



**ATTACHMENT DOCUMENT  
FOR  
COUNCIL MEETING**

**PART C**

**Tuesday 27 October 2020**

Michael Urquhart  
GENERAL MANAGER

# AGENDA

1. *Development Application 2020/19 - Quarry*
  - a. *Statement of Environmental Effects*
  - b. *Draft Environmental Management & Rehabilitation Plan*
  - c. *Amended Access Location Plan*
  - d. *Development Assessment Report*
  - e. *Submissions*

# STATEMENT OF ENVIRONMENTAL EFFECTS

## For the Barneys Ridge gravel quarry Development Application

### REVISION REGISTER

VERSION	DATE	REVISION REASON	AREAS REVISED
1.0	Jun 2020	Initial document lodged with NSW Planning Industry & Environment seeking landowners consent for DA.	N/A
1.1	Aug 2020	Address issues raised in NSW Planning Industry & Environment letter dated 5 August 2020.	As per letter, along with various minor updates (Including Section 2.4 Amenities, 3.11 TSR).

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## **1 INTRODUCTION**

### **1.1 Title of development**

Barneys Ridge gravel quarry.

### **1.2 Name of proponent**

Charles Laurence Carpenter.

### **1.3 Summary**

This Statement of Environmental Effects (SEE) is part of the supporting documentation for a Development Application for a quarry to extract weathered rock for commercial sale to be used as road base (gravel).

It is proposed to establish the quarry on part of lot 523 DP 761510, Crown Land held under Western Lands Lease (WLL) 2486 for the purposes of “pastoral”, close to Wilby Wilby Road (Walgett Shire Road 101).

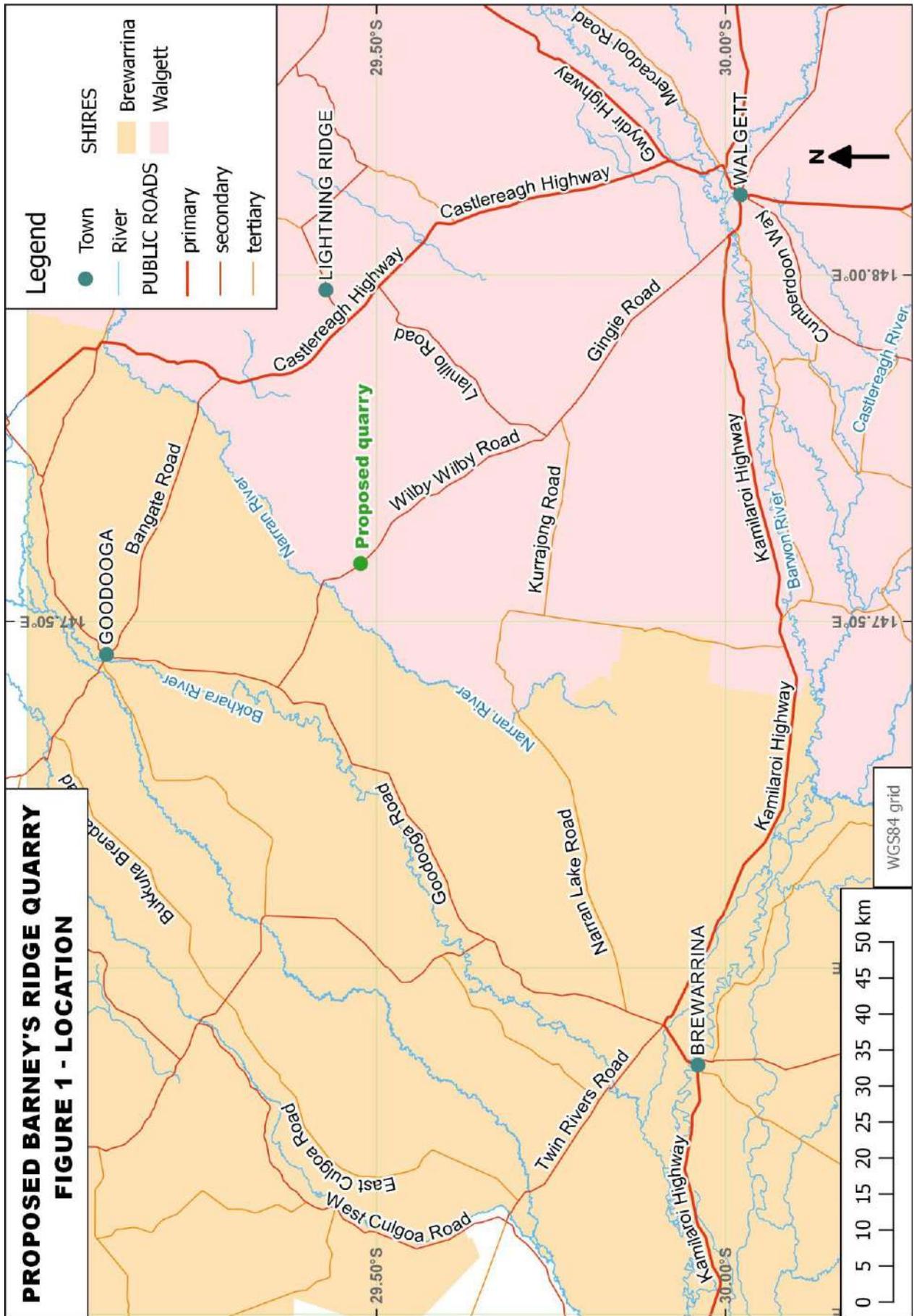
A description of the proposed development, an overview of the environmental context in which it will operate and analyses of Section 4.15 requirements under the Environmental Planning and Assessment Act 1979 are provided herein.

## **2 DESCRIPTION OF THE DEVELOPMENT**

### **2.1 Location**

The development site is located about 38.6 km west of Lightning Ridge, close to the Wilby Wilby Road (Walgett Shire Road 101), as shown Figure 1 and 2. The land comprises part of lot 523 DP 761510, held under Western Lands Lease (WLL) 2486 for the purposes of “pastoral”, as part of the property known as “Wando”, within the locality of Cumborah.

Information supplied by Western Local Land Services suggests about 0.5 hectares of the proposed site is also located within Travelling Stock Route Reserve 321, as shown in Figure 2.



## **2.2 Statutory context**

The proposed quarry operation is regulated under various NSW acts of parliament. The most significant are referenced below.

### **2.2.1 Crown Land Management Act 2016**

The site is Crown Land administered by NSW Primary Industries – Lands. An Extractive Industry Licence is required from that agency to enable the proponent to occupy and use the site for quarry operations. In June 2019 NSW Planning, Industry & Environment advised the proponent that a licence application must be accompanied by:

- Development Consent, where required <sup>1</sup>.
- An Environmental Management & Rehabilitation Plan.

Impact mitigation strategies and rehabilitation plans have been addressed in the Environmental Management & Rehabilitation Plan to avoid unnecessary duplication within this SEE. A draft of the plan has been submitted as part of the Development Application documents, although the final version will require approval by NSW Planning, Industry & Environment.

### **2.2.2 Environmental Planning and Assessment Act 1979**

Under the Environmental Planning and Assessment Act 1979 and the Walgett Local Environmental Plan 2013, Development Consent is required from Walgett Shire Council to permit the establishment and operation of an extractive industry, such as a quarry, on land zoned “RU1 Primary Production”. The requirements of this Act are dealt with in detail in section 4 below.

### **2.2.3 Work Health and Safety Act 2011**

The Work Health and Safety Act 2011 applies to all workplaces in NSW, including quarries.

### **2.2.4 Work Health and Safety (Mines and Petroleum Sites) Act 2013**

The Mine Health and Safety Act 2004 contains provisions for work health and safety issues unique to mine sites, which include quarries.

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<sup>1</sup> Factsheet “Crown Land Extractive Industry Licence in the Western Division, NSW Department of Industry, May 2019

## **2.3 Proposed quarry operations**

### **2.3.1 The resource**

It is intended to deepen an existing quarry which has exposed weathered sandstone and claystone of the Cretaceous Grimman Creek Formation. The weathered rock will be sold for use as road base (gravel). Based on exposures in similar quarries and open cut opal mines in the region, it is expected that there will be a usable rock profile of at least 15 metres.

An existing gravel pit on the site exposes about 1 metre of soil, predominantly composed of siliceous gravels, overlying weathered rock.

It is intended to market the gravel to end users located within a radius of up to about 50 kilometres from the quarry. Relatively low market values, alternative sources and significant transport costs are expected to make the gravel commercially unattractive for end users located further from the quarry.

### **2.3.2 Rate**

It is expected that the likely market for gravel in the vicinity is likely to range from about 1,000 up to 29,000 cubic metres per year. It is expected that figures above a few thousand cubic metres would only occur in extraordinary circumstances, such as during the construction of major infrastructure projects.

### **2.3.3 Disturbance area**

The maximum disturbance arising from quarry related operations will be 1.985 hectares, as shown in Figure 2, comprising:

- **Quarry area** – 1.898 hectares which includes all excavations, stockpiles and processing areas.
- **Haul road/access track** – 0.087 hectares between quarry site and Wilby Wilby Road. This is an existing all weather access road which links the quarry area to the graded verge of the public road.

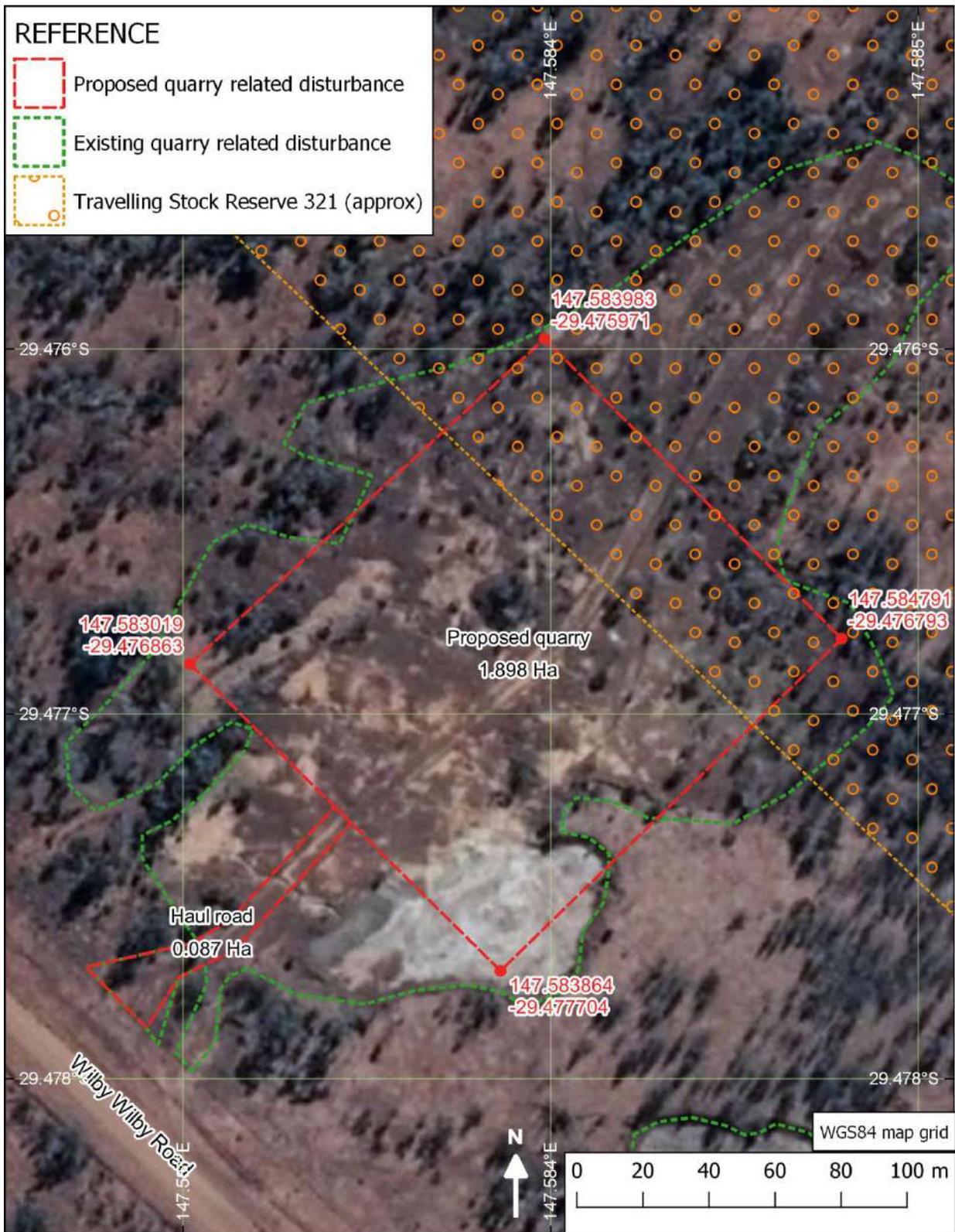


Figure 2 – Existing & proposed quarry disturbance.

### **2.3.4 Maximum quarry depth**

If there is sufficient demand for quarry product, then the quarry will reach a maximum depth of 10 metres.

### **2.3.5 Maximum extraction volume**

The maximum volume of gravel extraction over the site will be about 176,000 bank cubic metres (in situ). This estimate includes an allowance for benches (1 bench, 5m wide by 5m high) that will be maintained to prevent slumping of quarry walls.

It should be noted that depending on demand, the quality and type of gravel extracted, it is probable that the depth and rate of extraction may be substantially less than the maximum indicated. There is also a possibility that no commercial sales will eventuate, hence the quarry may not proceed.

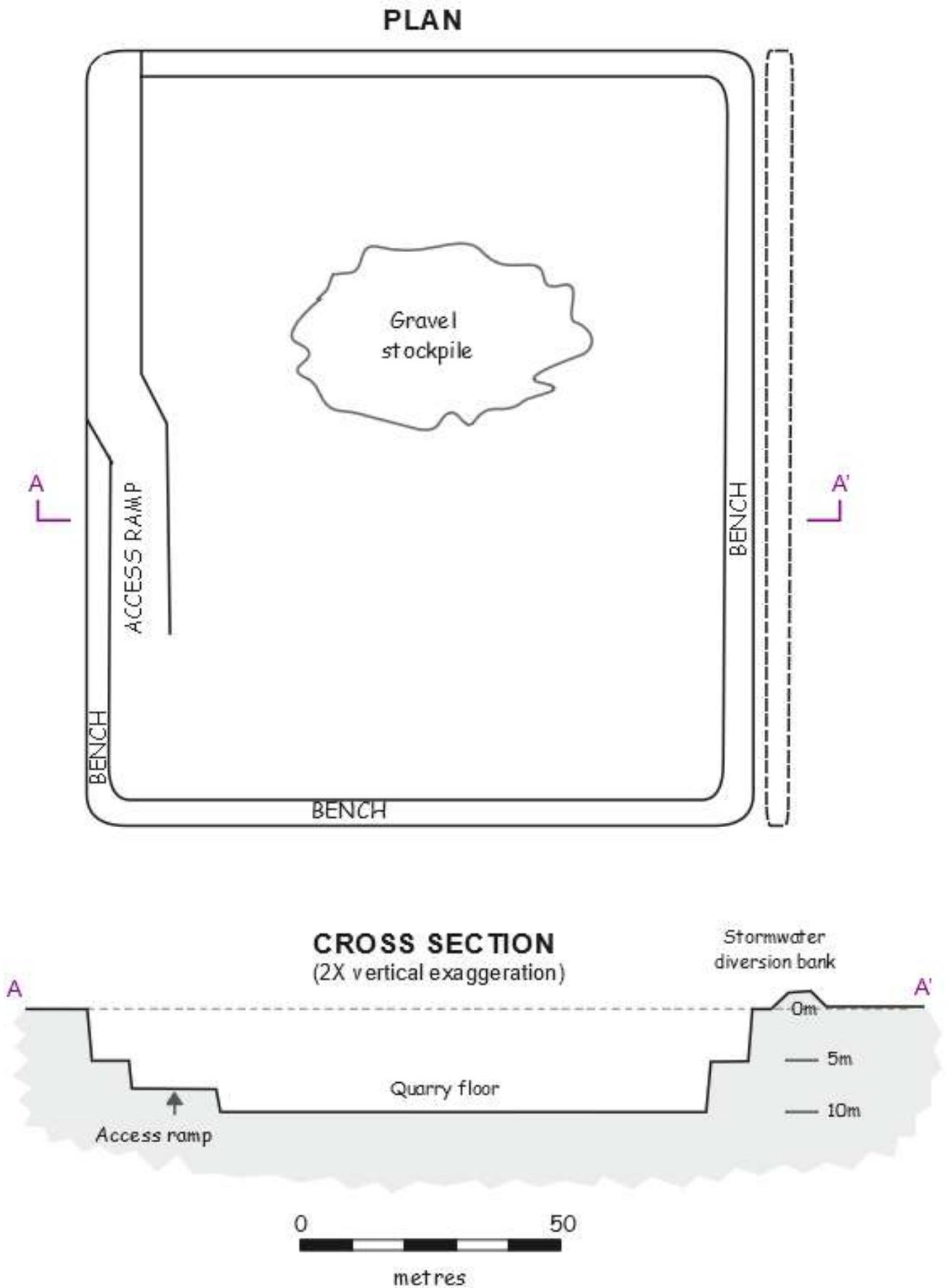
### **2.3.6 Excavation methods**

Excavation of rock will be undertaken using earthmoving machinery such as an excavator, front-end loader and/or bulldozer. It is expected that excavation will proceed sporadically in response to orders.

Figure 3 provides a generalised layout of the quarry site. If the quarry exceeds 5 metres in depth, then a horizontal bench with a minimum width of 5 metres will be established and maintained at 5 metres below ground level, as shown. The intent is to minimise the risk of the walls of the excavation slumping or posing a safety hazard for people working on the quarry floor. Bench height may be reduced in order to maximise safety or productivity, but a minimum bench width of 5 metres will be maintained.

Topsoil and waste rock excavated in the course of quarry operations will be stockpiled for use in rehabilitation of the site, where appropriate. If required, the material will also be used to create banks around the perimeter of the quarry to prevent run-off from flowing into the void during extraction operations.

To avoid the quarry filling with water, a diversion channel will be excavated to redirect flows of surface water around the perimeter of the quarry. The channel will be excavated so that its base and sides are predominantly in bedrock, thereby minimising the potential for soil erosion.



**Figure 3 – Generalised quarry site layout and profile.**

### **2.3.7 Processing and stockpiling**

The primary method of on-site processing will be separating excessively large rocks from 'gravel' using grizzly bars, screens or a skeleton bucket.

Material that may be stockpiled includes:

- Excavated gravel, suitable for sale.
- Waste rock not suitable for sale. This material may be useful for rehabilitation, such as battering the edges of the quarry.
- Soil for future rehabilitation.

The proponent does not intend to undertake rock crushing on the site unless sufficient fragmentation cannot be achieved during the excavation process. If crushing is required, it will be undertaken on a batch basis, when required. A rock crusher will not be installed on a permanent basis.

### **2.3.8 Transportation and access**

Access to the quarry site will be via the Wilby Wilby public road and a private track through the “Wando” property. Tip trucks will be used to transport rock from the site.



**Plate 1 – Wilby Wilby Road in foreground, quarry access track in background, August 2017.**

### **2.3.9 Rehabilitation**

Upon cessation of operations the quarry void rehabilitated to create a safe and stable landform as outlined in the Environmental Management & Rehabilitation Plan document.

### **2.3.10 Proposed end date**

A specific end date for the operation of the quarry has not been proposed because:

- Rural gravel quarries tend to have highly variable and sporadic rates of extraction.
- The actual end date will depend upon the rate of extraction of gravel, which could vary from year to year, anywhere from 0 to 28,000 cubic metres per year, depending on demand.

## **2.4 Amenities**

No amenities buildings are proposed to be established on the quarry site. A toilet and meal area for workers will be provided via the existing “Wando” homestead, with the agreement of the owners.

## 2.5 Alternatives

Several alternative sites were considered within the region but were ultimately rejected for one or more of the following reasons:

- Less disturbed vegetation and greater diversity of flora species suggesting higher environmental values.
- Excess distance from potential end use sites.
- Lack of proximity to public roads.

## 3 EXISTING ENVIRONMENT

### 3.1 Climate

The site is located near the eastern edge of the Australian temperate semi-arid zone<sup>2</sup> and receives an average annual rainfall of 405mm<sup>3</sup>.

### 3.2 Topography and geology

The proposed quarry is located on a ridge landform (Figure 4) predominantly composed of Cretaceous Griman Creek Formation sedimentary rocks<sup>4</sup> surrounded by floodplains of Quaternary alluvium. Historic quarrying operations have exposed weathered sandstone and claystones typical of the Griman Creek Formation. The weathered rock is overlain by a veneer of about 1m of Tertiary alluvial gravels and silcrete, as shown in Figure 5.

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<sup>2</sup> Read, I.G. 1994 *The Bush A Guide to the Vegetated Landscapes of Australia*, University of New South Wales Press, Sydney, NSW.

<sup>3</sup> Lightning Ridge 1981, Orthophotomap Series, 1:100,000 Sheet 8439, Central Mapping Authority of New South Wales. Bathurst, NSW.

<sup>4</sup> Watkins, J.J. 1985, Future Prospects for Opal Mining in the Lightning Ridge Region, Department of Mineral Resources, Sydney, NSW.

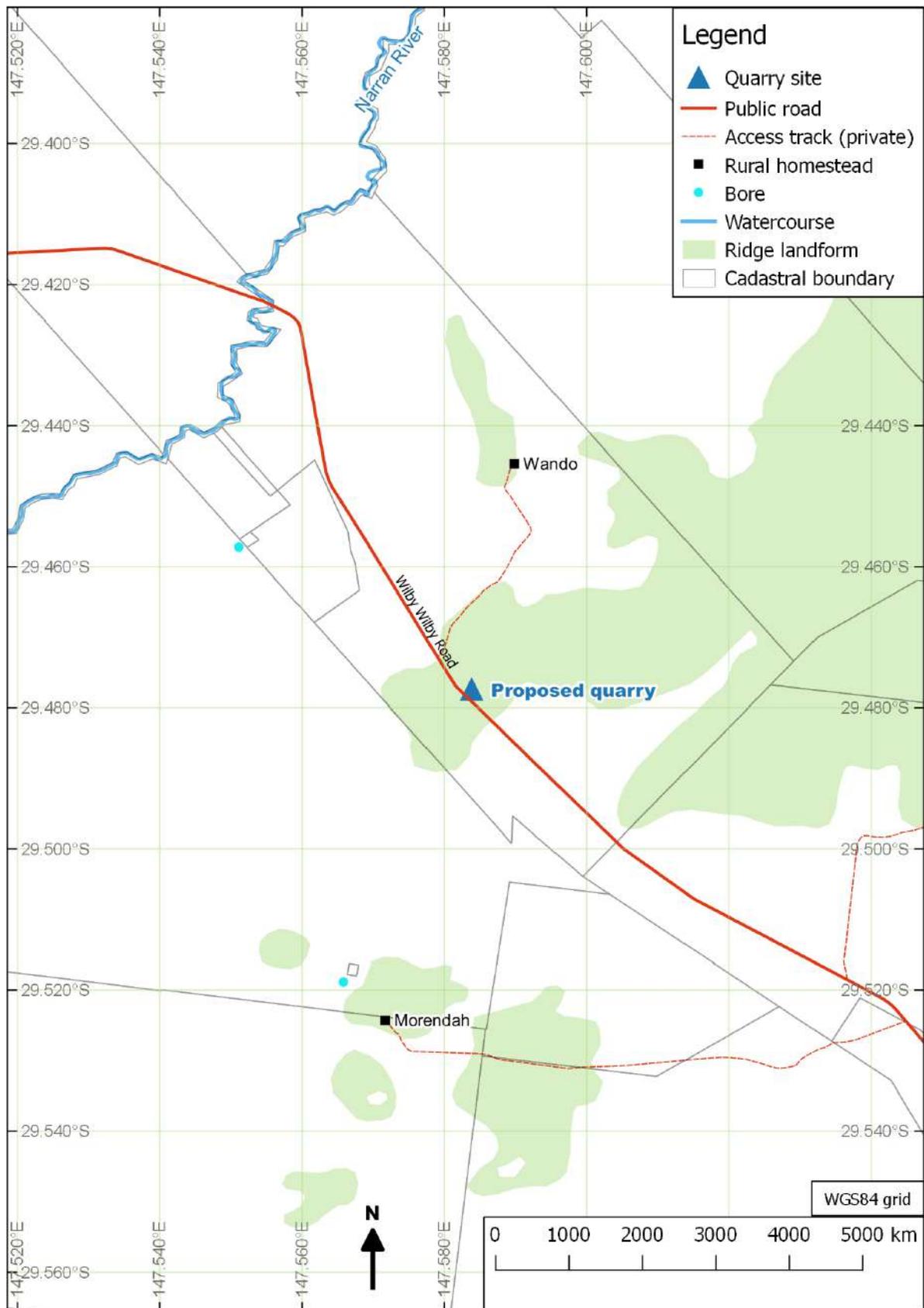
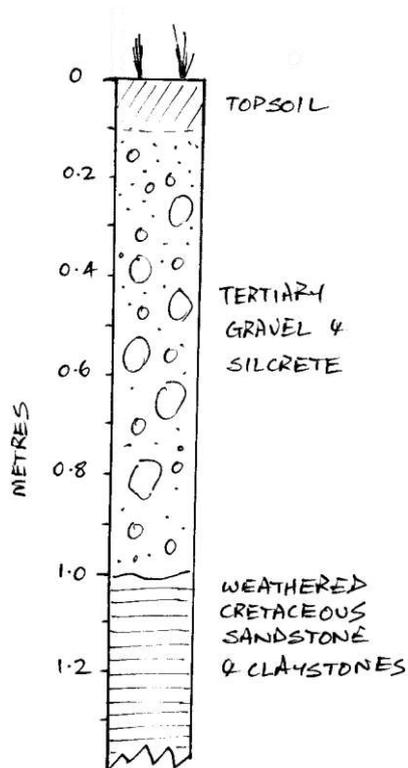


Figure 4 – Landform in vicinity of quarry site.



**Figure 5 – Generalised geological profile of site.**



**Plate 2 – Rocks exposed by historic quarry just outside southern boundary. Light coloured Grimman Creek Formation in foreground & brown coloured Tertiary gravels in background.**

### 3.3 Groundwater

As shown in Figure 3, the quarry will have a maximum depth of 10m. Groundwater is very unlikely to be encountered under normal operating conditions given that:

- The only significant groundwater source in the vicinity is artesian bores, typically around several hundred metres deep.
- Drill logs for opal prospecting operations undertaken in the Grimman Creek Formation nearby<sup>5</sup> are typically up to 25 metres deep and generally do not show any significant near surface water. The formation is generally regarded as relatively impermeable.
- A shallow aquifer is known in the immediate vicinity of Cumborah about 34.5 km south east of the site. A layer of porous unconsolidated Tertiary alluvium up to several metres thick yields water from bores up to about 15 metres deep.
- Unconsolidated Tertiary alluvium in the vicinity of the quarry has a maximum thickness of about 1 metre.
- There are no permanent watercourses, wetlands, springs or other land forms in the vicinity which would suggest the presence of a localised near surface aquifer.

### 3.4 Historic quarry operations

Previous quarry operations have effectively removed about 1 metre of soil and gravel from about 1.868 hectares (98%) of the proposed quarry site. The disturbed area is typically recessed about 1 metre below natural ground level. About 0.03 hectares (2%) of the proposed quarry site has not been significantly disturbed by previous gravel extraction.

Observations of excavations, tree regrowth and aerial photographs suggests the excavation has been sporadic and occurred over more than 50 years. Indicative estimates of the ages of disturbed areas are provided in Figure 6.

It is the proponent's understanding that more than 90% of the historic gravel extraction has occurred at the behest of Walgett Shire Council for use on nearby public roads. A minor amount of gravel may have also been used for agricultural purposes. The proponent believes that the historic quarry does not have any existing Crown Land Extractive Industry Licence or development consent.

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5 Opal prospecting licence records held by NSW Department of Primary Industries

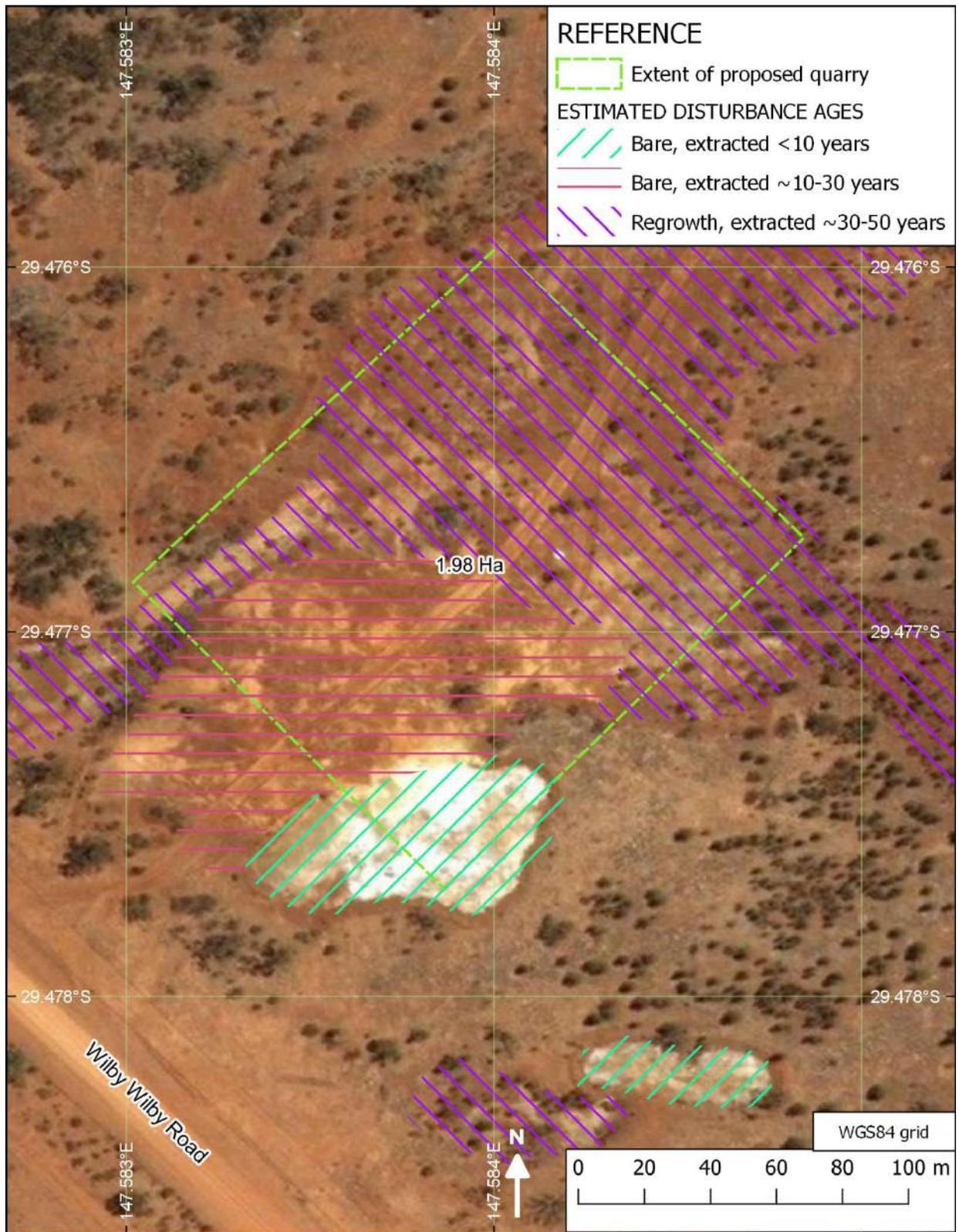


Figure 6 – Historic quarry operations & estimated age.

### 3.5 Associated land use

The dominant historical and current land use in the immediate vicinity of the proposed quarry has been domestic livestock grazing, primarily sheep. Goat grazing has recently commenced on ridges nearby with similar vegetation and soils, so it is an additional potential future land use.

### 3.6 Flora

About 0.03 hectares (2%) of the total proposed disturbance area of 1.985 has not been significantly disturbed by previous gravel extraction. The remaining 1.955 hectare area has been quarried with about 1m of surface gravel excavated and removed, as shown in Plate 3 and 4 below, also Figure 2 previously. About 50% of the disturbed site contains a naturally regenerating bimble box woodland community. Budda trees are a common component of the community and there is minimal (<2%) ground cover. There are no mature trees anywhere on the site.



**Plate 3 – Existing vegetation looking from middle of site toward north east, August 2017.**



**Plate 4 – Existing bimble box & budda regrowth towards northern edge of site August 2017.**

**Table 1 – Dominant vegetation in area, August 2017.**

SCIENTIFIC NAME	COMMON NAME	FORM	NOTE
<i>Eremophila mitchellii</i>	budda	Shrub (regrowth)	No mature trees on site
<i>Eucalyptus populnea</i>	bimble box	Tree (regrowth)	No mature trees on site
<i>Acacia cambagei</i>	gidgee	Tree	Occurs nearby, no trees on site
<i>Acacia aneura</i>	mulga	Tree	
<i>Callitris columellaris</i>	cypress pine	Tree	

Ground cover vegetation on soils not disturbed by historic quarrying was less than 20% and generally dominated by grey copperburr (*Sclerolaena diacantha*), during a site inspection in August 2017, as shown in plate 5 below.



**Plate 5 – Typical ground cover on undisturbed area along south eastern boundary, August 2017.**

### 3.7 Fauna

Species that have been observed, or a likely to occur, on the development site are listed in Table 2. No threatened species are known. The table has been compiled from anecdotal information and a period of field observation.

There are very limited feeding and living niches available on the site as there are no mature trees, negligible ground cover, no hollow logs and no rock outcrops. In that context it is quite unlikely that there are any significant resident or transient populations of native vertebrate species, especially when compared with less disturbed areas nearby.

**Table 2 – Fauna known to occur in similar habitat in the region.**

SCIENTIFIC NAME	COMMON NAME	STATUS	TYPE
<i>Barnardius zonarius</i>	Bullen bullen	Endemic	Bird
<i>Cacatua roseicapilla</i>	Galah	Endemic	Bird
<i>Corvus sp.</i>	Crow	Endemic	Bird
<i>Dromaius novaehollandiae</i>	Emu	Endemic	Bird
<i>Grallina cyanoleuca</i>	Pee wee	Endemic	Bird

SCIENTIFIC NAME	COMMON NAME	STATUS	TYPE
<i>Gymnorhina tibicen</i>	Magpie	Endemic	Bird
<i>Rhipidura leucophrys</i>	Willy wagtail	Endemic	Bird
<i>Struthidea cinerea</i>	Apostle bird	Endemic	Bird
<i>Wallabia bicolor</i>	Swamp wallaby	Endemic	Mammal
<i>Macropus rufus</i>	Red kangaroo	Endemic	Mammal
<i>Macropus giganteus</i>	Kangaroo	Endemic	Mammal
<i>Sus scrofa</i>	Pig	Introduced	Mammal
<i>Vulpes vulpes</i>	Fox	Introduced	Mammal
<i>Pseudonaja textilis ?</i>	Brown snake	Endemic	Reptile
<i>Varanus sp.</i>	Goanna	Endemic	Reptile

### 3.8 Aboriginal heritage

The [Walgett Shire Aboriginal Heritage Study](#)<sup>6</sup> indicates that items of aboriginal heritage are most likely to occur within the Shire in areas that have:

- a) permanent or intermittent water bodies, or;
- b) mature, natural trees, or;
- c) rock outcrops or exposures, other than a non-Aboriginal mine or quarry site, or;
- d) sand hills.

None of these features are present on the site, therefore it is quite unlikely that there are any items of aboriginal heritage present, especially given that about 98% of the site has been quarried to a depth of 1 metre.

In the course of field work no evidence was observed of any aboriginal heritage items such as fire hearths, flake scatters, grinding stones or grinding grooves. Observational conditions were good, with negligible ground cover vegetation.

### 3.9 European heritage

No evidence of significant European heritage is known, or has been observed, on the site.

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<sup>6</sup> [Walgett Shire Aboriginal Heritage Study](#), Australian Museum Business Services, May 2011.

### 3.10 Neighbouring residences

Figure 4 shows the location of residences in the vicinity of the quarry. The nearest, “Wando”, is located more than 3 kilometres from the quarry site on the same land (lot 523, DP 761510). “Morendah” is the nearest unrelated residence and it is located more than 5 km away, as shown in Figure 7.

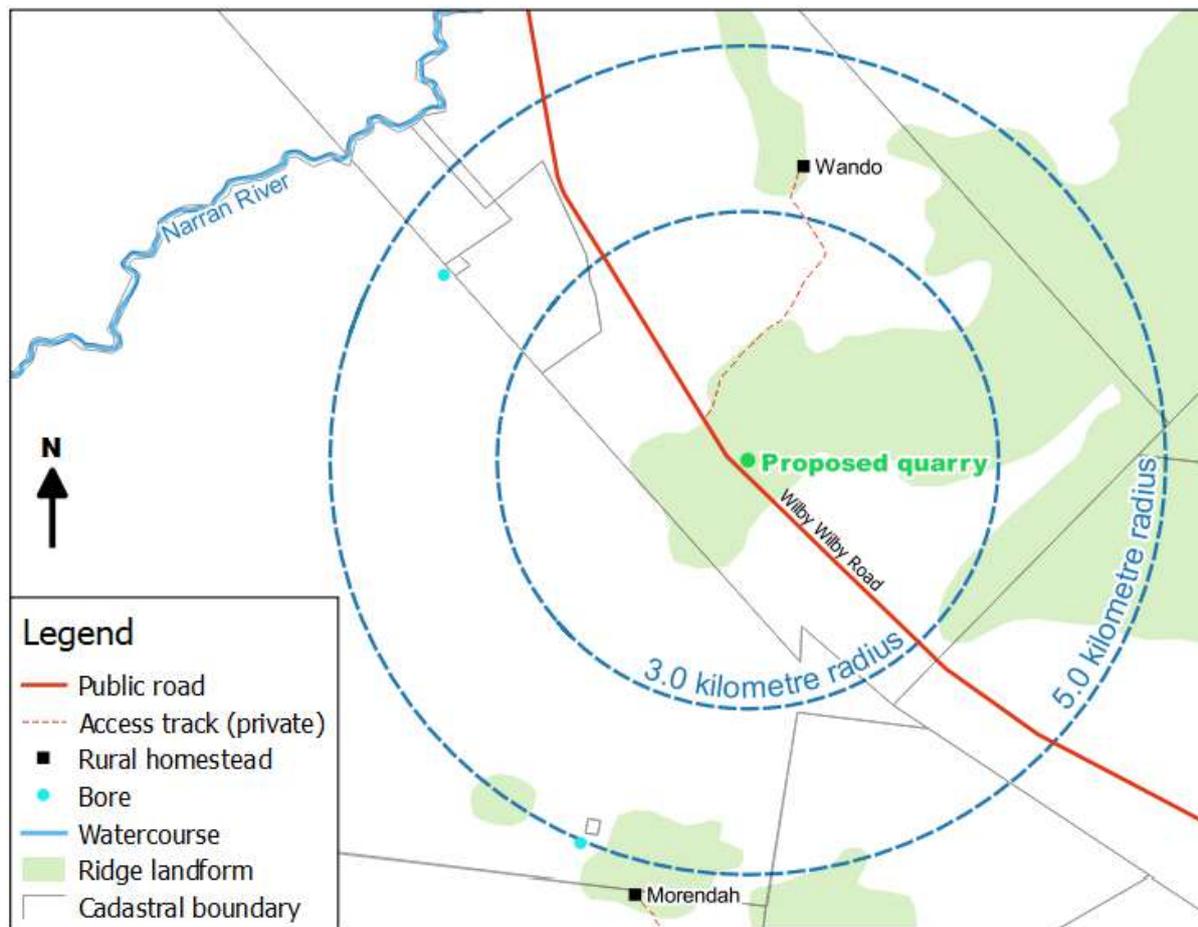


Figure 7 – Quarry location relative to nearby residences<sup>7</sup>.

### 3.11 Travelling Stock Route

Anecdotal information suggests Travelling Stock Route Reserve 321 has been rarely, if ever, used in the last 20 years for travelling stock. During preliminary discussions between the applicant and Western Local Land Services (LLS) staff, it was indicated that the LLS:

- Had no objection to the inclusion of part of the Travelling Stock Route Reserve 321 within the proposed site.

<sup>7</sup> Adapted from NSW Land and Property Information 2009 aerial photographs.

- Would formally review the Development Application documentation upon referral for comment by Walgett Shire Council during the application assessment process.

## **4 MATTERS FOR CONSIDERATION**

Section 4.15 of the Environmental Planning and Assessment Act 1979 (Act) requires Walgett Shire Council, as the consent authority, to consider certain matters in relation to a Development Application. Those matters are addressed under the respective headings below.

### **4.1 Provisions of any environmental planning instrument – Act 4.15(1)(a)(i)**

#### **4.1.1 Walgett Local Environmental Plan 2013**

Planning approval (development consent) is required for certain types of development under the provisions of the Environmental Planning and Assessment Act 1979 and the Walgett Local Environmental Plan 2013 (LEP). Under the LEP the proposed quarry falls within the definition of an “*extractive industry*”. The development site is located in a “*RU1 Primary production*” zone under the LEP where “*extractive industries*” are a permissible land use with development consent from Walgett Shire Council.

#### **4.1.2 Mining SEPP 2007**

Clause 12 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 requires the consent authority, Walgett Shire Council, to consider the compatibility of the proposed quarry with existing, approved and likely preferred land uses in the vicinity, amongst other things. The proposal is compatible with such uses given that the quarry:

- Is located within a RU1 Primary Production zone.
- Incorporates the area of an existing quarry.
- Will provide gravel for the maintenance and upgrade of rural roads in the vicinity.
- Is located more than 3 kilometres from the nearest dwelling.

Clause 15 of the SEPP requires the consent authority to consider the efficiency the development in terms of resource recovery. The proposed quarry will extract weathered rock in an orderly manner subject to demand.

Clauses 14, 16 and 17 require the consent authority to consider the imposition of conditions relating to natural resource management, environmental management, transport and rehabilitation.

#### **4.1.3 State Environmental Planning Policy (Koala Habitat Protection) 2019**

State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP) applies to the Walgett Shire area (clause 5 & schedule 1). Koala habitat protection mapping prepared by the NSW Department of Planning Industry & Environment to support the Koala SEPP was accessed via the [internet](#) on 9 June 2020 and an extract map is provided in Appendix B. The map shows that the quarry site and immediate surrounds are not part of the “koala development application map”, hence development consent is permitted under clause 10 of the Koala SEPP and a “core koala habitat” survey is not required.

#### **4.2 Provisions of any draft environmental planning instrument – Act 4.15(1)(a)(ii)**

No draft environmental planning instruments have been identified as applying to this development.

#### **4.3 Development control plan – Act 4.15(1)(a)(iii)**

The Walgett Shire Development Control Plan 2016 (DCP) does not contain any specific provisions relating to extractive industries. Several clauses are potentially relevant, as shown in the table below, as addressed within the identified sections of this Statement of Environmental Effects.

**Table 3 – DCP clause review.**

DCP CLAUSE & REQUIREMENT	ADDRESSED
<p><b>4.10.2 Aboriginal heritage &amp; archaeology</b></p> <p>The DCP provides indicates that an aboriginal heritage assessment is required in certain contexts, such as development on or near water bodies, natural rock outcrops, etc.</p> <p>Examples of scenarios where Council requires the provision of an Aboriginal Heritage Assessment include where the development site adjoins or is located within an area that has:</p> <ul style="list-style-type: none"> <li>a) permanent or intermittent water bodies, or;</li> <li>b) mature, natural trees, or;</li> <li>c) rock outcrops or exposures, other than a non-Aboriginal mine or quarry site, or;</li> <li>d) sand hills, or;</li> <li>e) recorded in the NSW Office of Environment’s Aboriginal Heritage Information Management System (AHIMS).</li> </ul>	<p>It is the applicant’s understanding that none of these scenarios apply to this proposal, especially given that 98% of the site has been previously quarried.</p> <p>Also see Section 3.7 of SEE.</p>
<p><b>6.1 Environmental effects</b></p> <p>Requires proponents to address potential environmental effects. Effects potentially relevant to this application include:</p> <ul style="list-style-type: none"> <li>• Traffic.</li> <li>• Solid and liquid waste.</li> <li>• Air quality (dust)</li> <li>• Noise emissions.</li> </ul>	<p>Environmental Management &amp; Rehabilitation Plan</p> <p>Traffic, section 3.3.</p> <p>Waste, section 3.5</p> <p>Air quality, section 3.3</p> <p>Noise, section 3.4.</p>
<p><b>6.2 Soil &amp; erosion control</b></p> <p>Requires proponents to address potential erosion issues on sloping sites</p>	<p>Section 3.2 of Environmental Management &amp; Rehabilitation Plan</p>
<p><b>6.5 Noise</b></p> <p>The DCP requires information to be provided where noise may be an issue</p>	<p>Section 3.4 of Environmental Management &amp; Rehabilitation Plan.</p>

**4.4 Planning agreement – Act 4.15(1)(a)(iiia)**

No significant detrimental impacts or demand will be placed on public infrastructure or services as a result of the development. Accordingly, no planning agreement is being proposed by the applicant.

## 4.5 The regulations – Act 4.15(1)(a)(iv)

### 4.5.1 Part 6, Division 8, EPAR 2000

Part 6, Division 8 of the Environmental Planning and Assessment Regulation 2000 prescribes various additional matters for consideration in association with Development Applications. None of the clauses in that part are relevant to this proposal.

### 4.5.2 Designated development

Item 19 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 prescribes various thresholds at which an “extractive industry” becomes “designated development” under the provisions of the Environmental Planning and Assessment Act 1979, as shown below.

19 Extractive industries
(1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):
(a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or
(b) that disturb or will disturb a total surface area of more than 2 hectares of land by:
(i) clearing or excavating, or
(ii) constructing dams, ponds, drains, roads or conveyors, or
(iii) storing or depositing overburden, extractive material or tailings, or
(c) that are located:
(i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
(ii) within 200 metres of a coastline, or
(iii) in an area of contaminated soil or acid sulphate soil, or
(iv) on land that slopes at more than 18 degrees to the horizontal, or
(v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or
(vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.

The proponent understands the existing quarry on the site has been operating sporadically for several decades and does not have development consent or an extractive industries licence. This proposal seeks formal approval for part of the existing quarry site.

There are two extractive industry sites located about 700 metres away in a northerly direction. Anecdotal information indicates that neither of these sites has operated for more than 10 years.

The quarry will not exceed any threshold which would make the proposal designated development.

## **4.6 Likely impacts of the development – Act 4.15(1)(b)**

### **4.6.1 Environmental impacts**

The site is quite altered from its natural state with a history of quarrying and grazing that has reduced endemic vegetation diversity and density. Nevertheless, the proposed quarry will have some environmental impacts, including:

- Excavation and removal of rock.
- Removal of regrowth vegetation.
- Noise from operation of earthmoving machinery.
- Dust may from quarry operations and transport of gravel from site.

### **4.6.2 Processes used to identify environmental impacts**

The initial process used to identify environmental impacts was a review of published information, including recent aerial photographs from:

- NSW Land and Property Information (2009?, 0.5m resolution).
- Google Earth and associated entities (2018, about 0.5m resolution).
- Bing maps.

The aerial photographs were used to develop maps of proposed site boundary, existing disturbance, nearby residences, public roads and access tracks.

Further information was derived from:

- Site inspection on 7 August 2017 which included:
  - Identifying dominant vegetation species.
  - Photographing soil, ground cover, vegetation and geological profile.
  - Checking for evidence of vertebrate animals, including nests, scats and tracks.
  - Reviewing extent of historic quarrying previously interpreted from aerial photographs.

- Discussions and correspondence with the proponent Charles Carpenter, regarding:
  - Nature of proposed quarry operations.
  - Potential environmental impacts and mitigation measures.
  - Drafts of the Statement of Environmental Effects and Environmental Management and Rehabilitation Plan.
- The author's experience over thirty years with rehabilitation of quarries and open cut mines, as well as mitigating environmental impacts of operating sites.

#### **4.6.3 Mitigation measures proposed**

The applicant has prepared an Environmental Management & Rehabilitation Plan (EM&RP) for the quarry in conjunction with an imminent application for a Crown Land Extractive Industry Licence from NSW Planning, Industry & Environment. The document details the proposed environmental management strategies, including for:

- Topsoil
- Runoff & erosion
- Dust
- Noise
- Waste
- Oil/fuel leaks
- Weeds
- Public & animal access
- Rehabilitation

A copy of the Environmental Management & Rehabilitation Plan has been submitted as part of the Development Application.

#### **4.6.4 Social impacts**

No significant negative social impacts are expected given the:

- Relatively remote location of the quarry.
- Substantial distances between the quarry and nearby residences.

#### **4.6.5 Economic impacts**

Positive economic impacts will also arise for the local community via increased demand for transport services, fuel, parts, equipment maintenance and employees. The proponent plans to hire up to five people during peak operations.

#### **4.7 Suitability of the site for development – Act 4.15(1)(c)**

The site is very suitable for gravel extraction given that it is located close to a public road and has been quarried previously. Given that gravel has a relatively low value and transport costs are likely to be significant, it is expected that the product will only be economically viable for use at sites in close proximity (estimated maximum distance about 50 kilometres).

#### **4.8 Submissions made in accordance with the Act or the regulations – Act 4.15(1)(d)**

Neither the Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulation 2000 make any provision for public submissions to be made regarding ‘local’ development for a quarry development at this scale.

#### **4.9 The public interest - Act 4.15(1)(e)**

It is in the public interest that this development should proceed, given that the development will make a positive contribution to economic diversity within the local government area while having minimal negative impacts.

### **5 BIODIVERSITY LEGISLATION**

The Biodiversity Conservation Act 2016 establishes various requirements for development proposals that may have an impact on native flora and fauna. These requirements are reviewed below in the context of the proposed Barneys Ridge quarry.

#### **5.1 Biodiversity Offsets Scheme Threshold**

The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal.

The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- Whether the amount of native vegetation being cleared exceeds a specified area.
- Whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies to the proposed development including biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017.

### 5.1.1 Area Clearing Threshold

A “Biodiversity Values Map and Threshold Report” accessed on 9 June 2020 is included in Appendix C. The report incorrectly states that the minimum lot size specified by the Walgett Local Environmental Plan 2013 (LEP) is 0.04 hectares. The actual size imposed by the relevant LEP map ([7900\\_COM\\_LSZ\\_001\\_240\\_20130408](#)) is 400Ha for the land comprising the proposed quarry.

Under clause 7.2 of the Biodiversity Conservation Regulation 2017 clearing native vegetation from an area greater than 1 hectare would exceed the biodiversity offsets scheme threshold. However, in this case:

- More than 98% of the proposed gravel pit has been historically cleared, primarily by Walgett Shire Council, as noted in section 3.4.
- The Local Land Services Act 2013 (LLSA 2013) has broad definitions for “native vegetation” (section 60B) and “clearing” (section 60C).
- Clearing of land under Part 5A of the LLSA 2013 is **not** regulated for “Category 1 – exempt land”.
- Category 1 land includes areas:
  - Cleared of native vegetation as at 1 January 1990 (60H(1)(a) of LLSA 2013).
  - Land legally cleared since 1 January 1990 (60H(1)(b) of LLSA 2013).
- Item 21 of Schedule 5A of the Local Land Services Act 2013 provides that the clearing of native vegetation for gravel pits is an allowable activity that does not require approval if “*the clearing is carried out by or on behalf of a local council*”.
- It is the proponent’s understanding that the cleared area is Category 1 land under section 60H(1) of LLSA 2013, hence Part 5A of the LLSA 2013 does not apply and no clearing approval is required in this case.

Under the circumstances outlined, the proposal does not exceed the correct area clearing threshold specified from the LEP lot size map.

### 5.1.2 Biodiversity Values Map threshold

A review of the [Biodiversity Values Map](#) on 9 June 2020 showed that the development site is located more than 5.2 km from the nearest area mapped with biodiversity values, which is the channel of the Narran River. The proposal does not exceed the map threshold.

An extract from the Biodiversity Map showing the quarry area is provided in Appendix C.

## 5.2 Threatened species

Although the proposal does not exceed Biodiversity Offsets Scheme Thresholds, Threatened Species Test of Significance Guidelines<sup>8</sup> issued by the NSW Government require assessment in accordance with section 7.3 of the Biodiversity Conservation Act 2016 to determine whether a significant impact on threatened species or ecological communities or their habitat is likely. This process is referred to as a “test of significance”.

The “test of significance” is provided in Appendix A, and concludes that:

*“The proposed development or activity is unlikely to significantly affect any threatened species or ecological communities, or their habitats. In that context a biodiversity development assessment report is not warranted in this case.”*

---

<sup>8</sup> Threatened Species Test of Significance Guidelines, State of NSW and Office of Environment and Heritage, July 2018.  
33 SEE Barneys Ridge Quarry 2020 – Ver 1.1

## 6 CONCLUSION

The proposed development involves the establishment and operation of an extractive industry, including a quarry that will have a maximum surface area of 1.985 hectares. The proponent has proposed mitigation strategies that are appropriate for the context, nature and scale of the development, and will ensure there are no significant adverse impacts on neighbours or the environment. The development will provide a cost effective commercial source of gravel as well as opportunities for local employment. In the above context the proponent submits that it is appropriate for Walgett Shire Council to issue development consent for the proposal, subject to appropriate conditions of consent.

### 6.1 Certification

Prepared by Matthew Goodwin

Bachelor of Land Management, University of Sydney.

Graduate Diploma Urban and Regional Planning, University of New England.

Phone: 0478 622 535

We certify that the information contained within this Statement of Environmental Effects is correct to the best of my knowledge.

Author, Matthew Paul Goodwin



Date: 16 August 2020

Applicant, Charles Laurence Carpenter

\_\_\_\_\_ Date: \_\_\_\_\_

## 7 APPENDIX A – Threatened species test of significance

Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats, from sub-section 7.3(1) of the Biodiversity Conservation Act 2016.

- (a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

*Response: The proposed development is unlikely to have a significant effect on the life cycle of a threatened species as:*

- *Quarry operations will be sporadic and for relatively short periods.*
- *About 98% of the site has been quarried previously to about 1m deep.*
- *All vehicle and machinery access will be via an existing access track to the Wilby Wilby public road.*
- *There is minimal vegetation on the quarry site or access track.*
- *There are negligible habitat niches for feeding, shelter or occupation on the quarry site or access track.*
- *Under the circumstances outlined, it seems unlikely that threatened species of fauna would use the site other than on a transitory basis.*

- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

*Response: The proposed development will not significantly affect or modify any endangered ecological communities as:*

- *Quarry operations will be sporadic and for relatively short periods.*
- *No significant clearing will be undertaken.*
- *About 98% of the site has been quarried previously to about 1m deep.*

- *All vehicle and machinery access will be via an existing access track to the Wilby Wilby public road.*

(c) in relation to the habitat of a threatened species or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

*Response: The proposed development will not significantly remove, modify or fragment any established vegetation as:*

- *No significant clearing will be undertaken.*
- *About 98% of the site has been quarried previously to about 1m deep.*
- *All vehicle and machinery access will be via an existing access track to the Wilby Wilby public road.*

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

*Response: A review of the Biodiversity Values Map on 9 July 2019 showed that the development site is located more than 5 km from the nearest area mapped with biodiversity values, which is along the Narran River. In that context the proposal is very unlikely to have any adverse effect.*

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

*Response: A review of NSW listed key threatening processes was undertaken on 9 July 2019 and the proposed development will not be part of, or increase the impact of, any such processes.*

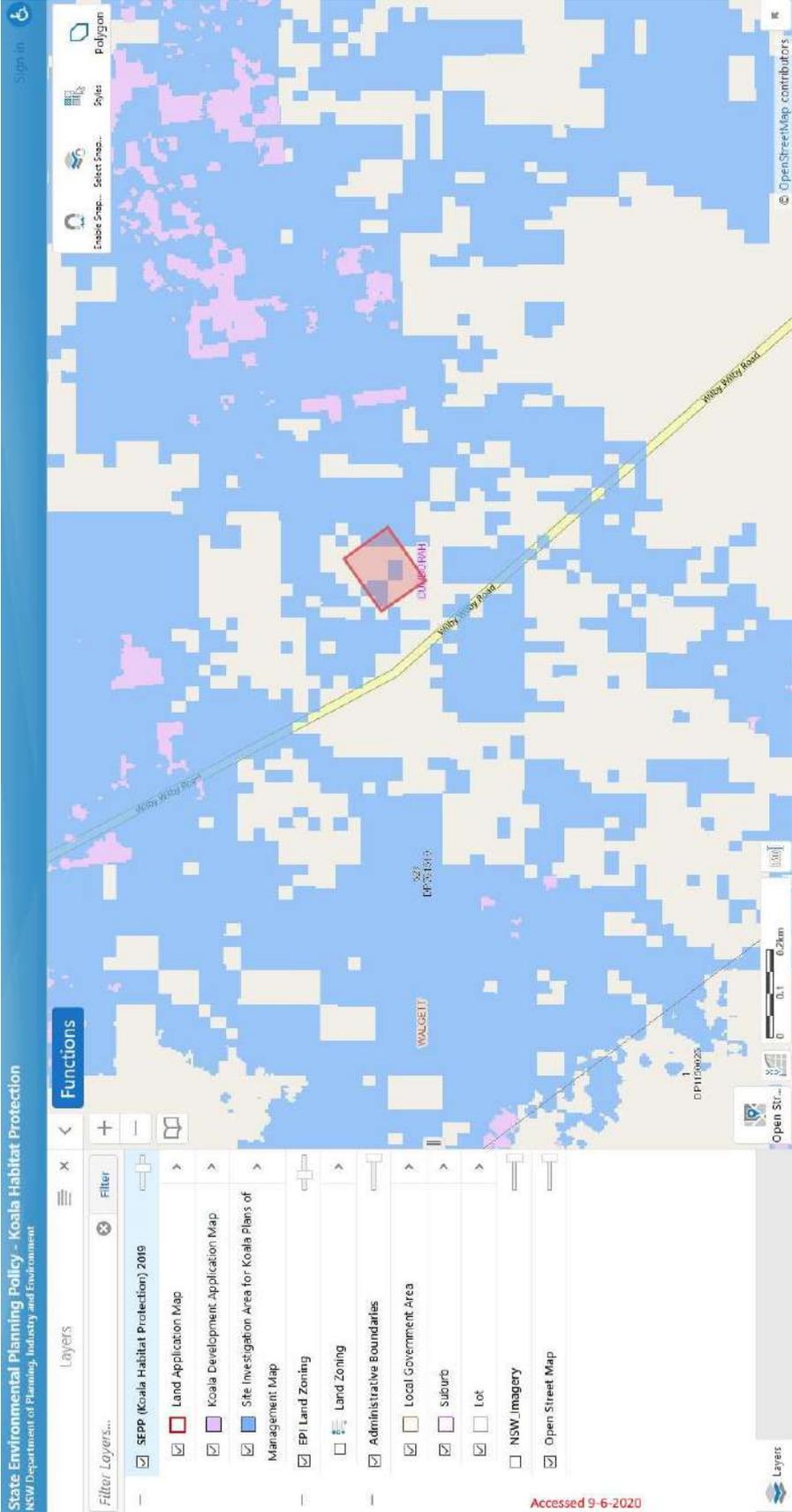
*“Bushrock removal” is listed as a “key threatening process” and involves the disturbance and extraction of weathered outcrops of rock that provide habitat niches for animals. No bushrock will be impacted by this development as:*

- *About 98% of the site has been quarried previously to about 1m deep.*
- *There are no significant natural rock outcrops on the site or in the immediate vicinity that provide habitat niches.*

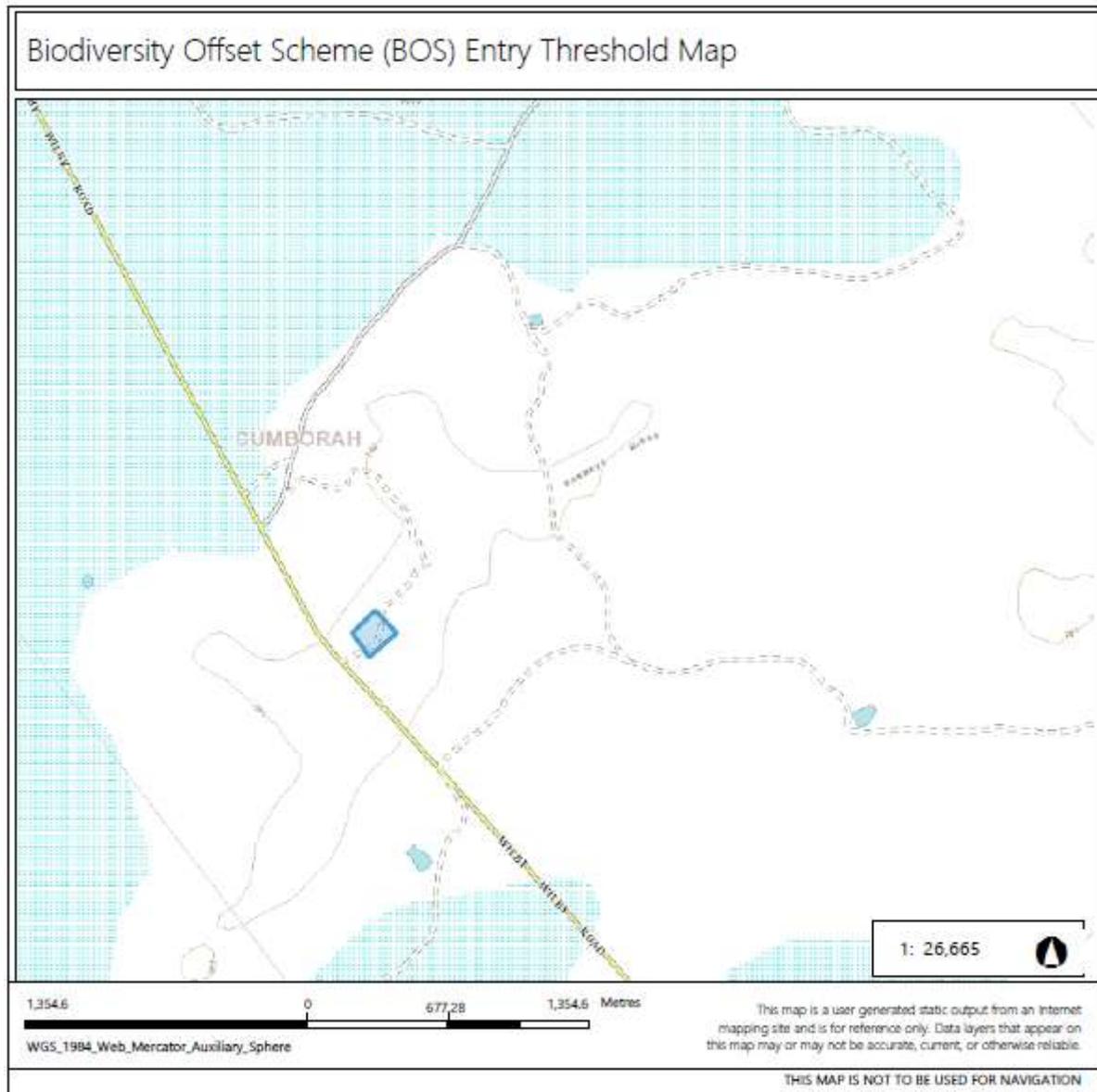
*Conclusion: The proposed development or activity is unlikely to significantly affect any threatened species or ecological communities, or their habitats. In that context a biodiversity development assessment report is not warranted in this case.*

# 8 APPENDIX B – Koala habitat protection map

Image from NSW Dept. of Planning, Industry & Environment’s [koala habitat spatial viewer](#).



## 9 APPENDIX C – Biodiversity (BOSET) map & report



### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

### Notes

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NSW Environment & Heritage

## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	09/06/2020 7:48 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	1.81 ha	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b>	0.04 ha	
<b>Area Clearing Threshold</b>	0.25 ha	
<b>Area clearing trigger Area of native vegetation cleared</b>	Unknown #	Unknown #
<b>Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?</b>	no	no
<b>Date of the 90 day Expiry</b>	N/A	

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

# Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

## Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

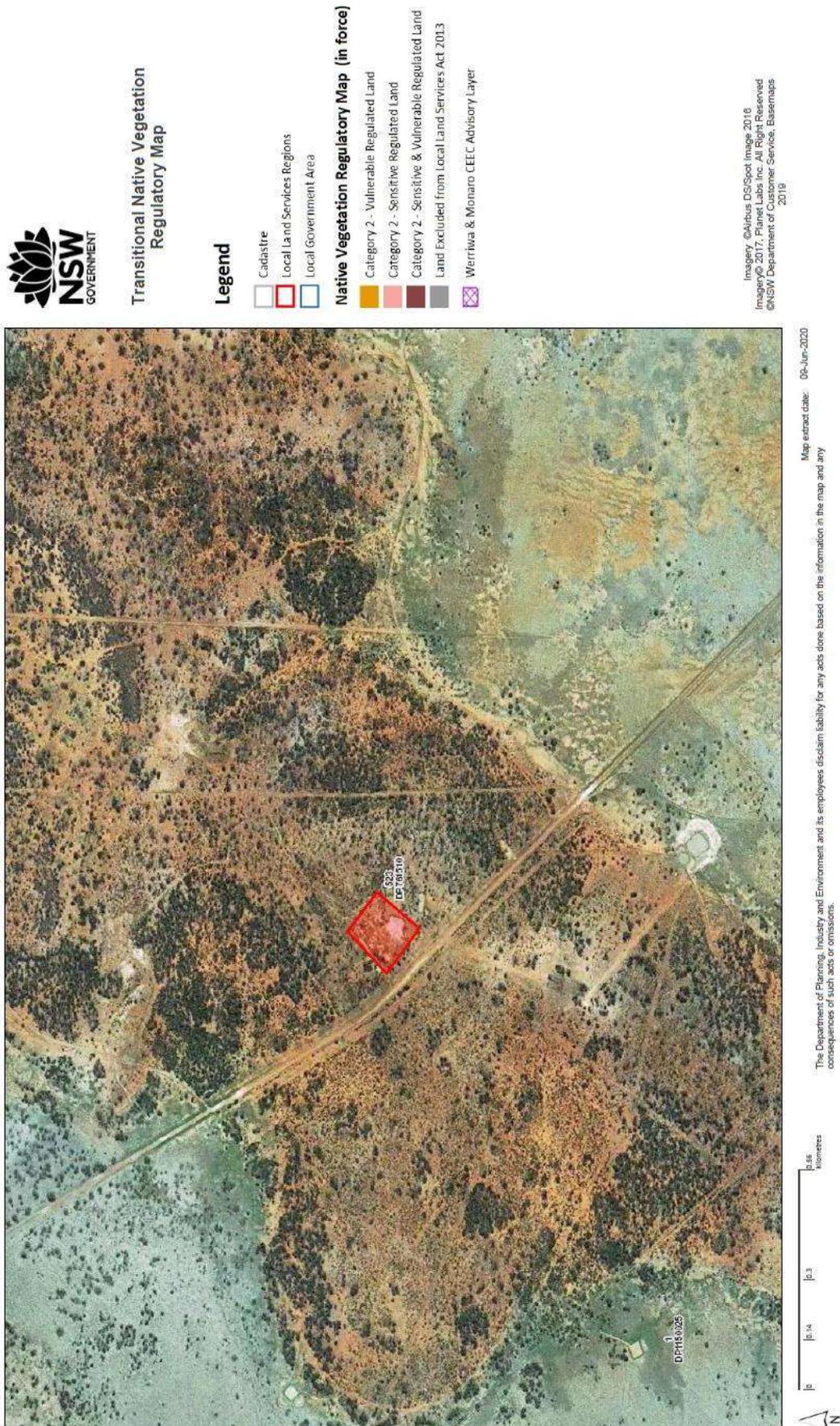
The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 09/06/2020 07:48 AM

# 10 APPENDIX D – Transitional native vegetation regulatory map



# **BARNEYS RIDGE QUARRY**

## **ENVIRONMENTAL MANAGEMENT**

### **& REHABILITATION PLAN**

# **2020**

Extractive Industry Licence: TBD, application in progress

Version: Draft – ~~final~~ – ~~amended~~

#### REVISION REGISTER

VERSION	DATE	REVISION REASON	AREAS REVISED
1.0	Jun 2020	Initial document lodged with NSW Planning Industry & Environment seeking landowners consent for DA.	N/A
1.1	Aug 2020	Address issues raised in NSW Planning Industry & Environment letter dated 5 August 2020.	As per letter, along with various minor updates (Including section 3.3 Traffic & dust, 3.9 Hours of operation).

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## **1. INTRODUCTION**

### **1.1 History of Operations**

The Barneys Ridge quarry has been operated sporadically over several decades.

### **1.2 Current Consents, Authorisations and Licences**

No previous development consent or extractive industry licence for the site or immediate surrounds is known to the applicant.

### **1.3 Landownership and use**

The development site is located about 38.6 km west of Lightning Ridge, as shown Figure 1, on Crown Land held under Western Lands Lease 2486 for the purpose of “pastoral” as part of the property “Wando”, within the locality of Cumborah. It is part of Lot 523, in deposited plan 761510, close to the Wilby Wilby Road (Walgett Shire Road 101).

The previous, and likely future, use of Lot 523 is light grazing, primarily by sheep.

## **2 GRAVEL EXTRACTION ACTIVITIES**

### **2.1 Project Description**

It is intended to expand an existing quarry which has exposed weathered sandstone and claystone of the Cretaceous Griman Creek Formation. The weathered rock will be sold for use as road base (gravel). Based on exposures in similar quarries and open cut opal mines in the region, it is expected that there will be a usable rock profile of at least 15 metres.

An existing gravel pit on the site exposes about 1 metre of soil, predominantly composed of siliceous gravels, overlying weathered rock.

It is intended to market the gravel to end users located within a radius of up to about 50 kilometres from the quarry. Relatively low market values, alternative sources and significant transport costs are expected to make the gravel commercially unattractive for end users located further from the quarry.

### **2.2 Project Scale**

Under ideal conditions the quarry will reach a maximum depth of 10 metres over an area up to 1.898 hectares in extent, as shown in Figure 2. Benches will be maintained for safety reasons (see Figure 3)

and access ramps will be required for vehicles, so it is expected that the maximum gravel extraction over the site will be about 95%, or approximately 176,000 bank cubic metres (in situ).

The likely market for the gravel is expected to be limited, but in exceptional circumstances may be up to 28,000 cubic metres per annum.

It should be noted that depending on demand, the quality and type of gravel extracted, it is probable that the depth and rate of extraction may be substantially less than the maximum indicated. There is also a possibility that no commercial sales will eventuate, hence the quarry may not proceed.

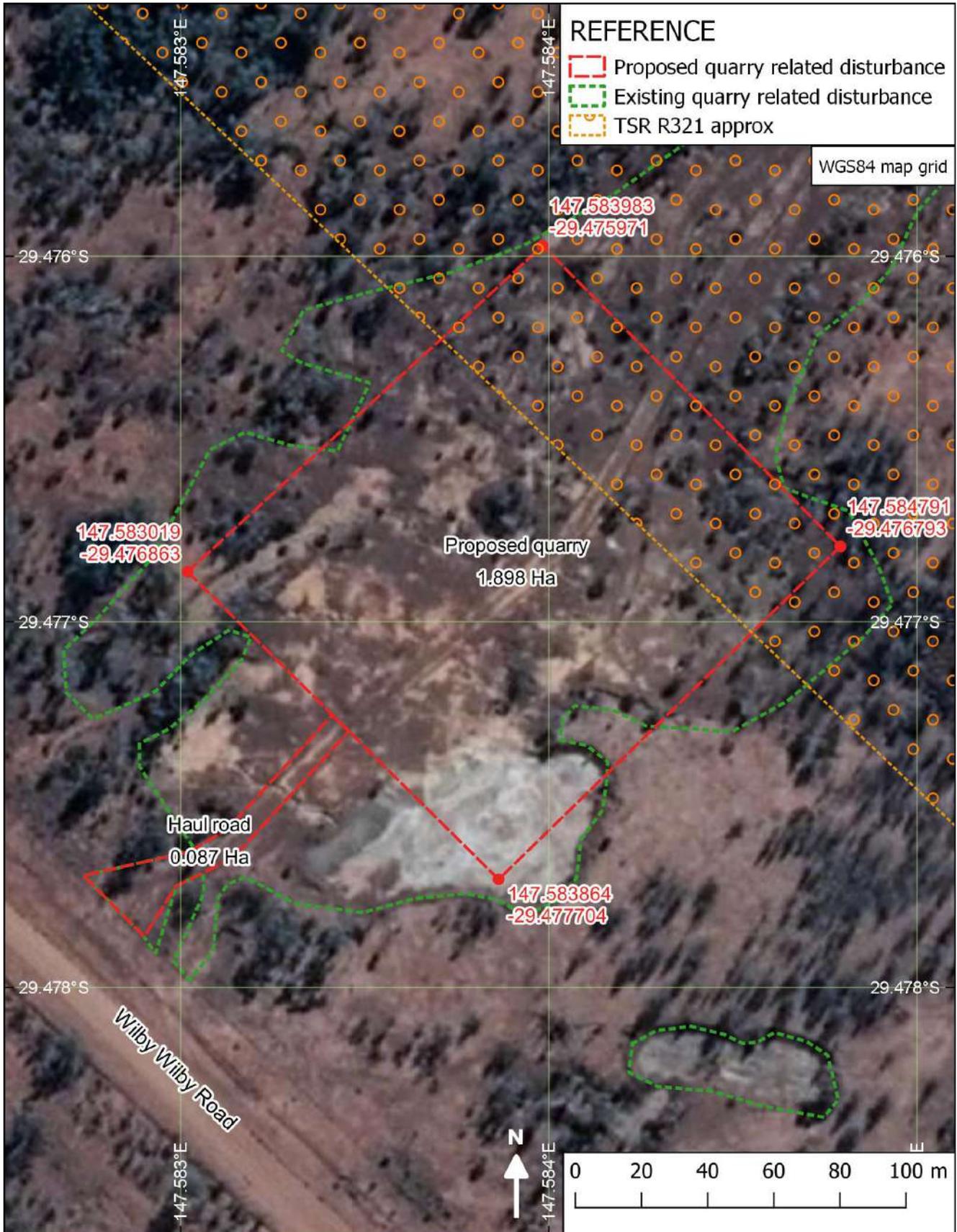


Figure 2 – Proposed quarry extent & existing disturbance.

## 2.3 Excavation methods

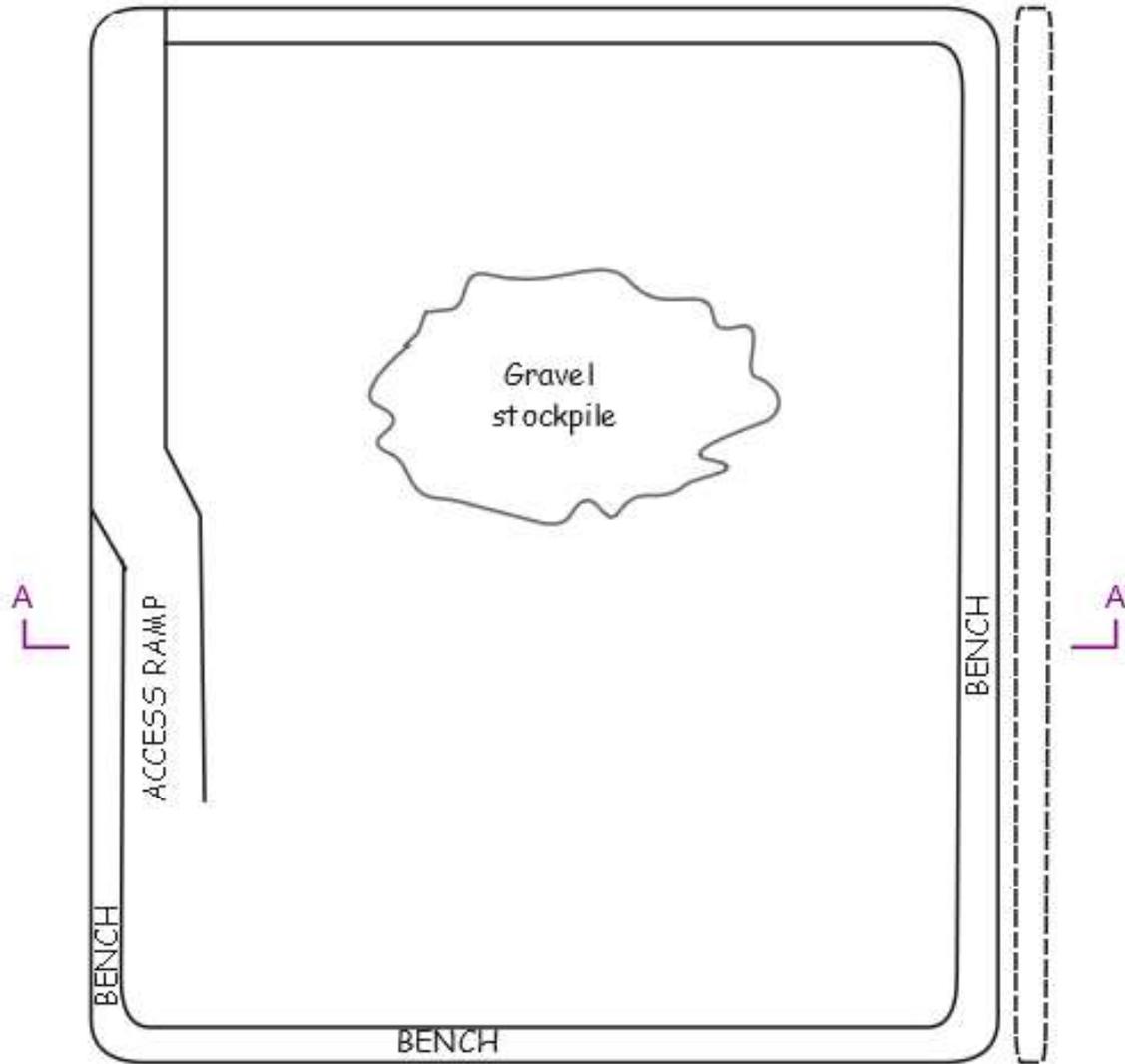
Excavation of rock will be undertaken using earthmoving machinery such as an excavator, front-end loader and/or bulldozer. It is expected that the quarry will proceed sporadically in response to orders.

Figure 3 provides a generalised layout of the quarry site. If the quarry exceeds 5 metres in depth, then a horizontal bench with a minimum width of 5 metres will be established and maintained at 5 metres below ground level, as shown. The intent is to minimise the risk of the walls of the excavation slumping or posing a safety hazard for people working on the quarry floor. Bench height may be reduced in order to maximise safety or productivity, but a minimum bench width of 5 metres will be maintained.

Topsoil and waste rock excavated in the course of quarry operations will be stockpiled for use in rehabilitation of the site, where appropriate. If required, the material will also be used to create banks around the perimeter of the quarry to prevent run-off from flowing into the void during extraction operations.

To avoid the quarry filling with water, a diversion channel will be excavated to divert flows of surface water around the perimeter of the quarry. This diversion channel will only be used while the quarry remains in service. The channel will be excavated so that its base and sides are predominantly in bedrock, thereby minimising the potential for soil erosion.

# PLAN



# CROSS SECTION (2X vertical exaggeration)

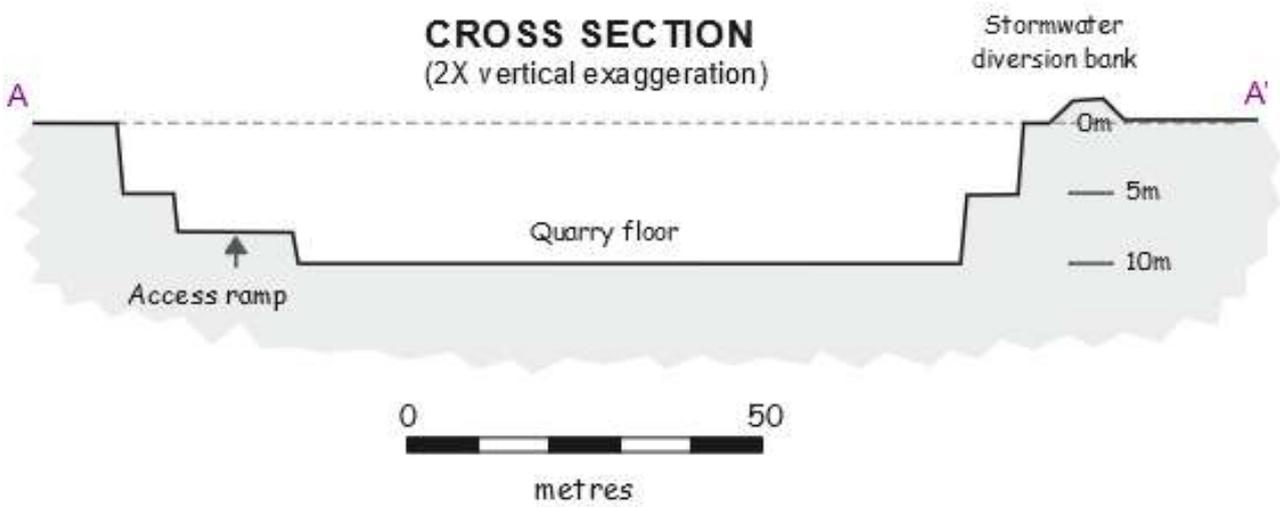


Figure 3 – Generalised site plan & cross section.

## 2.4 Processing and stockpiling

The primary method of on-site processing will be separating excessively large rocks from 'gravel' using grizzly bars, screens or a skeleton bucket.

Material that may be stockpiled includes:

- Excavated gravel, suitable for marketing.
- Waste rock that is not suitable for marketing. This material may be useful for rehabilitation, such as battering the edges of the quarry.
- Soil for future rehabilitation.

The proponent does not intend to undertake rock crushing on the site unless sufficient fragmentation cannot be achieved during the excavation process. If crushing is required, it will be undertaken on a batch basis, when required. A rock crusher will not be installed on a permanent basis.

## 2.5 Transportation and access

Access to the quarry site will be via the Wilby Wilby public road and a private track through the “Wandbo” property. Tip trucks will be used to transport rock from the site.



**Plate 1 – Wilby Wilby Road in foreground, quarry access track in background, August 2017.**

### **3 ENVIRONMENTAL MANAGEMENT**

In the course of undertaking gravel extraction activities there may be some environmental impacts. The most significant potential impacts and proposed mitigation strategies are identified in the respective sub-sections below.

#### **3.1 Topsoil**

There is negligible topsoil left on the site given that 98% of the area has been previously quarried to about 1 metre deep. Nevertheless, any remnant soil will be pre-stripped and stockpiled for rehabilitation purposes.

#### **3.2 Runoff & erosion**

Stormwater runoff will be managed by maintaining an earthen bund wall, where necessary, to prevent water from flowing into the quarry void.

The existing site is a depression generally about 1 metre below natural ground level, with no significant rill or gully erosion apparent in the vicinity. All excavated gravel will be stored within the quarry void. In this context there is unlikely to be any significant erosion or dispersal of sediment from the site in the normal course of events.

#### **3.3 Traffic & dust**

Potential exists for some dust generation from trucks hauling gravel from the site, both on private access tracks and public roads. Nevertheless, it is expected that the quantity of dust will be quite limited as:

- The proponent will impose speed limits on their trucks hauling gravel from the site of:
  - 20 kilometres per hour on private access tracks.
  - 60 kilometres per hour on public gravel roads.
- Wilby Wilby Road has a stable gravel surface and carries relatively small volumes of traffic.

No significant impact is expected on neighbours, given the quarry is located more than 3 kilometres from the nearest residence.

If dust from the quarry site causes any significant problems for traffic on the Wilby Wilby Road or adjoining dwellings, then the quarry operator will either:

- Cease operations until environmental conditions change sufficiently to avoid those impacts, or;

- Apply suitable mitigation measures, such as the spraying of water, whilst necessary to avoid those impacts.

### 3.4 Noise

Noise will be minimised by:

- Ensuring that all transport and earth moving machinery is fitted and maintained with mufflers.
- Only undertaking quarry operations during daylight hours.

### 3.5 Waste

Waste that will be generated includes sump oil, tyres, used oil filters and food/drink containers.

Recyclable and non-recyclable materials will be separated and temporarily stored on site prior to regular removal by quarry staff to a Council approved waste disposal facility.

### 3.6 Oil/fuel leaks

Machinery will be serviced by mobile service vehicles and all used oil recycled. Diesel will be the dominant fuel used in machinery and trucks associated with the quarry. If there is a significant diesel fuel spill (more than 100 litres), then the following actions will be taken to reduce the potential for significant environmental impacts:

- All potential ignition sources will be removed to reduce the potential for fire.
- Access will be restricted to authorised personnel only.
- If there is potential for diesel to flow into an open waterbody or watercourse, the spill area will be bunded to isolate the diesel spill.
- Contaminated soil will be recovered and either:
  - Retained on the quarry site for natural attenuation (break down by natural micro-organisms), if the volume of contaminated soil is less than 2 cubic metres, or;
  - Disposed of at an authorised waste depot, if more than 2 cubic metres.

### 3.7 Weeds

Weeds could potentially be transported to the site via contaminated earthmoving machinery or vehicles. The proponent is committed to:

- Avoiding transporting any machinery to site that is contaminated with “Hudson pear” (*Cylindropuntia rosea* and *Cylindropuntia tunicata*).

- Controlling any significant weed infestation within the quarry and immediately adjoining areas.

### 3.8 Access

Once the quarry excavation exceeds a depth of 2 metres below natural ground level, vertical or near vertical quarry faces could become a fall hazard for the public and livestock. This hazard will be managed by:

- Signs around the perimeter of the site indicating no access to the public.
- Fencing of vertical or near vertical quarry faces to reduce access for the public or livestock.

### 3.9 Hours of operation

The proposed hours of operation are provided in Table 1 below. Activities will be undertaken on a sporadic basis in response to orders, hence there may be significant periods of negligible or relatively small scale activities.

**Table 1 – Hours of operation.**

ACTIVITY	MON TO SAT	SUN & PUBLIC HOLIDAYS
Extraction, processing, loading trucks, shipping.	Daylight hours	
Maintenance	24 hours per day, when required	

## 4 REHABILITATION

### 4.1 Post extraction land use goals

The goal for the post extraction land use is to ensure that the rehabilitated area is left as:

- Free of any waste or contaminants.
- A safe landform, without any vertical or near vertical faces that may harm livestock or people.
- A stable landform that is not vulnerable to erosion.

### 4.2 Waste

Upon permanent cessation of quarrying, the initial phase of rehabilitation will be to ensure that no waste remains on the site, including:

- Machinery parts.

- Rubbish
- Oil or fuel spills.

All rubbish will be removed to a Council operated waste depot while fuel or oil spills will be dealt with as outlined in section “3.7 Oil/Fuel Leaks”, above.

### **4.3 Rehabilitated landform**

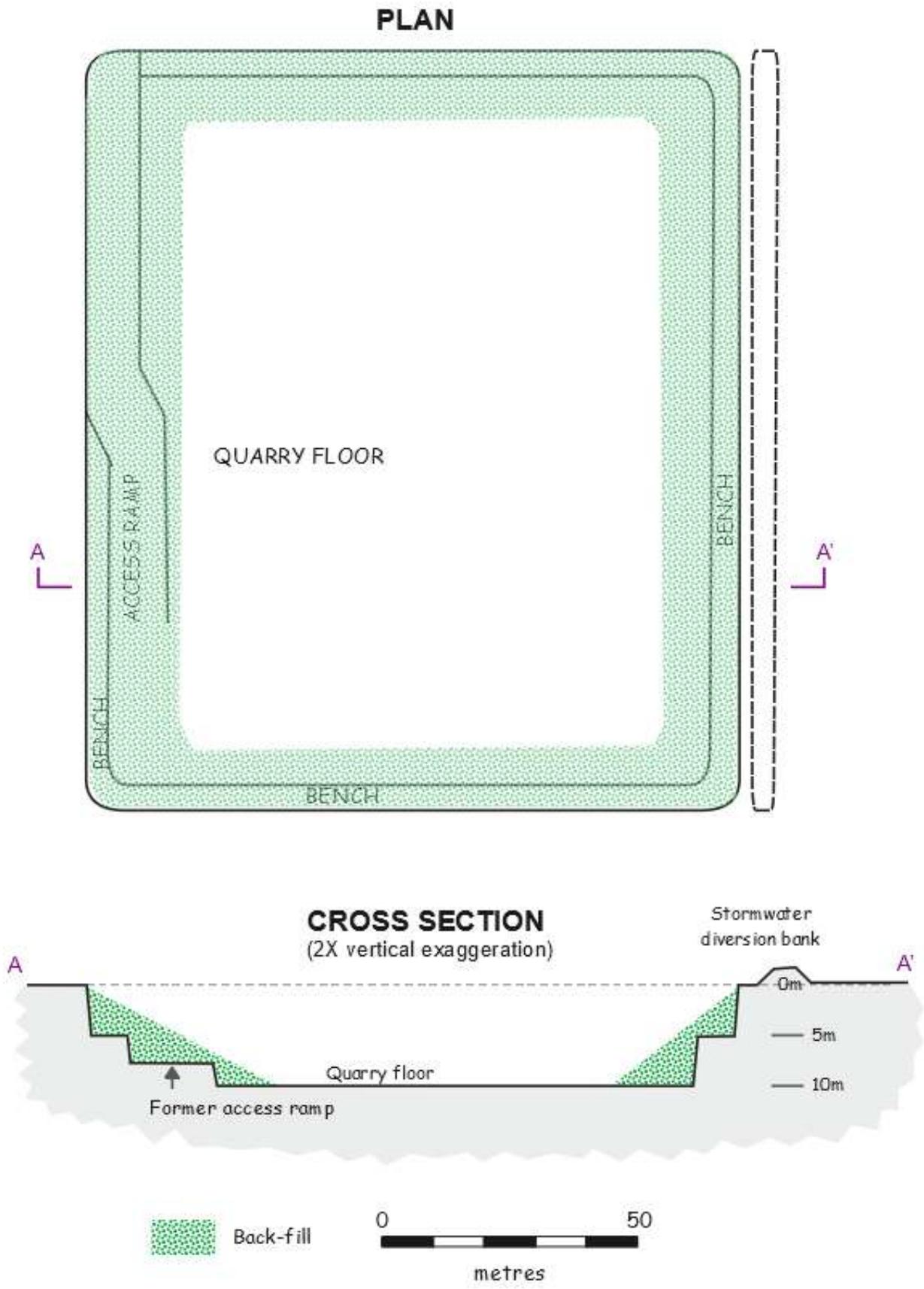
#### **4.3.1 Quarry walls**

Upon cessation of quarrying, any remnant vertical walls could pose a potential fall hazard for people and livestock. Vertical or near vertical walls will be rehabilitated by placing backfill to reduce the slope to 30 to 40 degrees. The area that will be backfilled is shown in Figure 4 by green shading.

The backfill material will be quarried rock from the site, predominantly sandstone and claystone of the Grimman Creek Formation. It will be left with a rough surface texture, with a relief of up to 0.3m, intended to facilitate plant seed and sediment retention, as well as the infiltration of stormwater runoff.

#### **4.3.2 Quarry floor**

The quarry floor will be ripped to at least 0.3m depth to facilitate the subsequent growth of trees and shrubs.



**Figure 4 – Rehabilitation site plan & cross section.**

#### 4.4 Revegetation

Many endemic species occurring on the ridges of the Lightning Ridge Land System have become established on former quarry and opal mining related sites in the region, as listed in Table 2 below. The table includes a column noting where the author has observed each species as natural “regrowth” and as being intentionally “planted” as part of rehabilitation works.

The table also indicates species:

- Vulnerable to grazing by sheep, goats and kangaroos.
- Commonly regarded as agricultural woody weeds.

**Table 2 – Rehabilitation rating of endemic species, Lightning Ridge land system.**

SCIENTIFIC NAME	COMMON NAME	FORM	REGROWTH	PLANTED	GRAZED	NOTE	RATING
<i>Acacia aneura</i>	Mulga	Tree	?	Yes	Yes	Seed or tubestock	High
<i>Atalaya hemiglauca</i>	Whitewood	Tree	Yes	Yes	Yes	Seed or tubestock	High
<i>Atriplex nummularia</i>	Old man saltbush	Shrub	Yes	Yes	Yes	Seed or tubestock	High
<i>Brachychiton populneus</i>	Kurrajong	Tree	No	Yes	Yes	Very slow growth	Medium
<i>Callitris columellaris</i>	Cypress pine	Tree	Yes	No	No	Agricultural woody weed	Low
<i>Eremophila mitchellii</i>	Budda	Shrub	Yes	No	Safe	Agricultural woody weed	Low
<i>Eucalyptus melanophloia</i>	Ironbark	Tree	?	Yes	Unlikely	Slow growth	Medium
<i>Eucalyptus populnea</i>	Bimble box	Tree	Yes	Yes	Unlikely	Seed or tubestock	High
<i>Flindersia maculosa</i>	Leopardwood	Tree	?	Yes	Yes	Slow growth	Low
<i>Geijera parviflora</i>	Wilga	Shrub	Yes	Yes	Yes	Agricultural woody weed	Low
<i>Grevillea striata</i>	Beefwood	Tree	No	Yes	Yes	Very slow growth	Medium
<i>Senna artemisioides</i>	Silver cassia	Shrub	Yes	Yes	?	Agricultural woody weed	Low

Overall four species have been given a “high” rating and are recommended in Table 1 as the most suitable for revegetation of the quarry site, either by spreading of seed or planting tube stock. Given the semi-arid climate and variability of weather, spreading of the seed of the selected species at a relatively high density over the walls and floor of the quarry will be the most practical and cost-effective method to ensure revegetation of the site. Regrowth may take a few years to commence, especially in the absence of reasonable growing seasons.

## 4.5 Performance indicators

Performance indicators for rehabilitation of the quarry are provided in Table 3 below.

**Table 3 – Rehabilitation performance indicators.**

ELEMENT	PERFORMANCE INDICATORS
1. Waste	a) All machinery removed. b) All rubbish removed to Council waste depot. c) No evidence of significant fuel or oil spills.
2. Landform establishment	d) No vertical or near vertical faces. e) No evidence of significant erosion on site or immediately adjoining areas. f) Floor and wall of quarry left with textured surface sufficient to retain water & seed.
3. Ecosystem establishment	g) Trees and shrubs established. h) No significant weed species present on former quarry site.

## 5 DOCUMENT

### 5.1 Development

This Environmental Management and Rehabilitation Plan has been developed in conjunction with the preparation of Development Application to Walgett Shire Council for the Barneys Ridge Quarry.

The initial process used to identify environmental impacts was a review of published information, including recent aerial photographs from:

- NSW Land and Property Information (2009?).
- Google Earth and associated entities (2018).
- Bing maps.

The aerial photographs used as the basis for concept plans of the proposed site boundary, nearby residences, public roads and access tracks.

Further information was derived from:

- Site inspection on 7 August 2017 which included:
  - Identifying dominant vegetation species.
  - Photographing soil, ground cover, vegetation and geological profile.
  - Checking for evidence of vertebrate animals, including nests, scats and tracks.

- Reviewing extent of historic quarrying previously interpreted from aerial photographs.
- Discussions and correspondence with the proponent Charles Carpenter regarding:
  - Nature of proposed quarry operations.
  - Potential environmental impacts and mitigation measures.
  - Drafts of the Statement of Environmental Effects and Environmental Management and Rehabilitation Plan.
- The author's experience over 30 years with rehabilitation of quarries and open cut mines, as well as mitigating environmental impacts of operating sites.

## 5.2 Review

This Environmental Management and Rehabilitation Plan will be reviewed when:

- Significant changes in circumstances require a variation to the quarry operation and/or mitigation measures, or;
- The NSW Department of Industry requests that the plan be reviewed.

## 5.3 Certification

Prepared by Matthew Goodwin

Bachelor of Land Management, University of Sydney.

Graduate Diploma Urban and Regional Planning, University of New England.

Phone: 0478 622 535

We certify that the information contained within this Environmental management and Rehabilitation Plan is correct to the best of our knowledge.

Author, Matthew Paul Goodwin



Date: 16 August 2020

Applicant, Charles Laurence Carpenter

\_\_\_\_\_ Date: \_\_\_\_\_

END.

# Barneys Ridge Quarry Site Plan - Revised

**Legend**

- Extent of proposed quarry
- Extent of existing quarry 2019

WGS84 grid & coordinates  
Image 6/14/2018, (C)CNES/Airbus



# Development Assessment Report

<b>DA Number:</b>	DA2020/19	<b>Council:</b>	Walgett
<b>Location:</b>	3600 Wilby Wilby Road, Lightning Ridge		
<b>Development Description:</b>	Gravel Pit		
<b>Title Details:</b>	Part Lot 523 DP 761510 Western Lands Lease 2486		

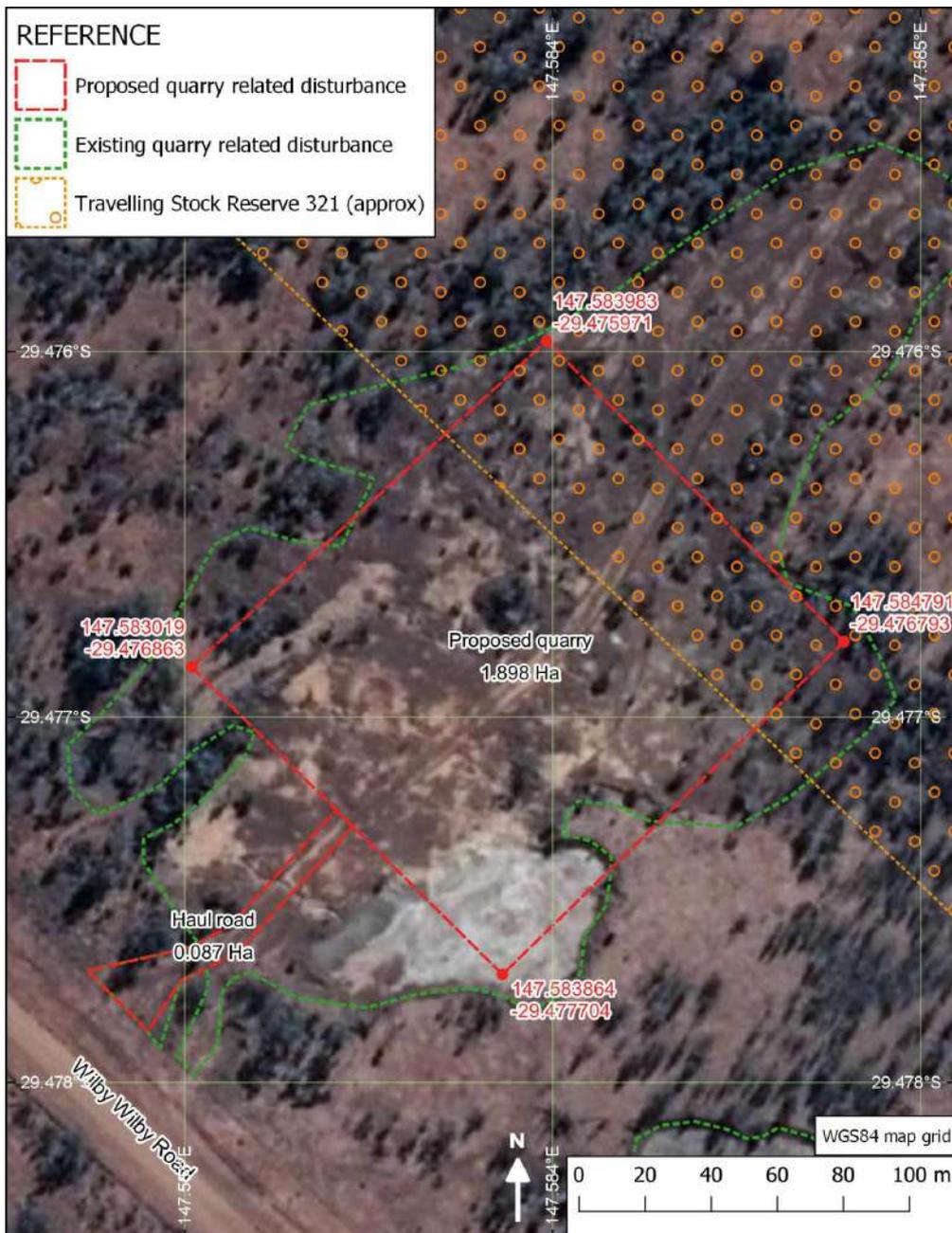
## Proposal Overview

It is intended to deepen an existing quarry which has exposed weathered sandstone and claystone of the Cretaceous Grimman Creek Formation. The weathered rock will be sold for use as road base (gravel).

It is expected that the likely market for gravel in the vicinity is likely to range from about 1,000 up to 29,000 cubic metres per year.

The maximum disturbance arising from quarry related operations will be 1.985 hectares comprising:

- **Quarry area** – 1.898 hectares which includes all excavations, stockpiles and processing areas.
- **Haul road/access track** – 0.087 hectares between quarry site and Wilby Wilby Road. This is an existing all weather access road which links the quarry area to the graded verge of the public road.



The quarry will reach a maximum depth of 10 metres.

Excavation of rock will be undertaken using earthmoving machinery such as an excavator, front-end loader and/or bulldozer. It is expected that excavation will proceed sporadically in response to orders.

Topsoil and waste rock excavated in the course of quarry operations will be stockpiled for use in rehabilitation of the site, where appropriate. If required, the material will also be used to create banks around the perimeter of the quarry to prevent run-off from flowing into the void during extraction operations. To avoid the quarry filling with water, a diversion channel will be excavated to redirect flows of surface water around the perimeter of the quarry. The channel will be excavated so that its base and sides are predominantly in bedrock, thereby minimising the potential for soil erosion.

Access to the quarry site will be via the Wilby Wilby public road and a private track through the “Wando” property.

Upon cessation of operations the quarry void rehabilitated to create a safe and stable landform.

A specific end date for the operation of the quarry has not been proposed because:

- Rural gravel quarries tend to have highly variable and sporadic rates of extraction.
- The actual end date will depend upon the rate of extraction of gravel, which could vary from year to year, anywhere from 0 to 28,000 cubic metres per year, depending on demand.

No amenities buildings are proposed to be established on the quarry site. A toilet and meal area for workers will be provided via the existing “Wando” homestead, with the agreement of the owners.

Property Details/History		
	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>The Land is a WLL and the Lease Holder is not the applicant. The applicant has applied to Crown land whereby they have given approval as owner for the applicant lodgement. The lease holder has not given approval but as extractive licences are special purpose licences granted under Div 5.7 of the CLMA &amp; the Minister may grant a special purpose licence over leased Crown Land without the consent of the lease holder Div 5.7 Sec 5.30 (4) (a).</p> <p><i>(4) The Minister cannot grant a special purpose holding over Crown land already subject to a general purpose lease without its holder's written consent unless—</i></p> <p><i>(a) it is a special purpose licence to enable its holder to remove gravel, sand or any other material that is not a mineral as defined in the <u>Mining Act 1992</u>, or</i></p> <p>Information supplied by Western Local Land Services suggests about 0.5 hectares of the proposed site is also located within Travelling Stock Route Reserve 321</p>
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Application Type	
Is this application an Integrated Development Application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a Designated Development Application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application for State Significant Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application submitted by/on behalf of a Public Authority?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a staged Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a section 96 amendment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**Concurrence/Referral**  
Section 4.13 – EP & A Act

Does this application require concurrence referral?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this application require courtesy comment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this application require referral for decision by Council?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

## Local Environmental Plan

*Section 4.15(1)(a)(i) and Section 4.15(a)(ii) – EP & A Act*

<b>This land is zoned:</b>	RU1 Primary Production
<b>Development as per Standard Definitions:</b>	This development is considered to be an extractive industry. <i><b>extractive industry</b> means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</i>

### List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	An Environmental Management & Rehabilitation Plan has been submitted and adequately addresses this provision.
6.2 Flood Planning	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Council's GIS states that the property is not flood prone. There is no definite identification as to what is and what is not flood prone. As there is no dwelling involved in the development, it is not considered that this clause is applicable.

Is there a draft LEP or draft LEP amendment which may affect this proposal? Yes  No

Do 'existing use' provisions (Sections 4.65-4.70 of the EP&A Act) apply to this development? Yes  No

**Comment:** The pit has not been in operation for some time, therefore losing its existing use rights.

## Development Control Plan

*Section 4.15(1)(a)(iii) & Section 4.15(3A) – EP & A Act*

Is there a DCP which applies to this land/proposal? Yes  No

### List the relevant clause/clauses under the applicable DCP

Chapter	Clause	Compliance	Comment
4	4.10.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Aboriginal Heritage &amp; Archaeology</b> – see section below
6	6.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Environmental Effects</b> – has been addressed adequately – see below for further comment.
	6.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Soil Erosion &amp; Control</b> – An Environmental Management & Rehabilitation Plan has been submitted and adequately addresses this clause.
	6.5	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Noise</b> - An Environmental Management & Rehabilitation Plan has been submitted and adequately addresses this clause see below for further comment.

Is there a draft DCP which may affect this proposal? Yes  No

## Regional Environmental Plan

There is no REP applicable to this area.

## State Environmental Planning Policy

Is this proposal affected by a SEPP? Yes  No

<b>List all relevant SEPPs</b>		
<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
<b>SEPP 19 — Bushland in Urban Areas</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.</i>
<b>SEPP 21 – Caravan Parks</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.</i>
<b>SEPP 33 — Hazardous and Offensive Development</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous &amp; offensive development.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No assessment was submitted by the developer, but considering the location of the nearest sensitive noise receptor, the geographical location of the pit, the intermittent extraction based on demand, and that this is an existing pit which is being reopened, the possibility of this development being either hazardous or offensive is minimal.
<b>SEPP 36 – Manufactured Homes Estates</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP helps establish well-designed and properly serviced manufactured home estates in suitable locations.</i>
<b>SEPP 44 — Koala Habitat Protection</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This policy applies to this Local Government Area as it is listed in Schedule 1 of this SEPP and the property is more than 1 ha in area.  The Koala Habitat Protection map (prepared by NSW Planning , Industry & Environment) shows that the quarry site and immediate surrounds are not part of the “koala development application map”, hence development consent is permitted under clause 10 of the Koala SEPP and a “core koala habitat” survey is not required.
<b>SEPP 47 – Moore Park Showground</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>Applies to the land shown edged heavy black on the map marked “Moore Park Showground Amendment No 1.”</i>
<b>SEPP 50 Canal Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.</i>
<b>SEPP 55 — Remediation of Land</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.  It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.

		The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter. The site has no history of use that would have involved chemical application or use.
<b>SEPP 64 — Advertising and Signage</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.</i>
<b>SEPP 65 — Design Quality of Residential Flat Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
<b>SEPP 70 – Affordable Housing (Revised Schemes)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
<b>Aboriginal Land 2019</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
<b>Affordable Rental Housing 2009</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Coastal Management 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>
<b>Concurrences 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
<b>Educational Establishments and Child Care Facilities 2017</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>
<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>Gosford City Centre 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
<b>Housing for Seniors or People with a Disability 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</i>

<b>Infrastructure 2007</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</i>
<b>Kosciuszko National Park – Alpine Resorts 2007</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>
<b>Kurnell Peninsula 1989</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
<b>Mining, Petroleum Production &amp; Extractive Industries 2007</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p><i>The proposal is compatible with such uses given that the quarry:</i></p> <ul style="list-style-type: none"> <li><i>• Is located within a RU1 Primary Production zone.</i></li> <li><i>• Incorporates the area of an existing quarry.</i></li> <li><i>• Will provide gravel for the maintenance and upgrade of rural roads in the vicinity.</i></li> <li><i>• Is located more than 3 kilometres from the nearest dwelling.</i></li> </ul> <p><i>Clause 15 of the SEPP requires the consent authority to consider the efficiency the development in terms of resource recovery. The proposed quarry will extract weathered rock in an orderly manner subject to demand</i></p>
<b>Miscellaneous Consent Provisions 2007</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.</i>
<b>Penrith Lakes Scheme 1989</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
<b>Primary Production and Rural Development 2019</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP facilitates the orderly economic use and development of lands for primary production; reduce land use conflict and sterilisation of rural land.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<i>The development would meet the aims of this SEPP particularly (b) in that the site is located where there will be minimal land use conflict or sterilisation of primary production land.</i>
<b>State and Regional Development 2011</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</i>
<b>State Significant Precincts 2005</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, and facilitates service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>Sydney Drinking Water Catchment 2011</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for healthy water catchments that will deliver high quality water while permitting compatible development.</i>

<b>Sydney Region Growth Centres 2006</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
<b>Three Ports 2013</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
<b>Urban Renewal 2010</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>
<b>Vegetation in Non-Rural Areas 2017</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Western Sydney Employment Area 2009</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
<b>Western Sydney Parklands 2009</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

**List all relevant Draft SEPPs**

<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
<b>SEPP 55 — Remediation of Land</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The proposed SEPP will provide a state-wide planning framework for the remediation of land; require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly list the remediation works that require development consent; and introduce certification and operational requirements for remediation works that can be undertaken without development consent.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
<b>SEPP - Environment</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i></li> <li>• <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i></li> <li>• <i>State Environmental Planning Policy No. 50 – Canal Estate Development</i></li> <li>• <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i></li> <li>• <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i></li> <li>• <i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i></li> </ul>

<b>SEPP – Housing Diversity</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State’s growing population and support the development of a build-to-rent sector. It introduces new definitions for build-to-rent housing, student housing and co-living;</i></p> <ul style="list-style-type: none"> <li>• <i>amends some state-level planning provisions, particularly for boarding house and seniors housing development;</i></li> <li>• <i>amends some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land; and</i></li> <li>• <i>consolidates three housing-related SEPPs</i> <ul style="list-style-type: none"> <li>○ <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></li> <li>○ <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</i></li> <li>○ <i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).</i></li> </ul> </li> </ul>
<b>SEPP (State &amp; Regional Development)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The proposed changes will:</i></p> <p><i>Remove the \$30 million capital investment value criteria for upgrades of water treatment facilities associated with an existing facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Fast-track the approval process so drought related water treatment facility upgrades can be delivered quicker.</i></li> <li>• <i>Allow Sydney Water to respond to future drought conditions.</i></li> </ul> <p><i>The proposed changes will allow facilities unlikely to have a significant environmental impact on the environment to be assessed by water supply public authorities, instead of a longer State Significant Infrastructure assessment process.</i></p> <p><i>Any new water treatment facilities will still be assessed as State Significant infrastructure. The proposed changes won’t apply to desalination plants, new water treatment facilities or water storage facilities.</i></p>
<b>SEPP (Infrastructure)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This amendment aims to clarify and streamline the planning assessment for the extension and maintenance of the Wild Dog Fence.</i></p> <p><i>The proposed amendment includes:</i></p> <ul style="list-style-type: none"> <li>• <b><i>Extension:</i></b> <i>amend Clause 132 to allow an extension of the fence to be considered as State Significant Infrastructure (subject to a detailed assessment) replacing the need to seek multiple government approvals for different parts of the fence.</i></li> <li>• <b><i>Maintenance:</i></b> <i>include provisions under Clause 132 that permit routine maintenance of the fence to be carried out as exempt development.</i></li> </ul>

**Planning Agreement**  
*Section 4.15(1)(a)(iia) – EP & A Act*

Is there a Planning Agreement in force under section 93F of the EP&A Act? Yes  No

Has a Planning Agreement been offered under this development? Yes  No

**Planning Strategies/Local Policy**

Is there a Planning Strategy or Local Policy that requires notation? Yes  No

Has the applicant submitted any supporting planning assessments?

Yes  No

**Comment:**

### Subdivision

Is this application for subdivision?

Yes  No

### Environmental Impacts

*Section 4.15(1)(b) – EP & A Act*

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – Provides access to a road resource.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The pit is visible from Wilby Wilby Road, but the existing pit is also visible, and if maintained and operated as per the information submitted, there will be no further impact.
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><i>Groundwater is very unlikely to be encountered under normal operating conditions given that:</i></p> <ul style="list-style-type: none"> <li>• <i>The only significant groundwater source in the vicinity is artesian bores, typically around several hundred metres deep.</i></li> <li>• <i>Drill logs for opal prospecting operations undertaken in the Griman Creek Formation nearby<sup>5</sup> are typically up to 25 metres deep and generally do not show any significant near surface water. The formation is generally regarded as relatively impermeable.</i></li> <li>• <i>A shallow aquifer is known in the immediate vicinity of Cumborah about 34.5 km south east of the site. A layer of porous unconsolidated Tertiary alluvium up to several metres thick yields water from bores up to about 15 metres deep.</i></li> <li>• <i>Unconsolidated Tertiary alluvium in the vicinity of the quarry has a maximum thickness of about 1 metre.</i></li> </ul> <p><i>There are no permanent watercourses, wetlands, springs or other land forms in the vicinity which would suggest the presence of a localised near surface aquifer</i></p>
Air	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Minimal Impact – Draft Environmental Management &amp; Rehabilitation Plan states:</p> <p><i>Potential exists for some dust generation from trucks hauling gravel from the site, both on private access tracks and public roads. Nevertheless, it is expected that the quantity of dust will be quite limited as:</i></p> <ul style="list-style-type: none"> <li>• <i>The proponent will impose speed limits on their trucks hauling gravel from the site of:</i> <ul style="list-style-type: none"> <li>○ <i>20 kilometres per hour on private access tracks.</i></li> <li>○ <i>60 kilometres per hour on public gravel roads.</i></li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Wilby Wilby Road has a stable gravel surface and carries relatively small volumes of traffic.</i></li> </ul> <p><i>No significant impact is expected on neighbours, given the quarry is located more than 3 kilometres from the nearest residence.</i></p> <p><i>If dust from the quarry site causes any significant problems for traffic on the Wilby Wilby Road or adjoining dwellings, then the quarry operator will either:</i></p> <ul style="list-style-type: none"> <li>• <i>Cease operations until environmental conditions change sufficiently to avoid those impacts, or;</i></li> <li>• <i>Apply suitable mitigation measures, such as the spraying of water, whilst necessary to avoid those impacts.</i></li> </ul>
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Minimal Impact – Draft Environmental Management &amp; Rehabilitation Plan states:</p> <p><i>Noise will be minimised by:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring that all transport and earth moving machinery is fitted and maintained with mufflers.</i></li> <li>• <i>Only undertaking quarry operations during daylight hours.</i></li> </ul>
Land Degradation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Minimal Impact – Draft Environmental Management &amp; Rehabilitation Plan states:</p> <p><i>There is negligible topsoil left on the site given that 98% of the area has been previously quarried to about 1 metre deep. Nevertheless, any remnant soil will be pre-stripped and stockpiled for rehabilitation purposes.</i></p> <p><i>Stormwater runoff will be managed by maintaining an earthen bund wall, where necessary, to prevent water from flowing into the quarry void.</i></p> <p><i>The existing site is a depression generally about 1 metre below natural ground level, with no significant rill or gully erosion apparent in the vicinity. All excavated gravel will be stored within the quarry void. In this context there is unlikely to be any significant erosion or dispersal of sediment from the site in the normal course of events.</i></p>
Tree Loss	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p><i>Under clause 7.2 of the Biodiversity Conservation Regulation 2017 clearing native vegetation from an area greater than 1 hectare would exceed the biodiversity offsets scheme threshold.</i></p> <p><i>However, in this case:</i></p> <ul style="list-style-type: none"> <li>• <i>More than 98% of the proposed gravel pit has been historically cleared, primarily by Walgett Shire Council, as noted in section 3.4.</i></li> <li>• <i>The Local Land Services Act 2013 (LLSA 2013) has broad definitions for “native vegetation” (section 60B) and “clearing” (section 60C).</i></li> <li>• <i>Clearing of land under Part 5A of the LLSA 2013 is <b>not</b> regulated for “Category 1 – exempt land”.</i></li> <li>• <i>Category 1 land includes areas:</i> <ul style="list-style-type: none"> <li>○ <i>Cleared of native vegetation as at 1 January 1990 (60H(1)(a) of LLSA 2013).</i></li> <li>○ <i>Land legally cleared since 1 January 1990 (60H(1)(b) of LLSA 2013).</i></li> </ul> </li> <li>• <i>Item 21 of Schedule 5A of the Local Land Services Act 2013 provides that the clearing of native vegetation for gravel pits is an allowable activity that does not require approval if “the clearing is carried out by or on behalf of a local council”.</i></li> <li>• <i>It is the proponent’s understanding that the cleared area is Category 1 land under section 60H(1) of LLSA 2013, hence Part 5A of the LLSA 2013 does not apply and no clearing approval is required in this case.</i></li> </ul>

		<i>Under the circumstances outlined, the proposal does not exceed the correct area clearing threshold specified from the LEP lot size map.</i>																																																																
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>About 0.03 hectares (2%) of the total proposed disturbance area of 1.985 has not been significantly disturbed by previous gravel extraction. The remaining 1.955 hectare area has been quarried with about 1m of surface gravel excavated and removed previously. About 50% of the disturbed site contains a naturally regenerating bimple box woodland community. Budda trees are a common component of the community and there is minimal (&lt;2%) ground cover. There are no mature trees anywhere on the site.</i>																																																																
Fauna	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><i>Species that have been observed, or a likely to occur, on the development site are</i></p> <table border="1"> <thead> <tr> <th><b>SCIENTIFIC NAME</b></th> <th><b>COMMON NAME</b></th> <th><b>STATUS</b></th> <th><b>TYPE</b></th> </tr> </thead> <tbody> <tr> <td><i>Barnardius zonarius</i></td> <td><i>Bullen bullen</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Cacatua roseicapilla</i></td> <td><i>Galah</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Corvus sp.</i></td> <td><i>Crow</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Dromaius novaehollandiae</i></td> <td><i>Emu</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Grallina cyanoleuca</i></td> <td><i>Pee wee</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Gymnorhina tibicen</i></td> <td><i>Magpie</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Rhipidura leucophrys</i></td> <td><i>Willy wagtail</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Struthidea cinerea</i></td> <td><i>Apostle bird</i></td> <td><i>Endemic</i></td> <td><i>Bird</i></td> </tr> <tr> <td><i>Wallabia bicolor</i></td> <td><i>Swamp wallaby</i></td> <td><i>Endemic</i></td> <td><i>Mammal</i></td> </tr> <tr> <td><i>Macropus rufus</i></td> <td><i>Red kangaroo</i></td> <td><i>Endemic</i></td> <td><i>Mammal</i></td> </tr> <tr> <td><i>Macropus giganteus</i></td> <td><i>Kangaroo</i></td> <td><i>Endemic</i></td> <td><i>Mammal</i></td> </tr> <tr> <td><i>Sus scrofa</i></td> <td><i>Pig</i></td> <td><i>Introduced</i></td> <td><i>Mammal</i></td> </tr> <tr> <td><i>Vulpes vulpes</i></td> <td><i>Fox</i></td> <td><i>Introduced</i></td> <td><i>Mammal</i></td> </tr> <tr> <td><i>Pseudonaja textilis ?</i></td> <td><i>Brown snake</i></td> <td><i>Endemic</i></td> <td><i>Reptile</i></td> </tr> <tr> <td><i>Varanus sp.</i></td> <td><i>Goanna</i></td> <td><i>Endemic</i></td> <td><i>Reptile</i></td> </tr> </tbody> </table> <p><i>The table has been compiled from anecdotal information and a period of field observation.</i></p> <p><i>There are very limited feeding and living niches available on the site as there are no mature trees, negligible ground cover, no hollow logs and no rock outcrops. In that context it is quite unlikely that there are any significant resident or transient populations of native vertebrate species, especially when compared with less disturbed areas nearby.</i></p>	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>	<b>STATUS</b>	<b>TYPE</b>	<i>Barnardius zonarius</i>	<i>Bullen bullen</i>	<i>Endemic</i>	<i>Bird</i>	<i>Cacatua roseicapilla</i>	<i>Galah</i>	<i>Endemic</i>	<i>Bird</i>	<i>Corvus sp.</i>	<i>Crow</i>	<i>Endemic</i>	<i>Bird</i>	<i>Dromaius novaehollandiae</i>	<i>Emu</i>	<i>Endemic</i>	<i>Bird</i>	<i>Grallina cyanoleuca</i>	<i>Pee wee</i>	<i>Endemic</i>	<i>Bird</i>	<i>Gymnorhina tibicen</i>	<i>Magpie</i>	<i>Endemic</i>	<i>Bird</i>	<i>Rhipidura leucophrys</i>	<i>Willy wagtail</i>	<i>Endemic</i>	<i>Bird</i>	<i>Struthidea cinerea</i>	<i>Apostle bird</i>	<i>Endemic</i>	<i>Bird</i>	<i>Wallabia bicolor</i>	<i>Swamp wallaby</i>	<i>Endemic</i>	<i>Mammal</i>	<i>Macropus rufus</i>	<i>Red kangaroo</i>	<i>Endemic</i>	<i>Mammal</i>	<i>Macropus giganteus</i>	<i>Kangaroo</i>	<i>Endemic</i>	<i>Mammal</i>	<i>Sus scrofa</i>	<i>Pig</i>	<i>Introduced</i>	<i>Mammal</i>	<i>Vulpes vulpes</i>	<i>Fox</i>	<i>Introduced</i>	<i>Mammal</i>	<i>Pseudonaja textilis ?</i>	<i>Brown snake</i>	<i>Endemic</i>	<i>Reptile</i>	<i>Varanus sp.</i>	<i>Goanna</i>	<i>Endemic</i>	<i>Reptile</i>
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Has a Threatened Species Impact Assessment been prepared?

Yes  No

**Comment:** It concludes that:  
*The proposed development or activity is unlikely to significantly affect any threatened species or ecological communities, or their habitats. In that context a biodiversity development assessment report is not warranted in this case.*

Does the proposed development require approval under the EPBC Act Yes  No

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was carried for the development site including a 200 metre buffer. No sites are recorded or places declared either on the land or within the 200 metre buffer. See Attachment.

Is this land classified as containing an item of environmental heritage? Yes  No

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes  No

Is this proposal in a heritage conservation Zone? Yes  No

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes  No

Has a Heritage Impact Statement been prepared for this proposal? Yes  No

Has an Archaeological Survey been prepared for this proposal? Yes  No

### Flooding

*Section 4.15(1)(b) – EP & A Act*

Is this property flood affected? Yes  No

Is there a flood study which includes this land? Yes  No

Has a Flood Impact Assessment been completed for this proposal? Yes  No

**Comment:** Council's GIS states that the property is not flood prone. There is no definite identification as to what is and what is not flood prone. As there is no dwelling involved in the development, it is not considered that this clause is applicable.

### Bush Fire Prone Land

*Section 4.15(1)(b) – EP & A Act*

Is this property bush fire prone as per the Bush Fire Prone Map? Yes  No

### Contaminated Land

*Section 4.15(1)(b) – EP & A Act*

Has this land been identified as being contaminated land by Council? Yes  No

Does this land require remediation? Yes  No

Has a Contaminated Land Site Investigation been completed? Yes  No

Is a referral required to NSW Environment Protections Authority? Yes  No

Has a Remediation Action Plan been completed for the land? Yes  No

**Comment:** Minimal Impact – Environmental Management & Rehabilitation Plan states:  
*Waste that will be generated includes sump oil, tyres, used oil filters and food/drink containers.*  
*Recyclable and non-recyclable materials will be separated and temporarily stored on site prior to regular removal by quarry staff to a Council approved waste disposal facility.*  
*Upon permanent cessation of quarrying, the initial phase of rehabilitation will be to ensure that no waste remains on the site, including:*

- Machinery parts.
- Rubbish

- Oil or fuel spills.

All rubbish will be removed to a Council operated waste depot while fuel or oil spills will be dealt with

Is it a possibility this land may be contaminated?

Yes  No

**Comment:** It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.

The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter. The site has no history of use that would have involved chemical application or use.

Is this land in the close vicinity or adjoining a known contaminated site?

Yes  No

## Infrastructure

*Section 4.15(1)(b) – EP & A Act*

Is an engineering assessment required?

Yes  No

Has an engineering assessment been completed?

Yes  No

Who completed the Engineering Assessment? Raji Ranjit

Engineering Department  Assessing Officer  Other

**Comment:** Onsite Inspection Carried out with Abhishek Suwal on 1 October 2020.

Raju Ranjit Email 22.10.2020:

*I have read through the DA and would like following conditions:*

1. *The applicant shall ensure the area adjacent to the quarry access remains clear of material spillages which may otherwise present a hazard to motorists.*
2. *The applicant shall pay levy to Council a Road Maintenance. The Levy shall be 23 cents per tonne hauled but shall be adjusted annually.*
3. *Council will pay all of the contribution payments into a specially identified account for payment towards the rehabilitation, restoration, repair and/or maintenance of the roads for which the contribution is made.*
4. *The applicant shall be responsible for the placement of improved road signage on the road including the installation of a "give-way" sign at the access of the quarry site. These works shall be conducted in consultation with and to the satisfaction of Council's Engineering Department.*
5. *All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons.*
6. *All loading and unloading of goods shall be undertaken wholly within the site.*
7. *All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council's Health and Building Department.*
8. *A person or persons employed by the applicant shall be appointed to accept responsibility for compliance with the consent conditions.*

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The access need to be constructed to a standard approved by Council. A give way sign is to be installed.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Road Network	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A levy of \$0.23 is to be paid for each tonne extracted. This is to increase by CPI annually. This will go towards the rehabilitation, restoration, repair and/or maintenance of Wilby Wilby Road.
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Does the development require any new easements? Yes  No

Has an Erosion and Soil Control Plan been submitted? Yes  No

### Construction Assessment

Is a Construction Certificate Required? Yes  No

### Section 68 Assessment

Is a section 68 assessment required? Yes  No

### Developer Contributions

Does this proposal require any Developer Contribution? Yes  No

Is the contribution for a subdivision? Yes  No

### Signage

Does this proposal require signage? Yes  No

Has this application included signage? Yes  No

Should signage apply to this development? Yes  No

**Comment:** A condition be placed on the development to have signage placed on Wilby Wilby Road advising local traffic that there are trucks turning into and out of the pit.

### Notification

Does this application require notification/advertising? Yes  No

Is this application an advertised development application under the EP & A Act? Yes  No

Was this application notified/advertised as per the provisions of?  
 EP& A Act     LEP     CCP    Yes  No

Was this application notified/advertised for public interest purposes only? Yes  No

Dates Notification Undertaken    **Commenced**    29.9.2020    **Finished**    13.10.2020

Were there any written submissions received? Yes  No

If Yes, what was the number of submissions received?    2

<b>Submission Maker:</b>	<b>D Currey</b>
<b>Issue:</b>	<i>The road north and south of Barneys for 30 km is clearly not capable of carrying heavy trucks ..... the ongoing problem with the state of our road from the</i>

	<i>bitumen at the Grawin to the Goodooga /Brewarrina Road a lot of the time it's not suitable low vehicles.</i>
<b>Comment:</b>	A levy of \$0.23 is to be paid for each tonne extracted. This is to increase by CPI annually. This will go towards the rehabilitation, restoration, repair and/or maintenance of Wilby Wilby Road.
<b>Issue:</b>	<i>The access to the Quarry on the crest of Barneys Ridge would look like an "accident waiting to happen".</i>
<b>Comment:</b>	A request has been made to the applicant to relocate the access to a better position that has adequate sight distance.
<b>Issue:</b>	<i>There is a reasonable population of Koalas on and around Barneys Ridge.</i>
<b>Comment:</b>	The Koala assessment undertaken did not indicate a Koala population. The Koala Habitat Protection map (prepared by NSW Planning , Industry & Environment) shows that the quarry site and immediate surrounds are not part of the "koala development application map", hence development consent is permitted under clause 10 of the Koala SEPP and a "core koala habitat" survey is not required.
<b>Submission Maker:</b>	<b>Brewarrina Shire Council</b>
<b>Issue:</b>	<i>Are in the process of submitting an application to have access to gravel from Barneys Ridge; Currently discussing proposal with the land lease holder, and they have agreed on access fees; are in the process of finalising this agreement Crown Land indicated, that it would be possible to have two quarry licenses at the same location, it would need to be clearly marked and fenced by both operators;</i>
	<i>Brewarrina Shire is of the view that decision on this application if possible to be postponed to enable us to submit our application within the next few days this will provide Walgett Shire an opportunity to assess both applications before making their decision.</i>
<b>Comment:</b>	Discussions with Brewarrina Council are being undertaken and they are still undertaking their environmental assessment and the exact location of their proposed pit has not yet been determined. As Crown Lands have not yet given their formal response and a formal development application has not been submitted to Council for consideration, this request cannot be taken into account during this assessment.

### Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? Yes  No

### Public Interest

Does this proposal have any construction or safety issues? Yes  No

**Comment:** Signage - A condition be placed on the development to have signage placed on Wilby Wilby Road advising local traffic that there are trucks turning into and out of the pit.

Is there any public health issues? Yes  No

Are there any other public interest issues? Yes  No

### Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development? Yes  No

**Comment:** *Several alternative sites were considered within the region but were ultimately rejected for one or more of the following reasons:*

- *Less disturbed vegetation and greater diversity of flora species suggesting higher environmental values.*
- *Excess distance from potential end use sites.*
- *Lack of proximity to public roads.*

## Assessing Officer General Comment

**Comment:** There are no outstanding issues that cannot be dealt with by the use of appropriate conditioning.

## Recommendation

This development application be approved subject to the following conditions:

### RELEVANT PRESCRIBED CONDITIONS (under the Environmental Planning and Assessment Regulation 2000)

Nil

### GENERAL CONDITIONS

1. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.
2. All management recommendations contained within the Statement of Environmental Effects by Matthew Goodwin dated August 2020 and the final Environmental Management & Rehabilitation Plan are to be complied with.
3. Annual production from the quarry is not to exceed 29,000 tonnes per year of extractive materials. Any increase in production or alteration to operations is to be the subject of a further Development Application.
4. The total surface area of the quarry shall not exceed 1.898ha of land including clearing or excavating, roads; or storing or depositing overburden, extractive materials or tailings.
5. The applicant must keep a legible record of all complaints made to the developer or any employee or agent of the developer in relation to dust or any activity to which this development consent relates. The record must include details of the following:
  - a) the date and time of the complaint;
  - b) the method by which the complaint was made;
  - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) the action taken by the developer in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the developer, the reasons why no action was taken.

The record of a complaint must be kept for at least three (3) years after the complaint was made.

Records of complaints must be produced on demand to authorised officers of Council or State Government authorities
6. The use and occupation of the site including that of construction plant and equipment being installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the Protection of the *Environment Operations Act, 1997*.
7. The rehabilitation of the site will be as per the approved rehabilitation plan including:
  - a) No external material will be brought to site for rehabilitation.

Topsoil will be stored within the bounds of the development and managed to maintain quarry hygiene with regard to environmental weed species.

8. The applicant is to prepare a Quarry Management Plan for the site to summarise NSW Government legislative requirements, guidelines, and the conditions of this development consent. The Quarry Management Plan shall identify operational requirements relating to matters such as noise, water and erosion, air quality, vibration, access, traffic, transport, bushfires, hazardous materials, noxious weeds, rehabilitation, land care, community relations, monitoring and auditing, and waste; including measures to mitigate any adverse impacts to the environment, nearby residents and road users.
9. All erosion and sediment controls are to be designed and implemented in accordance with the publication "Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries" published by the NSW Department of Environment and Climate Change in 2008.
10. Compliance with all requirements of the SafeWork NSW in relation to the transport, storage and handling of dangerous goods associated with the development is to be undertaken.
11. A register of sales of aggregate is to be maintained to verifying quantities transported and to ensure quarterly reporting is met as per requirements of the NSW Resource Regulator.
12. Compliance in relation to the *National Parks and Wildlife Act, 1974* with regard to Aboriginal relics is to be ensured at all times.
13. If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact NSW Environment & Heritage, and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *National Parks & Wildlife Act 1974* may be required before further works can be considered in that area.
14. Signage is to be erected in a suitable location on Wilby Wilby Road advising all approaching local traffic that trucks will be entering and exiting the quarry site.
15. The access to the quarry is to be constructed to a standard approved by Council. This is to include a "Give Way" sign advising all exiting trucks to slow down, and is for the safety of any local traffic.
16. A Rural Address Number Post is to be erected identifying the quarry access as 3600 Wilby Wilby Road, Lightning Ridge. This is to be at the cost of the developer.
17. A levy of \$0.23/tonne (adjusted by an annual CPI) extracted is payable on a half yearly basis. This is to go towards the rehabilitation, restoration, repair and/or maintenance of Wilby Wilby Road. An audited statement is to be supplied to Council on an annual basis by a suitably qualified auditor ensuring compliance with amount levied and number of tonnes extracted.
18. All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons.
19. All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council.

#### **CONDITIONS TO BE COMPLETED PRIOR TO OPERATION COMMENCING**

20. The site access is to be upgraded and maintained throughout the life of the quarry operation. The access must meet the required standard as approved by Council's Director of Engineering.
21. Prior to commencement of any physical works within the road reserve of Wilby Wilby Road, approval is to be gained under S.138 of the *Roads Act 1993*.
22. The applicant is to make contact with the local 'Inspector of Mines', NSW Department of Industry and Investment, Mine Safety Operations Branch, prior to the commencement of operations or activities at the quarry. This is to ensure registration through the NSW Resource Regulator.
23. The Environmental Management & Rehabilitation Plan is to be finalised and submitted to Council for approval.

#### **CONDITIONS RELATING TO ONGOING OPERATIONS**

24. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008*).
25. Trucks carrying loads entering and leaving the premises must be covered at all times, except during loading and unloading.

26. All vehicles are to enter and leave the site in a forward direction with no tracking of materials onto Wilby Wilby Road for the duration of quarry life.
27. The hours of operation must be limited to 7.00am and 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. No work is to be carried out on Sunday or public holidays.

#### COUNCIL ADVICE ONLY

28. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
29. Dial Before You Dig: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
30. Telecommunications Act 1997 (Commonwealth); Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

#### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.
10. Ensure local traffic on Wilby Wilby Road is safe, and the road itself has minimal impact

**Conclusion**

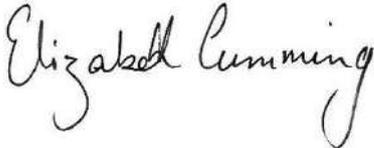
I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached

Yes  No

- Aboriginal Heritage Information Management Search



Signed: .....

Signed: .....

Elizabeth Cumming, Consultant Planner

Bob Harris, Acting Director Environmental Services

Date: 22 October 2020

Date: 22 October 2020

Matthew Goodwin  
117 Ohio North Rd  
Walcha New South Wales 2354  
Attention: Matthew Goodwin  
Email: silcrete40@gmail.com

Date: 21 October 2020

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lat, Long From : -29.4793, 147.5801 - Lat, Long To : -29.4741, 147.5883 with a Buffer of 200 meters, conducted by Matthew Goodwin on 21 October 2020.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

### **If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

### **Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

**From:** [Transport Manager](#)  
**To:** [Bob Harris](#)  
**Cc:** [General Manager](#)  
**Subject:** Brewarrina Shire Council - Submission - Development Application No 2020/19 - Barneys Ridge Gravel Quarry  
**Date:** Thursday, 15 October 2020 9:42:45 AM

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Hi Bob,

Please find our submission to the following proposed development application:

Development Application No: 2020/19  
Land to which the Application Relates 3670 Wilby Wilby Road, Cumborah  
Proposed Development Quarry

Brewarrina Shire Council would like to note the following:

- Brewarrina Shire has secured grant funding to upgrade 60km road section between Brewarrina and Goodooga
- Barneys Ridge has been identified by Brewarrina as a source of gravel for this project;
- We completed geotechnical testing for the site material, and it is suitable for road construction;
- The pit is located 23 km from Brewarrina – Goodooga Rd,
- Brewarrina Shire has started construction on the Brewarrina – Goodooga Rd;
- The proposed road upgrade is part of NSW transport strategy, and the road is for the benefit of all road users.
- We are discussing our proposal with the land owner – Crown Land, and we are in the process of submitting an application to have access to gravel from Barneys Ridge;
- We are discussing our proposal with the land lease holder, and we have agreed on access fees; we are in the process of finalising this agreement
- Crown land indicated, that it would be possible to have two quarry licenses at the same location, it would need to be clearly marked and fenced by both operators;
- We will submit a proposed development application to Walgett Shire Council for Gravel Quarry at Barneys Ridge.
- Brewarrina Shire is of the view that decision on this application if possible to be postponed to enable us to submit our application within the next few days; this will provide Walgett Shire an opportunity to assess both applications before making their decision.

Please let us know if you need further details.

**Amer Tawfik**

Transport Manager | Brewarrina Shire Council

[tm@brewarrina.nsw.gov.au](mailto:tm@brewarrina.nsw.gov.au)

P.O Box 125

Brewarrina, NSW 2839

**P:** 02 6830 5136 | **M:** 0448 921 191 | **F:** 02 6839 2100

"I ACKNOWLEDGE AND PAY MY RESPECT TO THE TRADITIONAL  
CUSTODIANS OF THE LAND ON WHICH I LIVE AND WORK,  
AND TO ELDERS PAST, PRESENT AND FUTURE."

**From:** [Nicolle Currey](#)  
**To:** [Libby Cumming](#)  
**Cc:** [admin Walgett](#)  
**Subject:** Barneys Ridge Quarry  
**Date:** Thursday, 8 October 2020 7:36:17 AM

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Dear Libby

We raise 3 concerns with Council

1 The road north and south of Barneys for 30 km is clearly not capable of carrying heavy trucks We spent 4 months with no mail service this year [Our mailbox is about 1 km north of the Wilby Wilby bridge] I think Geoff Chape would testify to the ongoing problem with the state of our road from the bitumen at the Grawin to the Goodooga /brewarrina road a lot of the time its not suitable low vehicles

2 The access to the Quarry on the crest of Barneys ridge would look like an “accident waiting to happen”

3 There is a reasonable population of Koalas on and around Barrnys ridge

David Currey