Appendix B - DRAFT CONDITIONS

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 2024/0166 PAN-442538
Applicant	Makk McNaught 2019 BURRENDONG WAY MULLION CREEK 2800
Description of development	Extractive Industry (Open-Cut Quarry)
Property	CANOWINDRA ROAD CANOWINDRA 2804 2/-/DP1301356
Determination	Approved Consent Authority - Sydney / Regional Planning Panel
Date of determination	27/05/25
Date from which the consent operates	27/05/25
Date on which the consent lapses	27/05/30
Approval bodies that have given general terms of approval	NSW Environmental Protection Authority

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Building Code of Australia building classification	N/A

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations and all other relevant State and local planning policies. Mitigation measures are required to ensure impacts on the environment are within reasonable limits, as set out in the conditions of consent.

Concurrent approval and General Terms of Approval (GTAs) have been issued by the NSW Environemtnal Protection Authority (EPA) and are attached.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You do not have the right to request a review of the determination under section 8.3 of the EP&A Act.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Heather Nicholls

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Deputy General Manager - Cabonne Services
Person on behalf of the consent authority

For further information, please contact Rhassel Mhasho / Department Leader - Development Services

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1 **Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan title	Plan number	Prepared by	Plan date
Access Intersection Designs (15 sheets)		Duncan Priestly Civil Engineering	29 March 2025

Approved documents

Document title	Version number	Prepared by	Date of document
Environmental Impact Statement		RW Corkery & Co	June 2024
Biodiversity Assessment Report	3.3	OzArk Environment & Heritage	April 2025
Noise Assessment		Muller Acoustic Consulting	27 February 2024
Road Transport Assessment		The Transport Planning Partnership	19 February 2024
Aboriginal Due Diligence Assessment Report	3	OzArk Environment & Heritage	May 2024
Additional Information Letter & updated Site Plan		RW Corkery & Co	24 October 2024 (and amended November 2024)

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	Land Use Conflict Risk Analysis		RW Corkery & Co	October 2024
	Greenhouse Gases Report		RW Corkery & Co	October 2024

In the event of any inconsistency between the approved plans and documents, the approved **Documents** prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2 **NO BLASTING**

This approval does not permit any blasting activites on the premises (which was deleted from the amended application).

The NSW Environmental Protection Authority (EPA) reference to blasting in the attached General Terms of Approval do not apply, and the EPA has confirmed they will issue the Environmental Protection Licence (EPL) without blasting.

If any blasting activites are required in the future, separate development consent will need to be sought, as well as an amendment to the EPL.

Condition reason: To clarify the terms of the approval.

3 **DPRID CONDITIONS**

NSW Department of Primary Industries and Regional Development (DPIRD) requirements are as follows:

<u>VEGETATIVE SCREEN LANDSCAPE PLAN</u>

Before any works commence, a Vegetative Screen Landscape Plan prepared by a qualified landscape architect or landscape consultant, conforming to all relevant conditions of this consent, including NSW Rural Fire Service's bush fire vegetation requirements, is to be submitted to and approved by Council.

The plan shall include:

- A 10m wide vegetation screen to be established planted at 2m intervals with a species mix to provide up to 5m height for fast-growing shrubs and trees up to 10m height. Species to include PCT groupings.
- Illustrate the vegetated buffer (location, irrigation, fencing, endemic plant species, etc.) and other physical measure to mitigate visual impacts until vegetation reaches the desired heights.

<u>BIOSECURITY RISK MANAGEMENT PLAN</u>

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	Before any works commence, a comprehensive Biosecurity Risk Management Plan (BRMP) shall be prepared for the project, and be submitted to and approved by Council. The plan shall include: • The management of the risk of introduction, presence, or spread of plant pests or diseases, weeks, and pest and pest animals. • Actions for plant, machinery, and washdown areas to ensure they are free of weed seed / plant material. • Arrangements for decontamination of vehicles entering and leaving the site, and onsite plant and equipment. • The management of bulk earthworks, stockpiled material, and / or introduction of fill for the site. The BRMP shall consider all potential biosecurity risks and identify appropriate strategies to prevent, eliminate or minimise those risks, and consider any relevant biosecurity guidelines. Ongoing use of the premises shall be carried out in accordance with the approved BRMP at all times.
	Condition reason: To maintain landscape quality, to visually screen the quarry works, to mitigate dust impacts, and to stabilize the soil; and to minimise biosecurity risks.
4	**TFNSW CONDITIONS**
	Transport for NSW (TfNSW) requirements are as follows: 1. A Basic Right Turn (BAR) / Basic Left Turn (BAL) must be constructed on Canowindra Road (MR310) at the intersection with the site access road. The works, including appropriate line marking, must be designed in accordance with *Austroads Guide to Road Design – Part 4a, Australian Standards* and relevant TfNSW supplements and be constructed and completed to the satisfaction of TfNSW prior to the commencement of any quarry operations. All works are to be undertaken at no cost to TfNSW. Furthermore, the design must accommodate two-way tangential movements of the design vehicle (19m semi-trailer and 19 truck-and-dog) to ensure the safe and efficient movements in and out of the subject site are maintained. 1. As road works are required on Canowindra Road, a classified (State) road, the development must enter in a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the *Roads Act 1993*, as applicable, for all works under the WAD. Note 1: TfNSW has indicated that changes are required to the submitted Access Intersection Designs (prepared by Duncan Priestly Civil Engineering, and dated 29 March 2025) to achieve a suitable outcome before the WAD can be issued.

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	Note 2: The conditions of consent do not guarantee TfNSW final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. The WAD process, including acceptance of design documentation and construction, can take time. The developer must allow sufficient lead time within the project development program to accommodate this process. It is therefore requested that the developer work through this process as soon as possible with TfNSW. 1. All road and access works must be designed and constructed to ensure that road drainage is maintained at pre-development flow rates and not adversely impact existing road infrastructure, including stormwater, utilities, etc. 2. Any signage or fencing associated with the development must be contained within the property boundary and not encroach into the road corridor. 3. Access to the quarry is to be restricted for any vehicles greater in size than the identified design vehicle, a 19m 'semi' or 19m 'truck and dog' as defined by the National Heavy Vehicle Regulator (NHVR).
	Condition reason: Reason: To ensure safe access to the site and safe ongoing use of the State road, and to ensure all road upgrade work comply with relevant legislation and standards.
5	**ESSENTIAL ENERGY CONDITIONS**
	Essential Energy's requirements are as follows: 1. A safe distance of 10 metres is required to the CENTRELINE of the HIGH VOLTAGE NETWORKS ON THE PROPERTY. DO NOT PLANT TREES THAT WILL ENCHOACH ON THESE DISTANCES. 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with. 3. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline, currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.* 4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E *(Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW). 5. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets.* Note: If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
	Condition reason: To ensure safe operations around high voltage powerlines, to protect electricity infrastructure, and ensure compliance with relevant legalisation and guidelines.

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6	**NSW EPA GENERAL TERMS OF APPROVAL & LICENSING REQUIREMENTS**
	The NSW Environmental Protection Authority (EPA) has issued General Terms of Approval (GTAs) which are provided in Attachment A. The quarry must be constructed, operated and maintained in accordance with these GTAs and the required Environmental Management Plan at all times. It is noted that an Environmental Protection Licence (EPL) will be required from the EPA for *extractive activities* and *crushing, grinding or separating* before commencing scheduled activities.
	Condition reason: Statutory requirement, and to protect the environment and amenity of the area.
7	**LIMITATIONS TO APPROVAL**
	To confirm and clarify the terms of this approval, consent is given for the following: (a) Quarry extraction and/or transport of no more than: (i) 15,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any calendar year; and (ii) 96,000m3 (or 2.3million tonnes) of material, including hard rock, gravel, fines and sand from the development site over the lifetime of the project. (b) This consent is time limited to 30 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first. The operator shall notify the Council in writing, within three (3) months of the end of each calendar year, the total quantity of material quarried and provide details of final output in terms of product.
	Condition reason: To confirm and clarify the terms of this approval.
8	**QUARRY BOUNDARY DELINEATION**
	Prior to the commencement of any quarrying operations, the extent of the quarry area as approved under this consent shall be surveyed and pegged out by a Registered Land Surveyor. A Survey Plan, prepared by the Registered Surveyor of the delineated area, shall be submitted to Council prior to the commencement of any quarrying operations in accordance with this consent. The pegs delineating the approved quarry area are to be maintained for the life of quarry operations.
	Condition reason: To clarify the extent of the approval on the subject land.

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Site Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before site work commences

9	**ENGINEERING DESIGN (CANOWINDRA ROAD / ACCESS INTERSECTION)**
	All engineering works are to be certified by a Professional Engineer and carried out in accordance with Council's Codes and Development Control Plans, unless otherwise indicated, to ensure that these works are of a sustainable and safe standard. A Basic Right Turn (BAR) / Basic Left Turn (BAL) shall be designed and constructed on Canowindra Road (MR310) at the intersection of the site access road in accordance with Austroads Guide to Road Design Part 4A, Australian Standards and the relevant TfNSW supplements. These works must be completed to the satisfaction of TfNSW and Council. The internal access is to be bitumen sealed for a minimum of 50 metres from the edge of the travel lane (access point off Canowindra Road) into the quarry site. The seal shall be full width of the access road, match existing road levels, and maintain the operation of roadside stormwater systems. The seal shall be maintained thereafter at all times. Design pavement depth shall be provided in accordance with Austroads Design procedures to accommodate pavement loadings on Canowindra Road. Details shall be provided to the satisfaction of Transport for NSW and Council before the issue of any Roads Act Approval for the development. Relevant work is to be completed to the satisfaction of Transport for NSW and Council before the issue of a Road Compliance Certificate.
	Condition reason: To ensure safe and adequate access to and from the site in accordance with road standards.
10	**TRAFFIC MANAGEMENT PLAN**
	Prior to undertaking any works within a public road reserve, affecting the road reserve, and/or where occupancy of the road reserve is required, a Traffic Management Plan is to be submitted to and approved by Council and under Section 138 of the *Roads Act 1993.* The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards. Where a hoarding is required, an Application for Hoarding is to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to

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	comply with the requirements of SafeWork NSW, the Principal Certifying Authority and with relevant Australian Standards. The approved Traffic Management Plan shall be implemented at all times during site works
	Condition reason: To ensure that works carried out comply with the Roads Act.
11	**EROSION AND SEDIMENT CONTROL PLAN**
	Before any works commence, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council for approval: 1. The guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 2. The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time). The approved controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan. A copy of the erosion and sediment control plan must always be kept on site during construction and made available to Council officers and any other relevant authorities on request. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems, waterways, downstream properties or the road.
12	**WASTE MANAGEMENT PLAN**
	Before any works commence, a waste management plan for the development must be prepared and provided to Council for approval**.** The plan must be prepared: a. in accordance with i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— i. the name and contact details of who is responsible for the plan and management of the waste onsite, ii. the name and contact details of the person(s) removing waste, iii. a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced,

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	iv. how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill, v. where any onsite management of waste will occur, such as for consolidation and collection, vi. how each waste type will be characterised and classified for waste management and transport, vii. where each waste type is intended to be transported for disposal or other fate, viii. how the quantity of each waste type will be measured and recorded, ix. how each waste movement will be tracked, x. contingencies including to managing unexpected finds, such as asbestos. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works.
13	**BUSH FIRE EMERGENCY MANAGEMENT AND EVACUATION PLAN**
	Before any works commence, a Bush Fire Emergency and Evacuation Plan prepared by a qualified consultant, in accordance with *Planning for Bushfire Protection 2019* and any other relevant guidelines is to be submitted to and approved by Council.
	Condition reason: To ensure the safety of employees, visitors and residents on bush fire prone land.
14	**DUST CONTROL**
	Before any works commence, the following measures must be implemented to control the emission of dust: (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work. (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system. (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered. (d) All stockpiles of soil or other materials shall be placed away from drainage lines and watercourses.

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	(e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered. (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining onsite for more than 24 hours or as directed by Cabonne Council. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure measures are implemented that will protect the public, traffic, and the surrounding environment, during site works and construction.
15	**SITE SAFETY FENCING**
	Before any works commence, site fencing shall be erected to a minimum height of 1.8m complying with SafeWork NSW Guidelines, to exclude access to the site throughout works. The fencing must be maintained during works. The site shall be maintained in a clean and orderly condition during works.
	Condition reason: Statutory Requirement and to ensure adequate health and safety measures.
16	**BIODIVERSITY PROTECTION MEASURES**
	Before any site work and tree removal commences, the measures for biodiversity protection detailed in the approved Biodiversity Assessment Report, Version 3.3, prepared by OzArk Environment & Heritage, and dated April 2025 must be in place. Of particular note, Table 7-1. Mitigation measures and environmental safeguards set out in that report must be in place and adhered to at all times during works and during tree removal. Should any doubt arise during works, particularly during tree removal works, such as if injured animals are found, expert advice shall be sought from OzArk Environment & Heritage, or another suitably qualified expert before recommencing work.
	Condition reason: To protect sensitive biodiversity and the environment.
17	**STORMWATER MANAGEMENT PLAN**
	Before any works commence, a Stormwater Mangement Plan must be prepared for the development by a suitably qualified person, showing details of how stormwater runoff is managed on the development site, and be provided to Council for approval. The plan should show stormwater flow paths and drainage and detention structures, and must be designed to ensure stormwater flows within the road reserve are maintained at pre-development flow rates and not adversely impacting existing road infrastructure. The development must be carried out in accordance with the approved Plan at all times.

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	In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems, waterways, downstream properties or the road.

During site work

18	**SITE MANAGEMENT DURING WORKS**
	During site preparation works, access construction, and tree removal works the following procedures apply: (a) All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like; (b) Prevent sediment and materials being carried or washed onto the road, or into nearby waterways; (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways; (d) Ensure safe access to and from the site including the road reserve, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like; (e) Ensure safe loading and unloading of excavation machines, materials, etc. within the site; (f) Ensure storage on site of all excavated material, construction materials and waste containers during the works period (except where otherwise approved); and (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer. (h) A single entrance is permitted to service the site. (i) No blasting is to be carried out at any time. (j) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works. (k) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997.* (l) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated

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	material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area. (m) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation. (n) All materials on site or being delivered to the site are to be contained wholly within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses. (o) Details as to the method and location of disposal of demolition materials weight dockets, receipts etc. should be kept on site as evidence of approved methods of disposal and recycling. (p) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways. (q) Public roadways and road reserves adjacent to the site must be fully maintained and cleared of obstructions during works. (p) All site waters during works must be contained on site in an approved manner to avoid pollutants entering into waterways. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure adequate environmental protection.
19	**CHEMICAL STORAGE**
	While site work is being carried out: 1. Store all chemicals in accordance with relevant Australian standards and the Environment Protection Authority's *Storing and Handling of Liquids: Environmental Protection – Participants Manual (Department of Environment and Climate Change, 2007).* 2. Place all chemicals inside a secured shed or covered bunded area with 110% capacity of the total volume of the chemical stored. 3. Store chemicals in closed, labelled containers, and store copies of Safety Data Sheets (SDS) for all chemicals along with spill clean-up kits on site. 4. Ensure that any spills are cleaned up immediately in accordance with the SDS. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.

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	Condition reason: To require the effective management and correct storage of chemicals to mitigate pollution risk on construction sites.
20	**DISCOVERY OF RELICS AND ABORIGINAL OBJECTS**
	Site work is to be carried out in accordance with the recommendations set out in the approved Aboriginal Due Diligence Assessment Report, Version 3, prepared by OzArk Environment & Heritage, and dated May 2024. While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a. the work in the area of the discovery must cease immediately; b. the following must be notified: i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85. Site work may recommence at a time confirmed in writing by: a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.
	Condition reason: To ensure the protection of objects of potential significance during works.
21	**CONTAMINATED LAND UNEXPECTED FINDS**
	In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Cabonne Council. Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.
	Condition reason: To ensure compliance with Statutory Requirements.

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22	**HOURS OF SITE WORK**
	Site work, including tree clearing, must only be carried out between the following times – From 7:00am to 6:00pm Monday to Friday; and From 8:00am to 1:00pm on Saturdays Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.
23	**RESPONSIBILITY FOR CHANGES UTLIITY SERVICES AND TO PUBLIC INFRASTRUCTURE**
	Any adjustments to existing utility services that are made necessary by this development are to be at the full cost of the developer. While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the road reserve or infrastructure easements) must be paid as directed by the relevant authorities.
	Condition reason: To ensure payment of changes and repairs to public infrastructure.
24	**SOIL MANAGEMENT**
	While site work is being carried out, all soil removed from or imported to the site shall be managed in accordance with the following requirements: a. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to the Council**.** b. All fill material imported to the site must be: a. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.

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	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
25	**WASTE MANAGEMENT**
	While site work is being carried out: 1. All waste management must be undertaken in accordance with the approved Waste Management Plan; and 2. Upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the Principal Certifier detailing the following: a. The name and contact details of the person(s) who removed the waste, b. The waste carrier vehicle registration, c. The date and time of waste collection, d. A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate. e. The contact details and address of the disposal location or other offsite location(s) where the waste was taken, f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. 3. The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed. If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the Principal Certifier and Council. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

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26	**APPLICATION OF BITUMEN SEAL TO INTERNAL ACCESS ROAD**
	A bitumen seal is required to the internal access road from the access point off Canowindra Road for a minimum distance of 50m into the quarry site. The seal is to be the full width of the access road, completed prior to the issue of an Occupation Certificate, and shall be maintained at all times thereafter.
	Condition reason: To mitigate dust impacts to the classified road.

Before issue of an occupation certificate

27	**ENVIRONMENTAL PROTECTION LICENCE**
	Before the issuing of any Occupation Certificate, and Environmental Protection Licence from the NSW Environmental Protection Authority (EPA) shall be obtained. The premises must be operated and managed in accordance with the EPL at all times. See the EPA's General Terms of Approval attached.
	Condition reason: Statutory requirement.
28	**SECTION 7.12 CONTRIBUTION LEVY**
	Pursuant to section 4.17 of the *Environmental Planning and Assessment Act 1979*, and the *Cabonne Council Section 7.12 Contributions Plan 2021*, a contribution of $6,378.27 must be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the *Cabonne Council Section 7.12 Contributions Plan 2021*. The contribution is to be paid before the issue of any Occupation Certificate. The *Cabonne Council Section 7.12 Contributions Plan 2021*, adopted October 2022, may be viewed during office hours at Council's Customer Service Centres, or on Council's website http://www.cabonne.nsw.gov.au The contribution payable will be calculated in accordance with the Contributions Plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	$637,826.67 (including GST)	1% (for development 200k and above)	$6,378.27

	Condition reason: Statutory Requirement

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29	**NOISE BUND**
	Before the issue of an Occupation Certificate, the noise bund shall be installed to the satisfaction of Council as follows: • A 3m high bund in accordance with the approved Noise Assessment, prepared by Muller Acoustic Consulting, and dated 27 February 2024. • The bund may be constructed from either topsoil, waste rock or stockpiled material and must extend at least 15m in each direction of the crusher to provide sufficient shielding (i.e. minimum of 30m in length at any time). • The bund must be kept in place to shield noise emissions from the crusher to approximately Year 5, or when the pit floor is at the pre-quarry height of 460m RL, whichever comes sooner.
	Condition reason: To protect local amenity.
30	**COMPLETION OF VEGETATIVE SCREEN PLANTINGS**
	Before the issue of an Occupation Certificate, the principal certifier must be satisfied that all vegetative screening works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To maintain landscape quality, to visually screen the quarry works, to mitigate dust impacts, and to stabilize the soil.
31	**REMOVAL OF WASTE UPON COMPLETION**
	Before the issue of an Occupation Certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and b. written evidence of the waste removal must be provided to the satisfaction of the Council. Any chemical waste generated during site works must be disposed of to an approved waste management facility or otherwise lawfully managed.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
32	**REPAIR OF INFRASTRUCTURE & PUBLIC ASSESTS**
	Before the issue of an Occupation Certificate any public infrastructure / assets damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction and to the satisfaction of Council. The full cost of restoration / repairs of property or services damaged during the works shall be met by the developer.
	Condition reason: To ensure any damage to public infrastructure is rectified.

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33	**MANAGEMENT OF ASSET PROTECTION ZONES (APZ)**
	Before the issuing of any Occupation Certificate, an APZ shall be established around the existing dwelling of 11m to the north and west, and 10m to the east and south, which must be hereafter maintained and managed in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's Standards for Asset Protection Zones. The APZs must also be in accordance with the following requirements of Appendix 4 of the NSW Rural Fire Service *Planning for Bush Fire Protection 2019* (or as amended)*:* ● tree canopy cover should be less than 15% at maturity; ● trees at maturity should not touch or overhang the building; ● lower limbs should be removed up to a height of 2 m above the ground; ● tree canopies should be separated by 2 to 5 m; ● preference should be given to smooth-barked and evergreen trees; ● large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings; ● shrubs should not be located under trees; ● shrubs should not form more than 10% ground cover; ● clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; ● grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and ● leaves and vegetation debris should be removed regularly.
	Condition reason: To ensure ongoing protection from bush fires.
34	**BUSH FIRE PRONE AREAS - ACCESS**
	Before the issuing of any Occupation Certificate, the property access must comply with the applicable requirements of Table 7.4a of the NSW Rural Fire Service *Planning for Bush Fire Protection 2019* (or as amended), and be maintained thereafter.
	Condition reason: Statutory requirement and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
35	**BUSH FIRE PRONE AREAS – WATER SUPPLY**
	Before the issuing of any Occupation Certificate, the provision of water must comply with applicable requirements of Table 7.4a the NSW Rural Fire Service Planning for Bush Fire Protection 2019 (or as amended), and be maintained thereafter. Of particular note, a minimum of 20,000 litres of tanked water supply for firefighting purposes shall be provided onsite for the existing dwelling house, and a separate suitable supply shall also be provided for quarry operations. If the tank/s are to be used for other water uses, the draw off point is to be located at or above the 20,000-litre level, and the tank shall be fitted with a 65mm Storz fitting and ball or gate

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	valve in accordance with NSW Rural Fire Service Planning for Bush Fire Protection 2019 requirements.
	Condition reason: Statutory requirement and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

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Occupation and ongoing use

36	**BUSH FIRE EMERGENCY MANAGEMENT AND EVACUATION**
	During ongoing use of the premises, the Bush Fire Emergency Management and Evacuation Plan is to be kept updated, and a copy of the updated plan provided to council and kept on site. All procedures and measures in the plan must be complied with at all times.
	Condition reason: To ensure the safety of employees, visitors and residents on bush fire prone land.
37	**HOURS OF OPERATION**
	The hours of operation of the use shall be as follows (as required and licensed by the NSW Environmental Protection Authority): • Mondays to Fridays – 7.00am to 6.00pm • Saturdays - 08.00am to 1.00pm • Sundays and Public Holidays – No Operations Truck movements and equipment maintenance relating to the quarry may only be undertaken during the following hours (as required and licensed by the NSW Environmental Protection Authority): • Mondays to Fridays - 07.00am to 6.00pm • Saturdays - 08.00am to 1.00pm • Sundays and Public Holidays – At no time
	Condition reason: To protect the amenity of the local area.
38	**NOISE MANAGEMENT**
	During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent and all noise requirements of the Environmental Protection License. In the event of any inconsistency between report recommendations and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To protect the amenity of the local area.
39	**TELEPHONE COMPLAINTS LINE**
	A telephone complaints line must operate during its operating hours 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 Environmental Protection Licence.

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	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. The complaints telephone number must also be displayed on site, in a location visible to the public (such as the front entrance).
	Condition reason: To protect the amenity of the local area.
40	**VEGETATIVE SCREEN MAINTENANCE**
	Vegetative screening as depicted in the approved Landscape Plan is to be maintained in perpetuity. The operator of the quarry is responsible for the ongoing care and maintenance of the plantings during the lifespan of the quarry, including replacement plantings should any vegetation become diseased or die. Weed management is also the responsibility of the operator for the lifespan of the quarry, in accordance with approved Biodiversity Assessment Report, and approved Biosecurity Risk Management Plan.
	Condition reason: To maintain landscape quality, to visually screen the quarry works, to mitigate dust impacts, and to stabilize the soil.
41	**ACCESS CONTROL & SIGNAGE**
	During ongoing use of the premises, arrangements shall be made to restrict access to the quarry to authorized personnel only. A locked gate at the site entry (at Canowindra Road) is recommended, to be setback at a distance to accommodate the largest sized vehicle associated with the use of the premises within the site (noting TfNSW has limited this to a 19m semi / truck and dog). Alternatively, internal fencing and access gates could be implemented. Site signage for parking, way finding and warnings must be in place and maintained. Of particular note, signage shall be installed to ensure quarry operations are kept separate from agricultural operations, and so that staff and visitors are advised of which areas they are permitted to access, and to notify of any relevant access procedures. An evacuation diagram displaying the following information shall be located in a prominent position at or near the staff amenity areas— a) directions to facilitate the safe evacuation of people from the site, b) contact details for emergency services, including for a bush fire, flood or other natural disaster.
	Condition reason: To ensure the safe operation of the public roads, and to ensure employees and visitors are informed of where they can or cannot go, including in an emergency.
42	**EXTERNAL LIGHTING DURING ONGOING USE**
	During ongoing use of the premises, all lighting must be operated and maintained in accordance with *AS/NZS 4282 Control of the obtrusive effects of outdoor lighting* and the NSW Department of Planning and Environment's *Dark Sky Planning Guideline 2023* at all times. This includes, but is not limited to, shielding of lighting so to not cause light glare to traffic on public roads, neighbouring dwellings, wildlife, and the night sky.

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	Condition reason: To ensure the safe operation of the public roads and protect the amenity of the local area.
43	**CHEMICAL STORAGE AND USE**
	During site operations: 1. Store all chemicals in accordance with relevant Australian standards and the Environment Protection Authority's *Storing and Handling of Liquids: Environmental Protection – Participants Manual (Department of Environment and Climate Change, 2007).* 2. Place all chemicals inside a secured shed or covered bunded area with 110% capacity of the total volume of the chemical stored. 3. Store chemicals in closed, labelled containers, and store copies of Safety Data Sheets (SDS) for all chemicals on site. 4. Spill kits are to be kept on the premises at all times and used to contain chemical/oil/fuel spills. 5. Ensure that any spills are cleaned up immediately in accordance with the SDS. 6. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.
	Condition reason: To require the effective management and correct storage of chemicals to mitigate pollution risk on the site.
44	**STORAGE AND DISPOSAL OF WASTE MATERIALS DURING ONGOING USE**
	During ongoing use of the premises: 1. All garbage and recyclable materials generated from the premises must be stored wholly within a suitable storage area, which shall be screened from the road and neighbouring dwellings at all times. 2. Arrangements must be implemented for the separation of recyclable materials from garbage 3. The waste storage area must be appropriately maintained to prevent litter and the entry of pests. 4. The operator must make arrangements for regular disposal of waste. All waste shall be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's Waste Classification Guidelines. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the *Protection of the Environment Operations Act 1997* to a suitable licenced facility. Evidence of waste disposal shall be kept on premises and provided to relevant authorities including council officers on request. OR A contract must be entered into with a licensed contractor to provide waste collection services for the premises, and a copy of the

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	contract must be kept on premises and provided to relevant authorities including council officers on request. 5. The collection / transfer of garbage and recyclable materials from the premises must only occur between **7**am and **5**pm Mondays to Fridays. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises.
45	**SOIL MANAGEMENT**
	During ongoing use of the premises, all soil removed from or imported to the site shall be managed in accordance with the following requirements: a. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to the Council**.** b. All fill material imported to the site must be: a. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA. In the event of any inconsistency between this condition and the Environmental Protection Licence (EPL) for the premises, the EPL prevails.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
46	**DECOMMISSIONING & REHABILITATION**
	A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the approved Environmental Impact Statement and additional information, prepared by RW Corkery & Co, for review and approval no later than 12 months prior to the proposed cessation of operations. It must include, but not be limited to, the following: (a) Expected timeline for rehabilitation completion;

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	(b) Decommissioning of all quarry equipment, plant, any above and below ground infrastructure, fencing, detention basins, and any other structures or infrastructure relating the approved development; (c) Programme of site restoration to return the land to agricultural use, with the retention of landscaping; and (d) Details on waste management and recycling of all materials arising from the development. The quarry project owner or operator shall be responsible for all decommissioning and rehabilitation works and associated costs. NOTE: this condition does not prevent the site from being progressively rehabilitated, as set out in the approved Environmental Impact Statement and additional information, prepared by RW Corkery & Co.
	Condition reason: To ensure the decommissioning of the quarry occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the quarry is being decommissioned and to ensure the site can be returned to a suitable condition.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018.*

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

Council means CABONNE SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

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- the collection of stormwater,

- the reuse of stormwater,

- the detention of stormwater,

- the controlled release of stormwater, and

- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means .

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