

MODIFICATION OF CONSENT REPORT - 090/95DA (S96020/15) – PROPOSED MODIFICATION OF METROMIX QUARRY - 122 Oakey Forest Road Marrangaroo

1. PROPOSAL

Council is in receipt of a modification of development consent application S96020/15 for 090/95DA from Metromix Pty Ltd to allow the temporary transport of up to 100,000 tonnes per annum of overburden as 'general fill' to the Forty Bend Upgrade project of the Great Western Highway by Roads and Maritime Services. This proposed overburden product (fill) is in addition to the existing extraction of the quartzite materials. No changes to operation hours, maximum truck movements or licencing requirements are required and the proposal will cease once the Forty Bends Upgrade is completed.

The original consent was completed under delegation by Council and Integrated Approval through Sydney Water, Freight Rail, Total Catchment Management, Roads & Traffic Authority, Department of Land & Water Conservation, NSW National Parks & Wildlife and Soil Conservation Services for the continued use of the Quartzite Quarry in 1995. This was then modified in 2004 to increase the transportation hours and recently in 2015 to increase the extraction boundary by 1.2ha.

The quarry is owned by Metromix Pty Limited and approved for 220,000t per year of product, utilising drilling & blasting, load & haul, and crushing & screening operations with maximum truck movements of 250/day.

The application will be assessed under Section 96 (2) of the *Environmental Planning and Assessment Act 1979* and under the *Environmental Planning and Assessment Regulations 2000*.

2. SUMMARY

To assess and recommend determination of Section 96 Modification of Consent No. S96020/15 of 090/95DA. Recommendation will be for approval subject to conditions

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 98 DP 751651, Lot 126 DP751651, Lot 2 DP909029 , Lot 1 DP577347, Lot 21 DP715095 and Lot 68 DP813538.

Property Address : 122 Oakey Forest Road Marrangaroo NSW 2790

4. DETAILS OF CURRENT APPROVAL

The original approval was completed under delegation by Council as Designated Development and Integrated Approval through Sydney Water, Freight Rail, Total Catchment Management, Roads & Traffic Authority, Department of Land & Water Conservation, NSW National Parks & Wildlife and Soil Conservation Services for the continued use of the Quartzite Quarry in 1995 (ongoing operations for development that was originated in 1912). This was then modified in 2004 to increase the transportation hours and recently in 2015 to increase the extraction boundary by 1.2ha.

The quarry is approved for 220,000t per year of product and utilises drilling & blasting, load & haul, and crushing & screening operations. The site contains stockpiles that do not exceed 70,000t with maximum heights of 6m. The product is transported off site by trucks with 85- 90% turning right onto the Great Western Highway to Lithgow and 10-15% turn left towards Wallerawang & Bathurst. Traffic movements include 12 to 20 light vehicles per day with a maximum of 250 truck movements per day. The quarry employees 11 persons at the site with the approved hours of operation as follows:

Hours of Operation

Activity	Hours	Days*
Extraction	7:00am to 5:00pm	Monday to Saturday
Processing	7:00am to 5:00pm	Monday to Saturday
Sales	7:00am to 5:00pm	Monday to Friday
	7:00am to 2:00pm	Saturday**
Maintenance	7:00am to 5:30pm	Monday to Friday
	7:00am to 12 noon	Saturday
	24 hours	Monday to Sundays#
* Public holidays excluded.		
** Occasional Saturdays only.		
# Maintenance is rarely undertaken beyond normal hours but is sometimes required at short notice for short periods and then, it is required to be inaudible at nearby residences.		

It is estimated that the Marrangaroo Quarry will continue for approximately 32 years with the current extraction limits for quartzite and resource available.

5. PERMISSIBILITY:

Lithgow City Local Environmental Plan 1994

The development was originally permissible in the zone under Clause 9 of Council's previous LEP1994 which indicated that an extractive industry is permissible in the zoning. This permissibility is not proposed to change as part of this modification. It is considered that the proposal is consistent with the aims and objectives of the previous zone 1(a) Rural (General).

Lithgow Local Environmental Plan 2014

The development was originally approved under LEP1994, however the proposal is currently permitted with consent within the RU1 Primary Production zone and meets the objectives of the zone.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Contribution Agreement

As part of the previous modification S96043/14 approved in 2015 it was agreed that the applicant/operator would provide a yearly contribution with the below change to reflect the modification:

30. *The applicant shall make a contribution of \$8,000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics) toward the ongoing maintenance of Oakey Forest Road. This contribution shall be paid prior to 30 June at the end of each financial year. The payment for the 2014/2015 financial year shall be \$8,000 (plus GST) and the first CPI adjusted payment shall be for the 2015/2016 financial year.*

- 30A. *The applicant shall make an additional contribution of \$2000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics), toward the ongoing maintenance of Oakey Forest Road for the period of overburden sale as 'general fill'.*

5.3 LEGAL IMPLICATIONS

5.3.1 Environmental Planning and Assessment Act 1979- Section 96 (1)

- (1) **Modifications involving minor error, misdescription or miscalculation**
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5), (6) and (7) do not apply to such a modification.

Comment:

Not applicable in this instance.

5.3.2 Environmental Planning and Assessment Act 1979- Section 96 (1A)

- (1A) **Modifications involving minimal environmental impact**
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:
- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

Comment:

Not applicable in this instance.

5.3.3 Environmental Planning and Assessment Act 1979- Section 96 (2)

- (2) **Other modifications**
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

Comment:

The development is substantially the same development given the change is to allow extraction of a separate product to Quartzite using the same methods and within the same footprint. The extractive industry will operate in the same manner, with an increase in extractive material for a period that the Forty Bends Upgrade is ongoing by the Roads and Maritime Services. The original consent was approved by delegation from Council and integrated approval from other government agencies, and therefore the modification will be assessed in the same manner.

The development is considered to have an impact on the environment and therefore, is to be assessed under Section 96 (2). The modification relates to extractive industries and therefore requires assessment by many government bodies in relation to effects on the environment and amenity in general. It is expected that the potential impacts on the environment and amenity can be minimised through existing and additional condition of consent. The proposed modification has been sent to Sydney Catchment Authority, NSW Department of Planning & Infrastructure, Roads and Maritime Services, Environment Protection Authority, NSW Trade & Investment, National Parks & Wildlife Services, NSW Office of Water and surrounding landowners for comments, which are detailed further in this report.

5.3.4 Environmental Planning and Assessment Act 1979- Section 96 (3)

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

LEP 1994 – Compliance Check		
	Clause	Compliance
9	1(a) zoning table	Yes
11	General Considerations for development in rural zones	Yes

The original application was assessed in accordance with the provisions of Lithgow’s Local Environmental Plan 1994, and was found to be compliant. The modification does not require any further assessment under the LEP.

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
	Clause	Compliance
	Land Use table RU1 Primary Production	Yes
7.1	Earthworks	Yes
7.4	Terrestrial biodiversity	Yes

7.5	Groundwater vulnerability	Yes
7.6	Riparian land and watercourses	Yes
7.7	Sensitive lands	Yes

The development was originally assessed under LEP1994, however the modification has been submitted under LEP2014. However the proposal meets the requirements of the LEP2014 and has been assessed adequately in relation to biodiversity, groundwater, watercourses and sensitive lands.

STATE ENVIRONMENTAL PLANNING POLICIES

The original application was assessed in accordance with the provisions of the relevant SEPP's, and was found to be compliant. An additional assessment has been undertaken for the modification.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	Yes

Comment: The development was referred to the Sydney Catchment Authority for assessment under this SEPP. The comments from this referral are detailed later in this report. The SCA have confirmed that the development can achieve a neutral or beneficial effect on water quality subject to conditions of consent and therefore the application complies with the SEPP.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Compliance Check		
	Clause	Compliance
7	Development permissible with consent	Yes
12AA	Significance of resource	Yes
12AB	Non-discretionary development standards for mining	Yes
12	Compatibility of proposed mine, petroleum production or extractive industry with other land uses	Yes
13	Compatibility of proposed development with mining, petroleum production or extractive industry	NA
14	Natural resource management and environmental management	Yes
15	Resource recovery	Yes
16	Transport	Yes
17	Rehabilitation	Yes
18A	Designated Development	Applies

Comment:

The development for the extractive industry is considered permissible with consent as per Clause 7 as it is carried out on land for the purpose of agriculture and is not within an environmental conservation zone.

This operation was included in a recent Mineral Resource Audit by Trade & Investment- Resource & Energy for the Lithgow LGA which was conducted in accordance to Section 117(2) Direction 1.3 – Mining, Petroleum Production and Extractive Industries under the *Environmental Planning and Assessment Act 1979*. It was found that the resource of silica is only one of two known within NSW and is

therefore a significant resource. Department of Trade & Investment also stated: "The building and construction industries in NSW require ongoing replacement of supplies as sources are exhausted".

This quarry uses blasting techniques to produce quartzite (silica) for metallurgical use in steel-making and as hard rock aggregate which has economic benefits for the region and State. The mine currently employs 11 full time people, with run on effect to other businesses and residents of the area including sourcing local product for road works within the area. The modification would allow for employment opportunities of the area and allows local roadworks to source materials nearby.

It is considered that the size and quality of 'general fill' recovered as part of this modification is not significant given it is overburden product. The development will not impact on existing infrastructure and minimal adjoining resources. Some industries are currently dependent on these resources and additional fill will benefit those industries and surrounding areas.

In relation to the development standards for mining or extractive industries, these would be covered by licencing by the EPA under the *Protection of the Environment Operations Act 1997*. The EPA was given opportunity to provide comment on the proposed modification in which it was indicated the current EPA Licence 1464 did not require variation. Additionally, Sydney Catchment Authority and NSW Office of Water have assessed the proposal in relation to effects on water resources with no objection to the proposal subject to conditions of consent.

The approved uses surrounding this land are for extractive industries, agriculture, forest, recreational and residential types. The extractive industry has existed in the locality for many years (since 1912) with minimal impact on the surrounding land uses during this time, with this not expected to change as a result of the modification. The residential land uses and recreation land uses are still growing and is an indication that the extractive industry is not impeding on those uses. The mine is an important quartzite resource as there are minimal areas within NSW for this type of product. Additionally the overburden or 'general fill' is not easily accessible from other areas so close to the proposed upgrade works at Forty Bends for the RMS. The operation also employs local residents and the products are used by surrounding businesses which is beneficial to the surrounding areas. It is considered that the incompatibility to other land uses of the proposal will be minimised by the existing and proposed conditions of consent.

The natural resources management and environmental management will be ongoing with the operations of the site. Council has sought recommendations from a number of authorities dealing in these matters with no concerns raised subject to conditions of consent and other licencing. It is considered that the development meets the requirements of Clause 14.

The efficiency of the resource recovery is considered suitable due to the methods employed for extraction. This type of extraction optimises the resource recovered and minimises waste material by reusing the overburden/unusable products elsewhere onsite for rehabilitation and is addressed by conditions of consent. This product is now proposed to be used offsite and is considered that the site will still have substantial overburden to rehabilitate the site. It is considered that there is minimal wasted materials onsite and the development complies with Clause 15.

Given that the transportation for the proposal is not seeking to change, it is considered that the current arrangements are satisfactory even though it utilises public roads.

The development currently works under a rehabilitation plan and the addition of disturbed land is to be included within these requirements. However, conditions of consent will be amended to include the rehabilitation plans final land form and use proposals.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

Any Development Control Plan

Nil applicable.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

As part of the previous modification S96043/14 approved in 2015 it was agreed that the applicant/operator would provide a yearly contribution with the below change to reflect the modification:

30. *The applicant shall make a contribution of \$8,000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics) toward the ongoing maintenance of Oakey Forest Road. This contribution shall be paid prior to 30 June at the end of each financial year. The payment for the 2014/2015 financial year shall be \$8,000 (plus GST) and the first CPI adjusted payment shall be for the 2015/2016 financial year.*
- 30A. *The applicant shall make an additional contribution of \$2000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics), toward the ongoing maintenance of Oakey Forest Road for the period of overburden sale as 'general fill'.*

Any matters prescribed by the regulations that apply to the land

The Modification is considered to be Designated Development as per Clause 4 (Schedule 3 for extractive industries) under the *Environmental Planning and Assessment Regulations 2000* below:

4 What is designated development?

- (1) *Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.*
- (2) *Part 4 of Schedule 3 defines certain words and expressions used in that Schedule.*
- (3) *Part 5 of Schedule 3 prescribes how certain distances are to be measured for the purposes of that Schedule.*
- (4) *Schedule 3, as in force when a development application is made, continues to apply to and in respect of the development application regardless of any subsequent substitution or amendment of that Schedule, and the application is unaffected by any such substitution or amendment.*
- (5) *References in subclause (4) to Schedule 3 include references to Schedule 3 to the Environmental Planning and Assessment Regulation 1994.*

Schedule 3

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*

It is considered that the development has been assessed and complies with the provisions of the Regulation.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Noise/Vibrations/Blasting

There have been no issues raised in relation to noise and vibrations with the exiting works of the quarry in the last five years. Operations have moved further away from residential land use and the monitoring of blasting is showing compliance with EPA guidelines and licencing. It is considered that the modification will not affect the noise, vibration or blasting of the site as it is continuing away from the existing residential area and no change in extraction methods are proposed. Any noise complaints received are investigated by the quarry.

Impacts from blasting would continue to be controlled through the implementation of the following management controls:

- The burden distance and stemming length would continue to be carefully selected and then implemented precisely to ensure that explosion gases are almost completely without energy by the time they emerge into the atmosphere.
- Charges would continue to be set in carefully designed sequences and with inter-row delays so as to consistently detonate and provide good progressive release of burden.
- Appropriate materials, e.g. 10mm aggregates, would be used for stemming.
- The maximum weight of explosive detonated in a given delay period (the maximum instantaneous charge (MIC)) would be limited to conservative and proven levels.
- Drilling would continue to be undertaken sufficiently in advance to attempt to avoid blasting on days of adverse weather conditions.

Additionally no change in operating hours has been proposed as a result of his modification.

Dust

Over the past 5 years there have been minimal complaints made in relation to dust issues. The EPA have ensured that compliance with the guidelines are ongoing with monitoring being undertaken at 3 locations. Onsite dust suppression methods have been employed using water sourced from storage dams to a 11,000 Litre truck and sprayed on haul roads and stockpile areas. The processing and crushing operations also use a wet screening method which means the product is wetter and minimises dust further in this process. Since 2003 the deposited dust gauges for the operation have reported compliance with the average 4g/m²/month requirement of the EPA.

These results will be reported in the AEMR supplied to Council and authorities until operation ceases.

Dust will be continually controlled through the following controls:

- Regular watering of active haul roads and hardstand areas as dictated by climatic conditions;
- Use of misting sprays on the crushing and screening plant;
- Use of four dust extraction units on the crushing and screening plant
- Fitting of exhaust controls and proper maintenance of earthmoving equipment and onsite vehicles to reduce greenhouse and particulate emissions;
- Covering of all product loads; and
- Progressive rehabilitation of disturbed areas.

Traffic

Given that the transportation for the proposal is not seeking to change, it is considered that the current arrangements are satisfactory even though it utilises public roads. The Roads and Maritime Services have addressed this issue in their correspondence and advise that all existing conditions are to remain unchanged in relation to traffic. It is considered not changing the limited the truck movements and times of movements will reduce traffic issues. The RMS will be provided with a copy of the determination for their records.

Visual

The Quarry site is not visible from any surrounding residence however; some of the west-facing extraction faces within the North-South Quarry and South-West Quarry are visible from vantage points near Mt Lambie which is located approximately 10km away. It is considered that the modification visual impacts are minimal.

Water

The Sydney Catchment Authority and Environment Protection Authority have both assessed the proposal in relation to effects on water resources with no objection to the proposal subject to conditions of consent. It is considered that the modification will be incorporated into existing onsite water management plans for the duration of the operations, including storage, reuse and sedimentation controls. Existing monitoring of the licenced discharge point from the spillway of Dam B will be ongoing and reported in the AEMR's.

Soils

The development is for extractive industries and therefore would have a considerable impact on the soils given the mass movement. However impacts off site will be reduced by implementing stringent sedimentation and erosion controls for the entire operation. An assessment by Sydney Catchment Authority has also provided that additional conditions of consent be imposed to reduce soil movements.

Additionally, there have been issues raised in relation to Potential Acid forming Rock (PAF) from the EPA. However this is being dealt with through internal assessments by Metromix and the EPA and will be reported annually through the AEMR process. It is noted that the PAF Roc is located in an area that is not proposed to be extracted and will be subject to ongoing monitoring.

Bushfire

A Bush Fire Management Plan (BFMP) is currently being prepared for the Quarry Site and will formally assess the risk associated with bush fires. It is considered that

with the implementation of a BFMP in accordance with the Planning For Bushfire Protection 2006 guide that the proposal will reduce bushfire risks.

Surrounding Landuses:

The approved uses surrounding this land are for extractive industries, agriculture, forest, recreational and residential types. The extractive industry is existing and the extension to the west (further from recreational and residential) will be of lesser impact to the existing surrounding land uses.

The extractive industry has existing in the locality for many years (since 1912) with minimal impact on the surrounding land uses during this time, with this not expected to change as a result of the modification. The residential land uses and recreation land uses are still growing and is an indication that the extractive industry is not impeding on those uses. The mine is an important quartzite resource as there are minimal areas within NSW for this type of product. The operation also employees local residents and the products are used by surrounding businesses which is beneficial to the surrounding areas. It is considered that the incompatibility to other land uses of the proposal will be minimised by the existing and proposed conditions of consent.

Socioeconomic

Given the proposal will change the production levels only for a period of time opportunity for increase number of employees associated with the operations the socioeconomic aspects would be positive. This is due to the proposed extraction of 'general fill' enhancing the continuing use of the development. This provides greater long-term employment for the area and job security for the existing workforce which is beneficial for the surrounding areas.

Aboriginal heritage

An assessment on potential impacts of Aboriginal Heritage was undertaken by Niche Environment & Heritage which identified no Aboriginal archaeological sites within the proposed extension area. Based on the desktop assessment and visual inspection undertaken by Niche, it is considered that the likelihood of Aboriginal archaeological sites being located within the proposed extension area is limited due to the geology, topography and surrounding disturbed landscape, and no further archaeological assessment is required for works to continue.

However, Metromix ensures that employees and contractors are aware of their obligations under the *National Parks and Wildlife Act 1974* and, should any suspected relic be uncovered during the extraction- related activities, works in the area surrounding the relic would cease and the OEH and the Local Aboriginal Land Council contacted.

Waste

This type of extraction optimises the resource recovered and minimises waste material by reusing the overburden/unusable products. Additional waste materials such as tyres, oil grease, scrap metal, general waste and paper are all disposed of at a licenced facility. Wastewater from onsite ablution facilities is controlled by an existing septic tank and transpiration bed suitable for 15 persons. It is considered that all waste is disposed of in a manner satisfactory to Council.

Rehabilitation

Given that overburden that would have been used for rehabilitation for the site is now proposed to be utilised offsite, rehabilitation plans will require adjustment. Department of Trade & Investment- Resources & Energy have provided comment on the proposal and advise that prior to the modification works commencing that a

revised Mining operations Plan detailing final land use and landform will be required. This is due to the reduced amount of overburden being available onsite as a result of the proposed modification if approved. This will ensure that there will be enough overburden onsite to adequately rehabilitate the site to an acceptable standard and will set guidelines on how much overburden can be provided offsite for the Forty Bend Upgrade project. Conditions of consent will be imposed adequately.

The Suitability of the site for the development

The original application was assessed in terms of site suitability and was found to be suitable. Given the modification is proposed in the vicinity of an existing Quarry the land is suitable given the existing disturbance and existence of resource. It is considered that the development does not require any further assessment of suitability as extractive industries is reliant on the location of the resource.

Any submissions made in accordance with this Act or the Regulations

The development is substantially the same development given the change is to allow overburden produced at the site to be taken offsite. The extractive industry will operate in the same manner, with an increase in extractive material. The original consent was approved by delegation from Council and integrated approval from other government agencies, and therefore the modification will be assessed in the same manner. The proposed modification has therefore been sent to Water NSW, Roads and Maritime Services, Environment Protection Authority, NSW Trade & Investment-Resource & Energy and Crown Lands with their comments and recommendations detailed below. The proposed modification was notified to surrounding residents and placed on exhibition with no submissions received during this period.

WATER NSW

Based on Water NSW's site inspection and the information provided including that previously provided, the proposed modification has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW therefore does not object to the modification subject to following conditions being included. This advice replaces Water NSW's previous concurrence advices to Council (dated 2 February 2015 and 25 February 2015).

1. The clearing, site preparation and extraction activities shall be undertaken in a manner to ensure that sediment laden and/or highly acidic water is prevented from entering Sanderson Creek and does not cause any adverse effect on the water quality of the creek.
2. All existing water runoff control works, consisting of sediment dams, diversion banks and in-line sediment traps shall be retained and maintained.
3. No water shall be discharged into the catchment of Marrangaroo Creek at any stage during the quarry operations other than via the licensed discharge point.
4. The existing Soil and Water Management Plan shall either be upgraded or a new plan prepared for all works as part of the extraction and rehabilitation by a person with knowledge and experience in the preparation of such plans, in consultation with Water NSW. The Plan shall meet the requirements outlined in Chapter 2 of

NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" – Volume 1, and the requirements outlined in DECC's Soils and Construction: Managing Urban Stormwater Volume 2E Mines and Quarries (2008), and shall be to the satisfaction of Council and Water NSW. The Soil and Water Management Plan shall include but not be limited to:

- a detailed site plan
- detailed design of the stormwater management structures and discharges of these structures
- implementation of a surface water monitoring program for Marrangaroo and Sanderson Creeks as specified below:
 - the program shall commence 6 months prior to any extraction activities, and shall continue for 12 months once extraction activities have commenced
 - monitoring shall include water quality and a quantitative assessment of flows as specified in Section 4.5 of the revised Statement of Environmental Effects (dated 18 February 2015).
- details on the location, procedures and recurrence of the surface water monitoring programs
- details on the location, description, nature and management of stormwater management structures such as pits, pipes, sediment dams, diversion banks, and in-line sediment traps
- an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of potential water quality emergencies, and
- checklists for recording inspections and maintenance activities.

Reason for Conditions 1 to 4 – To ensure stormwater management on a site generating high turbidity and/or acidity is undertaken in a manner and with management structures that ensure a neutral or beneficial effect on water quality and are sustainable over the longer term.

5. The proposal to supply 100,000 tonnes of overburden annually for use on the Forty Bends Road – Great Western Highway upgrade project shall be undertaken in accordance with the Statement of Environmental Effects prepared by R.W.Corkery & Co. Pty Ltd (dated May 2015).

Reason for Condition 5 – To ensure supply of overburden is undertaken in a manner that ensures a neutral or beneficial effect on water quality and is sustainable over the longer term.

6. Effective erosion and sediment controls, as identified in the revised Soil and Water Management Plan shall be installed prior to any construction or extraction activity, and shall prevent sediment or contaminated water leaving the site or entering any natural or off-site constructed drainage system. The controls shall be regularly maintained and retained as identified in the revised Soil and Water Management Plan until works have been completed and groundcover established.

Reason for Condition 6 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

7. The annual environmental management report shall be provided to Water NSW for comment.

Reason for Condition 7 – To ensure that Water NSW is aware of the outcomes of water quality monitoring activities and is satisfied that the site's operations have a neutral or beneficial effect on water quality.

ROADS AND MARITIME SERVICES

The proposal involves transportation of overburden (100,000 tonnes per annum) from Marrangaroo Quartzite Quarry to road works on the Great Western Highway (Forty Bends) east of Lithgow. The proposed haulage operations are an addition to existing haulage operations at the quarry and will occur for the duration of the Forty Bends upgrade project. Whilst there will be an increase in haulage vehicles in and out of the quarry site, the applicant has undertaken to not exceed the maximum number of daily haulage movements or operate outside of existing haulage operation hours specified in Development Consent 090/95DA.

In accordance with Clause 16 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Roads and Maritime recommends conditions 2, 3 and 41 of Development Consent No.090/95DA remain in any modified consent issued in relation to this proposal.

ENVIRONMENT PROTECTION AUTHORITY

The EPA has reviewed the Statement of Environmental Effects (SoEE) for the "Supply of General Fill to Great Western Highway Forty Bends Upgrade" (February 2015) and has not identified any significant issues relevant to the EPA's area of statutory responsibility or interest given that noise, air, land and water issues are not expected to be significantly impacted and will still be regulated by the conditions stipulated by environment protection licence 1464 (the licence). Based on the information provided, a variation to the licence is not required as the licence currently permits "Mining for Minerals" and "Land Based Extractive Activities" at Condition A1.1 with the latter applying to the proposal. The overall scale limitations are based on the Development Approval 090/95.

The one issue of interest is in relation to Potential Acid Forming (PAF) Rock. On 30 April 2015, the EPA advised the Proponents Consultant (R. W. Corkery & Co Pty Limited) via telephone that the EPA had recent concern regarding PAF Rock at the Marrangaroo Quarry which was to be addressed at the next Annual Environmental Management Reporting Meeting and as such, an analysis of the PAF Rock potential should be included in any assessment. Recent assessment by Central West Scientific Pty Ltd has identified an area of Acid Forming Rock in a discrete area of the Marrangaroo Quarry which will not be mined and the SoEE appears to address appropriate safeguards.

NSW TRADE & INVESTMENT- RESOURCE & ENERGY

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the "Statement of Environmental Effects Modification to DA 090/95 (Marrangaroo Quartzite Quarry) dated May 2015 and has no objections to the proposed modification.

If the project is approved, prior to commencement of transporting overburden offsite as opposed to backfilling and landform reconstruction operations, the proponent will be required to submit and have approved a new or revised Mining Operations Plan (MOP). The revised or new MOP will require an assessment of the proposal's impact on final land use and landform, especially given the commitments in the current MOP of backfilling and landform reconstruction to be undertaken in the South-West Quarry.

It is noted that the current MOP and Statement of Environmental Effects supporting this application that the final landform and land use is dependent on further geotechnical and groundwater investigations. As a result DRE recommends that a program should be included in the revised or new MOP outlining the results and findings of studies already completed to assist in planning final landform and land use. Additionally, the program should also include a timeline outlining studies to be undertaken during the MOP period to assist in planning for closure. It is noted that an understanding of final landform and land use is especially important for effective planning of progressive rehabilitation.

Furthermore, the Statement of Environmental Effects details that some backfilling will still be undertaken on site during the period of supplying the Forty Bends Project with overburden for use as road base. The revised or new MOP should also provide estimates as to how much overburden is allocated to either backfilling or for sale as road base product.

It should also be noted that a review of the Rehabilitation Security Bond will also be undertaken prior to project commencement.

NSW TRADE & INVESTMENT- CROWN LANDS

No comments were received.

The public interest

The original application was assessed in terms of the public interest. The proposed modification does not change whether the development is within the public interest.

5.3.5 Environmental Planning and Assessment Act 1979- Section 96 (4)

(4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

Comment:

Noted.

5.3.6 Environmental Planning and Assessment Act 1979- Section 96 (5)

(5) *Threatened species*

Development consent of the kind referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995, is not to be modified unless:

(a) *in the case of development referred to in section 79B (3)—the requirements of section 79B (3)–(7) have been complied with in relation to the proposed modification as if the application for the proposed modification were an application for development consent, or*

(b) in the case of development in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995—the applicant has made an application for modification of the biobanking statement in relation to the proposal and a new biobanking statement has been issued or the consent authority is satisfied that the modification will have no impact on biodiversity values (within the meaning of that Act).

Comment:

There is no biobanking statement issued under the *Threatened Species Conservation Act 1995* in relation to this development and therefore the abovementioned clause does not apply.

6. DISCUSSION AND CONCLUSIONS

The application has been thoroughly assessed under Section 96(2) of the *Environmental Planning and Assessment Act 1979*. and is appropriate for recommendation of approval subject to conditions.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT the Section 96 Modification of Consent application S96020/15 associated with 090/95DA be approved subject to the following amended and additional conditions and as outlined in Schedule A:

AMENDED:

- 1 Development to be carried out generally in accordance with the Statement of Environmental Effects dated June 1995, Statement of Environmental Effects dated April 2003, Statement of Environmental Effects dated September 2014 **and Statement of Environmental Effects dated May 2015** except as may be amended or specified by the following conditions. Where these Statements of Environmental Effects contradict one other the latest version will prevail.
- 2 The rate of production from the total operation **for Quartzite material** shall not exceed 220,000 tonnes per annum.
35. The clearing, site preparation and extraction activities shall be undertaken in a manner to ensure that sediment laden water **and/or highly acidic water** is prevented from entering ~~Marrangaroo~~ **Sanderson** Creek and does not cause any adverse effect on the water quality of the creek.
37. No water shall be discharged into the catchment of Marrangaroo Creek at any stage during the ~~extension of the quarry~~ **operations** other than via the licensed discharge point.
40. The existing Soil and Water Management Plan shall either be upgraded or a new plan prepared for all works as part of the extraction and rehabilitation by a person with knowledge and experience in the preparation of such plans **in consultation with Water NSW**. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" – Volume 1, and the requirements

outlined in DECC's Soils and Construction: Managing Urban Stormwater Volume 2E Mines and Quarries (2008), and shall be to the satisfaction of Council and Water NSW. The Soil and Water Management Plan shall include but not be limited to:

- a detailed site plan
- detailed design of the stormwater management structures and discharges of these structures
- implementation of a surface water monitoring program for Marrangaroo and Sanderson Creeks as specified below:
 - the program shall commence 6 months prior to any extraction activities, and shall continue for 12 months once extraction activities have commenced
 - monitoring shall include water quality and a quantitative assessment of flows as specified in Section 4.5 of the revised Statement of Environmental Effects (dated 18 February 2015).
- details on the location, procedures and recurrence of the surface water monitoring programs
- details on the location, **description, nature** and **nature management** of stormwater management structures such as pits, pipes, sediment dams, diversion banks, and in-line sediment traps
- an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of water quality emergencies, and
- checklists for recording inspections and maintenance activities.

ADDITIONAL:

- 2A The production of overburden that is taken off site is to be used as 'general fill' for the Forty Bend Upgrade to Great Western Highway by the Roads and Maritime Services and shall not exceed 100,000 tonnes per annum. The production of overburden supply for 'general fill' taken off site shall cease at 31 December 2017.
- 30A. The applicant shall make an additional contribution of \$2000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics), toward the ongoing maintenance of Oakey Forest Road for the period of overburden sale as 'general fill'.
42. The supply of a maximum of 100,000 tonnes of overburden annually for use on the Forty Bends Road – Great Western Highway upgrade project shall be undertaken in accordance with the Statement of Environmental Effects prepared by R.W. Corkery & Co. Pty Ltd (dated May 2015).
43. Prior to transporting overburden from the Quarry, the proponent will ensure that the impact of the removal of this overburden on final land use and landform is addressed in an approved Mining Operations Plan (MOP).

Advisory Note:

AN1: Department of Trade & Investment – Resource & Energy advise that a review of the Rehabilitation Security Bond will also be undertaken prior to commencement of supplying overburden as ‘general fill’ to the Forty Bends Upgrade project.

Report prepared by:.....Supervisor:.....

Signed:.....Signed:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

- 1 Development to be carried out generally in accordance with the Statement of Environmental Effects dated June 1995, Statement of Environmental Effects dated April 2003, Statement of Environmental Effects dated September 2014 **and Statement of Environmental Effects dated May 2015** except as may be amended or specified by the following conditions. Where these Statements of Environmental Effects contradict one other the latest version will prevail.
(Amended as per S96043/14 dated 24/3/2015)
(Amended as per S96020/15 dated insert approval date)
- 2 The rate of production from the total operation **for Quartzite material** shall not exceed 220,000 tonnes per annum.
(Amended as per S96020/15 dated insert approval date)
- 2A The production of overburden that is taken off site is to be used as 'general fill' for the Forty Bends Upgrade to Great Western Highway by the Roads and Maritime Services and shall not exceed 100,000 tonnes per annum. The production of overburden supply for 'general fill' taken off site shall cease at 31 December 2017.**
(Added as per S96020/15 dated insert approval date)
- 3 Hours of operation will be confined to 7.00am -5.00pm Monday to Saturday for quarrying and processing activities. Sales and Transportation will be confined to 7.00am-6.30pm Monday to Friday and 7.00am to 2.00pm Saturdays. Maintenance to be confined to the normal operating hours except as provided for in the Statement of Environmental Effects-
(a) Trucks are not to proceed past the Oakey Forest Road Rail Siding before 7.00am.
- 4 The applicant/operator shall obtain all necessary approvals from the Environment Protection Authority and ensure all appropriate measures are taken to minimise any impacts from air, water and noise pollution resulting from the development. All licensing and other requirements of the EPA shall be complied with.
- 5 Stockpiled quartzite to be removed from the old railway siding adjacent to Oakey Forest Road. The site is to be left in a neat and tidy state. Stockpiling of quartzite in this location to cease.
- 6 The applicant/operator shall ensure that all loads leaving the quarry are adequately covered.
- 7 The applicant/operator shall ensure that loads requiring adjustment are attended to within the development site. The Oakey Forest Road rail siding is not to be used for this purpose.

- 8 The applicant/operator shall consult with Freight Rail regarding the possibility of rail haulage of products to the metropolitan Sydney area.
- 9 The applicant/operator shall comply with the requirements of the Council concerning means to prevent and fight bushfires. Council's Fire Control Officer is to be contacted with regard to such.
- 10 All cleared native vegetation to be used either as brush matting, mulch or biomass. This is to be used as ground cover on areas to be revegetated.
11. Revegetation monitoring to be undertaken by qualified botanist or bush regenerator on at least a three yearly basis and the methods and results presented in the Annual Environmental Management Report. Additional to this, photographic monitoring (at least one control point for each rehabilitation area) should be included each year within the annual report.
(Amended as per S96043/14 dated 24/3/2015)
12. The applicant to consult with the Soil Conservation Service during topsoil stripping and stockpiling in respect to erosion protection and long term viability of the stockpiled where immediate reuse is not possible.
13. The applicant to consult with the Soil Conservation Service prior to construction of runoff diversion, erosion and sediment control works and sediment dams. Such works are to be constructed to capacities and standards satisfactory to the Service.
14. The applicant shall consult with the Soil Conservation Service, Division of Resource & Energy and Council with regard to progressive and final implementation of rehabilitation works. Such works to be carried out to the satisfaction of the Division of resource and Energy and include final land form and use.
(Amended as per S96043/14 dated 24/3/2015)
15. Soil erosion control structures will be required to be maintained in the rehabilitation areas until evidence of soil stability is provided.
16. Soil & Water management at the development site is to be effected as outlined in the Statement of Environmental Effects.
17. Ongoing and final landform rehabilitation to be effected as outlined in the State.
18. Applicant to identify in the rehabilitation plan areas requiring rehabilitation for nature conservation purposes with the management objective for these areas to be clearly defined.
19. Fencing of rehabilitation areas to be undertaken where appropriate.
20. Bunded fuel storage area to be appropriately roofed.
21. Drainage of the south west quarry haul road is required to be diverted into the site water management system.

22. The applicant/operator shall undertake a dust monitoring programme in the locality to determine the effectiveness of dust controls used on the development site. The applicant/operator shall consult with the Environment Protection Authority and Council with respect to the monitoring locations and duration of monitoring. Results of dust monitoring shall be submitted together with related data on wind direction, velocity and precipitation in the Annual Environmental Management Report. Any changes to the operation of the quarry deemed necessary as a result of dust monitoring to be notified to Council and implemented accordingly.
(Amended as per S96043/14 dated 24/3/2015)
23. Controlled blasting shall be undertaken at the site, with blasting to be avoided where practical in high wind conditions or on overcast days. All blasting to comply with standards and guidelines of the Environmental Protection Authority. Residents who wish to be notified of imminent blasts shall be notified by the applicant/operator.
24. If any additional loading are to be placed on the septic tanks installed at the site, then a water balance report shall be undertaken and the results applied to Australians Standard 1547 to ensure that the effluent is adequately disposed of.
25. Installation of a truck wheel wash mat at the exit from the quarry. Such to be incorporated into the water management system for the site.
26. Oakey Forest Road to be upgraded to a formation width of 8m with a two coat sealed pavement width of 6m except as provided by condition 16(b). Pavement design shall be in accordance with NAASRA 1987 Pavement Design with recommendations from an approved NATA registered Soil Testing Laboratory or Practising Engineer. The section of Oakey Forest Road currently within the Crown Road Reserve shall be constructed within such Reserve prior to dedication to Council. All works to be undertaken at full cost of the applicant/operator and shall be constructed in accordance with the above requirements within two years of the date of this consent.
 - a. The last 400m of Oakey Forest Road (currently unsealed) running in a north south direction and the quarry access to the new wash bay to be sealed within 12 months of the date of this consent. The remainder of Oakey Forest Road running in the east west direction to be upgraded in accordance with the above requirements within 2 years of the date of this consent.
 - b. Council will consider a lesser formation width on specific sections of road where it facilitates the retaining of trees. No trees shall be removed as a result of roadwork without the approval of Council.
27. The applicant to submit to Council and associated authorities an Annual Environmental Management Report covering all matters in compliance with this consent; works rehabilitation, production and management undertakings set out in the Statement of Environmental Effects dated June 1995-, Statement of Environmental Effects dated April 2003 and Statement of Environmental Effect dated September 2014. The Report shall detail the performance of the development and the effectiveness of environmental controls-, particularly

those identified in the Soil and Water Management Plan. Annual rehabilitation monitoring is also to occur including photographic monitoring within the report.
(Amended as per S96043/14 dated 24/3/2015)

28. The Annual Environmental Management Report shall be prepared for each calendar year (or otherwise agreed) and shall be submitted by the following year during the life of the development, with the first report to be submitted by 31 December 1997.

(Amended as per S96043/14 dated 24/3/2015)

29. The applicant to undertake further detailed environmental assessment of quarrying activities in the north east quarry prior to work commencing in this area. Such to be submitted to Council, the Environmental Protection Authority and Division of Resource and Energy for approval, prior to extraction commencing in this area.

(Amended as per S96043/14 dated 24/3/2015)

- ~~30.~~ The applicant shall make a contribution of \$8,000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics) toward the ongoing maintenance of Oakey Forest Road. This contribution shall be paid prior to 30 June at the end of each financial year. The payment for the 2014/2015 financial year shall be \$8,000 (plus GST) and the first CPI adjusted payment shall be for the 2015/2016 financial year.

(Amended as per S96043/14 dated 24/3/2015)

- 30A. The applicant shall make an additional contribution of \$2000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics), toward the ongoing maintenance of Oakey Forest Road for the period of overburden sale as 'general fill'.**

(Added as per S96020/15 dated insert approval date)

31. That all residents along Oakey Forest Road be provided a copy of the Metromix- Marrangaroo Quarry Code of Conduct for Truck Driver. (NB. An additional item shall be included in the Code of Conduct to the effect that headlights must be turned on during periods of poor visibility).

32. That appropriate heavy vehicle advisory signage shall be displayed along Oakey Forest Road, indicating that this is a heavy haulage route. This shall be at full cost to the Applicant.

33. That the Applicant shall install line marking along the full length of Oakey Forest Road, this shall include both edge lines and centre line delineation. Reflective pavement markers and guide posts shall be installed along the entire length of Oakey Forest Road, at full cost to the applicant. This work shall be completed on conjunction with Council's next line marking campaign or 1 May 2004 whichever occurs sooner.

34. Signs shall be erected within the quarry displaying to drivers that compressions braking is prohibited along the full length of Oakey Forest Road and that truck speeds be limited to 40km/h.
35. The clearing, site preparation and extraction activities shall be undertaken in a manner to ensure that sediment laden water **and/or highly acidic water** is prevented from entering Marrangaroo **Sanderson** Creek and does not cause any adverse effect on the water quality of the creek.
(Added as per S96043/14 dated 24/3/2015)
(Amended as per S96020/15 dated *insert approval date*)
36. All existing water runoff control works, consisting of sediment dams, diversion banks and in-line sediment traps shall be retained and maintained.
(Added as per S96043/14 dated 24/3/2015)
37. No water shall be discharged into the catchment of Marrangaroo Creek at any stage during the ~~extension of the~~ quarry **operations** other than via the licensed discharge point.
(Added as per S96043/14 dated 24/3/2015)
(Amended as per S96020/15 dated *insert approval date*)
38. Effective erosion and sediment controls as identified in the revised Soil and Water Management Plan shall be installed prior to any construction or excavation activity, and shall prevent sediment of contaminated water leaving the site or entering any natural or off-site constructed drainage system. The control shall be regularly maintained and retained as identified in the revised Soil and Management Plan until works have been completed and groundcover established.
(Added as per S96043/14 dated 24/3/2015)
39. The annual monitoring report shall be provided to the Water NSW for comment.
(Added as per S96043/14 dated 24/3/2015)
40. The existing Soil and Water Management Plan shall either be upgraded or a new plan prepared for all works as part of the extraction and rehabilitation by a person with knowledge and experience in the preparation of such plans **in consultation with Water NSW**. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" – Volume 1, and the requirements outlined in DECC's Soils and Construction: Managing Urban Stormwater Volume 2E Mines and Quarries (2008), and shall be to the satisfaction of Council and Water NSW. The Soil and Water Management Plan shall include but not be limited to:
- a detailed site plan
 - detailed design of the stormwater management structures and discharges of these structures
 - implementation of a surface water monitoring program for Marrangaroo and Sanderson Creeks as specified below:
 - the program shall commence 6 months prior to any extraction activities, and shall continue for 12 months once extraction activities have commenced

- monitoring shall include water quality and a quantitative assessment of flows as specified in Section 4.5 of the revised Statement of Environmental Effects (dated 18 February 2015).
 - details on the location, procedures and recurrence of the surface water monitoring programs
 - details on the location, **description, nature** and **nature management** of stormwater management structures such as pits, pipes, sediment dams, diversion banks, and in-line sediment traps
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of water quality emergencies, and
 - checklists for recording inspections and maintenance activities.
(Added as per S96043/14 dated 24/3/2015)
(Amended as per S96020/15 dated *insert approval date*)
41. Quarry related road haulage operations are not to exceed a maximum of 250 movements/ 125 trips per day.
(Added as per S96043/14 dated 24/3/2015)
- 42. The supply of a maximum of 100,000 tonnes of overburden annually for use on the Forty Bends Road – Great Western Highway upgrade project shall be undertaken in accordance with the Statement of Environmental Effects prepared by R.W. Corkery & Co. Pty Ltd (dated May 2015).**
(Added as per S96020/15 dated *insert approval date*)
- 43. Prior to transporting overburden from the Quarry, the proponent will ensure that the impact of the removal of this overburden on final land use and landform is addressed in an approved Mining Operations Plan (MOP).**
(Added as per S96020/15 dated *insert approval date*)

ADVISORY NOTE:

AN1: Department of Trade & Investment – Resource & Energy advise that a review of the Rehabilitation Security Bond will also be undertaken prior to commencement of supplying overburden as 'general fill' to the Forty Bends Upgrade project.
(Added as per S96020/15 dated *insert approval date*)