

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 15 August 2019
PANEL MEMBERS	Renata Brooks (Chair), Mark Grayson, John Griffin and Peter Bascomb
APOLOGIES	Pam Allan, Alison McCabe and John Rooney
DECLARATIONS OF INTEREST	<p>Peter Bascomb is an employee of Snowy Monaro Regional Council and noted that the applicant may at some future time elect to bid on a Council tender for road working material.</p> <p>The panel considered the declaration and decided it did not constitute a conflict that prevented his participation in the determination.</p>

Public meeting held at Snowy Monaro Regional Council on 15 August 2019, opened at 12.35pm and closed at 2.15pm.

MATTER DETERMINED

2018STH021 – Snowy Monaro Regional Council – 10.2018.1211.1 at 278 Springs Road Rock Flat – hard rock quarry (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the following matters and formulate a resolution.

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

1. The proposal adequately satisfies the application provisions and objectives of the Cooma Monaro Local Environmental Plan 2013.
2. The proposal adequately satisfies the application provisions and objectives of the Cooma Monaro Development Control Plan 2014.
3. The proposed development adequately satisfies the relevant State Environment Planning Policies.
4. The proposed development, subject to the conditions in the Council assessment report as amended below, will have no unacceptable adverse impacts on the natural or built environments including heritage items, local waterways or drainage systems or the operation of the local road system. Further it is considered that development of the subject site does not prevent future reasonable development of adjoining allotments.
5. The application was notified to adjoining landowners and publicly advertised in accordance with the Cooma Monaro Development Control Plan 2014 and the relevant statutory regulations. The proposal received “2” submissions.
6. In consideration of conclusions 1 – 5 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

Conditions to be amended:

Amend condition 1 to include reference to the revised Aboriginal Cultural Assessment report

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with 10.2018.1211.1 as submitted to Council on the 28/02/2018 with supporting documentation including but not limited to the development plans being:

Title/Description	Prepared By	Date/s
Environmental Impact Statement and associated Appendices and subsequent revisions including the revised Aboriginal Cultural Heritage Assessment Report prepared by Dr Julie Dibden	Outline Planning Consultants	February 2018

Amend condition 3 to remove the word 'original' from 3.1 and 'reasonable' from 3.5 to provide clarity.

Limits of Consent

3. The consent is limited to the following:
 - 1) 30 years from the date of ~~original~~ approval. All extraction works must cease at this time and must not recommence unless further development consent is obtained.
 - 2) Extraction shall be limited to a maximum annual rate of 280,00 tonnes.
 - 3) The operator shall conform to the details specified in the Environmental Impact Statement, unless contradicted by these conditions which shall prevail.
 - 4) The area of extraction shall be limited to that shown on the approved plans. The operator/applicant shall ensure by survey that the operations remain within that footprint.
 - 5) Rehabilitation shall be carried out to the ~~reasonable~~ satisfaction of Council within 6 months of cessation of quarrying activities on site.
- Amend condition 5 to include hours of operation specifically for blasting to reduce impact on surrounding properties

Hours of Operation

5. The approved hours of operation for the development are as follows:

7am to 6pm Monday to Friday,

8am to 1pm Saturdays

No work is to be carried out on Sundays or Public Holidays

With the exception of blasting which shall be limited to:

9am to 3pm Monday to Friday with no blasting to be carried out on Saturday or Sundays or Public Holidays.

- Amend condition 6 to include the requirement to present to Council a survey plan annually to demonstrate that all activities remain within the quarry operation footprint.

Extraction Rates

6. The applicant or their successors in operating this site shall provide annual details of extraction rates to Council **and survey plans of the of the extraction area to verify that activities including stockpiled materials remain within the approved quarry operation footprint**
- Amend condition 8 to clarify that the limitations on pasture improvement applies to the project site only and not the whole property.

Limitations on further pasture improvement **within the project site.**

8. The development shall ensure that no further pasture development including over sowing or ploughing outside those areas already subject to sowing or ploughing is carried out **within the project site comprising lots 62, 76, 78, 106 and 120 in Deposited Plan 750540 (as defined on the approved site plan)** as at the date of the issue of this consent.
- Amend condition 10 to include that Council must be satisfied with the revised plan submitted by the applicant showing the internal haul route and revised quarry footprint and that this plan must be consistent with the plan prepared by Ecological dated 22.05.19 Figure 1 GED and SLL habitat mapping.

Revised Plan

10. The applicant shall provide to **Council's satisfaction** prior to commencement of works on site a plan showing the revised alignment of the internal haul route and revised Quarry footprint and stockpiling area.
This plan shall be in conformity with the plan prepared by Ecological dated 22.05.19 (Figure 1 GED and SLL habitat mapping).
- Amend condition 16 to include the requirement for a site management plan which deals with dust, noise and blasting and that the condition also include a requirement for consultation with residents on the plan regarding their impact.

Environmental Management Strategy

16. Prior to carrying out of any development, the applicant shall prepare for Council approval, an Environmental Management Strategy for the development.
The strategy must:

- a) Be a single document kept on site and submitted to Council annually based on the date of approval of the first document.
- b) Provide the strategic context of the environment that applies to the development
- c) Identify the statutory requirements that apply to the development
- d) Describe how the environmental performance of the development would be monitored and managed during the development through preparation of the following plans:
 - Traffic Management Plan
 - Rehabilitation Plan
 - Stormwater Management Plan
 - Biodiversity Management Plan
 - Weed Management Plan
 - Sediment and Erosion Plan

- Site Management Plan – which includes but is not limited to the management of dust, noise and blasting.

e) Describe the procedures that would be implemented to:

- Consult with the neighbouring residents on the content and implementation of the Site Management Plan.
- Keep the local community and relevant agencies informed about the operation and environmental performance of the development
- Receive, handle, respond to, and record complaints
- Resolve any disputes that may arise during the course of the development
- Respond to any non-compliance
- Manage cumulative impacts; and
- Respond to emergencies

f) Describe the role, responsibility, authority and accountability of the key personnel involved in environmental management of the development.

g) Include a monitoring program updated annually as required

h) Include an Incident Report Management Plan

i) Include an Annual Environmental Management Report (AEMR) to be included in the second submission and annual thereafter.

j) Be made available to the public for inspection at the offices of Snowy Monaro Regional Council and be placed on Council' website.

Note: Each part (including the required management plans, reports and programs) of the EMS shall include a list identifying all relevant conditions of consent (including GTAs) specific to that section of how those requirements have been satisfied/addressed within the document.

- Amend condition 41 by substituting the words “site management plan” with “environmental management strategy” to be consistent with language used in the earlier conditions.

Blasting

41. The operator shall ensure that blasting is carried out in accordance with industry and regulatory standards and in compliance with the approved **Environmental Management Strategy** and Environmental Protection license.

Conditions to be added:

- Conditions added to ensure protection of existing Aboriginal Cultural Heritage on the site and any potential items that may be found during construction.

Impact on Aboriginal Cultural Heritage

- 8a No harm can occur to any Aboriginal objects unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the Department of Planning Industry and Environment – Biodiversity and Conservation.
- 8b In the event that any Aboriginal object, or potential Aboriginal objects, are uncovered in the area, any works must cease immediately and Department of Planning Industry and Environment – Biodiversity and Conservation (DPIE-BC) contacted for advice. Contact South East Region Planning Team – (02) 6229 7188 or email: rog.southeast@environment.nsw.gov.au. If human skeletal remains are found work must be stopped immediately, the area secured to prevent unauthorised access and NSW Police and DPIE-BC contacted immediately.

- 8c The developer shall ensure that prior to any works commencing on site that a temporary barrier shall be installed between the two sites identified in the Revised Aboriginal Cultural Heritage Assessment Report (dated 9/9/18) and the area of construction of the internal quarry haul route to delineate no go zone between these areas.
- 8d The developer is to ensure that a suitability qualified Aboriginal Cultural Heritage advisor is on site during the construction of the haul road.

- Conditions added to ensure the applicant holds all necessary licences and approvals for use of the existing rail crossing on site.

Approvals from Transport for NSW

- 9a. Notwithstanding the issue of this development consent, the developer must hold all necessary approvals/licenses required to use the existing vehicular rail crossing on site.
- Conditions added to ensure that the applicant provide to Council before commencement of works on site a survey which will indicate the starting levels before quarry operations begin and provide a footprint in which the operation must be carried out.

Survey Report

- 10a. The developer shall provide to Council's satisfaction prior to the commencement of works on site a survey plan showing the extent of the quarry operation footprint. This survey shall include contour details to show the natural ground level prior to the commencement of quarrying activities.
- 10b The developer shall ensure that all works stay within the area surveyed as the quarry operation footprint.
- Conditions added to protect the closest neighbouring residences from damage caused by quarry operations on site.

Pre-commencement dilapidation report

- 16a The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of two nearest private properties. A copy of the report must be provided to Council, and the owners of the subject private properties.

Note – The two nearest private properties are those at 89 Springs Road and 143 Springs Road Rock Flat.

- 16b Should any damage occur that can be directly attributed to the quarry operations the operator is to make good the damage at no cost to the property owner.

The approved set of conditions is attached as Schedule 2





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Consideration of aboriginal cultural heritage matters
- Dust mitigation and air quality
- Visual impact of stockpiles

- Sound from crushing
- Impact on groundwater
- Landscaping plans
- Notification of development application
- Concerns with blasting
- Proposed hours of operation
- Structure damage, contamination and responsibility for fixing problems caused by quarry operations
- Access issues
- Impact of potential adverse weather conditions on the operating quarry

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Renata Brooks (Chair)	 Mark Grayson
 John Griffin	 Peter Bascomb

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH021 – Snowy Monaro Regional Council – 10.2018.1211.1
2	PROPOSED DEVELOPMENT	Hard Rock Quarry extraction of up to 280,000 tonnes per annum with an average of 150,000 tonnes per annum
3	STREET ADDRESS	278 Springs Road Rock Flat
4	APPLICANT/OWNER	Outline Planning Consultants Pty Ltd/Peter Devereux
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 33 – Hazardous and Offensive Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Rural Lands) 2008 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Cooma Monaro Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cooma Monaro Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 31 July 2019 Written submissions during public exhibition: two (2) Aboriginal Cultural Heritage Assessment Report (tabled at meeting by Council): 9 September 2018 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – 0 In objection – 1 - Michelle Francis Queries – 3 - Michelle McDonald, Bernie McDonald & Caroline McFarlane Council assessment officer – Sophie Ballinger On behalf of the applicant – David Schmidt & Karina McNamara
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing: 11 February 2019 Final briefing to discuss council's recommendation, 15 August 2019, 11:30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Renata Brooks (Chair), Mark Grayson, John Griffin and Peter Bascomb <u>Council assessment staff</u>: Sophie Ballinger, John Gargett, Peter Smith
9	COUNCIL RECOMMENDATION	Approval

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

- The developer is to ensure that the development complies fully with **10.2018.1211.1** as submitted to Council on the **28/02/2018** with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
	Environmental Impact Statement and associated Appendices and subsequent revisions including the revised Aboriginal Cultural Heritage Assessment Report prepared by Dr Julie Dibden	Outline Planning Consultants	February 2018
DC18020-OP2-CS-1100 Rev 3	Monaro Highway Proposed Rock Quarry Proposed Intersection and Quarry Access off Monaro Highway	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-GN-1101 Rev 3	Monaro Highway Proposed Rock Quarry	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-DP-1102 Rev 3	Proposed Intersection and Quarry Access off Monaro Highway	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-SL-1103 Rev 3	Monaro Highway Proposed Rock Quarry	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-DD-1104 Rev 3	Proposed Intersection and Quarry Access off Monaro Highway	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-LS-1105 Rev 3	Monaro Highway Proposed Rock Quarry	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-XS-1106 Rev 3	Proposed Intersection and Quarry Access off Monaro Highway	Streetwise Road Safety and Traffic Services	20.02.19
DC18020-OP2-XS-1107 Rev 3	Monaro Highway Proposed Rock Quarry	Streetwise Road Safety and Traffic Services	20.02.19

as stamped by the Snowy Monaro Regional Council and attached to this Notice, except where amended by the following conditions of consent:

Inconsistency between documents

- In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Limits of Consent

3. The consent is limited to the following:

- 1) 30 years from the date of approval. All extraction works must cease at this time and must not recommence unless further development consent is obtained.
- 2) Extraction shall be limited to a maximum annual rate of 280,00 tonnes.
- 3) The operator shall conform to the details specified in the Environmental Impact Statement, unless contradicted by these conditions which shall prevail.
- 4) The area of extraction shall be limited to that shown on the approved plans. The operator/applicant shall ensure by survey that the operations remain within that footprint.
- 5) Rehabilitation shall be carried out to the satisfaction of Council within 6 months of cessation of quarrying activities on site.

4. Should operations exceed the limits specified in this approval, an additional development consent and Environmental Impact Statement will be required.

Hours of Operation

5. The approved hours of operation for the development are as follows:

7am to 6pm Monday to Friday,

8am to 1pm Saturdays

No work is to be carried out on Sundays or Public Holidays

With the exception of blasting which shall be limited to:

9am to 3pm Monday to Friday with no blasting to be carried out on Saturday or Sundays or Public Holidays.

Extraction Rates

6. The applicant or their successors in operating this site shall provide annual details of extraction rates to Council and survey plans of the of the extraction area to verify that activities including stockpiled materials remain within the approved quarry operation footprint.

Responsibility of the Applicant/Operator

7. The applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development.

Limitations on further pasture improvement within the project site .

8. The development shall ensure that no further pasture development including over sowing or ploughing outside those areas already subject to sowing or ploughing is carried out within the project site comprising lots 62, 76, 78, 106 and 120 in Deposited Plan 750540 (as defined on the approved site plan) as at the date of the issue of this consent.

Impact on Aboriginal Cultural Heritage

8a No harm can occur to any Aboriginal objects unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the Department of Planning Industry and Environment – Biodiversity and Conservation.

8b In the event that any Aboriginal object, or potential Aboriginal objects, are uncovered in the area, any works must cease immediately and Department of Planning Industry and Environment –

Biodiversity and Conservation (DPIE-BC) contacted for advice. Contact South East Region Planning Team – (02) 6229 7188 or email: rog.southeast@environment.nsw.gov.au. If human skeletal remains are found work must be stopped immediately, the area secured to prevent unauthorized access and NSW Police and DPIE-BC contacted immediately.

- 8c The developer shall ensure that prior to any works commencing on site that a temporary barrier shall be installed between the two sites identified in the Revised Aboriginal Cultural Heritage Assessment Report (dated 9/9/18) and the area of construction of the internal quarry haul route to delineate no go zone between these areas.
- 8d The developer is to ensure that a suitability qualified Aboriginal Cultural Heritage advisor is on site during the construction of the haul road.

OTHER APPROVALS

Separate Section 68 Approval to Install On-site Sewage Management System

- 9. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install on-site sewage management system must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

Approvals from Transport for NSW

- 9a. Notwithstanding the issue of this development consent, the developer must hold all necessary approvals/licenses required to use the existing vehicular rail crossing on site.

PRIOR TO THE COMMENCEMENT OF WORKS

Revised Plan

- 10. The applicant shall provide to Council's satisfaction prior to commencement of works on site a plan showing the revised alignment of the internal haul route and revised Quarry footprint and stockpiling area.
This plan shall be in conformity with the plan prepared by Ecological dated 22.05.19 (Figure 1 GED and SLL habitat mapping).

Survey Report

- 10a. The developer shall provide to Council's satisfaction prior to the commencement of works on site a survey plan showing the extent of the quarry operation footprint. This plan shall be in conformity with the plan prepared by Ecological dated 22.05.19 (Figure 1 GED and SLL habitat mapping).
- 10b The developer shall ensure that all works stay within the area surveyed as the quarry operation footprint.

Environmental protection licence

- 11. The proponent must apply for and hold an in-force environment protection license issued by the Environment Protection Authority prior to the proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.

Biodiversity Management Plan

- 12. Prior to the commencement of works a biodiversity management plan (BMP) shall be developed in

consultation with and endorsed by DPIE- Biodiversity and Conservation, this should include explicit commitment to the management of the study area for native grassland and threatened reptiles.

The BMP should include:

- grazing management,
- weed control, and
- the establishing of monitoring sites to contribute to the SOS conservation actions for these species in the region.

A commitment to no further pasture development including over sowing, ploughing or fertilizing outside the existing pasture improved areas

Landscaping Plan

13. The developer shall provide to Council for approval prior to the commencement site any works a landscaping plan detailing the species to be planted for screening purposes.
14. The landscaping plan shall include:
 - Details of the species to be planted which must be a mix of both exotic and native species.
 - Details of the initial planted heights of the vegetation proposed
 - Details of planting and maintenance methods to be employed to ensure the screen planting achieves the heights required to mitigate visual impact as described in the EIS.
15. Trees shall be planted and maintained
 - To minimise or overcome visual impact of the operation.
 - The trees when first planted at the site must be young trees having a height of about 0.5 metres or greater.
 - The trees shall be planted within nine months of the commencement of operations and the maintenance of the trees (including replacing any trees that die) shall continue until the expiry of twelve months after the date of cessation of operations.
 - The trees are to be fenced, at least during the period of maintenance, to prevent destruction by vermin or other animals.

Environmental Management Strategy

16. Prior to carrying out of any development, the applicant shall prepare for Council approval, an Environmental Management Strategy for the development.

The strategy must:

- a) Be a single document kept on site and submitted to Council annually based on the date of approval of the first document.
- b) Provide the strategic context of the environment that applies to the development
- c) Identify the statutory requirements that apply to the development
- d) Describe how the environmental performance of the development would be monitored and managed during the development through preparation of the following plans:
 - Traffic Management Plan
 - Rehabilitation Plan
 - Stormwater Management Plan
 - Biodiversity Management Plan
 - Weed Management Plan
 - Sediment and Erosion Plan
 - Site Management Plan – which includes but is not limited to the management of dust, noise and blasting.

e) Describe the procedures that would be implemented to:

- Consult with the neighbouring residents on the content and implementation of the Site Management Plan.
- Keep the local community and relevant agencies informed about the operation and environmental performance of the development
- Receive, handle, respond to, and record complaints
- Resolve any disputes that may arise during the course of the development
- Respond to any non-compliance
- Manage cumulative impacts; and
- Respond to emergencies

f) Describe the role, responsibility, authority and accountability of the key personnel involved in environmental management of the development.

g) Include a monitoring program updated annually as required

h) Include an Incident Report Management Plan

i) Include an Annual Environmental Management Report (AEMR) to be included in the second submission and annual thereafter.

j) Be made available to the public for inspection at the offices of Snowy Monaro Regional Council and be placed on Council' website.

Note: Each part (including the required management plans, reports and programs) of the EMS shall include a list identifying all relevant conditions of consent (including GTAs) specific to that section of how those requirements have been satisfied/addressed within the document.

Pre-commencement dilapidation report

16a The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of two nearest private properties. A copy of the report must be provided to Council, and the owners of the subject private properties.

Note – The two nearest private properties are those at 89 Springs Road and 143 Springs Road Rock Flat.

16b Should any damage occur that can be directly attributed to the quarry operations the operator is to make good the damage at no cost to the property owner.

ROAD AND ACCESS CONDITIONS

Access to the Development Restricted to Single Point

17. The applicant/operator shall ensure that the access referred to as option 2 in the EIS is the only access permitted to the development. No vehicles associated with the development are to access the site via the existing property access (described as option 1 in the EIS).

Internal Road Construction

18. Roads within the development site shall be constructed as minimum single lane gravel roads to the following standard:

- a) A (minimum) 4.0 metre wide gravel pavement not less than 150 mm thick.
- b) 1.5 metre wide table drains.
- c) Constructed stormwater drainage with appropriate erosion and sediment control measures.
- d) Revegetation of disturbed areas being the subject of road construction.

NSW RMS CONDITIONS

19. Prior to the commencing works within the road reserve, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Monaro Highway.

Notes:

- A WAD is a legally binding contract between RMS and the developer, authorising the developer to undertake works on a State road and/or install traffic signals. To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.southern@rms.nsw.gov.au
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors> Any new services or modifications to existing services associated with this development application that involve works on, over or under Monaro Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to RMS project manager.
- More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf

20. Prior to the commencing works within the road reserve, the developer must obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.

21. Prior to the commencing works within the road reserve, the developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://mysta.comioplinc2ipages/security/oplincLogin.isf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

22. Prior to the issuing of the Occupation Certificate (interim or final), the developer must upgrade the junction of the access and Monaro Highway to the satisfaction of RMS, generally in accordance with Attachment 2 (being plans prepared by Streetwise revision 3 20.02.19) , Austroads Guide to Road Design and other relevant standards.

Notes:

- The pavement design on the Monaro Highway must be in accordance with Austroads standards.
 - Where required, the developer must upgrade/provide lighting in accordance with
 - Australian Standard AS/NZS1158.
 - All works need to be completed at no cost to RMS
 - The preliminary design comments detailed in Attachment 4 (RMS Response dated 9/4/19 and attached to this notice)
23. Prior to the issuing of the Occupation Certificate (interim or final), the developer must design and construct the driveway on Monaro Highway to the satisfaction of RMS, generally in accordance with the Attachment 2.

USE OF SITE

Entry to site

24. Council staff or agents of Council may enter the site at all reasonable times to inspect the works and rehabilitation and any other operational aspects as necessary. Where locked gates are proposed by the operator, arrangements satisfactory to the Council, shall be made to afford access to the site during operating hours.

Sanitary Facilities

25. The applicant/operator shall ensure that Sanitation facilities, lunch and rest for workers are to be provided on site for use during quarry operations.

Site Rehabilitation

26. Rehabilitation of the site is to be carried out progressively throughout the life of the quarry in accordance with the Rehabilitation Plan.
27. Without affecting the developers' obligations to comply with the other conditions of this consent, the developers shall at their own cost and expense carry out rehabilitation works to the site as and when directed to do so by the Council and/or any officer with due authority from any Government Department.

Air pollution control and Dust Suppression

28. The applicant/operator shall ensure that suitable measures are taken to prevent the generation of dust nuisance from the enterprise and associated access tracks, to the satisfaction of Council.
29. All unsealed roads on or servicing the development shall be dampened by a water cart to prevent dust generation. The water cart shall be available on site at all times.
30. Activities at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

31. All loads leaving the extraction site are to be trimmed and covered preventing dust generation from the loads.
32. Water from the sediment dams (when available) is to be used as a means of dust suppression on the site.
33. Excavation and stockpile shall not be located within 30 metres of the boundary of any road, public place or public reserve or within 12 metres of any lot boundary not covered by this consent.

Stormwater management and sediment and erosion control

34. Stormwater management and sediment and erosion control should be managed in a manner consistent with the principles stated in 'Managing Urban Stormwater, Soils and Construction. Volume 2E Mines and quarries' (DECC, 2008). Activities at the site must be carried out to ensure that any discharge from the premises complies with Section 120 of the *Protection of the Environment Operations Act 1997*.

Noise Mitigation Measures

35. Noise generated at the premises must not exceed the noise limits described in the General Terms of approval issued by the NSW EPA as attached to this notice.
36. Utilise a site layout that maximises forward movement and minimises reversing, to minimise reversing alarm noise.
37. Use alternatives to tonal reversing alarms ("beepers") such as broadband alarms, reversing cameras, proximity alarms or a combination of these to minimise potential noise impact associated with reversing beepers.

Compliance with the Environmental Management Strategy

38. The mitigation measures contained in the approved Environmental Management Strategy are to be implemented and adhered to throughout the life of the subject extractive industry.

Amenity

39. Any external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding area or to motorists on nearby roads.

Driver Code of Conduct

40. In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.

Blasting

41. The operator shall ensure that blasting is carried out in accordance with industry and regulatory standards and in compliance with the approved Environmental Management Strategy and Environmental Protection license.

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.

- 3 To ensure the proposed development satisfies the relevant statutory requirements.
- 4 To ensure the development does not conflict with the public interest.
- 5 To ensure development proceeds in accordance with approved plans.

Advice to Applicant

1. Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety 2001 and Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
2. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6451 1550 if there is any difficulty in understanding or complying with any of the above conditions.
3. The applicant is solely responsible for ensuring that all additional consents, permits and/or agreements are obtained from other authorities, as relevant.
4. In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
5. Headings are for convenience only and do not affect the interpretation of any condition of this development consent.

General Terms of Approval issued by NSW EPA (notice number 1563200, dated 12/12/2018)

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Attachment A - General Terms of Approval

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA 10.2018.1211.1 submitted to Snowy Monaro Regional Council on 13 March 2018;
- any environmental impact statement Environmental Impact Statement: Proposed Hard Rock Quarry (prepared by Outline Planning Consultants Pty. Limited, February 2018) relating to the development; and

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits in the Table below.

Location	Lot and DP number	NOISE LIMITS dB(A)
		Day LAeq (15 minute)

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30 Springs Road, Rock Flat	Lot 2, DP 825408	40
143 Springs Road, Rock Flat	Lot 1, DP 837551	35
897 Myella Road, Rock Flat	Lot 3, DP 572661	35
1063 Myella Road, Rock Flat	Lot 56, DP 750540	35

L6.2 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- Wind speeds greater than 3 metres/second at 10 metres above ground level.
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Stability category G temperature inversion conditions.

L6.4 For the purposes of condition L6.3:

- Data recorded by a Bureau of Meteorology meteorological station at Cooma Visitor Centre must be used to determine meteorological conditions; and
- Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Fact Sheet D of the Noise Policy for Industry.

L6.5 To determine compliance:

- with the $L_{eq}(15 \text{ minute})$ noise limits in condition L6.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- with the noise limits in condition L6.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by condition L6.5(a).

L6.6 A non-compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
- at a point other than the most affected point at a location.

L6.7 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

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Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the LA10 noise level must be measured or computed at any point approximately on the property boundary where any dwelling is situated 30 metres or less from the property boundary, within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary or within approximately 50 metres of the boundary of a National Park or a Nature Reserve over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the facade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

Hours of operation

L6.8 All construction and operation work at the premises must only be conducted between 7am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No work is to be carried out on Sundays and Public Holidays.

L6.9 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.8, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L6.10 The hours of operation specified in conditions L6.8 and L6.9 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L7 . Blasting

L7.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five percent of the total number of blasts over each reporting period. Error margins

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associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L7.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five percent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Note: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing home. A noise sensitive location includes the land within 30 metres of the building.

L7.5 Blasting operations at the premises may only take place between 9:00am - 5:00pm Monday to Friday. Blasting is not permitted on public holidays. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the abovementioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).

L7.6 To determine compliance with condition(s) L7.1 - L7.4:

- a. Airblast overpressure and ground vibration levels experienced at the nearest noise sensitive locations must be measured and recorded for all blasts carried out on the premises;
- b. Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Operating conditions

O1. Odour

O1.1 The applicant must comply with section 129 of the Protection of the Environment Operations Act 1997. Section 129 of the Act states that the licensee must not cause or permit the emission of any offensive odour from the premises.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

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O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Monitoring and recording conditions

M1 Monitoring records

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

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

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

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

M6. Requirement to Monitor Noise

M6.1 Compliance with Condition L6.1 must be assessed by attended noise monitoring in accordance with condition L6.5

- a) at each one of the locations listed in Condition L6.1;
- b) for one whole day of typical operations.

Reporting conditions

R1.1 Annual Return

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant

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

R2.1 Noise Monitoring Report

R2.1 A noise compliance assessment report must be submitted to the EPA within 60 days of the commencement of operation. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- b) an assessment of compliance with noise limits presented in Condition L6.1; and
- c) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1.

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017."
- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.7.

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Attachment B– Mandatory Conditions for all EPA licences

Administrative conditions

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

- d. must be maintained in a proper and efficient condition; and
- e. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

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

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Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

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

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

Period covered by Annual Return

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

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

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

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

the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

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

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

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Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

- a. where this licence applies to premises, an event has occurred at the premises; or