muswellbrook shire council

Enquiries
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Dear James

Dalswinton Sand and Gravel Quarry SSD 9094
Muswellbrook Shire Council comments on Environmental Impact Statement

Reference is made to the Environmental Impact Statement (EIS) for the Dalswinton Quarry (the Project) prepared by HDB Town Planning and Design dated November 2021. The proponent for the Project is Rosebrook Sand and Gravel Pty Ltd (the Proponent).

Dalswinton Quarry operates under an existing Development Application (DA) 1994/410, granted by the Muswellbrook Shire Council. Approved operations under DA 1994/410 are shown in **Table 1**.

The Proponent is seeking State Significant Development (SSD) development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the Project, to be determined by the Minister for Planning and Public Spaces, or the Independent Planning Commission.

The Project will generally comprise the proposed aspects shown in **Table 1.** It is recommended that the Submissions Report includes a table similar to **Table 1** showing key Project parameters and comparison with the approved Dalswinton Quarry. Project components shown in red text in **Table 1** will need to be clarified.

Table 1: Indicative Key Project Parameters and Comparison with Approved Dalswinton Quarry

Aspect	Approved	Proposed
Quarry Life	13 November 2022	13 November 2047
Excavation Area	2 ha	5 ha
Disturbance Area	Refer to Figure 13 of the EIS • Processing and Stockpile Area – 7 ha • Work Area 1 – 47 ha	Refer to Figure 13 of the EIS • Processing and Stockpile Area – 7 ha • Work Area 1 – 47 ha • Work Area 2 – 35 ha
Rate of Production	Up to 150,000 tonnes per annum	Up to 500,000 tonnes per annum
Deposit	1.87Mt*	Additional 12.5Mt
Quarrying Method	Truck and excavator	No change to general quarrying method. Single pit.

Aspect	Approved	Proposed
		Increase in mobile equipment No blasting activities proposed
Target Geology	Total excavation depth will be 8.0 – 9.5 m with maximum excavation depth being approximately 4 – 5 m below water level	Alluvium excavated to the depth of the bedrock (8 – 14 m)
Operational Hours	Quarrying operation and processing. • Monday to Friday – 5:00am to 12:00am • Saturdays – 5:00am to 1:30pm • No quarrying operation or processing on Sundays and Public Holidays	No change for operational hours. Construction of internal haulage road and processing undertaken during standard working hours • Monday to Friday – 7:00am to 6:00pm • Saturdays – 8:00am to 1:00pm
Workforce	12 employees	No change
Infrastructure	• ATCO offices with staff amenities and parking facilities • Storage shed • Workshop • Weighbridge • Roads • Access via a private haul road off the Golden Highway	Continued use of existing infrastructure and additional: • Realignment of haul road in southern part of Work Area 2
Processing Infrastructure	• Mobile processing plant (x2) • Fixed plant (x2) for screening and processing • Total stockpile capacity up to 30,000 tonnes (maximum height 5 m)	Continued use of existing infrastructure and additional: • New sand washing treatment plant • Total stockpile capacity up to 60,000 tonnes (maximum height 6 m)
Tailings Management	• Reject material will be returned to the extraction area for shaping, topsoiling and revegetation	• One (1) tailings dams will be partially rehabilitated • Construction of a new Tailings Dam within Work Area 1 • A proposed water treatment plant will be located close to the processing plant and will remove excess water from tailings prior to deposition
Product Transport	• 40 truckloads per day (average weight between 27-33 tonnes)	• 60 truckloads per day or 120 trip movements (A-Doubles with capacity of 50 tonnes)
Public Roads	Golden Highway intersection at access point upgraded to RMS requirements in 2010.	Continued use of Golden Highway intersection. No upgrade proposed.
Rehabilitation	• Final landform will be between 2 – 3 m lower than ground level • Final land use – 140m x 30m dam in Stage 2 area	• Final landform will be 2 m above mean Hunter River level • Progressive rehabilitation • Final land use – grazing land

Aspect	Approved	Proposed
Offsets	None	• Credit obligations for Green and Golden Bell Frog and Southern Myotis
Water Management	Water Management System comprised generally of • Northern pond • Collection Pond • Diversion drains • Levee banks • Earth bunding	Upgrade of the existing water management system including: • Realignment of a western drain to direct runoff to the Northern Pond • Modification of Collection Pond/channel system to transfer water between Northern Pond and Process Plant • Extension of the existing flood levee located to the south • Extension of the existing earth bund located to the north

Council's submission in as follows. Please tabulate and show where addressed in the Submissions Report.

1.0 General

1.1 Append a copy of existing consent DA 1994/410

1.2 Tabulate commitments from existing approval documents and show where each is addressed in SSD EIS

1.3 Include a tabulated description of the following:

- Current and required approvals and licences including duration of approval/licence. Include water licences; and
- Construction schedule

1.4 Site photographs (Appendix P) – show locations of photos and direction

2.0 Project Description

2.1 Confirm processing rates for mobile and fixed crushing and screening plant, add to **Table 1**.

2.2 Clarify the disturbance area for the Project. Section 1.1 of the EIS states that the development will occur across 89 hectares (ha) while Section 8.4 of the BDAR states that 94.3 ha will be impacted (plus an additional 9.6 ha for removal/relocation of the tailings dam waterbody)

2.2 Clarify the depth of extraction (and provide depth in Reduced Level / Australian Height Datum). The groundwater report states that alluvium will be excavated to the depth of the bedrock (8 – 14 m), whereas the Aboriginal Cultural Heritage Report states that extraction will occur to a depth of between 15 – 20 m from the original ground level.

3.0 Landownership

3.1 Show the location of the Project on Appendix E map. Add tick marks and scale bar

3.2 In Table 3 of the EIS, add distance to Project (km) for each receiver

3.3 Update receiver ID's to be consistent between the EIS, Noise Impact Assessment and Air Quality Impact Assessment

4.0 European Heritage

4.1 Provide a figure showing the location of Rumbo Bush School in relation to the Project and provide further justification that the school will not be impacted

5.0 Aboriginal Cultural Heritage

5.1 Show the locations of the three impacted sites and management on a figure

5.2 Confirm that an Aboriginal Heritage Impact Permit is the correct approvals pathway for the surface salvage of the three identified AHIMS sites, when Section 4.41 of the Environmental and Planning and Assessment Act 1979 provides that a permit of this type is not required for a development that has been granted development consent

6.0 Flooding

6.1 Show on a figure, relevant Project components, the 1% AEP flood level and floodway

7.0 Dangerous Goods

7.1 Confirm that there will be no dangerous goods used or stored onsite

8.0 Waste

8.1 Include a tabulated description of waste streams (including tailings) and management strategies (including waste type, generating processes, classification, indicative quantities).

8.2 Tailings management – the EIS describes two existing and one proposed tailings storage facility. Although the site does not operate under a Mining Lease, Council recommends that the Proponent consult with the Resources Regulator to confirm expectations for tailings management.

9.0 Water

9.1 Proposed water management plan – the Proposed Water Management Plan provided in Appendix O does not include a sewage and water monitoring program or other measures to mitigate surface and groundwater impacts. Recommend that prior to the commencement of operations, a water management plan (or combined into an environmental management plan) be prepared and submitted to Department Planning Industry and Environment for approval

9.2 Show the extent of the existing levee and earth bund in comparison to the proposed extension on a figure

9.3 Confirm groundwater licencing requirements for the Hunter Unregulated and Alluvial Water Source Water Sharing Plan following the completion of quarrying

9.4 Condition 35 from DA 1994/410 should be considered 'At cessation of operations, no groundwater is to be exposed unless significant flooding of the Hunter River is occurring, or it is part of a stock watering dam. Consistent with the original EIS, a buffer of 2 metres above groundwater is to remain after extraction has ceased. The groundwater benchmark for the determination of this level in the Departments' opinion is an AHD equivalent to the rated 98th percentile flow height in the Hunter River

9.5 Confirm impacts described in the report 'Review of floodplain mining and risks' (Jacobs, 2014) specifically "pit capture" and subsequent river channel changes have been considered in the design for the Project

10.0 Noise

10.1 Noise Impact Assessment (NIA) - Confirm why all receivers (specifically IDs 24,15 and 10) shown in Appendix E of the EIS are not included in the NIA

11.0 Stakeholder Engagement

11.1 Provide a consolidated table showing stakeholder engagement issues and where addressed in the EIS

11.2 Recommend that a community drop-in session is held following the end of the EIS exhibition period to present EIS results, clarify any Project refinements since early consultation activities, and to outline the planning process for the Project to the community

11.3 Ongoing stakeholder engagement – outline mechanisms that will be implemented to ensure effective ongoing engagement with Project stakeholders

11.4 The Productivity Commission and Department of Planning, Industry and Environment have recently undertaken a review of the NSW Government's contributions system. As a result, the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Regulation 2021* is expected to come into effect on 1 July 2022 (if it is passed into law).

The new 'local levy conditions' to replace section 7.12 levies may be placed on a development that will increase demand for public services.

Council has historically charged a levy on quarries based on tonnage of material extracted. To ensure consistency with other approved quarries, Council staff request a condition be placed on the development as a local levy or requirement for a planning agreement, to fund Council's costs for the provision of environmental management and monitoring including responding to community complaints, revision of management plans (where required), input to Independent Environmental Audit (where required), review of key Project documentation, general review of Project compliance during construction, operation and rehabilitation, community impacts and traffic movements generated by the project. Proportionate to contribution amounts for other quarry and mining projects in the Shire, Council request a contribution of $0.04/tonne of material removed from the site, to be paid annually subject to CPI indexation during quarrying operations.

12.0 Rehabilitation

12.1 MSC staff do not accept the Rehabilitation Strategy as set out in Appendix S and recommend that its structure be updated consistent with the 'Form and Way' (July, 2021) documents implemented by the Resources Regulator. Council requests conditioning that involves preparation of a Rehabilitation Strategy in consultation with Council

12.2 Recommend conditioning of a biodiversity and rehabilitation bond with the DPIE to ensure the Biodiversity and Offset Strategy and rehabilitation of the site is implemented in accordance with performance and completion criteria. The amount of the bond should be reviewed periodically and updated accordingly

13.0 Management and Mitigation

13.1 Recommend the Submissions Report include a revised commitments table that includes commitments shown in Section 8 of the EIS as well as additional recommended commitments shown in **Table 2**. Information shown in red text in **Table 2** will need to be clarified/added.

Table 2: Submission Report Recommended Commitments

Ref	Commitment
	Development
1	Construct, operate, maintain and rehabilitate the Dalswinton Quarry generally in accordance with the Environmental Impact Statement (EIS)
2	Develop and utilise: • An Environmental Management System • Internal 'Land Disturbance Procedure' during the construction of the Project • A Construction Environmental Management Plan (CEMP) • An Operations Environmental Management Plan (OEMP)
3	Conduct monitoring as required by conditions of consent
4	Quarrying activities will not occur within 200 m of the high bank of the Hunter River
	Statutory
5	Seek relevant approvals and post-approvals in accordance with Section 7.0 of the EIS
	Stakeholder Engagement
6	Conduct ongoing stakeholder engagement during the Project generally in accordance with Section (TBC)
	Landscape and Visual
7	A review of materials and colour finishes for selected components including the use of non-reflective finished to structures
8	During construction, where reasonable and feasible: • Minimise tree removal and protect mature trees; • Avoid temporary light spill beyond the construction site where temporary lighting is required; and • Progressively rehabilitate disturbed areas.
9	During operations, where reasonable and feasible: • Ongoing maintenance and repair of constructed elements; and • Replacement of damaged or missing constructed elements.
	Noise
10	Add all mitigation measures outlined in Section 6.5 of the EIS
11	Plant and equipment regularly maintained
	Traffic
12	A Traffic Management Plan will be developed which • Minimises the traffic safety impacts and disruptions • Includes a drivers Code of Conduct • Includes access protocols to minimise disruption to the local community *These commitments could be included in the CEMP and OEMP*
	Biodiversity
13	To reduce impacts to native vegetation and habitat: • Delineate clearing limits • Implement controls to limit impacts due to vehicle strike
	Economics
14	• Employ regional residents where practicable • Participate, as appropriate, in business group meetings, events or programs in the regional community • Purchase local non-labour inputs to production, preferentially where local producers can be cost and quality competitive, to support local industries

Ref	Commitment
	Bushfire
15	Implement measure to reduce the risk of bushfire: • Appropriate storage and handling of hazardous materials in accordance with relevant Australian Standards • Bunding around areas where spills of hazardous materials may occur • Ensure the site is equipped with first response firefighting equipment • Regular training of relevant personnel in first response firefighting and evacuation procedures • Regular consultation with the local Bush Fire Brigade and provision of access to the facilities for advice and familiarisation purposes
16	Relevant bushfire protection measures on bushfire prone land will be implemented where applicable including: • The provision of clear separation of buildings and bush fire hazards in the form of fuel reduced Asset Protection Zones; • Construction standards and design; • Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation; and • Suitable landscaping, to limit fire spreading to a building
	Air Quality
17	Implement measures to reduce visible dust emissions during: • Construction: minimise active surface area, progressive rehabilitation, stockpile management, speed restrictions, manage activities in unfavourable weather conditions, undertake regular inspections, and minimise dust emissions from exposed areas by application of water and/or dust suppressants; and • Operation: application of water and dust suppressants, speed restrictions on unsealed roads, limiting maintenance in unfavourable weather and regular inspections.
	Water Resources
18	Implement erosion and sediment controls
19	Surface water management plan to include procedure for managing uncontrolled offsite discharges
20	Water take under WAL 36474 will be calculated using the water balance approach defined in Section 6.2.2 of the Surface Water Management Plan. The Proponent will trade for additional Hunter Regulated River Alluvial water source shares should groundwater import demand exceed the WAL 36474 limit of 20ML/year
21	Conduct groundwater quality sampling of both the monitoring bores and any groundwater present within the quarry pit, in order to detect any changes in groundwater quality during and post quarrying, on a quarterly basis. Sampling will include physio-chemical indicators and major ions shown in Section 9 of the Groundwater Impact Assessment.
22	Detailed design of infrastructure to consider minimising predicted flooding impacts. All structures will be able to withstand the forces of floodwater, loose materials that could float/disperse and cause damage to property, or loss of life or contamination will be stored above the PMF or within structures/areas protected by flood levees.
	Soil and Agriculture
23	Impacts on surrounding agricultural activities will be minimised through: • Water will be sourced under relevant licences held; • Fencing to exclude any livestock from operational areas; and • Weed and feral animal controls undertaken in consultation with neighbours
24	Excavated soil will be used reused as soon as practicable. If soils cannot be reused in a timely manner, it will be stockpiled and temporarily rehabilitated
25	Controls to reduce potential biosecurity impacts will be implemented to minimise risk. These will be implemented in consultation with relevant regulators (where statutorily required)

Ref	Commitment
26	Disturbed areas that are not required for ongoing operations will be progressively rehabilitated
	Waste
27	The principles of “reduce, reuse, recycle” will be applied wherever practicable to minimise waste generation and incorporated into the CEMP and OEMP.
	Social
28	Continued consultation through: • Provision of regular community updates to residents on issues of interest • A complaints and response framework

Council staff appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Development Compliance Officer on 02 6549 3700 or email council@muswellbrook.nsw.gov.au

Yours faithfully

Sharon Pope
Executive Manager Environment and Planning