Orana Quarries and Crushing Pty Ltd Noise and Vibration Impact Assessment* (Spectrum Acoustics March 2021):

Location	LAeq(15min) Noise Limit in dB(A)
Residences R1, R2, R4 and R6	40

L4.2 For the purposes of condition L4.1 above:

a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

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

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

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

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

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

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

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

L4.6 To determine compliance:

a) with the noise limits in condition L4.1 and L4.4, the noise measurement equipment must be located:

(i) Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises

(ii) Within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is more than 30 metres from the property boundary closest to the premises, or, where applicable,

(iii) Within 50 metres of the boundary of a National Park or Nature Reserve.

b) with the noise limits in Condition L4.1 and L4.4, the noise measurement equipment must be located:

(i) at the most affected point at a location where there is no dwelling at the location; or,

(ii) at the most affected point within an area at a location prescribed by Condition L3.6(a).

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

a) at a location other than an area prescribed by condition L4.6(a), and/or

b) at a point other than the most affected point at a location.

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

L5. Blasting

L5.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

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

Ground Vibration (ppv)

L5.3 Ground vibration peak particle velocity from blasting operations on the premises must not exceed 10 millimetres per second at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

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

Time of blasting

L5.5 Blasting at the premises may only take place between 9:00am and 5:00pm Monday to Friday. Blasting is not permitted on Sundays or Public Holidays.

L5.6 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6. Hours of operation

L6.1 Activities on the premises must only be carried out:

a) between the hours of 7am and 6pm Monday to Saturday; and

c) at no time on Sundays or Public Holidays.

Construction hours

L6.2 Unless otherwise specified by another condition of this licence, construction activities must only be carried out:

a) between the hours of 7am and 6pm Monday to Friday;

b) between the hours of 8am and 1pm Saturday; and

c) at no time on Sundays or Public Holidays.

L6.3 The following activities may be carried out outside the hours in Condition L6.2:

a) Construction work that causes LAeq(15min) noise levels that are:

i. no more than 5 dB above rating background level at any residence not subject to a private negotiated agreement, in accordance with the *Interim Construction Noise Guideline* (DECC 2009); and

ii. no more than the noise management levels in Table 3 of the *Interim Construction Noise Guideline* (DECC 2009) at other sensitive land uses.

b) Delivery of plant, equipment and materials which is required to be delivered outside standard construction hours by Police and/or other authorities for safety reasons.

c) Emergency work to avoid loss of life, damage to property and/or environmental harm.

d) Activities approved through the process outlined in Condition L6.4.

On becoming aware of the need to undertake emergency work, the proponent must notify Council and the EPA.

L6.4 The hours of construction specified in condition L6.2 may be varied with the prior written approval of the EPA. Any request to alter the hours of construction shall be:

a) considered on a case-by-case or activity-specific basis;

b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;

c) accompanied by written evidence that appropriate consultation with potentially affected noise sensitive receivers and notification of relevant agencies has been and will be undertaken;

d) all reasonable and feasible noise mitigation measures have been put in place; and,

e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009).

Operating conditions

***Note:** Conditions O1 and O2 are mandatory on all environment protection licences and are included in Attachment B.*

O3. Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O4. Other operating conditions

O4.1 Stormwater/sediment control – Construction Phase

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

O4.2 Stormwater/sediment control - Operational Phase

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

O4.3 Water Supply

Sufficient supplies of water must be maintained for all stages of operations to ensure dust is appropriately managed, and if necessary, the scale of operations on site must be adjusted to match available water supplies.

Bunding

O4.4 The licensee must store and handle all liquid chemicals and hazardous materials used at the premises within bunded areas that are constructed and maintained in accordance with the following:

a) any relevant Australian Standards for the liquids being stored;

b) within a bunded area with a minimum bund capacity of 110% of the volume of the largest single stored vessel within the bund;

c) the *Storing and Handling Liquids: Environmental Protection Participant's Manual* (DECC, 2007).

Where any conflict exists between these requirements, the most stringent requirements apply.

O4.5 For the purpose of condition O4.4, any tanks or other storage vessels that are interconnected and may distribute their contents either by gravity or automated pumps must be considered a single vessel.

Truck Movements

O4.6 The maximum daily number of truck movements must not exceed 112 truck movements per day (being 56 truck movements in and 56 truck movements out of the Premises).

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 must be recorded and retained as set out in conditions M1.2, M1.3 and M1.4.

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

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) produced in a legible form to any authorised officer of the EPA who asks to see them.

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

a) the date(s) on which the sample was taken;

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

c) the point at which the sample was taken; and

d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

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

M3. Testing methods - concentration limits

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

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

M4. Weather monitoring

M4.1 An onsite meteorological weather station must be built, maintained and operated so as to be capable of continuously monitoring the parameters specified in condition M4.2.

M4.2 The proponent must monitor the parameters specified in Column 1 of the table below at the onsite weather station, using the sampling method, units of measure, averaging period and sampling frequency specified in the other columns. Sampling methods are defined in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DEC 2007).

Onsite weather station

Parameter	Unit of measure	Frequency	Averaging	Sampling methods
Air temperature at 2 metres	^oC	Continuous	1 hour	AM-4
Air temperature at 10 metres	^oC	Continuous	1 hour	AM-4
wind direction at 10 metres	^{o}(Degrees)	Continuous	15 minute	AM-2 & AM-4
wind direction at 10 metres	m/s (metres per second)	Continuous	15 minute	AM-2 & AM-4
Sigma Theta	^{o}(Degress)	Continuous	15 minute	AM-2 & AM-4
Rainfall	Mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

***Note:** Conditions M5 and M6 are mandatory on all environment protection licences and are included in Attachment B.*

M7. Noise monitoring

M7.1 To assess compliance with the noise limits, attended noise monitoring must be undertaken in accordance with Condition L4.6 and:

a. at each one of the locations listed in Condition L4.1;

b. occur once every reporting period;

c. occur during each day as defined in the *Noise Policy for Industry* (EPA 2017), for a minimum of 1.5 hours;

d. occur for three consecutive operating days.

M7.2 The frequency of noise monitoring required by condition M7.1, may be varied after ongoing compliance with the noise limits is established over at least one 12-month period to the satisfaction of the EPA, and the EPA has approved the varied noise monitoring frequency through a licence variation.

M8. Blast Monitoring

M8.1 To determine compliance with condition(s) L5.1 to L5.4:

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

b. Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: *A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L5.1 to L5.4 at any "noise sensitive locations" other than the locations identified in the above condition.*

M8.2 The airblast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

Reporting conditions

Note: *Conditions R1, R2 and R3 are mandatory on all environment protection licences and are included in Attachment B.*

R4. Other Reporting Conditions

R4.1 The licensee must notify the EPA of every non-compliance with any emission limit, concentration limit, noise limit or blast limit included as a condition of this environment protection licence, at info@epa.nsw.gov.au or in accordance with condition R2.1, as soon as practicable after becoming aware of the exceedance.

General conditions

Note: *Condition G1 is mandatory on all environment protection licences and are included in Attachment B.*

G2. Contact number for incidents and responsible employees

Note: *Conditions G2.1 and G2.2 are mandatory on all environment protection licences and are included in Attachment B.*

G2.3 The licensee must inform the environment protection authority in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

G3. Signage

G3.1 Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

Definitions

Approved Methods Publication - the document entitled "Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales", prepared by the EPA and published in the Gazette, as in force from time to time.

Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.

Noise - 'sound pressure levels' for the purposes of Conditions L4.1 to L4.8.

Noise sensitive locations - buildings used as a residence, hospital, school, child care centre, place of public worship and nursing homes, as well as the land within 30 metres of any such building.

Attachment B - Mandatory Conditions for all EPA licences

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.
This includes:

a. the processing, handling, movement and storage of materials and substances used to carry out the activity;

and

b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

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

Monitoring and recording conditions

M5 Recording of pollution complaints

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

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

a. the date and time of the complaint;

b. the method by which the complaint was made;

c. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

d. the nature of the complaint;

e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

f. if no action was taken by the licensee, the reasons why no action was taken.

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

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

M6 Telephone complaints line

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

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

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

Reporting conditions

R1 Annual Return documents

What documents must an Annual Return contain?

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

a. a Statement of Compliance,

b. a Monitoring and Complaints Summary,

c. a Statement of Compliance - Licence Conditions,

d. a Statement of Compliance - Load based Fee,

e. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,

f. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and

g. a Statement of Compliance - Environmental Management Systems and Practices.

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

Period covered by Annual Return

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

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

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

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

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

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

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

a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given;
or

b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Licensee must retain copy of Annual Return

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

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

R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

a. the licence holder; or

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

R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

a. where this licence applies to premises, an event has occurred at the premises; or

b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

a. the cause, time and duration of the event;

b. the type, volume and concentration of every pollutant discharged as a result of the event;

c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

g. any other relevant matters.

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

General conditions

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

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

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

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

G2 Contact number for incidents and responsible employees

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

a. to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and

b. to contact the licensee's senior employees or agents authorised at all times to:

i. speak on behalf of the licensee, and
ii. provide any information or document required under licence.

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

I. REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:

   (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;

   (b) complies with the provisions of all relevant environmental planning instruments;

   (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.

2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.

4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.

5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.

6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.

7. Ensure the development does not conflict with the public interest.

K GENERAL ADVICE

LAPSING OF DEVELOPMENT CONSENT

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

RIGHT OF APPEAL

9. If you are the applicant:

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

REVIEW OF DETERMINATION

10. An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

    (a) If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

    (b) A Review cannot be requested for:

        (i) a determination to issue or refuse to issue a complying development certificate, or
        (ii) a determination in respect of designated development, or
        (iii) a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

Date of notice:

Phil Johnston
Director Community and Economic Development

L ADVISORY NOTES

Electrical and Telecommunication Services

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

National Broadband Network

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

M APPROVED PLANS

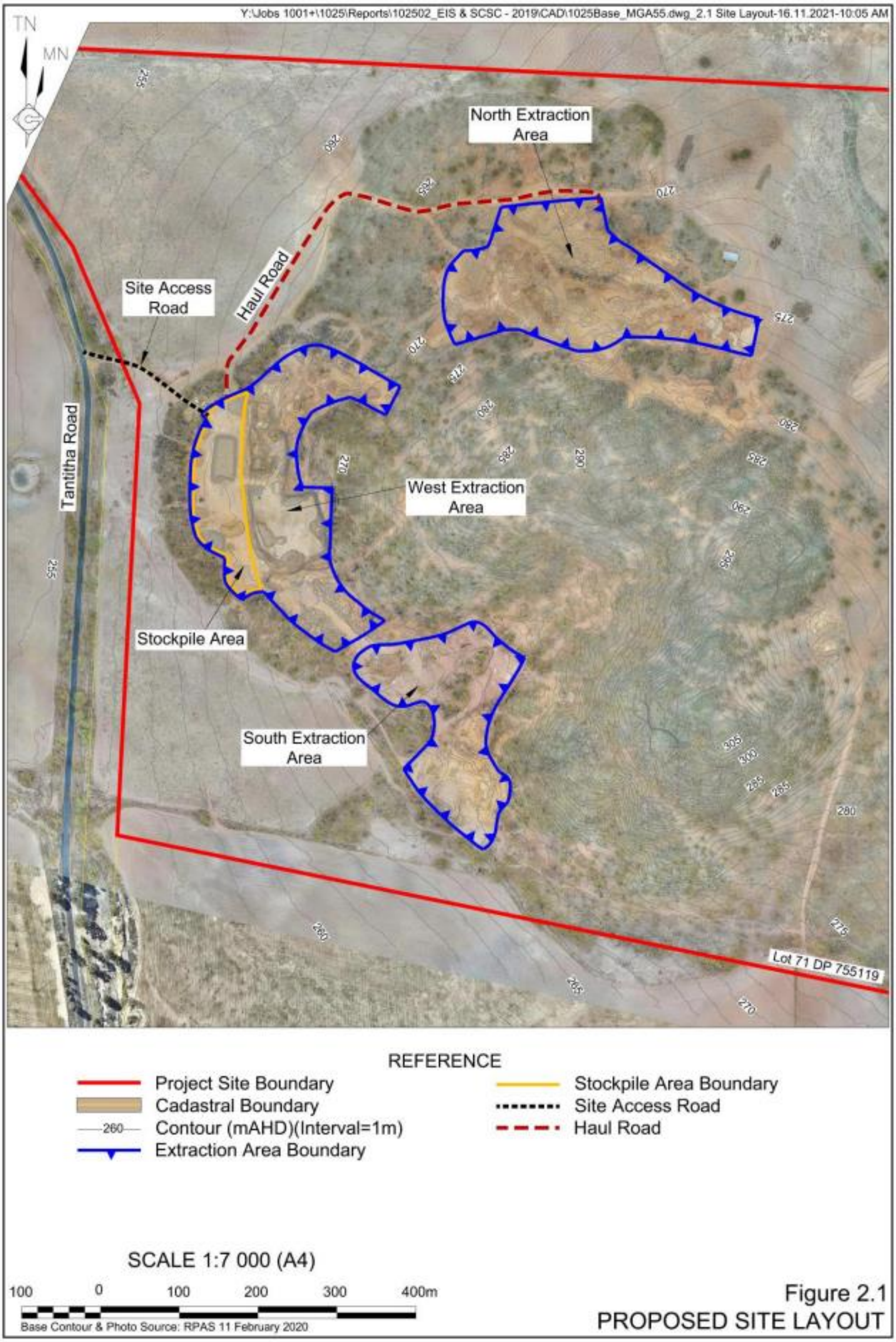
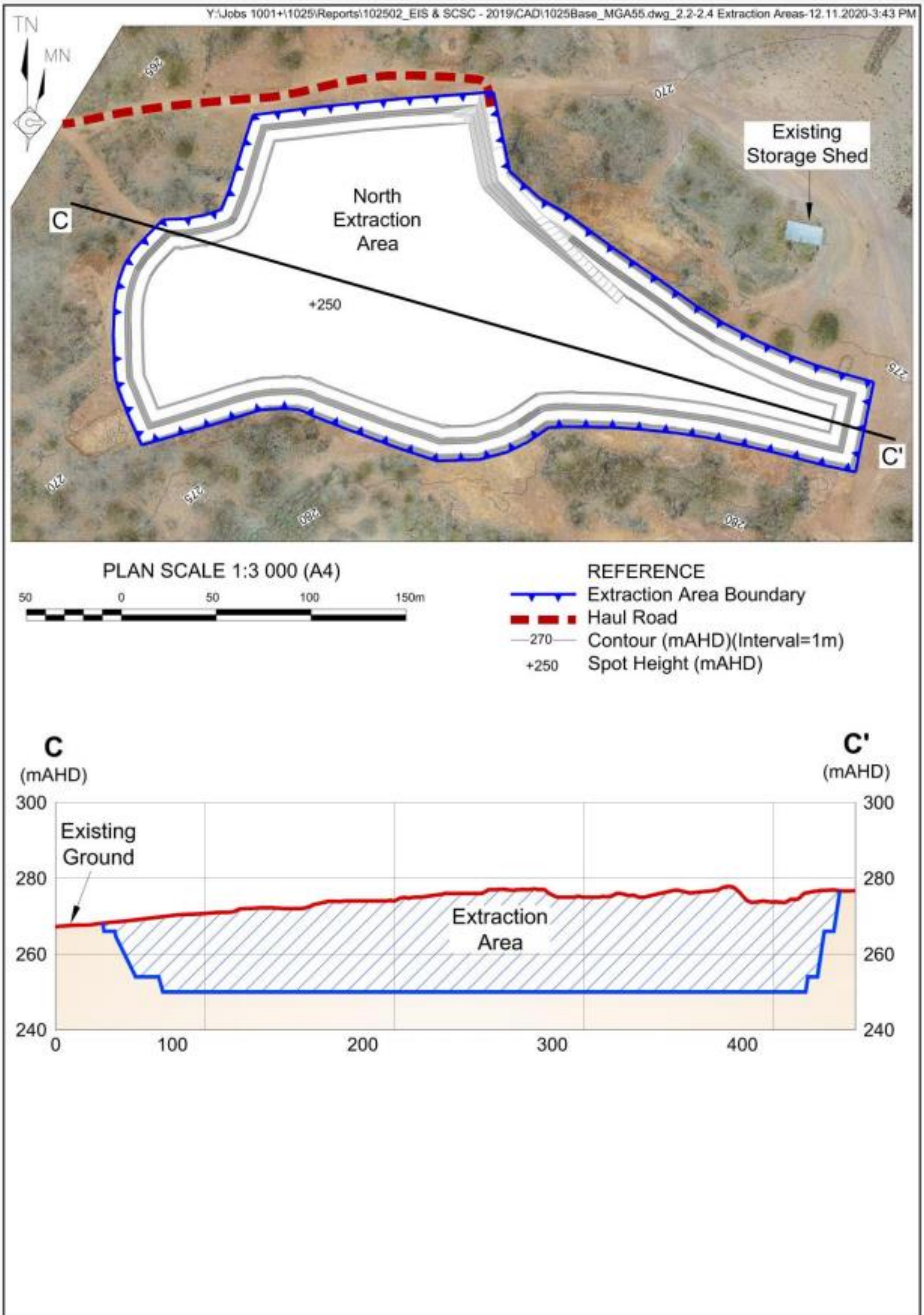


Figure 2.1
PROPOSED SITE LAYOUT

v



Base Contour & Photo Source: RPAS 11 February 2020

Figure 2.2
NORTH EXTRACTION AREA DESIGN

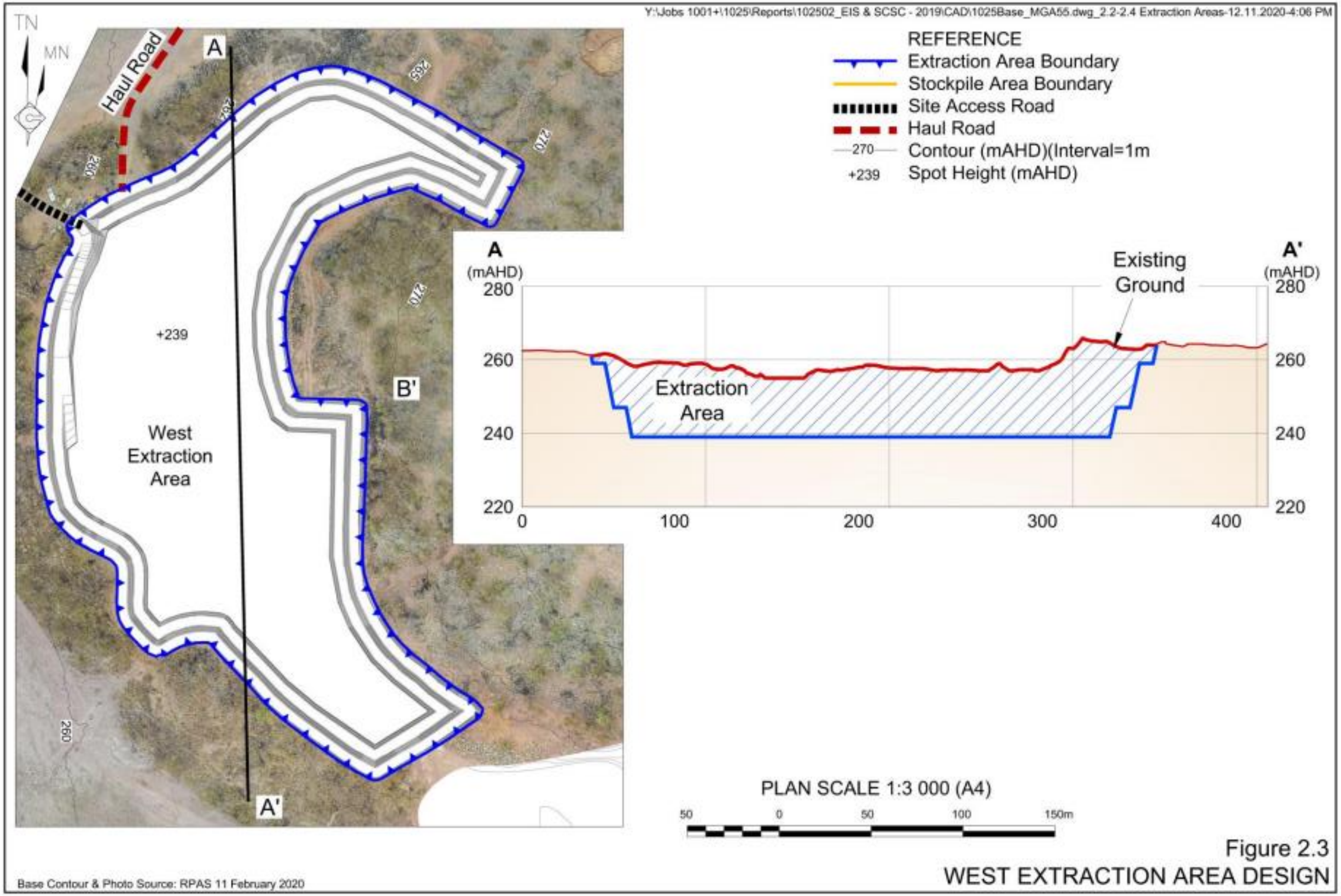


Figure 2.3
WEST EXTRACTION AREA DESIGN

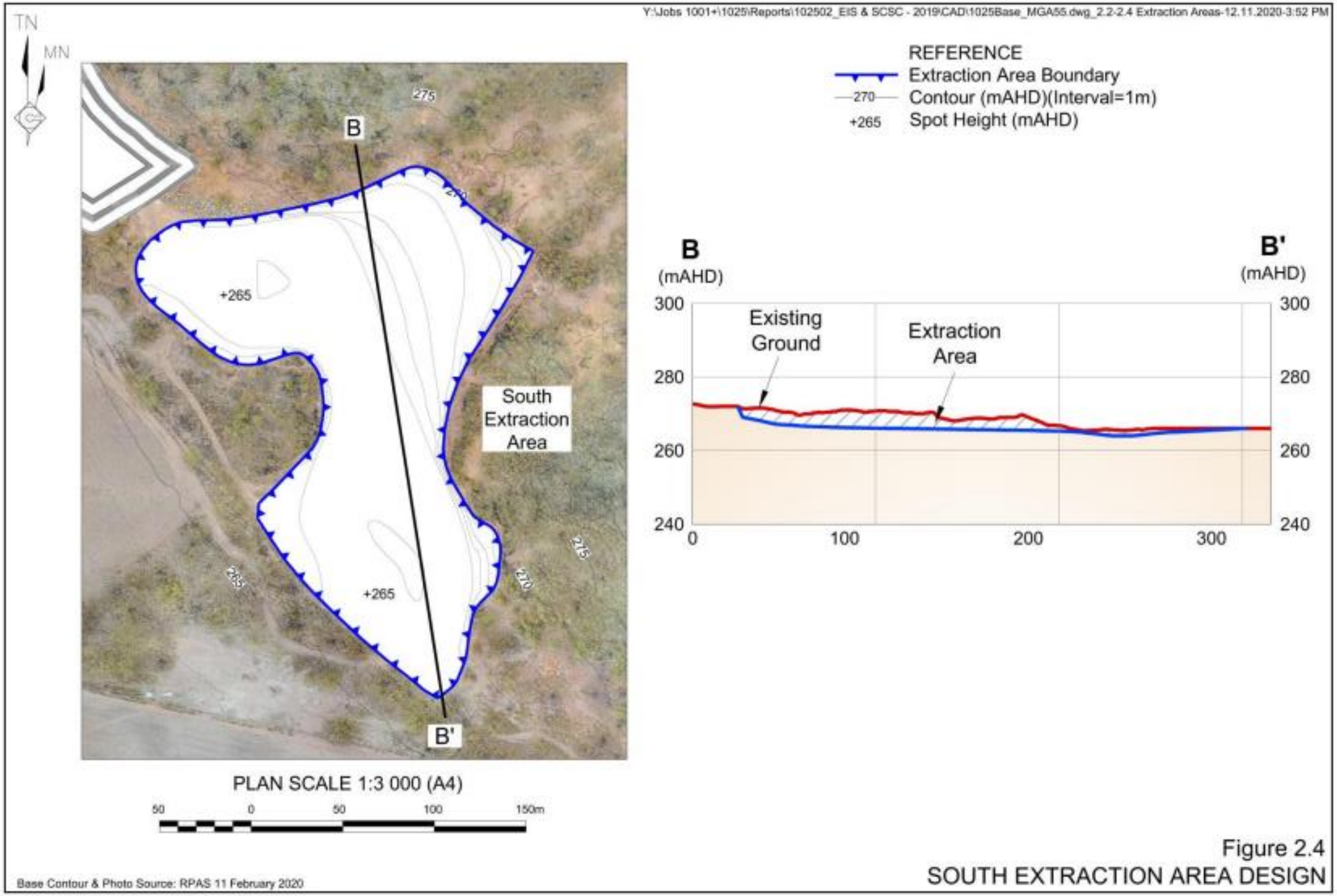


Figure 2.4
SOUTH EXTRACTION AREA DESIGN

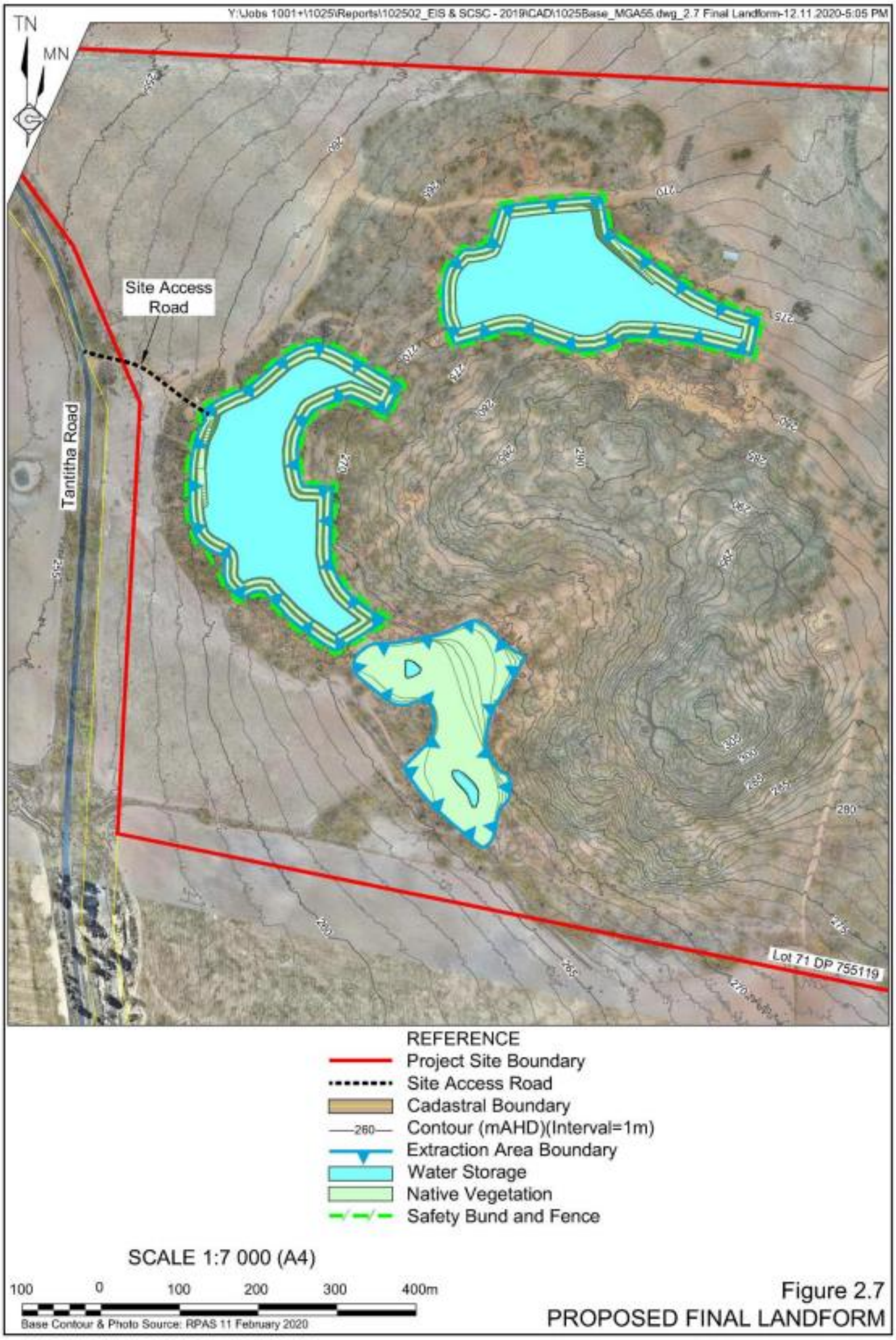


Figure 2.7
PROPOSED FINAL LANDFORM

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