

ROCKWOODS

INVESTMENT GROUP

ABN: 68 087 935 313

Statement of Environmental Effects

for the

Strontian Quarry

MOD1 Biodiversity Offsetting Obligations



Prepared by:

RWCorkery&co

May 2023



ACKNOWLEDGEMENT

R.W. Corkery & Co. acknowledge and pay our respects to the Traditional Custodians of the lands comprising NSW and Australia on which our projects are located. We appreciate the knowledge, advice and involvement of the Elders and extended Aboriginal community that contribute to our Projects and extend our respect to all Aboriginal and Torres Strait Islander peoples.



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Prepared for:

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May 2023

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1. Introduction

1.1 Scope

This *Statement of Environmental Effects* (SoEE) has been prepared by R.W. Corkery & Co. Pty Ltd (RWC) on behalf of Rockwoods Investment Group Pty Ltd (“Rockwoods”) to support an application to modify Development Application (DA) 050-2020-2021 (**Appendix 1**) for the Strontian Quarry (“the Quarry”).

Rockwoods is seeking the following modifications to DA 050-2020-2021.

- Modify Condition 2 to reference the 2023 Statement of Environmental Effects prepared by RWC (this document).
- Modify Condition 11 to:
 - permit the staging of biodiversity offsetting obligations to allow for the progressive clearing of native vegetation and expansion of operations; and
 - permit updates to the Biodiversity Assessment Methodology (BAM) Case, in consultation with the Environment, Energy and Science (EES) Group within the Department of Planning and Environment (DPE), to reflect the outcomes of additional targeted surveys.

The proposed modifications are being made under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It is considered that, should the modification application be approved, the development, as modified, would remain substantially the same development as that originally approved under DA 050-2020-2021. The proposed modifications would have minimal additional environmental impact compared to what is currently approved.

1.2 Background

Rockwoods is seeking to modify DA 050-2020-2021 to introduce flexibility to the offsetting requirements for the Project. The principal driver behind the decision to seek a modification is a dramatic increase in biodiversity credit prices since the time the BAM Case was finalised in 2021.

To this end, Rockwoods has engaged OzArk Environment and Heritage Pty Ltd (OzArk) to complete additional targeted surveys for the following species which were not undertaken as part of the original survey effort.

- A spear-grass (*Austrostipa metatoris*)
- A spear-grass (*Austrostipa wakoolica*)
- Eastern Pygmy-possum (*Cerartetus nanus*)
- Winged Peppergrass (*Lepidium monoplocides*)
- Squirrel Glider (*Petaurus norfolcensis*)

- *Tylophora linearis*
- Oaklands Diuris (*Diuris sp.*)

It is noted that Rockwoods originally opted to “assume presence” for these species due to the low cost of the credits and the substantial costs associated with the targeted surveys. It is considered that completing targeted surveys for the above species will provide a more accurate representation of on-site biodiversity values and provide for the possibility that some or all of these species may prove to be absent. Targeted surveys are expected to be completed in December 2023.

Rockwoods is also seeking to introduce flexibility to DA 050-2020-2021 to allow for offset obligations to be staged thereby allowing for the progressive expansion of operations and native vegetation clearing within the Quarry Site. This would allow for the costs associated with offsetting to be staged in a manner which would ensure that operations remain financially viable. It is anticipated that the staging for offsetting and vegetation clearing would be undertaken in consultation with the EES Group and would reflect optimal outcomes for both operations and biodiversity values.

1.3 The Applicant and the Quarry Site

1.3.1 The Applicant

The Applicant is Rockwoods Investment Group Pty Ltd, a wholly owned subsidiary of PA Woods & Co Pty Ltd, which is a private company owned and operated by Brett and Chris Woods.

1.3.2 The Quarry Site

The Quarry Site is located approximately 11km southeast of Narrandera and is accessed via Strontian Road, approximately 250m south of its intersection with the Sturt Highway (see **Figure 1**). The approved Quarry Site layout is presented in **Figure 2**.

The Quarry Site is located on Crown Land and operated by E.B. Mawson & Sons Pty Ltd trading as Milbrae Quarries, Concrete and Mining Services (Milbrae). Milbrae is one of a group of subsidiary companies operated by E.B. Mawson & Sons Pty Ltd centred around the provision of quarry products and mobile crushing services, as well as a range of ready-mix and precast concrete products.

1.4 Existing Approvals and Operations

1.4.1 Existing Approvals

The Quarry is operated in accordance with the following approvals.

- DA 050-2020-2021 issued by Narrandera Shire Council on 24 August 2021.
- Environment Protection Licence (EPL) 21781 issued by the Environment Protection Authority (EPA) on 24 February 2023.

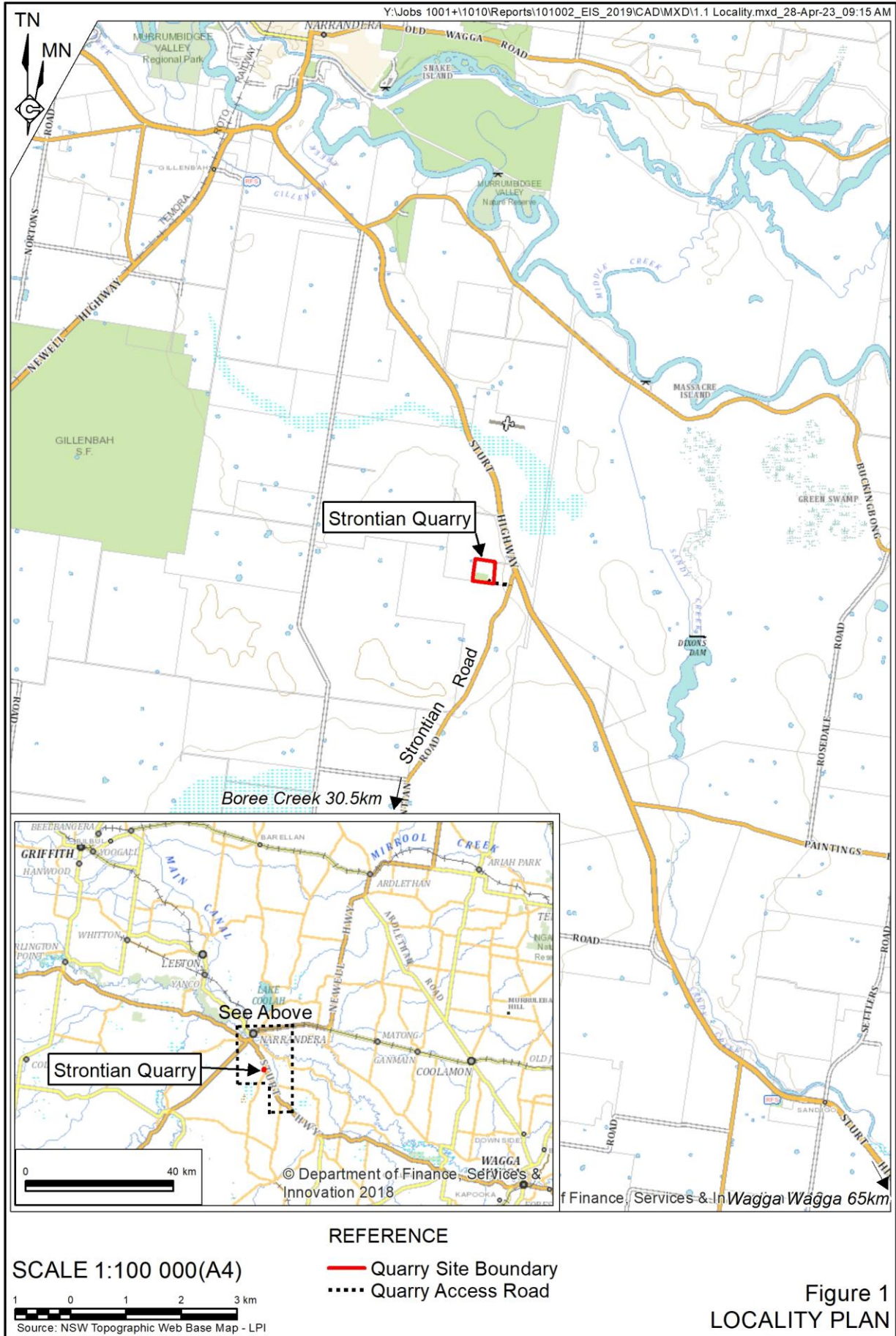


Figure 1
 LOCALITY PLAN

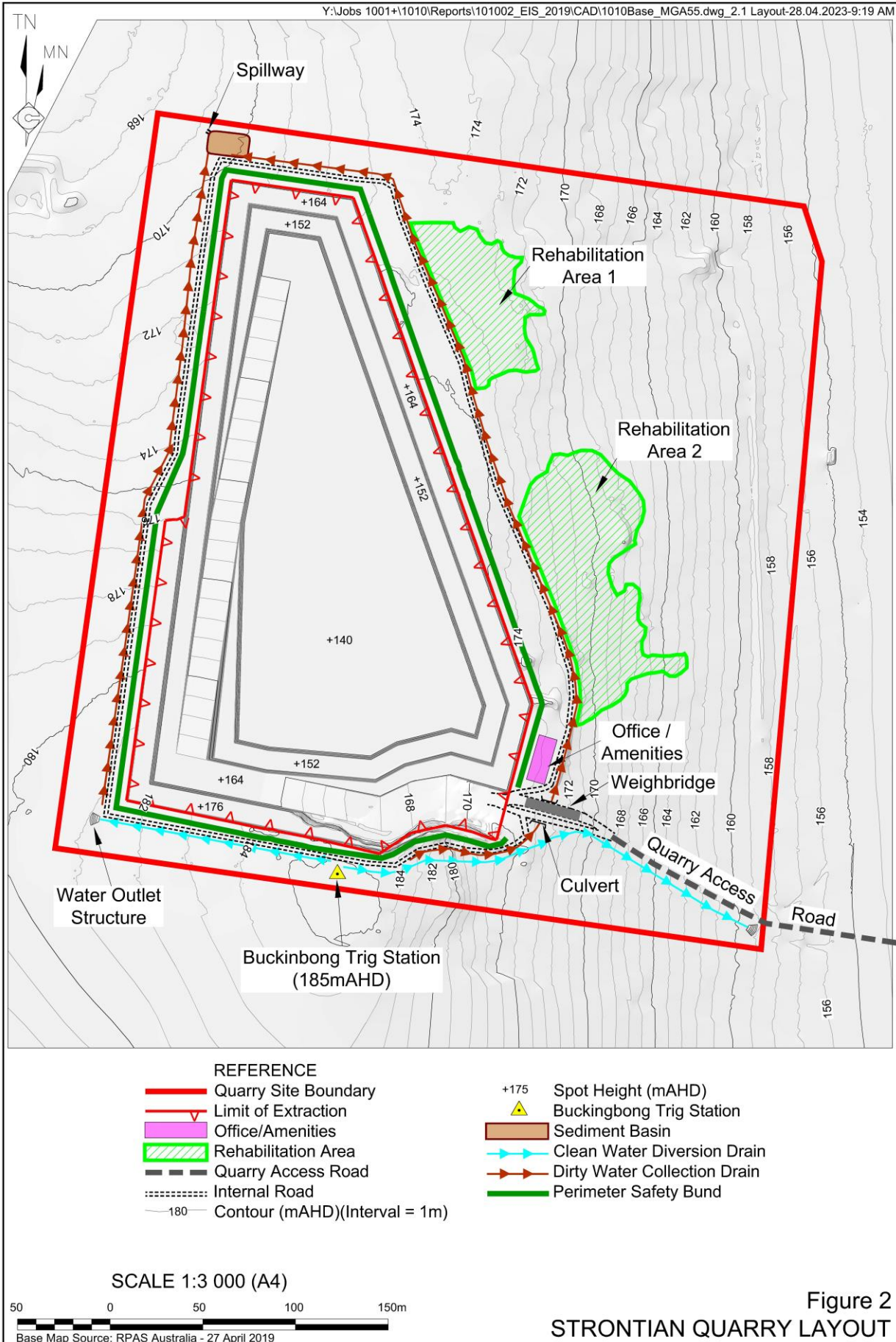


Figure 2
STRONTIAN QUARRY LAYOUT

1.4.2 Existing Operations

The Quarry currently operates under DA 050-2020-2021 which was issued on 24 August 2021 and allows for the following activities.

- The extraction of 125 000 tonnes per annum of raw materials from within the approved extraction area.
- Importation of up to 1 500tpa of concrete washout and other construction materials for recycling and incorporation in products produced within the Quarry.
- Crushing and screening of fragmented rock and imported materials on site using a mobile processing plant.
- Ongoing transportation of up to 125 000tpa of Quarry products to end points of use within the Narrandera Shire LGA and the broader Riverina Region.
- Ongoing employment of local personnel.

Progressive and final rehabilitation of the Quarry to develop a final landform suitable for biodiversity conservation and grazing.

Further detail regarding the existing approved Quarry operations is presented in the *Environmental Impact Statement for Strontian Quarry* (EIS) (RWC, 2021).

1.5 Management Of Investigations

This document has been prepared by Mr Caiden O'Connor B.Sc. (Geology) (Senior Environmental Consultant) and Ms Leilani Banerjee B.Sc (Earth Sciences) (Graduate Environmental Consultant) of R.W. Corkery & Co. Pty Limited.

2. Description Of Proposed Modification

2.1 Introduction

Rockwoods is seeking the following modifications to DA 050-2020-2021.

- Modify Condition 2 to reference the Statement of Environmental Effects prepared by RWC in 2023 (this document).
- Modify Condition 11 to:
 - permit the staging of biodiversity offsetting obligations to allow for the progressive clearing of native vegetation and expansion of operations; and
 - permit updates to the Biodiversity Assessment Methodology (BAM) Case, in consultation with the EES Group within DPE, to reflect the outcomes of further targeted surveys.

The following subsections provide a detailed description of the approvals required and the proposed modifications. **Table 1** presents a comparison of key components of the approved Project against the modified Project.

Table 1
Modified Project Summary Table

Element	Approved Project	Modified Project
Project Components		
Disturbance Area	7.6ha	No change
Extraction Depth	140m AHD	No change
Total Resource	2.97Mt	No change
Activities and Equipment		
Duration of Approval	30 years	No change
Method of Extraction	Drill & blast	No change
Maximum Annual Sales Level	125,000t	No change
Daily Truck loads	48	No change
Processing Operations	Mobile equipment	No change
Biodiversity Offset Obligations		
Ecosystem Credits (total)	26	Flexibility to allow for changes to the BAM Case as a result of additional targeted surveys.
Species Credits (total)	115	Flexibility to allow for changes to the BAM Case as a result of additional targeted surveys.
Biodiversity Offset Staging	All credits to be offset prior to any vegetation clearing.	Retirement of credits to be staged with credits from within each stage to be retired prior to the progression of disturbance in each nominal area.

2.2 Required Approvals

Minor modifications to the wording of the following conditions would be required as a result of the proposed modification (changes in red).

DA 050-2020-2021– Condition 2

Approved Plans and Documentation

The development shall be undertaken in accordance with the following documents and Conditions of Consent as follows:

Title/Plan no:	Ref no:	Prepared by:	Dated:
Environmental Impact statement for the Strontian Quarry	1010/2	R.W. Corkery & CO. PTY. Limited	March 2021
<i>Statement of Environmental Effects</i>	<i>1010/04</i>	<i>R.W. Corkery & Co. Pty Limited.</i>	<i>May 2023</i>
Landowners Consent	DOC21/032448	NSW Planning, Industry & Environment – Crown Lands	22 February 2021

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

REASON: To enable the construction of the buildings to be in accordance with the development approval. (Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended).

DA 050-2020-2021– Condition 11

Ecosystem Credit Retirement

1. Prior to the issue commencement of works, *unless otherwise agreed by the EES Group within the DPE*, the class and number of ecosystem credits in Table C.1 must be retired to offset the residual biodiversity impacts of the development.
2. The requirement to retire credits in condition 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator.
3. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of condition 1 must be provided to Council prior to commencement of works. *Confirmation from the EES Group within the DPE must be provided to Council if offsets and clearing are staged.*

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

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion	16	Lower Slopes subregion of the NSW South Western Slopes region	PCT 185
White Cypress Pine woodland on sandy loams in central NSW wheatbelt	1		PCT 70
Western Grey Box- White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverain Bioregion	9		PCT 80

Species Credit Retirement

4. Prior to commencement of works, *unless otherwise agreed by the EES Group within the DPE*, the class and number of species credits in Table C.2 must be retired to offset the residual biodiversity impacts of the development.
5. The requirement to retire credits outlined in condition 4 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator.
6. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of Table C.2 requirements must be provided to the consent authority prior to the commencement of works. *Confirmation from the EES Group within the DPE must be provided to Council if offsets and clearing are staged.*

Table C.2
Species Credit Requirements

Impacted species credit species	Number of species credits	IBRA Subregion
<i>Austrostipa metatoris</i> (A spear-grass)	1	Anywhere in NSW
<i>Austrostipa wakoolica</i> (A spear-grass)	23	
<i>Cerartetus nanus</i> (Eastern Pygmy-possum)	21	
<i>Diuris callitrophila</i> , <i>Diuris</i> sp. Oaklands, <i>D. L. Jones</i> 5380 (Oaklands Diuris)	32	
<i>Lepidium monoplocides</i> (Winged Peppergrass)	22	
<i>Petaurus norfolcensis</i> (Squirrel Glider)	15	
<i>Tylophora linearis</i>	1	

3. Planning Context

3.1 NSW Legislation

The following NSW legislation is relevant to the assessment of the proposed modification and is referenced throughout this document, where relevant.

- *Environmental Planning and Assessment Act 1979.*
- *Protection of the Environment Operations Act 1997.*
- *Biodiversity Conservation Act 2016*

Environmental Planning and Assessment Act 1979

The proposed modification to DA 050-2020-2021 is being sought under Section 4.55(1A) of the EP&A Act as the proposed modification would result in minimal environmental impacts and the development, as modified, would remain substantially the same as the development for which consent was originally granted.

Protection of the Environment Operations Act 1997

The Quarry operates under EPL 21781 which is managed under the *Protection of the Environment Operations Act 1997*. This act provides the environmental protection framework for regulation and reduction of pollution and waste in NSW. It is anticipated that no changes would be required to any conditions of EPL 21781 as a result of the modification.

Biodiversity Conservation Act 2016

The Project is approved to remove up to 7.6ha of native vegetation. This impact triggers the Biodiversity Offset Scheme and residual impacts to biodiversity values need to be offset in accordance with the BC Act. The proposed modification would not result in any additional impacts to biodiversity values.

3.2 Local Planning Context

Narrandera Local Environmental Plan 2013

The Narrandera Local Environmental Plan (LEP) was gazetted in 2013 and guides development in the Narrandera LGA by encouraging the proper management, development and conservation of natural resources and the built environment. The Quarry Site is located on land zoned RU1 – Primary Production under the existing LEP with extractive industries permissible with consent within this zone. The objectives of this zone described as follows.

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed modification would not limit the achievement of these objectives.

The Quarry Site comprises land mapped as “Biodiversity” (Clause 6.4) within the Narrandera LEP 2013. The objectives of Clause 6.4 within the Narrandera LEP are to maintain terrestrial biodiversity by:

- a) protecting native fauna and flora;
- b) protecting the ecological processes necessary for their continued existence; and
- c) encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposed modification would not limit the achievement of these objectives, as operations would remain consistent with existing approved operations. Existing management measures and operational controls as advised in the BDAR (OzArk, 2021) would continue to ensure that potential environmental impacts are avoided or mitigated as much as practically possible.

Narrandera Development Control Plan 2013

The *Narrandera Development Control Plan* (DCP) applies to all land within the *Narrandera Shire Local Government Area* as identified on the *Narrandera Local Environmental Plan 2013 Land Application Map*.

There are no specific controls in the DCP relating to development for extractive industry except for community notification requirements.

3.3 Statutory Context

Section 4.55(1A) of the EP&A Act permits modifications to approved development under Part 4 of the EP&A Act as long the requirements of that subsection of the Act are satisfied. It is considered that the proposed modifications satisfy Section 4.55(1A) of the EP&A Act. A detailed evaluation of the proposed modifications against the provisions of Section 4.55(1A) of the EP&A Act is provided in Section 5.2.

It is noted that a modification is not classified as Designated Development as it does not relate to the granting of consent. However, the consent authority remains the same as that which originally determined the application. That is, the consent authority for this modification application will be the **Western Regional Planning Panel**.

4. Assessment Of Environmental Impacts

Table 2 presents a summary of the objectives, safeguards and potential environmental effects for the general features of the environment.

Table 2
Summary of Environmental Safeguards and Effects

Page 1 of 2

Objectives	Safeguards / Procedures	Environmental Effects
Air Quality		
Activities are undertaken without exceeding the nominated air quality criteria	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	Given that no changes to existing activities are proposed it is anticipated that impacts to the existing air quality environment would continue to be negligible.
Noise		
All activities are undertaken in a manner such that noise emissions do not exceed intrusiveness criteria nor significantly impact on neighbouring landowners and/or residents	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	Given that no changes are proposed to existing activities or operating hours, the proposed modification would not result in any additional impacts on local amenity.
Traffic		
Transport operations are undertaken with minimal impact on other road users and residents	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	Given that no changes to existing activities are proposed it is anticipated that impacts to the existing road transport environment would continue to be negligible.
Water Resources		
Separate clean water and sediment-laden water catchments	The Applicant would progressively develop clean water diversion drains, dirty water collection drains and sediment basins prior to the removal of any vegetation.	The location of sediment and erosion control infrastructure may vary slightly from those nominated in the EIS to provide for optimal management of clean and dirty water, however, all infrastructure would remain within the existing approved limit of disturbance. No adverse effects on the surrounding environment are anticipated.
Capture of sediment-laden water flows from Proposal-related disturbance and prevention of uncontrolled discharge of sediment-laden water from the Site		
Ecology		
Avoid impacts on native flora and fauna	The Applicant would progressively clear vegetation in accordance with existing management and mitigation strategies.	The total area of vegetation / habitat to be disturbed would remain unchanged as a result of the modification. The progressive staging of offsets and clearing would not result in any additional residual impacts to biodiversity values.
Minimise or mitigate unavoidable impacts on native flora and fauna		

Table 2 (Cont'd)
Summary of Environmental Safeguards and Effects

Page 2 of 2

Objectives	Safeguards / Procedures	Environmental Effects
Heritage		
Minimise the potential for adverse Proposal-related impacts on Aboriginal and non-Aboriginal heritage values.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon heritage values are anticipated.
Land Capability and Soils		
Prevent excessive soil deterioration during stripping and transportation	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon surrounding land uses are anticipated.
Maximise the viability of soil resources for site rehabilitation		
Visual Amenity		
Reduce the impact of the Proposal on the visual amenity from public vantage points.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon visual amenity are anticipated.
Social and Economic		
Minimise impacts on members of the local community	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse social or economic effects are anticipated.

5. Evaluation and Justification

5.1 Introduction

Evaluation of the proposed modification is presented through consideration of:

- Section 4.55(1A) of the EP&A Act in relation to the permissibility of modifications to development consent which involve minimal environmental impact;
- Section 4.15(1) of the EP&A Act in relation to evaluation of applications for development in general.

The Project is then evaluated as a whole against the principles of Ecologically Sustainable Development (ESD) in order to provide further guidance as to the acceptability of the Project.

5.2 Evaluation Under Section 4.55(1A) Of The EP&A Act

As described in Section 1.1, the proposed modification is being made under Section 4.55(1A) of the EP&A Act. Section 4.55(1A) of the EP&A Act is provided in full below.

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- it is satisfied that the proposed modification is of minimal environmental impact, and*
- it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- it has notified the application in accordance with—*
 - the regulations, if the regulations so require, or*
 - a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The following subsections provide an evaluation of the proposed modification against these provisions.

Minimal Environmental Impact

There would be no additional impacts to threatened flora or fauna as a result of the Proposal. No new vegetation communities or habitat types would be impacted.

Substantially the Same Development

Under the proposed modification, the Project would remain “substantially the same development” for the following reasons.

- There would be no additional impacts to threatened fauna or flora.
- There are no proposed changes to the existing extraction methods, processing, or transportation.
- The life of the Quarry would remain as currently approved.
- Operating hours would not change.
- Environmental management of the Quarry Site and community engagement would remain consistent with approved operations.

Notification of the Application

This is a matter for Council to consider.

Submissions Regarding the Proposed Modification

This is a matter for Council to consider. However, Rockwood’s would be pleased to respond to any submissions that may be received by Council during the assessment process.

5.3 Section 4.15(1) Considerations

Section 4.15(1) of the EP&A Act sets out the matters for consideration by a consent authority when determining an application for development consent.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *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*

- (iii) any development control plan, and
 - (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
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) (Repealed)
- that apply to the land to which the development application relates,
- (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,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

The following subsections provide an evaluation of the proposed modification against these provisions.

Environmental Planning Instruments, Plans and Regulations (Section 4.15(1a))

All relevant environmental planning instruments, plans and regulations are addressed in Section 3. In summary, the proposed modification is permissible under the relevant local and State environmental legislation.

Likely Impacts of the Development (Section 4.15(1b))

Section 4 provides an assessment of the environmental factors potentially impacted by the proposed modification. The modification would not generate adverse environmental impacts beyond those already approved for the Quarry.

Suitability of the Site (Section 4.15(1c))

Quarrying has been undertaken at the location of the Quarry Site since 2012 and the existing operation is approved to continue operating for 30 years.

Submissions (Section 4.15(1d))

It is anticipated that Council will take any submissions into consideration during the assessment of this application.

The Public Interest (Section 4.15(1e))

The possible staging of biodiversity offsetting obligations represents an example of the orderly development of land which would be enabled under the proposed modification. This is one of the Objects of the EP&A Act and is therefore considered to be in the public interest.

The proposed modification is in the public interest through the continued operation of the Quarry in a safe and environmentally responsible manner, with the provision of ongoing local economic benefits.

5.4 Ecologically Sustainable Development

Sustainable practices by industry, all levels of government and the community are recognised to be important for the future prosperity and well-being of the world. The principles of Ecologically Sustainable Development (ESD), recognised for over two decades, are based upon meeting the needs of the current generation while conserving our ecosystems for the benefit of future generations. In order to achieve sustainable development, recognition needs to be placed upon the integration of both short-term and long-term environmental, economic, social and equitable objectives.

The four principles of sustainable development are as follows.

- The precautionary principle.
- The principle of intergenerational equity.
- The principle of the conservation of biodiversity and ecological integrity.
- The principle for the improved valuation, pricing and incentive mechanisms.

The approach taken in planning the Project as originally proposed was multi-disciplinary, involved consultation with potentially affected local residents and various government agencies and incorporated the application of safeguards to minimise potential environmental, social and economic impacts. It was concluded that the Project would achieve a sustainable outcome for the local and wider environment. As the modification would result in minimal environmental harm, it is anticipated that the Project would continue to achieve sustainable outcomes into the future.

5.5 Justification Of the Modification

5.5.1 General Considerations

The biodiversity credit requirements were calculated for the Quarry Site using the BAM Calculator and in accordance with the Biodiversity Assessment Method (BAM). The offsetting obligations (and associated costs) nominated within the EIS (2021), OzArk (2021) and DA 050-2020-2021 have increased considerably since the Project was approved and cannot be offset upfront without jeopardising the economic viability of the Project.

The introduction of flexibility to DA 050-2020-2021 to allow for changes to the BAM Case to reflect the results of targeted surveys and allow for the staging of credit obligations would allow for Rockwoods to progress with the development of the Project.

5.5.2 Consequences of Not Proceeding with the Proposed Modification

The principal consequence of not proceeding with the proposed modification is that the ongoing financial viability of the Project would be jeopardised. The consequences of not continuing operations at the Strontian Quarry relate principally to the lost opportunity to access the resource that would be extracted by the Applicant to produce road base and other aggregates for use in construction and infrastructure projects. Given that the demand for these products would remain,

it is expected that alternative greenfield sources would need to be developed, which would almost certainly result in much greater impacts to the biophysical environment than the incremental impacts addressed for the Proposal. Alternatively, products would be drawn from other quarries operated by the Applicant which would result in longer transport distances to end-users and consequently higher costs for all consumers.

There would be no additional environmental impacts above those already approved as a result of the proposed modification.

It is considered that the benefits of proceeding with the proposed modification therefore far outweigh the very minor impacts on the environment that would result.

5.5.3 Objects of the Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for the assessment and approval of development in NSW. This subsection provides a justification for the proposed modification based on review of the objects of the EP&A Act, which include the following.

(a) *“to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.”

The proposed modification would not limit the achievement of these objects.

The proposed modification would provide Rockwoods with the opportunity to continue operations in an orderly, economically efficient manner while providing increased competition for the extended availability of quarry products.

Environmental management at the Quarry would also continue in a manner generally consistent with the existing approved operation and consistent with Rockwoods reputation for environmental and social responsibility.

Ongoing operations under the proposed modification would remain generally consistent with the existing approved operations and therefore would remain consistent with the principles of ecologically sustainable development.

5.6 Conclusion

The primary purpose of offsetting is to facilitate development in an environmentally sustainable manner and to ensure development does not have unacceptable impacts on native ecosystems and species. It ensures that impacts to native flora and fauna are accounted for in approving and implementing development. In this case, the proposed modification to allowing for flexibility with regards to offsetting obligations would ensure that approved impacts remain acceptable whilst allowing for ongoing flexibility in operations.

The staging of biodiversity offsetting obligations is consistent with the provisions of the *Biodiversity Conservation Act 2016* and would ensure an orderly approach to vegetation clearing and the offsetting of residual impacts to biodiversity values such that it does not require onerous upfront costs and provides encouragement to further minimise vegetation clearing.

6. References


R.W. Corkery & Company Pty Limited (RWC) (2021). *Environmental Impact Statement for Strontian Quarry (EIS)*

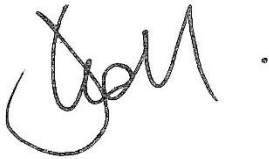
OzArk Environment and Heritage Management Pty Ltd (OzArk) (2021). *Biodiversity Development Assessment Report*, March 2021.

Appendix 1

Development Application (DA) 050-2020-2021

(Total No. of pages including blank pages = 19)

 <p>Narrandera Shire Council</p>	<p align="center">Notice of Determination of a Development Application</p> <p align="center">Issued under the Environmental Planning and Assessment Act 1979 Section 4.16</p>
Development Application No	050-2020-2021
Applicant Details	<p>Geoff Pigram Milbrae Quarries Pty Ltd PO Box 225 LEETON NSW 2705 gpigram@milbrae.com.au</p>
Land to be developed	<p>Lot: 133 & 134 Section: - DP: 726537</p> <p>Sturt Highway GILLENBAH NSW 2700</p>
Proposed development	<p>The extension and continued operation of Strontian Quarry and associated product transport as follows:</p> <ol style="list-style-type: none"> Increase the extraction of material from the site from 30,000m³ per annum to 125,000 tons per annum (approximately 75,000m³). Import up to a maximum of 1,500 tonnes per annum of concrete washout and other construction materials for recycling and incorporation into Quarry products. Crushing and screening of fragmented rock and imported materials on site using a mobile processing plant. Ongoing transportation of up to 125,000 tonnes per annum of Quarry products to end points of use within Narrandera Shire and the broader Riverina area. <p>Progressive and final rehabilitation of the Quarry to develop a final landform suitable for passive nature conservation and grazing.</p>
Determination	Consent Granted Subject to Conditions described below
Date of determination	24 August 2021
Consent to operate from:	30 August 2021
Consent to lapse on (five years from date of consent)	30 August 2026

Conditions of Consent (including section 7.11 conditions)	See Schedule 1
Other approvals	<ul style="list-style-type: none"> • List <i>Local Government Act 1993</i> approvals granted under Section 78A (5) – N/A • List <i>Local Government Act 1993</i> approvals granted under Section 68 – N/A • General terms of other approvals integrated as part of the consent – N/A
Right of Review and Appeal	<p>If you are dissatisfied with this determination you may request the Council to conduct a review of the determination (Section 8.2, 8.3, 8.4 and 8.5 of the Act), within the time limited for the making of an appeal under sections 8.7 and 8.10).</p> <p>If you are dissatisfied with this decision sections 8.7 and 8.10 of the <i>Environmental Planning & Assessment Act 1979</i> gives you the right of appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.</p> <p>* Sections 8.7 and 8.10 of the <i>Environmental Planning & Assessment Act 1979</i> does not apply to the Determination of a Development Application for State significant development or local designated development that has been the subject of a Commission of Inquiry</p>
Date of Certificate	30 August 2021
Signature	 <p>Garry Stoll Development & Environment Manager</p>

PROPOSED CONDITIONS OF CONSENT DA 050-2020-2021																
Cond #	Details															
GENERAL																
1.	<p>Consent</p> <p>This Consent is for the Extension and continued operation of Strontian Quarry on Lots 133 & 134 DP 726537, Strontian Road, Gillenbah NSW 2700, and associated product transport as follows:</p> <ul style="list-style-type: none"> • Increase the extraction of material from the site from 30,000m³ per annum to 125,000 tons per annum (approximately 75,000m³), with all measurements to be taken at time of removal via calibrated loader scales. • Import up to a maximum of 1,500 tonnes per annum of concrete washout and other construction materials for recycling and incorporation into Quarry products. • Crushing and screening of fragmented rock and imported materials on site using a mobile processing plant. • Ongoing transportation of up to 125,000 tonnes per annum of Quarry products to end points of use within Narrandera Shire and the broader Riverina area. • Progressive and final rehabilitation of the Quarry to develop a final landform suitable for passive nature conservation and grazing. • Quarry operations are to be conducted over a total maximum area of 7.6ha. 															
2.	<p>Approved Plans and Documentation</p> <p>The development shall be undertaken in accordance with the following documents and Conditions of Consent as follows:</p> <table border="1"> <thead> <tr> <th>Ref No</th> <th>Drawing/Document Title</th> <th>Prepared by</th> <th>Version</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Ref No. 1010/2</td> <td>Environmental Impact statement for the Strontian Quarry</td> <td>R.W. Corkery & Co Pty Limited</td> <td></td> <td>March 2021</td> </tr> <tr> <td>DOC21/032448</td> <td>Landowners Consent</td> <td>NSW Planning, Industry & Environment – Crown Lands</td> <td></td> <td>22 Feb 2021</td> </tr> </tbody> </table> <p>Note 1: Modifications to the approved plans and/or documents will require the lodgement and consideration by Council of a modification pursuant to section 4.55 of the Environmental Planning and Assessment Act, as amended.</p> <p>REASON: To enable the construction of the buildings to be in accordance with the development approval. (Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended).</p>	Ref No	Drawing/Document Title	Prepared by	Version	Date	Ref No. 1010/2	Environmental Impact statement for the Strontian Quarry	R.W. Corkery & Co Pty Limited		March 2021	DOC21/032448	Landowners Consent	NSW Planning, Industry & Environment – Crown Lands		22 Feb 2021
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3.	<p>Maximum Area of Operations and Quantities of Excavation</p> <p>The maximum area of operations, including areas for extraction, office and amenities operational disturbance area and roads, over Lots 133 & 134 DP 726537 is to be 7.6 ha.</p> <p>The maximum quantity of material to be extracted per annum is 125,000 tonnes.</p> <p>REASON: <i>The proposed development was assessed and considered on the basis of a maximum operation area of 7.6ha and the maximum annual excavation of 125,000 tonnes any increase of these development standards would represent a modification of the development and a further application.</i></p>
4.	<p>Aboriginal Cultural Heritage</p> <ol style="list-style-type: none"> 1. No Aboriginal objects may be harmed without an approval from Heritage NSW. 2. If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: <ul style="list-style-type: none"> • Not further harm the object(s) • Immediately cease all work at the particular location • Secure the area so as to avoid further harm to the Aboriginal object(s) • Notify heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location • If, following the identification of Aboriginal objects, harm cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work can continue. <p>In the event that skeletal remains are unexpectedly encountered during work activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.</p> <p>REASON: <i>To protect all items of Aboriginal Cultural Heritage in accordance with NSW Heritage – Aboriginal Cultural heritage Regulation requirements and the National Parks and Wildlife Act 1974.</i></p>
5.	<p>Lapsing of Consent</p> <p>This Consent is valid for a period of five years from the date of consent. It will lapse if the approved use of any land or construction work has not commenced prior to that date. No further extensions will be granted.</p> <p>REASON: <i>To comply with Section 4.53(1) of the Environmental Planning and Assessment Act, 1979, as amended.</i></p>
6.	<p>Amenity - General</p> <p>The development is to be conducted in a manner that will not interfere with the amenity of the locality by Reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot,</p>

	<p>ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.</p> <p>REASON: <i>So that the development does not reduce the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.</i></p>
7.	<p>Damage to Council Infrastructure</p> <p>Any damage to Council infrastructure as a result of construction or associated works is to be rectified at the cost of the developer and to the satisfaction of Council. It is therefore requested that any damage that is obvious before work commences is notified to Council to avoid possible later conflict.</p> <p>REASON: <i>To ensure that any damage to Council infrastructure as a result of the development is repaired or made good by the developer.</i></p>
PRIOR TO WORKS COMMENCING	
8.	<p>Environmental Management Plan</p> <p>The applicant is to prepare and submit to Council, an Environmental Management Plan based on the Summary of the Environmental Measures and Monitoring Measures outlined in Table 6.1 Pages 6-3 to 6-6 of the Environmental Impact Statement with the inclusion of the following;</p> <ol style="list-style-type: none"> 1. Amend Action 5. Biodiversity to include any maintenance or replacement requirements under the Biodiversity Management Plan required by condition of consent 12. 2. Amend Action 6. Cultural Heritage to include the requirements of condition of consent No. 4. 3. Amend Action 9. Public Safety Hazards to include the following; <ul style="list-style-type: none"> • Detailed measures to prevent or mitigate fires igniting. • List works that should not be carried out during total fire bans. • Details on the appropriate storage and maintenance of fuels and other flammable materials. • Details outlining the maintenance of an APZ around any infrastructure on site (office / amenities). • Details of the provision of on-site fire-suppression equipment, access for fire fighting vehicles and a water supply for fire fighting. • Contact details of the local NSW RFS Fire Control Centre. 4. Any appropriate requirements specified by the NSW EPA as included in the Environmental Protection Licence. <p>REASON: <i>To ensure the day to day operations of the quarry comply with the maintenance of appropriate standards relating to biodiversity, Aboriginal Heritage, bushfire and operational licence requirements.</i></p>
9.	<p>Section 88B Instrument</p> <p>The Applicant is to create a Section 88B Instrument creating a Right of Way over the existing quarry access on Lot 105 DP754552 in favour of Lot 133 DP726537 and is to include a Restriction as to User preventing any present or subsequent proprietor of Lot 105 DP754552 from seeking to extinguish, remove, modify or restrict the benefit of the Right of Way and</p>

	<p>easement for services without the prior written consent of Council being obtained. A copy of this instrument must be provided to Council within 6 months of the date of this determination.</p> <p>REASON: <i>To create legal access, as required to protect the operation of the consent.</i></p>											
10.	<p>Bush Fire Protection</p> <p>Before commencing any works, the Applicant is to establish:</p> <ul style="list-style-type: none"> • A suitable APZ around any infrastructure on site (office / amenities). • Arrangements for a suitable onsite water supply for fire fighting. <p>REASON: <i>To ensure the day to day operations of the quarry comply with the maintenance of appropriate standards relating to bushfire requirements.</i></p>											
11.	<p>Biodiversity</p> <p>Ecosystem Credit Retirement</p> <ol style="list-style-type: none"> 1. 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. 2. The requirement to retire credits in condition 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator. 3. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of condition 1 must be provided to Council prior to commencement of works. <p>Table C.1 Ecosystem credits required to be retired – like for like</p> <table border="1"> <thead> <tr> <th>Impacted plant community type</th> <th>No. of Ecosystem Credits</th> <th>IBRA Subregion</th> <th>Plant community type (s) that can be used to offset the impacts from development</th> </tr> </thead> <tbody> <tr> <td>Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion</td> <td>16</td> <td rowspan="2">Lower Slopes subregion of the NSW South Western Slopes region</td> <td>PCT 185</td> </tr> <tr> <td>White Cypress Pine woodland on sandy loams in central NSW wheatbelt</td> <td>1</td> <td>PCT 70</td> </tr> </tbody> </table>	Impacted plant community type	No. of Ecosystem Credits	IBRA Subregion	Plant community type (s) that can be used to offset the impacts from development	Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion	16	Lower Slopes subregion of the NSW South Western Slopes region	PCT 185	White Cypress Pine woodland on sandy loams in central NSW wheatbelt	1	PCT 70
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White Cypress Pine woodland on sandy loams in central NSW wheatbelt	1		PCT 70									

Western Grey Box- White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverain Bioregion	9		PCT 80
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Species Credit Retirement

4. 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.
5. The requirement to retire credits outlined in condition 4 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator.
6. Evidence of the retirement of credits including through a Biodiversity Stewardship Agreement or payment to the Biodiversity Conservation Fund in satisfaction of Table C.2 requirements must be provided to the 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>Austrostipa metatoris</i> (A spear-grass)	1	Any in NSW
<i>Austrostipa wakoolica</i> (A spear-grass)	23	
<i>Cerartetus nanus</i> (Eastern Pygmy-possum)	21	
<i>Diuris callitrophila</i> , <i>Diuris sp. Oaklands</i> , <i>D. L. Jones 5380</i> (Oaklands Diuris)	32	
<i>Lepidium monoplocides</i> (Winged Peppergrass)	22	
<i>Petaurus norfolcensis</i>	15	

(Squirrel Glider)		
<i>Tylophora linearis</i>	1	

Biodiversity Management Plan

7. Prior to the commencement of work, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority consistent with section 6.2 of the BDAR. The Biodiversity Management Plan may form part of a Environmental Management Plan.
8. The Biodiversity Management Plan must identify the development site as per the BDAR and approved plans.
9. The Biodiversity Management Plan must identify areas of native vegetation that are to be retained as outlined in the BDAR.
10. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.
11. The Biodiversity Management Plan must identify all measures proposed in section 6.2 of the BDAR to mitigate and manage impacts on biodiversity. These measures are outlined in Table C.3, including performance measures for each commitment.

REASON: *To ensure compliance with the NSW Biodiversity Conservation Act 2016.*

12. **Maintenance of Strontian Road**

The operator of the quarry is to establish a mutually agreed arrangement for the maintenance of Strontian Road with Narrandera Shire Council prior to any works commencing.

REASON: *To establish a proportionate and agreed level of contribution towards the maintenance of the section of Strontian Road principally used for the carting of excavated material from the quarry*

13. **NSW EPA Requirements**

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

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

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

Administrative conditions

A1. Information supplied to the EPA

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

accordance with the proposal contained in:

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

A2. Fit and Proper Person

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

A3. Premises to which the General Terms of Approval applies

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

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

Limit conditions

L 1. Pollution of waters

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

L2. Waste

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

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

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

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

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

L3. Extraction and processing limits

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

L4. Noise limits

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

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

L5. Hours of operation

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

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Site development and construction	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Extraction operations	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Blasting operations	10:00am – 3:00pm	Nil	Nil
Processing operations	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Product despatch	6:00am – 6:00pm	8:00am – 5:00pm	Nil
Maintenance	24 hours / day	24 hours / day	Nil

L6. Blasting

Overpressure

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

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

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

Ground vibration (ppv)

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

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

Exceed 10 mm/sec at any time.

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

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

Operating conditions**01. Odour**

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

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

02. Dust

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

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

02.3 Vehicle speed limits are restricted to a maximum of 20km/h in the quarry boundaries on unsealed roads and 40km/h on the quarry access road.

03. Contaminated stormwater

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

Monitoring and recording conditions**M1 Monitoring records**

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

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

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

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

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

M2. Requirement to monitor volume or mass

M2.1 The applicant must monitor:

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

Frequency	Units of measure	Sampling method
Daily	Tonnes	Weighbridge

M3. Blast Monitoring

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

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

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

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

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

Reporting conditions

R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of

complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(to be used on licences with ancillary activities)

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

- Waste storage (construction waste)

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

- The date and time of the complaint;
- The method by which the complaint was made;
- Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect:

- The nature of the complaint;
- The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- If no action was taken by the licensee, the reason why no action was taken.

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

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

Recording of pollution complaints

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

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

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

Period covered by Annual Return

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

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

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

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

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

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

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

Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

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

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

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

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

	<p>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.</p> <p>General conditions</p> <p>Copy of licence kept at the premises or on the vehicle or mobile plant</p> <p>A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.</p> <p>The licence must be produced to any authorised officer of the EPA who asks to see it.</p> <p>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.</p> <p>REASON: <i>To ensure that the operation and extension of the quarry complies with the requirements of the Environmental Protection Authority and the Protection of the Environmental Operations Act 1997.</i></p>
DURING OPERATION	
14.	<p>Roadworks</p> <p>The Developer will be required to undertake at their cost the following roadworks from 50m south of the quarry entrance up to the Sturt Highway intersection (total approximate distance of 300m):</p> <ul style="list-style-type: none"> • The shoulders on both sides of Strontian Road shall be widened and sealed (10/7 two coat seal) to create a width of not less than 8m with 1m of additional gravel shoulder to be formed. • Strontian Road shall be upgraded to incorporate a sealed (10/7 two coat seal) basic left turn (BAL) and basic right turn (BAR) with 1m of additional gravel shoulders at the entrance to the quarry site. • The entrance access road to the quarry shall be upgraded and sealed to cater for the turning radius of the largest heavy vehicle that is identified as entering the site. • The quarry operators are to undertake maintenance of this section of Strontian Road for a period of not less than 12 months. <p>Prior to undertaking these road works the Developer is to apply to Narrandera Shire Council for a Section 138 Permit under the NSW Roads Act 1993, the application will include full civil design plans for all required works.</p> <p>REASON: <i>To ensure that the section of Strontian Road from the intersection of Strontian Road and the Sturt Highway to 50m to the south of the quarry entrance is upgraded and maintained to accommodate the expected increase in vehicle movements.</i></p>
15.	<p>Maintenance of EPA Environment Protection Licence</p> <p>The quarry is to all times operate under a current EPA Environment Protection Licence.</p> <p>REASON: <i>The operation of the quarry is a licensed activity under the Protection of the Environment Operations Act 1997.</i></p>

16. Annual Reporting Obligations

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

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