Appendix 2

Director-General's Requirements

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NSW GOVERNMENT | Planning

Contact: Colin Phillips
Phone: 02 9228 6483
Fax: 02 9228 6466
Email: colin.phillips@planning.nsw.gov.au

Our ref: S04/00377

Mr Robert Murdoch
General Manager
Mudgee Stone Company Pty Ltd
PO Box 342
MUDGEE NSW 2850

Dear Mr Murdoch

Modification to the Director-General's Requirements
Oberon White Granite Quarry Project
Project Application 07_0122

I wish to advise you that in accordance with section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General has modified his requirements for the Oberon White Granite Quarry Project. I have attached a copy of the modified Director-General's requirements (DGRs) for the project.

If you have any enquiries about the modified requirements, please contact Colin Phillips at the details above.

Yours sincerely

18.9.09

Chris Wilson
Executive Director
Major Projects Assessment
As Delegate for the Director-General

Department of Planning, 23-33 Bridge Street (GPO Box 39), Sydney, NSW 2001
Website www.planning.nsw.gov.au

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	07_0122
Project	The extension of the Oberon White Granite Quarry, which includes: • extracting, processing and transporting by road of up to 250,000 tonnes of extractive materials a year for 30 years, and • progressively rehabilitating the site.
Site	Lot 2 DP 1089826, Ferndale Road, Oberon
Proponent	Mudgee Stone Company Pty Ltd
Date of Issue	18 September 2009
General Requirements	The Environmental Assessment must include: • an executive summary; • a detailed description of all components of the project including the: – need for the project; – alternatives considered; and – various components and stages of the project; • consideration of any relevant statutory provisions; • the results of a recent independent environmental audit of the environmental performance of the approved quarry and whether it is complying with its existing conditions of approval; • an overview of all the environmental impacts of the project, identifying the key issues for further assessment, and taking into consideration the issues raised during consultation; • a detailed assessment of the key issues specified below and any other significant issues identified in the general overview of environmental impacts of the project (see above), which includes: – a description of the existing environment; – details of the quantity and quality of the Oberon alaskite deposit on the site and likely use of the resource and the need for a Mining Lease for the project, given that the crushed material used for ceramics manufacture is classified as a mineral under the *Mining Act 1992*, and likely impacts of the project on the alaskite deposit in the surrounding area; – an assessment of the potential impacts of the project, including any cumulative impacts; – a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts of the project; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; • a conclusion justifying the project, taking into consideration the environmental impacts of the project, the suitability of the site, and the benefits of the project; and • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.
Key Issues	• **Noise** – including construction and operational noise and off-site road noise impacts; • **Blasting and Vibration**; • **Air Quality**; • **Surface and Ground Water** - including details of surface and ground water impacts and a site water balance; details of the proposed water management system including any creek diversions and sediment/water supply dams; and a contingency strategy setting out the measures that would be implemented to minimise impacts on the supply of water (quality

	and quantity) to the environment and surrounding landowners; • **Traffic and Transport** - details of traffic volumes generated by the project and an assessment of the capacity and safety of the of the proposed transport route and intersection of Ferndale Road and Duckmaloi (Hampton) Road; • **Flora and Fauna** – including impacts on threatened species, populations or endangered ecological communities or their habitats; and details of vegetation offsets to ensure that there is no net loss to the flora and fauna values of the area; • **Visual**; • **Heritage** – including Aboriginal and non-Aboriginal heritage; and • **Rehabilitation and Final Land Form** - including a justification for the proposed final land form and use in relation to any strategic land use objectives for the area; a detailed description of how the site would be progressively rehabilitated and integrated into the surrounding landscape; the measures that would be put in place to ensure sufficient financial resources are available to implement the proposed rehabilitation measures, and the ongoing management of the site following the cessation of extraction activities.
References	The Environmental Assessment must take into account relevant State Government technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in the attached list.
Consultation	During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you should consult with: • Department of Environment, and Climate Change and Water; • Department of Industry and Investment; • Office of Water within the Department of Environment, and Climate Change and Water; • Department of Transport and Infrastructure; and • Oberon Council. The consultation process and the issues raised must be described in the Environmental Assessment.
Deemed refusal period	60 days

State Government Technical and Policy Guidelines - For Reference

Aspect	Policy /Methodology
Noise	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Interim Construction Noise Guideline (DECC)
Blasting and Vibration	
	Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (ANZECC)
	Assessing Vibration: A Technical Guideline (DEC)
	Explosives—Storage, transport and use, Part 2: Use of Explosives (Standards Australia AS 2187.2)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Soil and Waters	
Erosion & Sediment Control	Managing Urban Stormwater: Soils & Construction (Landcom)
	Design Manual for Soil Conservation Works - Technical Handbook No. 5 (Soil Conservation Service of NSW)
	Soil and Landscape Issues in Environmental Impact Assessment (DLWC)
	Wind Erosion - 2nd Edition (DIPNR)
Groundwater	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
Salinity	NSW Salinity Strategy (DLWC)
Water Quality	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian drinking water guidelines (NHMRC/NRMMC)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Bunding and Spill Management (EPA)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Flora and Fauna	
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)

	Policy & Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DEC)
	Draft Guidelines for Threatened Species Assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* (DEC)
	Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 - Guide to implementation in NSW (DoP)
	Environment Protection and Biodiversity Conservation Regulations 2000 (Schedule 4)
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
	Aboriginal Cultural Heritage Standards and Guidelines Kit (NSW EPA)
Non-Indigenous	NSW Heritage Manual (NSW Heritage Office & DUAP)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
Waste	
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (NSW EPA)

Our reference : 260416A6 / DOC07/36354
Contact : Andrew Helms, 02 6332 7604

Mr Michael Young
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Received
10 SEP 2007
Strategic Assessments

7 September 2007

Dear Mr Young

I refer to the recent project focus meeting for the proposed extension of the Oberon White Granite Quarry and the Department of Planning's request for government agencies to provide recommended Director-General requirements for the Environmental Assessment (EA).

Please note that the Department of Environment and Climate Change (DECC) has responsibilities under the *Protection of the Environment Operations Act (1997)*, *National Parks and Wildlife Act (1974)*, the *Threatened Species Conservation Act (1995)* and the *Native Vegetation Act (2003)*. Please note that the DECC exercises certain statutory functions and powers in the name of the Environment Protection Authority (EPA).

The DECC has reviewed the Preliminary Environmental Assessment and has identified a number of issues that must be addressed in the EA. These matters are summarised below and presented in further detail in Attachments A and B.

- The potential impact on noise amenity of the local area from the expanded quarry, particularly those residents to the south of the quarry;
- Sediment/surface water control along the two ephemeral creeks that flow towards the south below the quarry operations;
- Waste management;
- The potential impacts on Threatened Species, Flora, Fauna and Endangered Ecological Communities and their habitats and the need to consider vegetation offsets to compensate for the clearing of up to 8 ha of remnant native vegetation; and
- The potential impacts on Aboriginal Cultural Heritage.

It is strongly recommended that the applicant consult with the DECC during the assessment period.

Based upon the information provided to the DECC, the proponent will be required to make an application to the EPA for an Environment Protection Licence should planning consent be granted for the extension of the Oberon White Rock Quarry.

Department of **Environment and Conservation** NSW

Should you have any further enquiries regarding this matter please contact Andrew Helms at the Bathurst Office of the DECC by telephoning (02) 6332 7604.

Yours sincerely

DARRYL CLIFT
Head Regional Operation Unit - Bathurst
Climate Change and Environment Protection Group

Attachment A – DECC's EA Requirements
Attachment B – General Guidance Material

Attachment A – DECC's EA requirements

1. Environmental Impacts of the Project

a) The following environmental impacts of the project need to be assessed, quantified and reported:

i. Noise and vibration;
ii. Water quantity and quality; and
iii. Waste management

These should be assessed in accordance with the relevant guidelines listed in Attachment B.

b) For both the construction and operation phases of the proposal, describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

c) Details are required on the location of the proposed development including the affected environment in its local and regional environmental context including surrounding landuses, planning zonings and potential sensitive receptors.

d) Details regarding the proposed buffer zone to minimise any potential existing and future land use conflicts.

i. Impacts of Noise and Vibration

The goal of the project should be to ensure the facility is designed, constructed, operated and maintained so that there are no adverse impacts from noise. The DECC expects that potential noise sources will be enclosed or bunded and that appropriate equipment is chosen to minimise noise levels. The development should be assessed and designed in accordance with the 'NSW Industrial Noise Policy' (DECC, 2000).

The proposed development would see a significant increase in traffic movements to the proposed site. The proposed main access to the site needs to be determined and potential noise impacts associated with increased traffic along this route needs to be assessed in accordance with the 'Environmental Criteria for Road Traffic Noise' (DECC, 1999).

From DECC experience the local topography is such that temperature inversions can occur in the Oberon region. To address this issue as part of the noise assessment we recommend site measurements be undertaken to determine the percentage of temperature inversions to assist in assessing any potential noise impacts on any nearby sensitive receivers.

The Department of Environment and Conservation NSW is now known as the Department of Environment and Climate Change NSW

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Tel: (02) 6332 7600 Fax: (02) 6332 2387
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ii. Impacts on Water Quantity and Quality

The environmental outcomes for the project in relation to water should be:

- There is no pollution of waters (including surface and groundwater);
- Polluted water is appropriately collected and either treated or removed from the site; and
- Sediment runoff is managed through permanent sediment and erosion controls.

The EA should document the measures that will achieve the above outcomes in both the construction and operational phases of the development. Proposed water pollution controls should be identified.

iii. Waste Management

The goal of the development should ensure:

- It is in accordance with the principles of the waste hierarchy and cleaner production;
- The handling, processing and storage of all materials used at the site does not have any negative environmental or amenity impacts;
- The beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so; and,
- No waste disposal occurs on site except in accordance with an Environment Protection Licence.

The EA should describe the management strategies for the treatment and disposal/utilisation of all liquid and solid wastes generated by the proposed activities.

2. Impacts of the Project on Threatened Species, Populations, Communities and Their Habitats

1. The EA must follow the 'Draft Guidelines for Threatened Species Assessment'. These guidelines deal specifically with applications under Part 3A of the EP&A Act:
   a. A field survey should be conducted and documented in accordance with the guidelines.
   b. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The EA should specifically report on the considerations listed in Step 3 of the draft guidelines.
   c. The EA must describe the actions that will be taken to avoid impacts, or to mitigate unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
   d. Step 4 of the draft guidelines requires that where measures to avoid or mitigate are not possible, offset strategies need to be considered.
   e. The EA must clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guidelines.
2. The EA must consider the corridor values or connective importance of any vegetation on the subject land. The DECC prefers that vegetation on adjoining land that exhibits these corridor values should be retained and, where necessary, rehabilitated.

3. Impacts of the Project on Aboriginal Cultural Heritage Values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Attachment B – General Guidance Material

1. Assessing Environmental Impacts

Air quality

- Protection of the Environment Operations (Clean Air) Regulation 2002
- Approved Methods for the Sampling and Analysis of Air Pollutants in NSW, August 2005
- Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales
- (Draft) Assessment and Management of Odour from Stationery Sources in NSW

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Assessing Vibration: a technical guideline (DECC, 2006)
- Environmental Noise Control Manual: Chapter 171 - Construction Site Noise (DECC, 1994)

Water and Soils

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- EPA technical guidelines *'Bunding and Spill Management'*.

Waste water

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DECC 2004)

Stormwater

(note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction (Landcom Vol1, 4th Edit, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998)

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Groundwater

- State Groundwater Policy Framework Document (DLWC 1997)
- The NSW State Groundwater Quality Protection Policy (DLWC 1998)
- (Draft) NSW State Groundwater Quantity Management Policy
- NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
- National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)

Waste

- Guideline for the Use and Disposal of Biosolids Products (NSW EPA 1997)
- Environmental Guidelines: Solid Waste Landfills (NSW EPA 1996)
- Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)
- Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes

2. Assessing Threatened Species Impacts

Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities' [Nov 2004] http://www3.environment.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf

Draft Guidelines for Threatened Species Assessment - Available from the Department of Planning.

3. Assessing Aboriginal Cultural Heritage Impacts

Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning.

Interim Community Consultation Requirements for Applicants
http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places

Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DECC's webpage.

4. Native Vegetation

Further information is available via the following link http://www.nativevegetation.nsw.gov.au

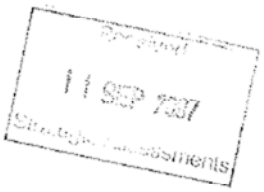
5. Fire

Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners [December 2001].

NSW DEPARTMENT OF
PRIMARY INDUSTRIES

6 September 2007

Mr Michael Young
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Our ref: L03/0431

Dear Mr Young,

Oberon White Granite Quarry Extension Project
Director General's EA Requirements

I refer to your request for comments on issues which this Department considers should be addressed in the Environmental Impact Assessment for the above project. This is a coordinated response incorporating advice from the Mineral Resources, Agriculture and Fisheries divisions of the Department. The project is not relevant to the interests of NSW Forests.

MINERAL RESOURCES ISSUES

The quarry is located within the Oberon Alaskite deposit (Rossdhu Granite) which is the largest identified feldspar resource in New South Wales and is also a potential source of high purity silica and flake mica. The alaskite (a type of granite) is also suitable for use as aggregate and road base. The quarry is the State's largest current source of feldspathic materials.

Alaskite which is used (because of its high feldspar content and absence of deleterious minerals) as a feldspathic material, such as the crushed material supplied to the National Ceramic Industries tile plant at Rutherford, is classified as a mineral under the *Mining Act 1992*. ("Feldspathic materials" is prescribed as a mineral in Schedule 2 of the Regulations to the *Mining Act 1992*). Alaskite used as aggregate and in road base is not a prescribed mineral under the Act.

Geological materials which are prescribed as minerals under the terms of the Mining Act may belong either to the Crown or to the landowner under certain circumstances. If the mineral is owned by the Crown, a mining title would be required. However, if, as is understood to be the case in this instance, mineral ownership rests with the landowner, the owner may either lodge a notification of the intention to mine privately owned mineral with the Department of Primary Industries in accordance with the requirements of Section 8 of the *Mining Act 1992* (copy enclosed) or apply for a mining title.

DPI MINERALS

PO Box 344 Hunter Region Mail Centre NSW 2310
516 High Street Maitland NSW 2310

ABN 51 734 124 190
www.dpi.nsw.gov.au

Tel: 02 4931 6666
Fax: 02 4931 6790

The key issues that need to be addressed in the EA are the size and quality of the resource. The proponent must be able to demonstrate that the size and quality of the resource have been adequately assessed and provide details of methods used to assess the resource.

Other issues that should be addressed are outlined in the Mineral Resources Division's standard guidelines for the preparation of Environmental Assessments. A copy of these guidelines is attached.

FISHERIES ISSUES

The main issues that need to be addressed in the EA are possible downstream impacts on aquatic habitat and any new access roads/tracks that will cross waterways. The design and construction of any watercourse crossings should be undertaken in accordance with the Department's *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004).

The EIS should also address other relevant issues outlined in the Fisheries Division's standard guidelines for EIS preparation (copy enclosed).

AGRICULTURAL ISSUES

There are no specific key issues that should be addressed. The EA should address relevant issues in the attached standard guidelines.

If you have any further queries concerning this proposal, please contact Iain Paterson (DPI Minerals) on (02) 4275 9316. Queries relating specifically to agricultural or fisheries issues can be directed to Mary Kovac (6881 1250) or Steve Clipperton (6881 1295).

Yours sincerely,

Iain Paterson
for Chief Geoscientist, Land Use

(a) 1,000 penalty units or imprisonment for 5 years, or both, in the case of an offence dealt with on indictment, or

(b) 200 penalty units or imprisonment for 2 years, or both, in the case of an offence dealt with summarily.

(2) This section applies whether or not the mineral for which the person prospects or mines is a mineral to which the authority or mineral claim relates.

7 Mining etc for privately owned minerals on land subject to pending application for authority etc

(1) A person must not prospect for or mine any privately owned mineral on any land over which some other person is the applicant for an authority or mineral claim unless the person commenced to do so before the application was made.

Maximum penalty for prospecting in contravention of this subsection: 200 penalty units.

Maximum penalty for mining in contravention of this subsection:

(a) 1,000 penalty units or imprisonment for 5 years, or both, in the case of an offence dealt with on indictment, or

(b) 200 penalty units or imprisonment for 2 years, or both, in the case of an offence dealt with summarily.

(2) This section applies whether or not the mineral for which the person prospects or mines is a mineral to which the application relates.

8 Mining etc for privately owned minerals without due notice to Director-General

(1) A person must not, on any land, prospect for or mine any privately owned mineral unless:

(a) the person has caused notice of intention to do so to be given to the Director-General, and

(b) the person has caused security, in a form and an amount determined in accordance with the regulations, to be lodged with the Director-General, and

(c) the person prospects for or mines the mineral in accordance with the conditions (if any) prescribed by the regulations.

Maximum penalty for prospecting in contravention of this subsection: 200 penalty units.

Maximum penalty for mining in contravention of this subsection:

(a) 1,000 penalty units or imprisonment for 5 years, or both, in the case of an offence dealt with on indictment, or

(b) 200 penalty units or imprisonment for 2 years, or both, in the case of an offence dealt with summarily.

(2) The notice referred to in subsection (1) (a) must contain the following

particulars:

(a) (Repealed)

(b) the mineral in relation to which prospecting or mining operations are to be carried on,

(c) a description, prepared in the manner prescribed by the regulations, of the land on which the prospecting or mining operations are to be carried on,

(d) if the person is not the owner of the mineral—the name and address of the owner of the mineral and the date on which the person obtained the consent of the owner of the mineral to the person's carrying on prospecting or mining operations.

(3) The regulations referred to in subsection (1) (c) may prescribe requirements relating to:

(a) the rehabilitation, levelling, regrassing, reforesting or contouring of any parts of the land on which prospecting or mining operations are carried on that are damaged or otherwise adversely affected by those operations, and

(b) the filling in, sealing or fencing off of excavations, shafts and tunnels,

and other requirements directed at the restoration of the land or the protection of the environment.

(4) This section does not apply to a person to the extent to which the person is prospecting or mining in accordance with an authority, mineral claim or opal prospecting licence that is in force in respect of the land and mineral concerned.

9 Mining etc for privately owned coal

A person must not prospect for or mine privately owned coal on any land otherwise than in accordance with an authority for coal in force in respect of the land.

Maximum penalty for prospecting in contravention of this section: 200 penalty units.

Maximum penalty for mining in contravention of this section:

(a) 1,000 penalty units or imprisonment for 5 years, or both, in the case of an offence dealt with on indictment, or

(b) 200 penalty units or imprisonment for 2 years, or both, in the case of an offence dealt with summarily.

10 Defence to prosecutions under Part 2

It is a sufficient defence to a prosecution under this Part if the person who was prospecting for or mining a mineral establishes that the person was doing so:

(a) by virtue of an entitlement arising from a legal or equitable interest that is registered under section 161, or

(b) in the course of lawful fossicking.

11 Property in minerals lawfully mined

(1) For the purposes of this or any other Act or law, it is declared that any mineral that is lawfully mined becomes the property of the person by or on behalf of

DEPARTMENT PRIMARY INDUSTRIES
MINERAL RESOURCES DIVISION
EA REQUIREMENTS

Resource Assessment

The following issues need to be addressed in the environmental assessment for a proposed quarry :

1. A summary of the regional and local geology including information on the stratigraphic unit or units that are the subject of the proposal.

2. The amount of material available for extraction and the method or methods used to determine this amount (e.g. drilling, trenching, geophysical methods). Plans and cross-sections summarising this data, at a standard scale, showing location of drillholes and/or trenches, and the area proposed for extraction, should be included in the EIS. Relevant supporting documentation such as drill logs should be appended. Major resource proposals should be subject to extensive drilling programs to identify the nature and extent of the resource.

3. Characteristics of the material or materials to be produced:
   a) For clay/shale extraction proposals, ceramic properties such as plasticity, drying characteristics (e.g. dry green strength, linear drying shrinkage), and firing characteristics (e.g. shrinkage, water absorption, fired colour) should be addressed.
   b) For sand extraction proposals, properties such as composition, grainsize, grading, clay content and contaminants should be indicated. The inclusion of indicative grading curves for all anticipated products as well as the overall deposit is recommended.
   c) For hard rock aggregate proposals, information such as grainsize and mineralogy, nature and extent of weathering or alteration, and amount and type of deleterious minerals, if any, should be indicated.
   d) For other proposals, properties relevant to the range of uses proposed for the particular material should be indicated.

   Details of tests carried out to determine the characteristics of the material should be appended. Such tests should be undertaken by NATA registered testing laboratories.

4. An assessment of the quality of the material and its suitability for the anticipated range of applications should be given.

5. The amount of material anticipated to be produced annually should be indicated. If the proposal includes a staged extraction sequence details of the staging sequence needs to be provided. The intended life of the operation should be indicated.

6. If the proposal is an extension to an existing operation, any past annual production data (by financial year) for all products should be supplied in support of the proposal.

7. An assessment of alternative sources to the proposal and the availability of these sources. The impact of not proceeding with the proposal should be addressed.
8. Justification for the proposal in terms of the local and, if appropriate, the regional context. Identification of the subject site in relevant planning instruments such as regional environmental plans, should be noted.
9. Information on the location and size of markets to be supplied from the site.
10. Transport routes for the material to the market.
11. Disposal of waste products and the location and size of stockpiles.
12. Assessment of noise, vibration, dust and visual impacts, and proposed measures to minimise these impacts.
13. Proposed rehabilitation procedures during, and after completion of, extraction operations, and proposed final use of site.
14. Assessment of the ecological sustainability of the proposal.

Safety Issues

In relation to the safety of mining and quarrying operations, the following issues should be addressed:

1. All operations are to comply with the Mines Inspection Act, 1901, as amended.
2. The company is to nominate a person (or persons) as General Manager and Production Manager as required by the Mines Inspection Act 1901, Section 5 and 5B.
3. The General Manager must appoint trained and competent shotfirers to conduct all blasting operations.
4. The company is required to contact the Regional Inspector of Mines for a list of guidelines and safety issues which are to be addressed and for the required competencies for a Production Manager.

Mineral Ownership

The *Mining Act 1992*, and its precursors, apply to those minerals specified in the regulations of the Act. Many construction materials are not prescribed minerals under the Mining Act. In general terms, this means these materials are owned by the Crown where they occur on Crown land and by the landowner in the case of freehold land. A Mining title is not required for their extraction although a Crown Lands licence is required where they occur on Crown land.

Construction materials such as *sand (except for marine aggregate), loam, river gravel, and coarse aggregate materials such as basalt, sandstone, and granite* are not prescribed minerals under the Mining Act 1992. Therefore, the Department of Mineral Resources Division of the Department of Primary Industries has no statutory authority over the extraction of these commodities, apart from its role under the Mines Inspection Act 1901 (as amended) with respect to safe operation of mines and

quarries. However, the Department is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

Commodities such as *structural clay (ie clay for brick, tile and pipe manufacture), dimension stone, quartzite, kaolin* and *limestone* are prescribed minerals under the Mining Act 1992. Minerals which are prescribed as minerals under the terms of the Mining Act may, in some cases belong either to the Crown or to the landowner, depending on a number of factors including the date on which the mineral was proclaimed and the date of alienation of the land. The proponent needs to determine whether the material is privately owned or Crown mineral (publicly owned). If it is privately owned, then either a notification under Section 8 of the Mining Act 1992 or, alternatively, a mining lease or mineral claim would be required. If it is a Crown mineral, an application for a mining lease or mineral claim will have to be lodged.

If you are unsure whether a mining title is required for your proposal you should contact the Mineral Resources Division of the Department of Primary Industries.

GENERAL GUIDELINES FOR QUARRY PROPOSALS
NSW DPI -AGRICULTURE

Impact on Agricultural Land

Land Resources

- A full description of the existing land uses around the site and adjoining properties.
- The size of the proposed extractive development in relation to the property as a whole.
- The effects of the proposed development on the agricultural industries within the local area.
- Identification of potential impacts on adjoining landholders eg access, transport, dust, noise, water (surface and groundwater), fire management, emergency incidents (such as spillages) and visual factors, and a description of measures proposed to mitigate these effects.

Water Resources

- An assessment of the impact on surface and underground water.

Rehabilitation

- Description of the proposed end use and justification for the landuse proposed of the site.
- Measures proposed to maintain the viability of topsoil that may be needed for rehabilitation of the site.
- Outline of the rehabilitation plan showing design criteria for the rehabilitation program.

Cumulative Impact

- Description of the development on local agriculture and resource use. Are other similar developments in the area, and what is their impact on other landuses that exist or effects on potential landuse?

Other general considerations

- The operation of the extractive industry and its effect on nearby landholdings and their function eg dust, noise, vibration, visual impact, vehicle movements.
- Consultation with adjoining landusers over the operation of the proposed quarry, particularly when disturbance to adjoining landholdings may occur that could affect their operation.
- The implementation of appropriate erosion control structures and practises.
- The adoption of a weed management and monitoring program.
- Site rehabilitation to a standard that will not have an impact on surrounding landuses.

Monitoring and identified actions to ensure procedures are implemented. This is important in the on-going rehabilitation of a site as the quarry develops.

NSW FISHERIES EIS REQUIREMENTS

Definitions
The definitions given below are relevant to these requirements:

Fish means any part of marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). Fish include oysters and other aquatic molluscs, crustaceans, echinoderms and beachworms and other aquatic polychaetes.

Marine vegetation means any species of plant that at any time in its life must inhabit water (other than fresh water).

Waters refers to all waters including tidal waters to the Astronomical High Tide Level (AHTL) as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands and other forms of natural or man made water bodies on both private and public land.

Useful Information
To help you in the preparation of an EIS, the publication "*Guidelines for the Assessment of Aquatic Ecology in EIA*" (Draft 1998) produced by the Department for Urban Affairs and Planning may prove useful in outlining appropriate procedures and methodologies for conducting aquatic surveys.

Matters to be Addressed

1. **General Requirements**

The EIS must include the information outlined below:
A topographic map of the locality at a scale of 1:25 000 should be provided. This map should detail the location of all component parts of the proposal, any areas locally significant for threatened species (such as aquatic reserves), and areas of high human activity (such as townships, regional centres and major roads).

A recent aerial photograph (preferably colour) of the locality (or reproduction of such a photograph) should be provided, if possible. This aerial photograph should clearly show the subject site and indicate the scale of the photograph.

GENERAL REQUIREMENTS

- Area which may be affected either directly or indirectly by the development or activity should be identified and shown on an appropriately scaled map (and aerial photographs).
- All waterbodies and waterways within the proposed area of development are to be identified.
- Description of aquatic vegetation, snags, gravel beds and any other protected, threatened or dominant habitats should be presented.
- Area, density and species composition should be included and mapped.
- Identification of recognised recreational and commercial fishing grounds, aquaculture farms and/or other waterway users.
- Presented maps or plans
- Description of proposal and study area

- Details of the location of all component parts of the proposal, including any auxiliary infrastructure, timetable for construction of the proposal with details of various phases of construction
- Size of the area affected
- Aspects of the management of the proposal, both during construction and after completion, which relate to impact minimisation eg Environment Management Plans
- Plan of study area
- Locations and types of landuses present
- Locations of streams and other waterbodies
- Land tenure details for all land parcels
- For each freshwater body identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: flow characteristics, including any seasonal variations, bed substrate, and bed width
- For each marine or estuarine area identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: tidal characteristics, bed substrate, and depth contours

DREDGING AND RECLAMATION ACTIVITIES

- Purpose of works
- Type(s) of marine vegetation in the vicinity of the proposed works
- Distance of adjacent marine vegetation from the outer boundary of the proposed works
- Method of dredging to be used
- Duration of dredging works
- Time of dredging works
- Dimension of area to be dredged
- Depth of dredging activities
- Nature of sediment to be dredged, including Acid Sulphate Soil
- Method of marking area subject to works
- Environmental safeguards to be used during and after works
- Measures for minimising harm to fish habitat under the proposal
- Spoil type and source location for reclamation activities
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned
- Volume of material to be extracted or placed as fill

ACTIVITIES THAT DAMAGE MARINE VEGETATION

- Type of marine vegetation to be harmed
- Amount of marine vegetation to be harmed, map distribution of marine vegetation
- Reasons for harming marine vegetation
- Methods of harming marine vegetation
- Construction details
- Duration of works/activities
- Measures for minimising harm to marine vegetation under the proposal
- Environmental measures to be employed, if necessary
- Method and location of transplanting activities or disposal of marine vegetation

ACTIVITIES THAT BLOCK FISH PASSAGE

- Type of activity eg works in a stream that change flow or morphological characteristics
- Length of time fish passage is to be restricted
- Timing of proposed restriction
- Remediation works

THREATENED SPECIES

- Threatened aquatic species assessment (Part 5C, EP&A Act 1979)
- Eight-Part Test
- Consultation with NSW Fisheries immediately the Eight-Part Test is completed and prior to the EIS being finalised.

ACTIVITIES THAT MAY IMPACT ON PROTECTED AREAS

- Purpose of works within or in the locality of the Protected Area
- Type(s) of Protected Area in the vicinity of the proposed works ie Aquatic Reserve, Marine Park, Intertidal Protected Area. This refers to if the works are in the Protected area or within 100m of the Protected Area, including land-based works.
- Distance to the protected area
- Measures for minimising harm to the protected area
- Environmental safeguards to be used during and after works

2. **Initial assessment**

A list of threatened species, endangered populations and endangered ecological communities must be provided. In determining these species, consideration must be given to the habitat types present within the study area, recent records of threatened species in the locality and the known distributions of these species.

In describing the locality in the vicinity of the proposal, discussion must be provided in regard to the previous land and water uses and the effect of these on the proposed site. Relevant historical events may include land clearing, agricultural activities, water abstraction/diversion, dredging, de-snagging, reclamation, siltation, commercial and recreational activities.

A description of habitat including such components as stream morphology, in-stream and riparian vegetation, water quality and flow characteristics, bed morphology, vegetation (both aquatic and adjacent terrestrial), water quality and tide/flow characteristics must be given. The condition of the habitat within the area must be described and discussed, including the presence and prevalence of introduced species. A description of the habitat requirements of threatened species likely to occur in the study area must be provided.

In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes, soil erosion or pollution. The study area must extend downstream and/or upstream as far as is necessary to take all potential impacts into account.

Please Note: Persons undertaking aquatic surveys may be required to hold or obtain appropriate permits or licences under relevant legislation. For example:

Fisheries Management Act 1994

- Permit to take fish or marine vegetation for research or other authorised purposes (Section 37)
- Licence to harm threatened (aquatic) species, and/or damage the habitat of a threatened species (Section 220ZW).

Animal Research Act 1985:
- Animal Research Authority to undertake fauna surveys.

It is recommend that, prior to any field survey activities taking place, those persons proposing to undertake those activities give consideration to their obligation to obtain appropriate permits or licences which may be required in the specific context of the proposed survey activities.

3. **Assessment of likely impacts**
The EIS must:
- describe and discuss significant habitat areas within the study area;
- outline the habitat requirements of threatened species likely to occur in the study area;
- indicate the location, nature and extent of habitat removal or modification which may result from the proposed action;
- discuss the potential impact of the modification or removal of habitat;
- identify and discuss any potential for the proposal to introduce barriers to the movement of fish species; and
- describe and discuss any other potential impacts of the proposal on fish species or their habitat.

For all species likely to have their lifecycle patterns disrupted by the proposal to the extent that individuals will cease to occupy any location within the subject site, the EIS must describe and discuss other locally occurring populations of such species. The relative significance of this location for these species in the general locality must be discussed in terms of the extent, security and viability of remaining habitat in the locality.

4. Ameliorative measures
The EIS must consider how the proposal has been or may be modified and managed to conserve fisheries habitat on the subject site and in the study area.

In discussing alternatives to the proposal, and the measures proposed to mitigate any effects of the proposal, consideration must be given to developing long term management strategies to protect areas within the study area which are of particular importance for fish species. This may include proposals to restore or improve habitat.

Any proposed pre-construction monitoring plans or on-going monitoring of the effectiveness of the mitigation measures must be outlined in detail, including the objectives of the monitoring program, method of monitoring, reporting framework, duration and frequency.

In the event of a request for concurrence of or consultation with the Director-General of the Department of Primary Industries (DPI), one (1) copy of the EIS should be provided to DPI in order for the request to be processed.

It should be noted that DPI has no regulatory or statutory role to review draft EISs unless they are accompanied by or are requested as part of a licence application under Part 7A of the FM Act. However, DPI is available to provide advice to consent and determining authorities as to whether the requirements have been met, pending the availability of resources and other statutory priorities.

NSW Government
Department of Water & Energy

Contact: Tim Baker
Phone: (02) 6841 7531
Fax: (02) 6884 0096
Email: Tim.Baker@dnr.nsw.gov.au

File: DUB0109299-2

Michael Young
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Received
12 SEP 2007
Strategic Assessments

7 September 2007

Dear Mr Young

OBERON WHITE GRANITE QUARRY PROPOSED EXTENSION

DIRECTOR GENERAL ENVIRONMENTAL ASSESSMENT REQUIREMENTS

PART 3A *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

I refer to the 22nd August 2007 planning focus meeting held for the proposed Oberon White Granite Quarry proposed extension. The Department of Water and Energy (DWE) has reviewed the proposal outline provided by the proponent and requires the following environmental considerations to be addressed in the environmental assessment (EA) being prepared under Part 3A of the *Environmental Planning and Assessment Act 1979*.

DWEs response is provided in the following format:

1. Statutory Requirements
2. Statutory Framework

1. STATUTORY REQUIREMENTS

The EA must provide the following general information for the proposed development:

1.1.Existing Approvals

1.1.1. Details of any existing development consent.
1.1.2. Details of any existing consents or approvals (permit / licence) applying to the proposal or the development site.

Note: It must be recognised that licensed access to water is the proponent's responsibility under the Water Act 1912.

1.2. Land Status/Ownership

1.2.1. Land title description and if proposal includes Crown land (eg. bed of waterway) or Crown roads .
1.2.2. Land tenure (eg. lease/ license) and if under mining lease or Crown leasehold.
1.2.3. Details of the registered owner/s of the property and applicant/s.
1.2.4. Evidence of the land owner's consent (eg. to lodge development application).
1.2.5. Details of existing zonings (map to be included).

Major Projects, Mining Assessment & Planning 209 Cobra St Dubbo NSW 2830 PO Box 717 Dubbo NSW 2830
Telephone (02) 6884 2560 Facsimile (02) 6884 0096 Website dwe.nsw.gov.au

2

1.3. Site Information/Survey

1.3.1. Site location with north point and scale, presented at no less than 1:25000 scale for the mining project, and at no less than 1:10000 for the length of streams to be affected.
1.3.2. Layout plan, set out at scale of not less than 1:25000.
1.3.3. Survey plan of the existing site, at a scale of not less than 1:16000 for native vegetation blocks and individual quarry pits for the project.
1.3.4. Survey plan to provide cross sectional details along the quarry pits and at sections along affected water courses.
1.3.5. Topographic contours at not less than 5 metre intervals
1.3.6. Site features - watercourses, lakes, wetlands, vegetation, buildings, tracks, infrastructure etc.
1.3.7. Details on direction of flow of surface and groundwater, water levels, high bank, low bank, major aggradation / erosion for any watercourses, flood runners, terraces and other geomorphological features
1.3.8. Plan to identify 1: 100 year flood level
1.3.9. Plans showing surface, watercourse bed/bank long profile and piezometric gradients.

1.4. Project Description

1.4.1. Description of the proposed development, including all ancillary works (stormwater drainage, access crossings, roads or railway access, pipelines, stockpiles or other infrastructure)
1.4.2. Photographs (multiple frames) across the development site, with particular emphasis on any area for which a licence, permit or approval will apply.
Note: **If watercourses are impacted upon or in the vicinity of the development, include photographs also looking upstream and downstream at points of geomorphic change or at distances of no greater than 50 metres**
1.4.3. Site layout plan that indicates the location of photographic reference points

1.5. Operational Information

1.5.1. Operational plan detailing the ongoing operation including staging/ sequencing of the quarry extraction plan, including cross sectional plans for each quarry pit.
1.5.2. Geotechnical engineers report on the stability of the proposal and its influence on geological or soil terrain stability and geochemistry.
1.5.3. Erosion and Sediment Control Plan prepared in accordance the guideline manual *'Managing Urban Stormwater Soils and Construction'* (Landcom 2004).
1.5.4. Assessment of salinity hazards.
1.5.5. Rehabilitation plan that details the progressive and final restoration/ rehabilitation of landform, revegetation, surface water, groundwater and maintenance.
1.5.6. Monitoring program for assessment on fluvial geomorphology – with particular emphasis on the affected watercourses, and a full justification for interception of any watercourse.
1.5.7. Monitoring program for assessment on surface water.
1.5.8. Monitoring program for assessment on groundwater, with particular emphasis on volume/salinity relationships pre-mining, through mine life and to the equilibration of groundwater across the site post-mine development – with verification of any groundwater modelling conducted on the site.
1.5.9. Contingency plans, in the event that surface and/or ground water behaviour does not follow modelling predictions for the site.
1.5.10. Contingency plans linked to the monitoring program, with trigger levels nominated in the EA for assessment against water management criteria in the catchment.

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1.6. Vegetation

1.6.1. Details of any clearing of vegetation including mapping overlaid on an aerial photograph and/or a vegetation/ habitat map.
1.6.2. Details of clearing methods.
1.6.3. Identify species and/or elements of the vegetation structure to be cleared.
1.6.4. Ameliorating measures include details of on-going management, protection of vegetation and habitat retained for conservation purposes.
1.6.5. Identification of any Asset Protection Zone.
1.6.6. Vegetation Management Plan that details the conservation/ rehabilitation of riparian buffer zones on site including the removal of exotic species, revegetation with native species and the stabilisation of erosion hazards.

1.7. Geomorphology/ Watercourses

1.7.1. Assessment of the impact of the proposal on the existing flow regime (ie. flow quantity, velocity, frequency and duration) for all rainfall events up to a 100 year Average Recurrence Interval
1.7.2. Assessment of impact on the fluvial geomorphology of the watercourse including any erosion and sedimentation likely to be caused by the development
1.7.3. Measures to be implemented to guard against actual and potential environmental disturbances during the construction and operation of the proposal. This is to examine the existing sedimentation being caused by the runoff from the waste rock piles and the access roads, and future sediment sources.
1.7.4. Water management plan, which includes the engineering, geomorphic and ecosystem identification and protection principles.

1.8. Water Requirements

1.8.1. Surface Water

1.8.1.1. Details of any proposed surface water extraction, including purpose, location of any existing pumps, dams, diversions, cuttings & levees on the site & expected annual extraction volumes, from both on site interception and external sources.
1.8.1.2. Identify sources of surface water, proportions of flow resulting from groundwater accessions, and measures to protect and enhance ecosystem integrity, and the geomorphic integrity of affected streams above, within and below the project site.
1.8.1.3. Location and design specifications for all clean water diversions including channels, detention basins and outlet fixtures.
1.8.1.4. Location and design specifications for dirty water / contaminated water circuit including channels, detention basins and outlet fixtures.
1.8.1.5. Provide details regarding any dirty water / contaminated discharge resulting from the proposed development.
1.8.1.6. Provide information on detailed water balance including inflows and imports / exports to and from the proposed development.
1.8.1.7. Details of the integrated water management system, including an assessment of changes to the water balance under a range of conditions (including 10%, 50% and 90% wet years and severe storm events).

1.8.2. Groundwater

1.8.2.1. Details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes. **Groundwater extraction will require a licence under the Water Act 1912.**
1.8.2.2. Details of any proposed works likely to intercept groundwater. **Groundwater interference will require a licence under the *Water Act 1912*.**

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1.8.2.3. Description of different aquifer systems including their extent and inter-relationships (including inter-relationships with surface water bodies and dependent ecosystems).
1.8.2.4. Description of the flow directions and rates and the physical and chemical characteristics of the aquifers, including differentiation of different aquifers and aquifer characteristics (ionic speciation, storativities, migration rates, linkages between aquifers).
1.8.2.5. Description of the potential interaction of hard rock aquifer systems on the site and alluvial groundwater connected to surface waters, and the presence of any geological structures acting as preferential pathways for groundwater transmission.
1.8.2.6. Details of the predicted impacts of any final landform on the groundwater regime.
1.8.2.7. Justification of the final void design in the quarry pit, including potential groundwater connectivity to surface waters in the post-equilibrated landform, post-mine life landuse and useability of any groundwater's which occur in the void space.
1.8.2.8. Details on alternate final landform proposal which does not include an open void on cessation of mining operations (i.e. no open bodies of water at mining completion).
1.8.2.9. Details of the existing groundwater users within the area of the proposal and any potential impacts on these users, including water/salt balance assessment to determine if interception of groundwater by the project will have environmental, economic and/or social benefits to water users, the community and the local environment
1.8.2.10. Details of the predicted highest groundwater table at the development site and the level of natural variability across the site, and anticipated changes in groundwater conditions across the project site to the limit of depressurisation as the project proceeds.
1.8.2.11. An assessment of the quality of the groundwater for the development site.
1.8.2.12. Identify water application areas and method of application, and measures to address unacceptable salt accumulations across the site.
1.8.2.13. Details of proposed method of disposal of tail or waste water.
1.8.2.14. Details of the results of any models or predictive tools used, including inputs, sensitivity analyses and justification for any assumptions used in the development of the model(s).

1.8.3. Water Storage Structures

1.8.3.1. Details of proposed water storage structures, including purpose, location, design specifications (crest, bywash, discharge, low flow bypass provisions).
1.8.3.2. Designs should also assess any requirement for artificial geosynthetic lining and leakage collection/detection systems and be in accordance with the requirements of the NSW State Groundwater Policy framework.
1.8.3.3. Calculation of the catchment area, water storage structure capacity (ML) and water storage surface area.
1.8.3.4. Calculation of the Maximum Harvestable Right Dam Capacity (MHRDC).
1.8.3.5. Estimate the MHRDC as it changes over the life of the operations.
1.8.3.6. Details of stream order (using the Strahler System).
1.8.3.7. Estimate of evaporation rates and annual evaporation losses.
1.8.3.8. Details of pumps and intended extraction volumes from the water storage structure/s.
1.8.3.9. Details of any other persons/ party to be supplied (eg. volume, rate, purpose).
1.8.3.10. Identify impacts on other licence users or 'basic rights'.

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1.9. Monitoring programs

Details of monitoring programs, including:

1.9.1. Distribution of monitoring network.
1.9.2. Frequency of monitoring.
1.9.3. Parameters to be monitored.
1.9.4. Details of mitigation and contingency plans with respect to groundwater contamination and identification of triggers for implementation of these plans.
1.9.5. Detail the presence of groundwater dependent ecosystems in the surrounding areas, including the identification of flora and fauna and their dependence on groundwater.
1.9.6. Identification of required buffer zones for any groundwater dependent ecosystems and riparian ecosystems.
1.9.7. Identification of auditing and reporting schedule.

2. STATUTORY FRAMEWORK

Proposal to satisfy the statutory requirements of the following legislation administered by the Department of Water and Energy (DWE), as applicable:

- *Rivers and Foreshores Improvement Act 1948*
- *Water Act 1912*
- *Water Management Act 2000*

Note: **Acts and regulations can be accessed at** www.austlii.edu.au

The EA must address the underlying principles which underpin the above legislation and demonstrate compliance with the principles and intent of these Acts and regulations.
Note: **Acts and regulations can be accessed at** www.legislation.nsw.gov.au

Relevant Policy

The proposal must address the NSW State Government natural resource management policies, as applicable. Policies to include but not limited to:

- NSW Groundwater Policy Framework Document - General
- NSW Groundwater Quantity Management Policy
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy
- NSW Policy for Groundwater Monitoring
- MDBC Guidelines on Groundwater Model Development
- NSW State Rivers and Estuaries Policy
- NSW Wetlands Management Policy
- Farm Dams Policy
- Australian Stream Rehabilitation Manual, LWRRDC, Environment Australia

Should further information or clarification be required in relation to the above response, please do not hesitate to contact me on telephone (02) 6841 7531.

Yours sincerely

Tim Baker
Natural Resource Project Officer,
Major Projects, Mining Assessment and Planning

OBERON COUNCIL

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ABN 13 632 416 736

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Fax: (02) 6336 2061
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Contact: Ralph Tambasco
Your Ref:
Our Ref: PR189.750 RT:JB

31 August 2007

Received
0 2 SEP 2007

Mr Michael Young
Major Development Assessment
Level 4 Western Gallery
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir,

Proposed Expansion of Mudgee Stone Company White Granite Quarry,
750 Duckmaloi Road, OBERON

Reference is made to the above Part 3A Major Project currently being processed by the Department of Planning. Council would like to make the following comments that should be considered in the proposed Environmental Assessment for the proposal:

1. There should be a review undertaken of the structural capacity of the existing constructed road (Ferndale Road) to determine the suitability of the existing pavement to accommodate the proposed increased traffic loads.

2. The Environmental Assessment should consider the matters that were highlighted by council staff at the Planning Focus meeting held on the 22 August 2007 namely:

   a) Development Application 110/03 was approved by Council on the 8 August 2003 for a "Dwelling Potential" on adjacent Lot 12 in DP603429. Council's Development Control Plan 2001 requires a 500metre buffer between the footprint of operations of an extractive industry to the wall of a dwelling. The proposal, if approved, will effectively mean that a future dwelling may not be able to be constructed on this lot as there are also requirements in Council's Local Environmental Plan 1998 for buffer distances between the boundary of adjoining Prime Crop and Pasture Land and Non-Prime Crop and Pasture Land to the wall of a future dwelling. The boundary of Lot 12 DP 603429 adjoins Class 4 Non Prime Crop and Pasture Land, according to Councils records. Therefore, any future dwelling on this lot will need to be located at a minimum of 50 metres from the boundary to comply with the buffer requirements of the Oberon Local Environmental Plan 1998. The footprint of the proposed expansion will mean that a future dwelling on Lot 12 will be restricted in location to the North West corner of Lot 12 by virtue of the 500m buffer distance required by Council's Development Control Plan 2001.

b) Table 4.1 of the Preliminary Project Outline and Environmental Assessment prepared by R.W. Corkery and Co Pty Ltd and dated June 2007 on behalf of the Mudgee Stone Company does not address the proposed use of the Hydraulic Rock Hammer in the Table, nor does it mention any proposed rock crusher.

c) Table 2.1 of the above assessment will need to be amended to reflect the correct number of dwellings within a 2kilometre radius of the quarry. Council has supplied information concerning this to the Consultants.

d) Clause 12 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 states, inter alia, *"Consideration must be given to the existing uses and approved uses of land in the vicinity of the development."*

e) The site inspection at the Planning Focus Meeting clearly disclosed the fact that the Applicant is not complying with some of the existing conditions of the Court Consent for the current quarry operations, notably site sedimentation control with sedimentation fences being not appropriate and have been demolished with the amount of sediments escaping from the site. There is a concern that the Applicant will not comply with some conditions of consent if the expansion is approved based upon previous non-compliances with the conditions of the current consent.

f) Concern at the proposed use of a hydraulic rock hammer. These pieces of equipment are very noise-intrusive, so much so that the original Court Consent did not allow their use. Council staff investigated a complaint concerning the use of a rock hammer/drill on the 7 July 2005 and observed that a rock hammer/drill was being used in contravention of Condition 15 of the current Court Consent. The noise could be heard for a considerable distance from the quarry operations.

Council looks forward to commenting on the final Environmental Assessment when it is available for public exhibition. Please contact Council's Director of Development, Ralph Tambasco on (02) 633 61100, if you have any queries concerning this matter.

Yours faithfully,

Bruce Fitzpatrick
General Manager

Attachment

Michael Young - RE: Oberon White Granite Quarry

From: HAZELTON Wayde H <Wayde_H_HAZELTON@rta.nsw.gov.au>
To: Michael Young <Michael.Young@planning.nsw.gov.au>
Date: 17/09/2007 11:57
Subject: RE: Oberon White Granite Quarry

Hello Michael

Sorry about the delay in sending comments.

The proponent should prepare a Traffic Report including:

* Existing traffic generated from a) the quarry, b) Ferndale Rd, and c) on Hampton Rd (MR558)
* Projected traffic growth on Ferndale Rd and Hampton Rd for life of quarry
* Traffic generation due to quarry, and projected total traffic using the Ferndale Rd-Hampton Rd intersection, including vehicle types (ie light and heavy) and turning movements

We are looking for the affect the quarry will have on road safety and traffic efficiency on Ferndale Rd and at the Ferndale Rd-Hampton Rd intersection, over the life of the quarry, and whether the existing intersection arrangement is suitable for the traffic generation.

* Details of oversize or indivisible loads (eg heavy equipment)

* Proposed haulage routes for materials to the market, and import of materials including explosives

* Details of known adverse weather occurrences that may affect road safety at the Ferndale Rd-Hampton Rd intersection, eg fog or heavy rain

* On-site traffic issues including light and heavy vehicle access, parking etc

* Hours of operation and shift changes, employees and visitors

* Proposed mitigation measures where quarry operations can be deemed to adversely affect the existing conditions

regards

Wayde Hazelton
Road Safety & Traffic Services Manager
RTA Western Region
P (02) 6861 1482 (51482)
F (02) 6861 1414
M 0417 281 243

From: Michael Young [mailto:Michael.Young@planning.nsw.gov.au]
Sent: Monday, 17 September 2007 09:15 AM
To: HAZELTON Wayde H
Subject: Oberon White Granite Quarry

Wayde

I refer to the Planning Focus Meeting for the Oberon White Granite Quarry.

I am finalising the Director-General's requirements and would appreciate it if you would send me your comments.

Please call me on 9228 6437 if you have any questions.

Regards

Michael

Michael Young
Major Development Assessment
Department of Planning
Bridge Street Office
Level 4 Western Gallery
23-33 Bridge Street
Sydney NSW 2000
(02) 9228 6437 (phone)
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