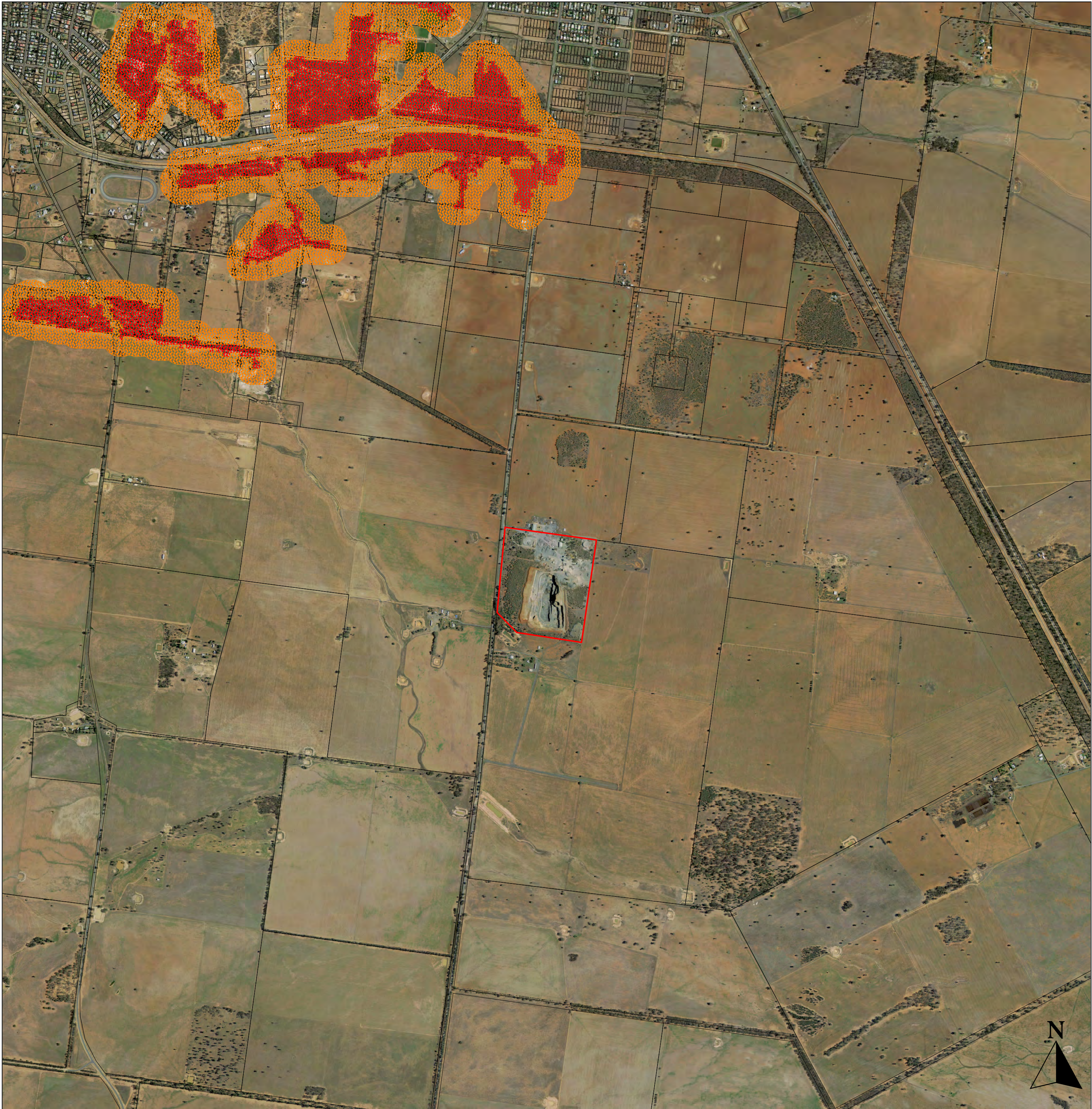


ATTACHMENT A

BUSHFIRE PRONE LAND MAP




DA2020/0004


Bushfire Prone Land


26 May 2020

LEGEND

 Subject Site

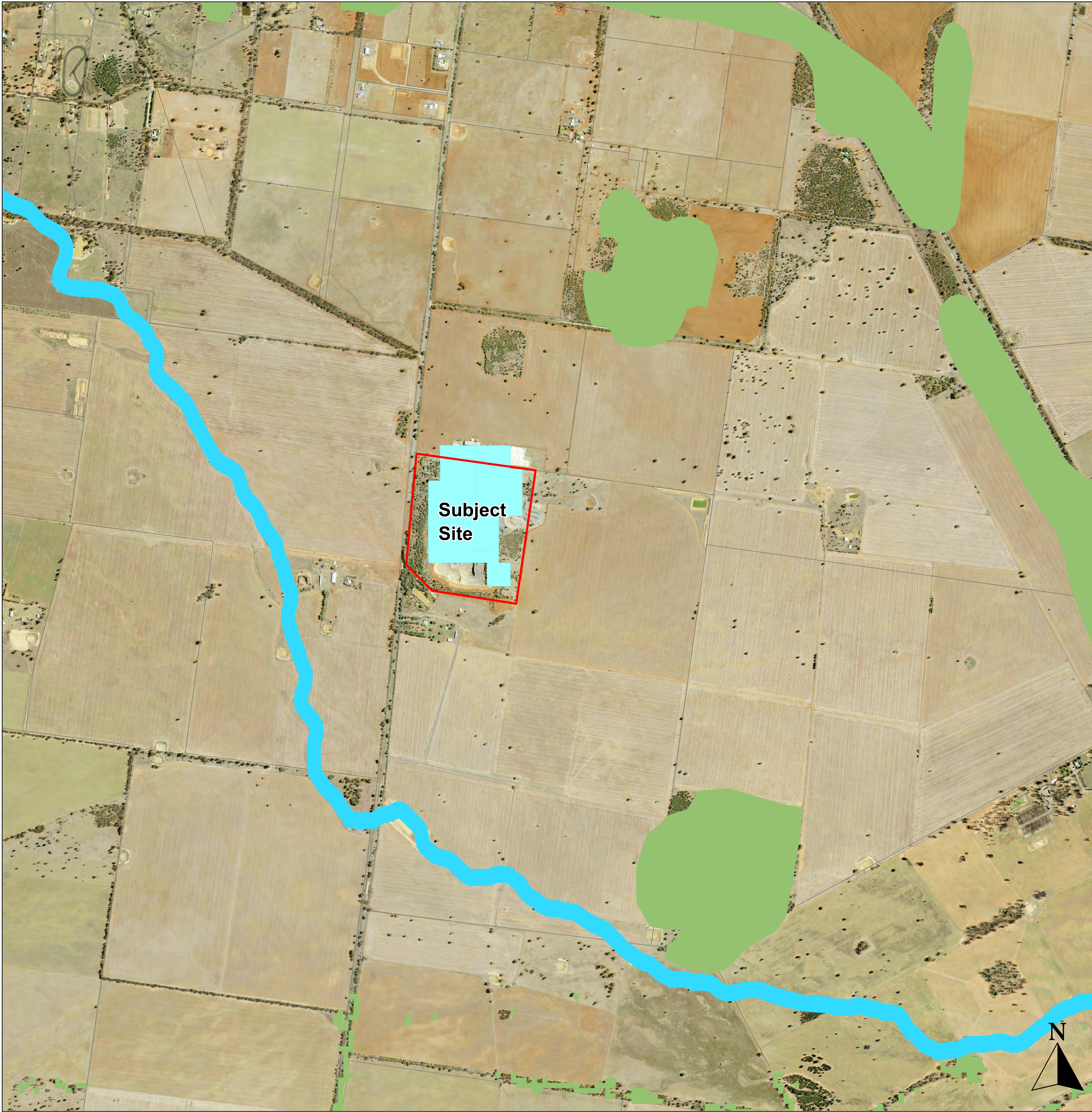
Bushfire Prone Land Mapping

 Buffer

 Vegetation Category 1

ATTACHMENT B





ADDITIONAL LOCAL PROVISIONS MAP



DA2020/0004

Additional Local Provisions
Map

12 May 2020

- LEGEND
Additional Local Provisions
-  Wetlands
 -  Water
 -  Groundwater
 -  Biodiversity



ATTACHMENT C

SENSITIVE RECEIVERS MAP



DA2020/0004

Sensitive Receivers

26 May 2020

Note
R1 is associated with the development
R2 is abandoned/derelict

ATTACHMENT D

DRAFT CONDITIONS OF CONSENT

DRAFT CONDITIONS OF CONSENT

PART A - ADMINISTRATIVE CONDITIONS

General

1. The development must be carried out in accordance with the Environmental Impact Statement prepared by Umwelt Environmental and Social Consultants and dated March 2020, except where amended by other conditions of this development consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

Annual Contribution for Road Maintenance

2. The Applicant shall enter into a Planning Agreement with Bland Shire Council pursuant to section 93F of the Environmental Planning and Assessment Act 1979 of for the payment of an annual fee of \$7,000 to Bland Shire Council on the anniversary of the current application being considered in lieu of section 94 payments relating to Section 94 contributions.

All costs associated with the preparation and registration of the abovementioned planning agreement upon title is to be at full cost to the applicant.

PART B – ENVIRONMENTAL PROTECTION AUTHORITY CONDITIONS

General Terms of Approval

3. The proponent is to fully comply with the General Terms of Approval, as issued by the Environment Protection Authority NSW are to be taken as conditions of consent under this approval. The proponent is to fully comply with the General Terms of Approval, as issued. A copy of the General Terms of Approval is attached at Appendix A of this Notice of Determination.

PART C – DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT–BIODIVERSITY AND CONSERVATION DIVISION CONDITIONS

Ecosystem Credit Retirement

4. Prior to the issue commencement of works the class and number of ecosystem credits in Table C.1 must be retired to offset the residual biodiversity impacts of the development.

5. The requirement to retire credits in condition 3 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator.
6. Evidence of the retirement of credits or payments to the Biodiversity Conservation Fund in satisfaction of condition 3 must be provided to Council prior to commencement of works.

Table C.1 Ecosystem credits required to be retired – like for like

Impacted plant community type	No. of Ecosystem Credits	IBRA Subregion	Plant community type(s) that can be used to offset the impacts from development
White Cypress Pine open woodland of sand plains, prior streams and dunes mainly of the semi-arid (warm) climate zone.	16	Lower Slopes	PCT 28

Species Credit Retirement

7. Prior to commencement of works the class and number of species credits in Table C.2 must be retired to offset the residual biodiversity impacts of the development.
8. The requirement to retire credits outlines in condition 6 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator.
9. Evidence of the retirement of credits or payments to the Biodiversity Conservation Fund in satisfaction of Table C.2 requirements must be provided to the consent authority prior to the commencement of works.

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

Impacted species credit species	Number of species credits	IBRA Subregion
<i>Swainsona sericea</i> (Silky Swainson-pea)	16	Anywhere in NSW

Biodiversity Management Plan

10. Prior to the commencement of work, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority consistent with s5.1 of the Biodiversity Development Assessment Report. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.
11. The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans. The applicant shall provide shape files and vegetation data consistent with Table 25 and Table 26 of the Biodiversity Assessment Method before commencement of works.

12. The Biodiversity Management Plan must identify areas of native vegetation that are to be retained as outlined in the BDAR.
13. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.
14. The Biodiversity Management Plan must identify all measures proposed in s5.1 of the BDAR to mitigate and manage impacts on biodiversity outlined in Table C.3, including performance measures for each commitment.

Table C.3 Statement of Commitments to mitigate and manage biodiversity impacts

Biodiversity Issue	Measure	Timing	Responsibility
Exclusion fencing	Fencing installed in accordance with s5.1 of the BDAR	During expansion phase	Operator
Install signage	Signage installed in accordance with s5.1 of the BDAR	During expansion phase	Operator
Stockpile management	Stockpiles are to be located in accordance with s5.1 of the BDAR	Operation	Operator
Parking and machinery storage management	Parking and machinery management is to take place in accordance with s5.1 of the BDAR.	Operation	Operator
Biosecurity measures to reduce weed encroachment	Vehicles entering the site are to be free weed seeds in accordance with s5.1 of the BDAR	Operation	Operator
Access to vegetation clearance area	Vehicles are to enter the vegetation clearance area in accordance with s5.1 of the BDAR	Operation	Operator
Mulching	Native vegetation that is cleared from the site is to be mulched in accordance with s5.1 of the BDAR	Operation	Operator
Dust generation	Dust generation is to be managed in accordance with s5.1 of the BDAR	Operation	Operator
Sediment and erosion control measures	Sedimentation and erosion control is to be undertaken in accordance with s5.1 of the BDAR.	During expansion phase	Operator
Vegetation preclearance surveys	Surveys are to be undertaken in accordance with s5.1 of the BDAR	During expansion phase	Operator
Bush rock relocation	Bush rock and boulders are to be managed in accordance with s5.1 of the BDAR	During expansion phase	Operator

Aboriginal Culture Heritage

15. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- a) not further harm the object
- b) immediately cease all work at the particular location
- c) secure the area so as to avoid further harm to the Aboriginal object
- d) Notify the Department of Planning, Industry and Environment as soon as practical on 131 555, providing any details of the Aboriginal object and its location
- e) Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorized access and NSW Police and the Department of Planning, Industry and Environment contacted.

PART D – TRANSPORT FOR NSW CONDITIONS

16. The proponent shall prepare and implement a Transport Management Plan, in consultation with Council and Transport for NSW to outline measures to manage traffic related issues associated with the operation of the quarry and the transport of quarried material. This plan shall detail the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. It shall address, but not be limited to:

- a) measures to address restrictions on haulage during periods of low visibility eg heavy rain periods or fog etc, along the haulage route,
- b) measures to ensure that dust and loose surface road material generated by traffic activities on and access the subject site do not cause nuisance or hazard to traffic on the public road network,
- c) measure to ensure that all loaded vehicles entering or leaving the site are covered, and are cleaned of materials that may fall onto public roads,
- d) details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry.
- e) measures to ensure that the provisions of the Traffic Management Plan are implemented and complied with.

17. The quarry operator shall maintain accurate records of the extraction quantities and traffic movement to and from the subject site. These records shall be kept on site and be available for inspection at the request of either of the Consent Authority or Transport for NSW.

18. Works associated with the proposed development shall be at no cost to Transport for NSW.

PART E – OPERATIONAL CONDITIONS

Hours of Operation

19. The approved hours of operation are:

On-site Activities (extraction, processing and loading) ¹	
Monday to Friday	7.00 am to 6.00 pm
Saturday	7.00 am to 3.00 pm
Sunday	No operation
Note 1	Toolbox meetings, pre-start inspections or other activities not involving mobile equipment operations may be undertaken prior to 7.00 am

Blasting	
Monday to Friday	9.00 am to 5.00 pm
Saturday	No operation
Sunday	No operation

Transportation	
Monday to Friday	6.00 am to 6.00 pm ²
Saturday	6.00 am to 3.00 pm ²
Sunday	No operation
Note 2	Pre-loaded trucks exiting the Quarry or unladen trucks arriving.

Amenity

20. The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, dust, wastewater, waste products and/or oil.

PART F – 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 94 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.

PART G – GENERAL ADVICE

LAPSING OF DEVELOPMENT CONSENT

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

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within twelve (12) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

REVIEW OF DETERMINATION

An applicant may request the Council to review this determination within one (1) year 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.

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.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or

- a determination in respect of integrated development, or
- a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.

APPENDIX A

EPA General Terms of Approval

General Terms of Approval - Issued



Notice No: 1594277

Attachment 'A'

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 No 2020/0004 submitted to Bland Shire Council and referred to the EPA on 31 March 2020; and
- The Environmental Impact Statement titled "*Wyalong Quarry Expansion Project*" prepared by Umwelt and dated March 2020.

A2. Fit and Proper Person

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

A3. Scheduled Activities

A3.1 Extractive activities and crushing, grinding or separating.

A4. Fee Based Activity

A4.1 Extractive activities - more than 100,000 tonnes but not more than 500,000 tonnes per annum.

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 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.

L2.2 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.

General Terms of Approval - Issued



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L3. Noise limits

L3.1 Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40dB(A) during the day time period (7.00am to 6.00pm) and 35dB(A) at all other times.

L3.2 Noise from the premises is to be measured at the nearest affected sensitive receptor not associated with the development to determine compliance with this condition.

L4. Hours of operation and construction

L4.1 The premises must only undertake quarrying activities between:

- 7.00am to 6.00pm Monday to Friday; and
- 7.00am to 3.00pm Saturdays; and
- At no time on Sundays or public holidays.

L4.2 All construction work at the premises must only be conducted between 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. No construction is to be undertaken on Sundays and public holidays.

The hours of construction may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L5. Extraction limit

L5.1 The total volume of material extracted at the premises in any 12 month period must not exceed 250,000 tonnes.

L6. Excavation limit

L6.1 The excavation of material at the premises must be limited to:

- Lot 51 DP 749271; and
- The maximum extent detailed in Figure 2.2 of the Environmental Impact Statement titled 'Wyalong Quarry Expansion Project' dated March 2020 and kept on EPA file DOC19/676173; and
- To a maximum depth of 218 metres AHD.

L7. Processing limit

L7.1 The total volume of material processed by crushing, grinding or separating at the premises in any 12 month period must not exceed 250,000 tonnes.

L8. Blasting

L8.1 The overpressure level from blasting operations on the premises must not:

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

L8.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

- Exceed 5 millimetres per second (mm/s) for more than 5% of the total number of blasts over a period of 12 months; and

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- Exceed 10mm/s at any time, when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

L8.3 Blasting operations on the premises may only take place between 9.00am to 5.00pm Monday to Friday.

L8.4 Blasting at the premises is limited to 1 blast per day, with a maximum of 12 blasts in any 12 month period.

Operating conditions

O1. Odour

O1.1 No condition of these general terms of approval identifies a potentially offensive odour from the premises for the purpose of section 129 of the *Protection of the Environment Operations Act 1997* (POEO Act).

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

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 All plant and activities must be managed to prevent the emission of dust from the premises including the application of water as detailed in the Air Quality section of Table 6.1 of the Environmental Impact Statement titled '*Wyalong Quarry Expansion Project*' dated March 2020 and kept on EPA file DOC19/676173.

O3. Controlled drainage area

O3.1 All quarry operations including haul roads, stockpiles, crushing and screening operations and loading areas must be designed to direct stormwater to retention dams or the excavation pit.

O4. Primary crusher hopper

O4.1 The primary crusher hopper must be enclosed with cladding to minimise noise impacts

Monitoring and recording conditions

M1 Monitoring records

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

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

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and

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- Produced in a legible form to any authorised officer of the EPA who asks to see them.

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

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

Reporting conditions

R1 Annual returns

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

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Attachment 'B'

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

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

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

Period covered by Annual Return

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

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

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

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

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

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

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

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Deadline for Annual Return

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

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

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

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

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

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

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

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

General conditions

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

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

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

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

ATTACHMENT E
AGENCY RESPONSES

Our ref: DOC20/265825
Senders ref: DA2020/0004

Ms Lesley Duncan
Manager
Development and Regulatory Services
Bland Shire Council
PO Box 21
WEST WYALONG NSW 2671

Via Concurrence & Referral Portal CNR-2033

27 April 2020

Dear Ms Duncan

Subject: Quarry Expansion – 331 Wargin Road, Wyalong – DA2020/0004 (amended)

The above development application was referred via the NSW Planning Portal on 31 March 2020 to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department).

BCD has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal cultural heritage and flooding.

We have reviewed the amended EIS. Comments on the proposed development as varied are provided in **Attachment A**.

The biodiversity credit obligation generated by the amended Biodiversity Development Assessment Report (BDAR) provides an appropriate offset for the harm caused by the development. We recommend that Council refer to the 'Guidance on preparing conditions of consent from the Biodiversity Development Assessment Report' to prepare the conditions of consent regarding credit obligations.

We highlight that the applicant has not sought a discount to the credit obligation. The credit obligation in the amended BDAR is less than that generated by the original application because the amended proposal impacts a smaller patch of native vegetation and that native vegetation is of lower integrity.

With regard to Aboriginal cultural heritage (ACH), we are satisfied with the assessment given no Aboriginal objects or areas of archaeological potential were identified during the survey, and the prior soil disturbance from the quarry and land use history. We provide a recommended condition if development consent is granted to ensure compliance with legislation to protect Aboriginal sites and objects in NSW and ensure that no additional harm is caused if ACH is encountered.

If you have any questions regarding this matter, please contact Marcus Wright, Senior Conservation Planning Officer on 02 6983 4917 or via rog.southwest@environment.nsw.gov.au.

Yours sincerely



Andrew Fisher

Senior Team Leader Planning

South West Branch

Biodiversity and Conservation Division

Department of Planning, Industry and Environment

ATTACHMENT A – Detailed comments on Quarry Expansion, 331 Wargin Road, Wyalong - DA2020/0004 (amended)

ATTACHMENT A – Detailed comments on Quarry Expansion, 331 Wargin Road, Wyalong - DA2020/0004 (amended)

Biodiversity

Our previous response issued 10 September 2019 concurred that the EIS, including the BDAR, was consistent with the SEARs relating to biodiversity. The new proposal will impact biodiversity to the east of the existing quarry more than the original proposal, which had a greater impact on the west side.

The biodiversity credit obligation generated by the amended BDAR (Biosis, 4 March 2020) provides an appropriate offset for the harm caused by the development.

Although the request to BCD via the Concurrence & Referral Portal stated that 'Council does not support a proposal to reduce the offset credits required under the application's Biodiversity Assessment Report', we highlight that the applicant has not sought a discount in the credit obligation. We would note that there are two reasons for the credit obligation in the amended BDAR being less than that generated by the original assessment:

- i. the amended proposal impacts a smaller patch of native vegetation
- ii. the amended proposal impacts native vegetation that has demonstrated lower vegetation integrity via the Biodiversity Assessment Method (BAM).

We are satisfied that the amended BDAR is an appropriate assessment of that change in impact and that the BOS credit obligation calculated is a reasonable mitigation to the harm caused by the proposal.

Biodiversity Development Assessment Report (BDAR)

1. According to Schedule 10 (Table 25) of the BAM, the applicant should provide Council with digital shape files of all maps and spatial data. This enables ratification and recording of the plot data, habitat loss and various other information inherent in the BDAR. Council should ensure that the data provided is consistent with Table 25 of the BAM. It is **not** evident that Council has been provided with digital shape files of all maps and spatial data. Council should seek that information from the applicant if for no other reason but to enhance its own knowledge of the threatened species in Bland Shire.
2. The cadastre is **not** mapped consistent with s4.2.1.1(ii) of the BAM.
3. We recommend that a strategy for mitigating and managing impacts on biodiversity values be required from the applicant, consistent with section 9.3 of the BAM. Section 5.4 of the BDAR suggests such a strategy is not required, but justification is limited to the uncertain impacts listed in section 9.4 of the BAM. The applicant should be guided by section 9.3 of the BAM when preparing the strategy to mitigate biodiversity impacts. We recommend that this strategy take the form of a Biodiversity Management Plan consistent with the *Guidance for Local Government on Preparing Conditions from the BDAR* referred to below. Examples are the model consent conditions 2.21 to 2.25 inclusive.
4. The Biodiversity Offsets and Agreement Management System (BOAMS) is used by participants, the NSW Government and the Biodiversity Conservation Trust to administer the BOS. All BDARs **must** to be registered in BOAMS so as to record the various elements of the report including the generation of Biodiversity Offset Credits. Council **must** review the BDAR in BOAMS to ensure that the harm caused by the development is appropriately offset. The BDAR relating to Quarry Extension at 331 Wargin Road Wyalong is listed in BOAMS as Assessment Number 00015379. The BDAR reflects the various elements appropriately. The credit calculation and the total cost of credits is recorded appropriately in BOAMS.
5. The credit obligation may be met through retirement of biodiversity credits or payment to the Biodiversity Conservation Fund. Section s7.13(5) of the BC Act requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out. Model conditions of consent have been designed to require satisfaction

of offset obligations before the issue of a subdivision or construction certificate:
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-for-local-govt-preparing-conditions-of-consent-from-bdar-190296.pdf>

Aboriginal cultural heritage

In regards to Aboriginal cultural heritage (ACH) assessment, the report 'Wyalong Quarry Expansion Aboriginal Due Diligence Assessment', prepared by Biosis for EnviroAg Australia Pty Ltd (dated 2 May 2019) was provided along with a summary of findings in the EIS section 5.8.1. The key finding of the assessment was that a search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 12 May 2019 and identified no Aboriginal sites or places recorded within the proposal area.

The quarry site was subject to an investigation by an archaeologist on 15 April 2019 with a focus on areas of the proposed quarry expansion. The site inspection did not identify any Aboriginal sites or areas of archaeological potential due to ground disturbance from quarry activities. The report recommended that no further assessment was required with stop work provisions should any Aboriginal cultural heritage be identified during works.

The Department previously reviewed the Biosis report and confirmed it met the SEARs specific to this project. We are satisfied with the assessment for ACH given no Aboriginal objects or areas of archaeological potential were identified during the field survey and the prior soil disturbance from the quarry and land use history.

We recommend including the following condition if development consent is granted to ensure compliance with legislation in place to protect Aboriginal sites and objects in NSW and ensure that no additional harm is caused if ACH is encountered:

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- *Not further harm the object*
- *Immediately cease all work at the particular location*
- *Secure the area so as to avoid further harm to the Aboriginal object*
- *Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location*
- *Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.*

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department of Planning, Industry and Environment contacted.



DOC19/676173-13

The General Manager
Bland Shire Council
PO Box 21
WEST WYALONG NSW 2671

Attention: Lesley Duncan

Dear Mr Smith

Re Development Application No 2020/0004

I refer to the development application received on 31 March 2020 by the Environment Protection Authority (EPA) from Bland Shire Council for the proposed expansion of the hard rock quarry at Lots 51 and 52 DP 749271 and Lot 24 DP 750617 331 Wargin Road Wyalong.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the development application and supporting Environmental Impact Statement we can issue our General Terms of Approval (GTA) for the proposed quarry expansion.

The GTA provided at Attachment 'A' are conditions that relate to the development as proposed in the documents and information provided by council. Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should council grant development consent for this proposal we recommend that these conditions are incorporated into the consent.

If the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by council, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

Should development consent be granted it will also be necessary for the applicant to apply to the EPA for a variation of Environment Protection Licence No 1379 consistent with the development application for the proposed expansion and our GTA.

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Griffith NSW riverina.farwest@epa.nsw.gov.au
2680 Australia

If you have any further enquiries about this matter please contact Jason Price by telephoning 6969 0700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

 5.5.2020

CRAIG BRETHERTON
Manager Regional Operations – Regulatory Operations
Environment Protection Authority

6 May 2020

The General Manager
Bland Shire Council
P.O. Box 21
WEST WYALONG NSW 2671

Attention: Lesley Duncan

DA2020/0004(1) (CNR-2033) – PROPOSED INCREASE IN QUARRY EXTRACTION LIMIT, WARGIN ROAD, WYALONG

I refer to your correspondence regarding the subject Application which was referred to Transport for NSW (TfNSW), formerly Roads and Maritime Services, for assessment and comment.

From the submitted documentation it is understood the proposal represents a modification to the existing quarry to increase to the maximum annual production rate up to 250,000 tonnes per annum from the quarry with a project life of up to 25 years. The current approvals for the existing quarry allow an annual production rate of 100,000 tonnes per annum. A revised Environmental Impact Statement (EIS) has been submitted, prepared by Umwelt (Australia) Pty Ltd dated March 2020. The revised EIS supersedes the EIS previously prepared by Enviroag (Australia) Pty Ltd in July 2019.

The subject site has frontage and access to Wargin Road which is a local road which intersects with the Newell Highway approximately 3.5km north of the site. The intersection of Wargin road and the Newell Highway is within the urban area of Wyalong within a 50km/h speed zone. From the documentation provided, it appears that the bulk of the traffic generated by the proposal will gain access to the classified road network via Wargin Road and its intersection with the Newell Highway. This intersection is a 4 way intersection which has sufficient width to allow through traffic to manoeuvre around vehicles turning from the highway. The proposed extraction rate will result in 54 truck movements per day which is an increase of 32 movements per day compared with current operations.

It is considered that the current configuration of the intersection of the Newell Highway with Wargin Road is appropriate to accommodate the additional traffic proposed to be generated by the expanded development subject to implementation of, and adherence to, an appropriate driver protocol which should be documented in a Transport Management Plan.

Additionally, to promote road safety and the efficient operation of the road system it may be appropriate for Council to consider the standard of construction and location of any access driveway to the development site from the local road network. Any driveway to Wargin Road should be appropriately designed and delineated to accommodate the largest vehicle likely to access the development.

The Newell Highway is a Classified Road under the provisions of the Roads Act. TfNSW is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety and efficiency of the road network. As the proposed access to the development site from the local road network is within a 100 km/h speed zone and due to the potential impact of traffic generated by the development on the classified road network, the following conditions are proposed for road safety reasons.

TfNSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved);

1. The Proponent shall prepare and implement a Transport Management Plan, in consultation with Council and Transport for NSW to outline measures to manage traffic related issues associated with the operation of the quarry and the transport of quarried material. This plan shall detail the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. It shall address, but not necessarily limited to;
 - measures to address restrictions on haulage during periods of low visibility eg heavy rain periods or fog etc, along the haulage route,
 - measures to ensure that dust and loose surface road material generated by traffic activities on and accessing the subject site do not cause nuisance or hazard to traffic on the public road network.
 - measures to ensure that all loaded vehicles entering or leaving the site are covered, and are cleaned of materials that may fall onto public roads,
 - details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry,
 - measures to ensure that the provisions of the Traffic Management Plan are implemented and complied with.
2. The quarry operator shall maintain accurate records of the extraction quantities and traffic movement to and from the subject site. These records shall be kept on site and be available for inspection at the request of either of the Consent Authority or Transport for NSW.
3. Works associated with the proposed development shall be at no cost to Transport for NSW.

Further to the above Council in determining this application may also give consideration to the following for road safety reasons;

1. Any driveway is to be located and maintained so as to comply with the required sight distance criteria at the intersection in either direction in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
2. As a minimum the access driveway is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
3. Where the driveway is to a sealed road any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the Austroads Guide to Road

Design. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.

4. Any entry gate shall be located at least 30m from the carriageway of Wargin Road or at the property boundary whichever is the greater. This is to allow for standing of large vehicles if gates are to be opened in order to gain access to the site.
5. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of the public road. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.
6. Any Damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use, TfNSW (South West Region), Maurice Morgan, phone (02) 6923 6611.

Please forward a copy of the Notice of Determination for this Development Application to the Land Use -TfNSW at the same time as advising the applicant.

Yours faithfully



Per:
Lindsay Tanner
Director South West