

**JOINT REGIONAL PLANNING PANEL
(Western)**

JRPP No	2010WES008
DA Number	86/2010
Local Government Area	Cowra Shire Council
Proposed Development	Extractive Industry (Gospel Oak) as existing and proposed extension
Street Address	2003 George Russell Drive, Canowindra
Applicant/Owner	Cowra Shire Council
Number of Submissions	2
Recommendation	Approval with Conditions
Report by	Annalise Cummings, Development Planner



Source: Cowra Shire Council

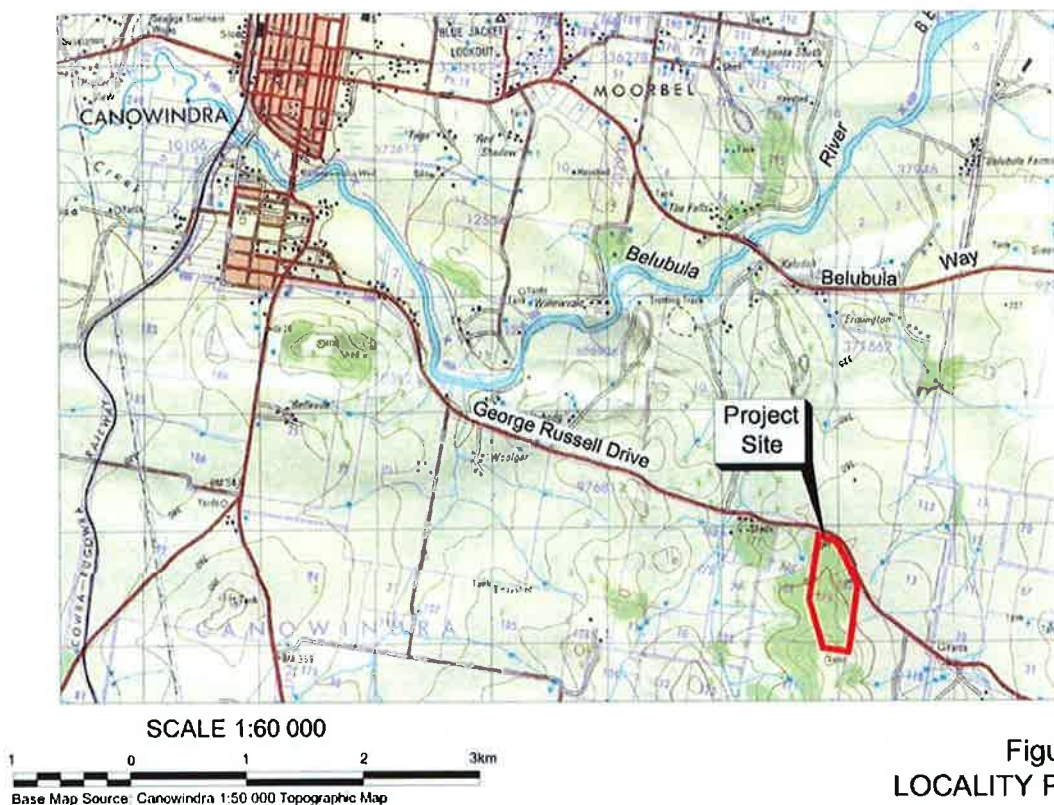
Introduction:

Development Application No. 86/2010 proposes to continue and extend the use of the extraction area at the Council-owned and operated Gospel Oak Quarry on Lot 173 and Lot 182 DP 750368, 2003 George Russell Drive, Canowindra. The proposal is considered Designated Development within the provisions of Schedule 3(1) of the Environmental Planning and Assessment Regulation 2000 because the 5.8 hectare extraction area exceeds the 2 hectare threshold area for an extractive industry and the proposed production and transportation of up to 50,000 loose cubic metres of road construction materials per year exceeds the 30,000 loose cubic metres per year threshold. As a result, an Environmental Impact Statement has been prepared by R. W. Corkery and Co Pty Ltd to accompany the development application.

The proposal is also Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as an Environmental Protection Licence is required to operate the quarry.

Clause 13A and 13B of the State Environmental Planning Policy (Major Development) 2005 (SEPP) identifies Designated Development that is not 'major development' as 'regional development'. Clause 13F of the SEPP stipulates that 'regional development' is to be determined by a Joint Regional Planning Panel.

The Gospel Oak Quarry is owned and operated by Cowra Shire Council. Cowra Shire Council has assessed the development application internally in knowing that the Western Joint Regional Planning Panel will determine the application, thus removing any potential conflict of interest.



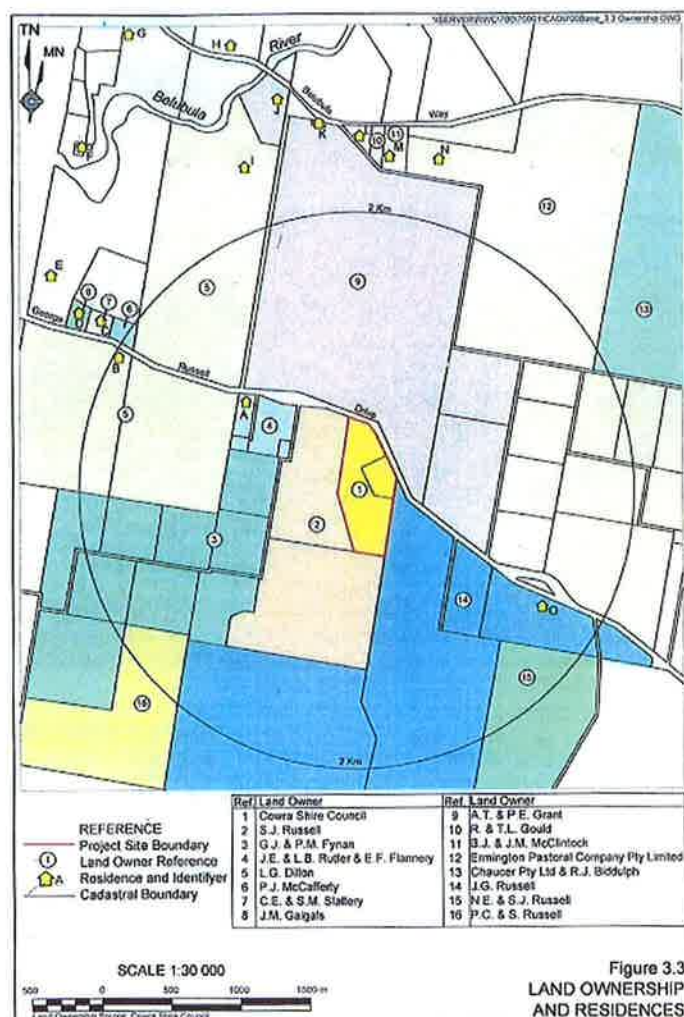
Source: Page x, Environmental Impact Statement

Description of Site:

The development site is located 6.6 kilometres southeast of Canowindra and is formally described as Lot 173 and Lot 182 DP 750368, 2003 George Russell Drive, Canowindra. The project site refers to an irregularly shaped area of land approximately 30 hectares in size, incorporating:

- The existing extraction area and site access road (approximately 4.4 hectares);
- The proposed extended extraction area and other areas of disturbance (an additional approximate 1.4 hectares);
- The amenities/equipment parking area; and,
- The proposed biodiversity offset area (approximately 23 hectares).

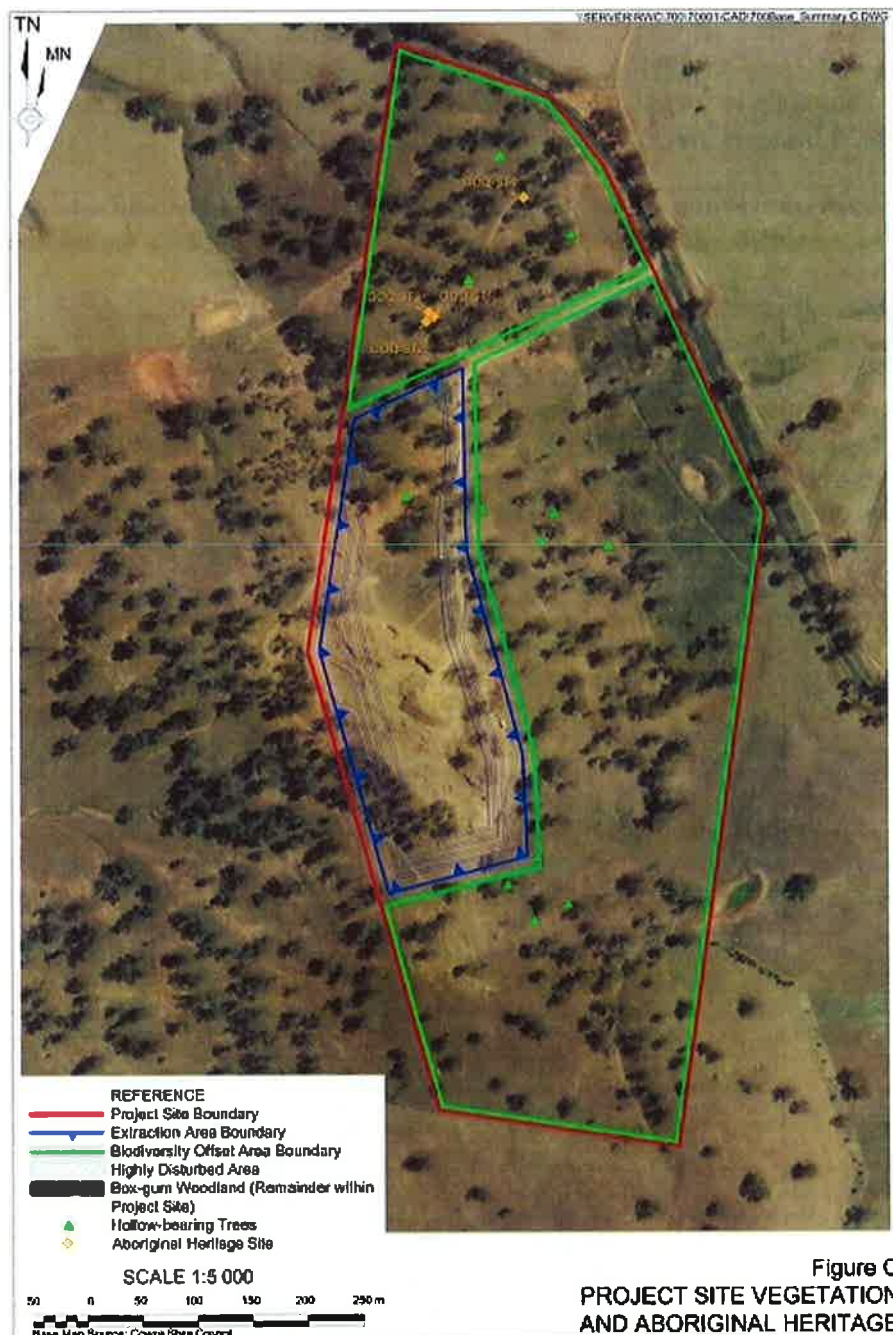
The subject land is zoned I(a) (Rural) under the Cowra Local Environmental Plan 1990. The surrounding land is used for agricultural purposes, principally grazing of sheep and cattle, together with cropping. Typical rural landholdings around the site vary in size from approximately 15 hectares to 450 hectares. The closest dwelling-house is located approximately 750 metres to the west-northwest of the project site boundary.



Source: Page 3-7, Environmental Impact Statement

There is remnant vegetation located within the undisturbed sections of the site which is classified as an Endangered Ecological Community under the NSW Threatened Species Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. In addition, the Swift Parrot and a breeding

population of Superb Parrots have been observed within the site. There are also four potentially Aboriginal scarred White Box trees observed within the site.



Source: Page xvi, Environmental Impact Statement

Vehicular access is currently provided via a sealed access driveway off George Russell Drive. Council's records indicate that the traffic volume recorded between 1968 and 2005 is approximately 90 vehicle movements per day.

The site is currently free draining. Local runoff in the area surrounding the site drains to a number of unnamed ephemeral drainage lines to the east, west and north, before entering the Belubula River.

There are currently no electricity, telecommunication services or reticulated water services to the subject site. There is an existing amenities block on site with a toilet facility serviced by a septic system. Since the publication of the Environmental Impact Statement, some site changes have occurred from the original Project Site and Layout plan shown in Figure B of the Environmental Impact Statement. The existing toilet facility has already been

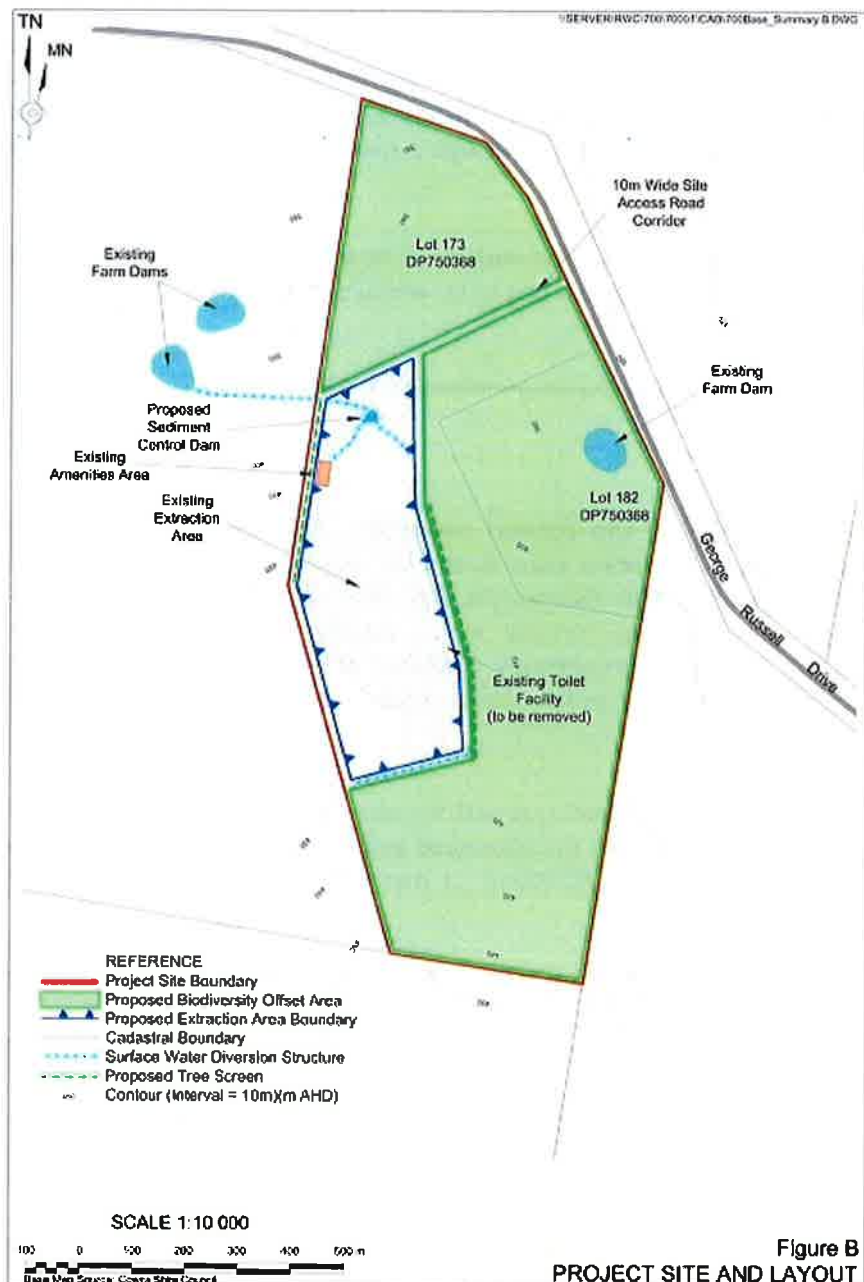
removed and the existing amenities area is actually located on the eastern side of the proposed extraction area boundary.

Description of Proposal:

It is proposed that the continued and expanded use of the extraction area within Gospel Oak Quarry would involve the extraction and processing of up to 50,000 loose cubic metres of material per year over a 40 year period. The quarry would continue to be operated on a campaign basis with the frequency and duration of each campaign dependent upon the type and quantity of material required by Council, the RTA and/or surrounding local government authorities.

The principal components of the proposal include:

- An extraction area of approximately 5.8 hectares;
- A Biodiversity Offset Area of approximately 25 hectares; and
- A site access road.



The final floor of the extraction area would have an elevation of approximately 385 metres AHD and would be between 13 metres and 53 metres lower than the existing surface. Initially the extraction area would remain free draining; however, as extraction operations are undertaken in the northern section of the extraction area, extraction operations would progress below the northern crest of the extraction area, namely the lowest point of the extraction area boundary. At this point, the extraction area would become internally draining and the extraction area would operate as a nil discharge site.

Typically, there would be up to four extraction/processing campaigns of up to 1 to 2 weeks per year. The quarry will operate during daylight hours between 7am and 6pm, Monday to Saturday. Drill and blast methods will be implemented once the material becomes too hard to be excavated by ripping and pushing.

It is expected that truck movements will average at approximately 10 per day; however, it is expected that on most days there will be no vehicle movements. The application was referred to the Roads and Traffic Authority who recommended that the site access be moved further south to allow for safe intersection sight distance. Council supports the recommendation and a condition of consent will apply.

A Biodiversity Offset Area would be established to compensate for the removal of approximately 1.4 hectares of Box-gum Woodland Endangered Ecological Community, one hollow bearing tree and to protect the habitat of the Superb Parrot. The offset area will protect approximately 23 hectares of Box Gum Woodland and 11 hollow-bearing trees. The offset area would be secured through a covenant under Section 88B of the Conveyancing Act 1919.

The site will be rehabilitated on an ongoing basis with visual screens initially being placed to the east and south of the extraction area. Suitable plantings will also be placed within the Biodiversity Offset Area to enhance the native vegetation with that area.

Site History:

No development consent exists for the current operation. The quarry has been operating on site since approximately 1956 and has in more recent years been operating under the continuing use provisions of Section 109 of the Environmental Planning and Assessment Act 1979. Extractive operations occur as required on a campaign basis, ordinarily up to 4 times per year with a mobile crusher being transported to the site for the duration of each campaign period. Approximately 10,000m³ to 15,000m³ of road material is stockpiled during each period. Drilling and blasting techniques have been utilised since 2003 to extract material that is not amenable to extraction by ripping and pushing.

The development application seeks to gain approval for the existing extractive industry and extend the area available for extraction. It is proposed that the continued and expanded use of the extraction area would involve the extraction and processing of up to 50,000m³ of material per year over a 40 year period from a total extraction area of 5.8 hectares.

Section 94 Contributions:

Cowra Shire Council's Section 94 Contributions Plan 2006 does not apply to land within the Rural 1(a) zone and therefore does not apply to the subject land. Under Council's Section 94A Contributions Plan, the cost of the development does not meet the minimum \$200,000 required for contributions to be levied.

Environmental Protection and Biodiversity Conservation Act 1999 Assessment:

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's central piece of environmental legislation. The EPBC Act protects and manages matters of national environmental significance, which includes threatened ecological communities and species.

Under the EPBC Act 1999, a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of environmental significance without approval from the Australian Government Minister for the Environment, Heritage and the Arts (the Minister).

In determining whether an action requires a referral to the Minister, it must be determined whether the proposed action will have a significant impact on a matter of national environmental significance or the environment in general.

The Department of Sustainability, Environment, Water, Population and Communities defines a significant impact as:

A significant impact is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on the environment.

It has been assessed that the continued operation and extension of the Gospel Oak Quarry would not have a negative impact on the species within the area, given the proposed mitigation measures that will be implemented.

The following threatened ecological communities and species were identified by OzArk to either occur or be likely to occur within the project area:

Superb Parrot:

A breeding population of Superb Parrots consisting of between 25 and 100 individuals, including fledglings have been identified within the project site. There is potential for the proposal to impact the species; however, it is noted that the population has coexisted with the quarry for some time. It is assessed that the proposed safeguards would avoid or mitigate potential adverse impacts and when combined with the proposed Biodiversity Offset Strategy, the proposal will result in a maintained or improved biodiversity outcome. The proposed safeguards include:

- 89 nest boxes suitable for the Superb Parrot will be erected within the Biodiversity Offset Area;
- Grassy woodland to be rehabilitated with winter flowering species to 'maintain or improve' the outcome for the Superb Parrots;
- Fencing of the Biodiversity Offset Area and exclusion of stock;
- Implementation of regular weed and feral animal control programs;
- Implementation of a monitoring program to identify changes in the population of Superb Parrot within the Offset area;
- Blasting and rock crushing to occur, where practicable, outside of the breeding period for Superb Parrot;
- Establish an earthen bund wall to reduce impacts associated with noise and dust.

A Species Impact Statement (SIS) has been prepared to discuss the direct and operational impacts of the proposal and the Office of Environment and Heritage have provided suggested conditions of consent which will apply to the proposal.

The proposal does not require a referral to the Minister because the proposed mitigation measures will be implemented and therefore the proposal is not likely to have a significant impact on the Superb Parrot population.

Swift Parrot:

The Ecological and Heritage Assessment noted that there was a potential sighting of the species within the study area. The Ecological and Heritage Assessment also noted that:

There is not enough regional information (i.e. how much remnant habitat or similar quantity of preferred habitat for the species occurs) to predict if individuals of the species are likely to decline if any area of habitat is removed.

The Ecological and Heritage Assessment concluded that significance of the proposed impact to the species can be reduced if mitigative measures such as additional tree and shrub planting using native species (as well as those noted above) of the areas were to occur. The proposal involves the provision of a Biodiversity Offset Area and therefore it is assessed that there will be no likely significant impact on the species.

White box, yellow box and Blakely's red gum grassy woodlands and derived native grasslands:

The proposal would result in the removal of approximately 1.4ha of this community; however, the proposed safeguards would avoid or mitigate the impacts to the maximum extent possible. Furthermore, the proposed Biodiversity Offset Strategy would protect approximately 23ha of the community in perpetuity through management for the purposes of biodiversity conservation. It is assessed that the impact of the proposal is not likely to have a significant impact and therefore a referral to the Minister is not required.

Regent Honeyeater:

The Ecological and Heritage Assessment states that the species is very unlikely to occur within or surrounding the project site. As a result, a local population would not be placed at risk of extinction and a referral to the Minister is not required.

Little Pied Bat, Yellow-bellied Sheath tailed Bat and Greater Long-eared Bat:

Only one individual was identified on site. The report by OzArk states that an important population does not occur on site. If mitigation measures are undertaken then the action will not affect the recovery of the species if there are in fact a population living within the site. The proposal is not likely to have a significant impact on the species and therefore a referral to the Minister is not required.

Section 79C(I) Assessment:

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 79C(I) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 79C Matters for consideration for DA86/2010.

S 79c(1)(a)(i) provisions of any environmental planning instrument(s)

Cowra Local Environmental Plan 1990:

The subject land is zoned I(a) Rural under the Cowra Local Environment Plan 1990 (Cowra LEP 1990). Development for the purposes of an extractive industry is not defined under Clause 5 of the Cowra LEP 1990. Clause 6 of the Cowra LEP 1990 adopts the provisions of the Environmental Planning and Assessment Model Provisions 1980 that defines an extractive industry as:

“(a) the winning of extractive material, or

(b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land”.

The Cowra LEP 1990 adopts the following definition of *extractive material*: sand, gravel, clay, turf, soil, rock, stone or similar substances but does not include any metal or mineral.

Under the provisions of the Cowra LEP 1990, extractive industries are permissible in the I(a) Rural Zone with the development consent of Council. The objectives of the I(a) zone are:

- “a. to promote sustainable agriculture, and*
- b. to preserve agricultural land, and*
- c. to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and*
- d. to ensure settlement is ancillary to agriculture and does not result in inefficiencies due to reduction in holding size, land use conflict or fragmentation of agricultural land, and*
- e. to ensure non-agricultural development is sited to avoid or mitigate impacts on agriculture, avoid land use conflict and to conserve agricultural land as a resource, and*
- f. to take into consideration the potential economic recovery of known mineral and extractive resources in the siting of development, and*
- g. to provide for other types of development appropriate in rural zones, particularly tourist oriented and employment generating development within the capability of the land to support the development, and*
- h. to facilitate sustainable natural resource management by managing development of agricultural land, and*
- i. to ensure development in the rural area does not result in demand for the provision of infrastructure or services above those required to service the existing rural community.”*

The subject site has a total area of 27.25 hectares and the proposed extraction site has an area of 5.8 hectares. Within the context of the use of all surrounding agricultural farmlands in the locality, the proposal is not considered to impact on the sustainability of agriculture at any scale, including at the local level. Similarly, the relatively small scale of proposal is not considered to impact unsatisfactorily on the preservation or security of agricultural land in the locality. Accordingly it is considered that the proposal is consistent with objectives a, b and c of the Rural I(a) zone.

The application does not propose any residential settlement of the land, will not result in reduction in holding size, and is sited and managed to avoid or minimise impacts on agriculture and potential land use conflicts. Accordingly it is considered that the proposal is consistent with objectives d and e of the Rural I(a) zone.

The siting of the development is specifically aimed at the effective utilisation of extractive resources which enables compliance with objective f of the Rural I(a) zone. The proposal provides for other types of development in the rural zone, and provides for long term sustainable natural resource management, including the management of impacts on flora and fauna on the site. The proposal does not increase the demand for infrastructure or services in the locality. Accordingly it is considered that the proposal is consistent with objectives g, h and i of the Rural I(a) zone.

Clause 22 Clearing of the Cowra LEP 1990 is a Special Provision that is considered to be applicable to the land and to the development proposal:

22 Clearing

- (1) In this clause, clearing means the removal of trees and other vegetation, but does not include the clearing of regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purposes such as fencing or firewood, which may be carried out without the consent of the Council.*
- (2) Subject to this clause, land within Zone No 1 (a), 1 (c) or 1 (f) may be cleared for the purpose of agriculture, forestry, air navigation safety, land survey, fencing or bushfire hazard reduction without the consent of the Council, and for any other purpose, but only with the consent of the Council.*
- (3) Nothing in subclause (2) shall authorise the clearing of land in contravention of any Act or instrument made under an Act concerned with soil erosion, protection of riverbank vegetation or catchment areas or the like.*
- (4) Subclause (2) does not apply to environmentally sensitive land (other than land within Zone No 1 (f)) in respect of which land the consent of the Council is required for clearing (other than clearing for the purposes of bushfire hazard reduction).*
- (5) In determining an application for clearing referred to in subclause (4), the Council may attach conditions to minimise the risk of land degradation.*

It is considered that the clearing associated with this proposal requires the consent of Council under subclause (2). Accordingly, the clearing of vegetation forms part of this assessment as discussed elsewhere in this report and conditions of consent are applied as per subclause (5).

Cowra LEP 1990 adopts Clause 30 of the Environmental Planning and Assessment Model Provisions 1980, which stipulates that Council cannot grant consent to the carrying out of development on any land unless water supply and facilities for the disposal of sewage and drainage are available to the land, or arrangements are considered to be practical and can be conditioned to be undertaken in an appropriate manner. The following matters were considered relevant to the Council's consideration of Clause 30:

- An existing toilet facility is on-site that is serviced by an on-site septic system.
- Water will be required for human consumption and for dust suppression. Water supply will be provided by way of containers of drinking water brought to the site during campaign periods. These will be stored within the amenities facilities. Water for dust suppression and other extraction related activities will be sourced from the sediment control dam, the sump within the extraction area, or transported to the site as required.
- With regard to the management of stormwater and drainage, the Environmental Impact Statement satisfactorily addresses surface water management and drainage patterns associated with the proposal by way of a system of sediment control dams etc. This aspect of the development is discussed in more detail elsewhere in this report.

State Environmental Planning Policy (Major Development) – 2005

Clauses 13A and 13B of the Major Development SEPP require that the proposal, as Designated Development, be determined by a Joint Regional Planning Panel. Accordingly, this assessment report is to be presented to the Western Region Joint Planning Panel on the 25 October 2011 for determination.

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

The abovementioned SEPP sets out a number of matters to be considered when determining an application for a proposal for an extractive industry. Under this Policy, 'extractive industry' means *the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include:*

- (a) Turf farming, or*
- (b) Tunnelling for the purpose of an approved infrastructure development, or*
- (c) Cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) The creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site.*

An assessment of the development against the relevant provisions of the Policy follows:

Clause 7(3) allows, with development consent, extractive industry on land on which agriculture or industry can be carried out. The subject land is zoned I(a) (Rural) under the Cowra LEP 1990. Agriculture is permissible without consent within the I(a) (Rural) zoning.

Clause 7(4) allows certain ancillary purposes to be carried out on the land with development consent, if extractive industry is being carried out with development consent on that land. The additional uses relevant to the subject application include:

- The processing of extractive material
- Facilities for the processing or transport of extractive material

Clause 12 provides matters for consideration for the assessment of development applications for extractive industries. It is considered that the proposed continued use and extension to the existing quarry will not have a significant adverse impact on surrounding properties, of which are primarily used for rural purposes. This is discussed further in this report.

Clause 14 requires consideration of the imposition of conditions relating to impacts on water resources, threatened species and biodiversity, and the emission of greenhouse gases. The application has been referred to the Office of Environment and Heritage and they have provided General Terms of Approval that will be part of the conditions of consent.

Clause 15 requires consideration that the operation of the quarry will be carried out so as to optimise the efficiency of recovery of extractive materials and minimise the creation of waste. The EIS states that there will be no production wastes as all material that is not stripped as soil material or for rehabilitation operations would be processed or transported from the site. This process will ensure that resource recovery is maximised.

In accordance with Clause 16, the application was referred to the Roads and Traffic Authority (RTA). The RTA did not object to the development and conditions of consent were suggested. The suggestions will be incorporated into the conditions of consent.

Clause 17 requires consideration of the imposition of conditions in relation to the rehabilitation of the quarry, including a plan of the end use and landform, requirements for waste management, remediation of contaminated land and safety of the site during and following rehabilitation. Section 2.10 of the Environmental Impact Statement accompanied with the application details the proposed rehabilitation strategy which includes a plan of the final landform, and proposed revegetation.

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

Hazardous and offensive industries, and potentially hazardous and offensive industries, relate to industries that, without the implementation of appropriate impact minimisation measure would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

Section 1.6.3.3 of the Environmental Impact Statement submitted with the application states that a small amount of hydrocarbons including unleaded petrol, lubricating oils, grease and diesel may be stored on site, but not adjacent to any other hazardous materials. The proposal will also include the use of detonators, boosters and bulk explosives from time to time on an irregular basis. These materials will not be stored on site and only be bought on site on the day of the blast.

It is assessed that the proposal would be unlikely to be considered potentially hazardous or potentially offensive under the State Environmental Planning Policy No. 33 Hazardous and Offensive Development and therefore will be no requirement for a Preliminary Hazard Analysis to be undertaken for the proposal.

State Environmental Planning Policy No. 55 – Remediation of Land

The Environmental Impact Statement does not indicate that the land has been used for any activities which would render the soil contaminated to such a degree as to cause harm or prevent the proposed development of the land. The proposal is considered to be consistent with the provisions of the State Environmental Planning Policy No. 55 – Remediation of Land.

S 79C(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)

There are no draft Environmental Planning Instruments applicable to the development.

S 79C(1)(a)(iii) provisions of any Development Control Plan(s)

The following Development Control Plans (DCP's) are relevant to the application:-

Development Control Plan - Parking Code 2007:

Table 1 of the DCP Parking Code specifies parking rates by development category. An extractive industry is not included as a development category. Due to the nature of this type of development, it is considered that this land use is best assessed on merit on an individual basis. In this instance, it is considered that there is ample area on site to accommodate the minimal parking demand likely to be generated by the development. Parking demand at any given time is unlikely to exceed up to several vehicles associated with site workers such as machinery operators. It is assessed that there is sufficient area for on-site car parking.

Development Control Plan - Rural Development 1991:

The aim of the DCP Rural Development is to ensure that development in the rural 1(a) zone is carried out in a way that protects and promotes agricultural activities. The DCP applies to the land. The key aspects of the proposed quarrying development that have been considered under this development control plan are listed below:

- Prime agricultural land – The extensions to the existing quarry will be located within an area classified as 'G Grazing Land' under the NSW Department of Agriculture Agricultural Land Suitability land classification table. This land is not considered to be prime agricultural land.

- Concentration of non agricultural use – no dwellings are proposed with this development. The development is not expected to have any significant impacts on nearby dwellings.
- Land degradation – issues associated with drainage, stripping of topsoil, stockpiling, sediment, erosion, flora protection and final landform are relevant to this application. The EIS includes safeguards to minimise the potential for land degradation. These matters are addressed below.
- Environmentally sensitive areas – a Flora and Fauna Assessment and an Aboriginal Assessment have been undertaken and form part of the EIS. The site has been identified as having scarred trees and a breeding population of Superb Parrots. The proposal incorporates a proposal to erect fencing around the scarred trees within the project site. A Biodiversity Offset Area will ensure that the Superb Parrot habitat is protected. Conditions of consent will apply to ensure quarrying activities do not disturb the parrots in breeding season.
- Hazards – the land is not identified as being flood prone or bushfire prone.
- Developer contributions – there is no specific developer contribution plan applicable to extractive industries, the site or the locality. Specific works will be required to be undertaken to provide access to George Russell Drive from the site at the applicants full cost.
- Drainage – any surface water flows will be directed to a sediment control dam. Any overflow will be directed to one of two farm dams located on the adjacent property.

Development Control Plan - Advertising and Notification 1999:

In accordance with Council's Development Control Plan No. 1/99 Advertising and Notification Policy, the application was notified to adjoining land owners and advertised from the 13 October 2010 to the 15 November 2010. The application was also advertised during the same period. Two submissions were received and the issues that were raised are addressed later in this report.

Development Control Plan - Erosion and Sediment Control 2006:

This DCP applies to the entire Shire and provides controls and standards to relation to the management of soil erosion and sediment. The General Terms of Approval provided by the Department of Environment, Climate Change and Water includes a condition which requires the applicant to prepare and implement an Erosion and Sediment Control Plan. It is assessed that the proposal meets the requirements in Council's DCP.

S 79C(1)(a)(iii)(a) provisions of any Planning Agreement(s)

There are no Planning Agreements proposed for this development.

S 79C(1)(a)(iv) any matters prescribed by the regulations

The proposed development is considered Designated Development in accordance with Schedule 3 (1) of the *Environmental Planning and Assessment Regulation 2000*, and as such requires an EIS to be lodged with the application. The proposal is also considered 'integrated development' as it requires an Environment Protection Licence from the NSW Department of Environment, Climate Change and Water. The Office of Environment and Heritage have provided General Terms of Approval which have been integrated into the proposed conditions of consent.

S 79C(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Context and Setting

The subject site is located within the 1(a) rural zone under the Cowra Local Environmental Plan 1990. Surrounding land uses consist predominantly of land used for agricultural purposes. The rural landholdings surrounding the project site vary in size from 15 hectares to 450 hectares. The closest dwelling to the site is located approximately 750 metres from the northwest boundary of the project site.

The proposed development will have no unreasonable impact on visual or acoustic privacy of adjoining or nearby properties, or no loss of views or vistas. The proposed development will not overshadow adjoining properties or have an adverse impact on the streetscape of George Russell Drive.

The site has been used as a quarry since 1956. Due to the topography of the land and the extensive vegetation within and surrounding the site, the site is considerably screened from nearby residences and motorists travelling along George Russell Drive. The applicant has proposed considerable tree screening to be located along part of the eastern and western site boundaries which will further improve the visual screening of the site. Two of the nearby residences have obscured views of the existing visual screening and the proposed tree screens. Following rehabilitation and revegetation of the site, the quarry area will have a bushland character consistent with the immediate surroundings.

The information presented within the EIS has stated that no residences surrounding the project site would experience noise levels associated with the proposal in excess of the relevant criteria of 35dB(A).

Access, transport and traffic

The existing access to the site is located on George Russell Drive, which is a Council controlled local road that links Canowindra and the Mid Western Highway near Woodstock. The sight distances at the intersection are poor to the west (towards Canowindra) with an approximate sight distance of 100 metres. Towards the east, the sight distance is approximately 450 metres.

It is anticipated that vehicle numbers accessing the site will vary from nil to 90 truck movements (45 truck loads) per day, although the average amount of truck movements is expected to be 10 truck movements (or 5 truck loads) per day. Traffic generated by the activity will have no significant adverse impact on the local road network.

The application was referred to the Roads and Traffic Authority (RTA) who advised that the existing access to the site does not achieve safe intersection sight distance (SISD) for vehicles travelling from Canowindra (north). The RTA recommended that the access be relocated approximately 43 metres to the south to improve SISD. Cowra Operations support the RTA recommendation and a condition of consent will apply. The RTA also provided other recommendations regarding the design and safety of the access. The upgrades will be undertaken within 12 months and provided they are done, the access should be safe. A copy of the RTA's response is included with Attachment 4 of this report.

On site car parking will be provided for employees and contractors adjacent to the site office.

Public Domain

The proposed development will not have a negative impact on the public recreational opportunities within the locality. The site is located in the 1(a) (rural) zone and therefore there are no designated areas for public recreation or public spaces located in the vicinity of the site.

Utilities

There are no utilities connected to the site. It is proposed that services will be brought on site during quarry operations. Communication will be provided via mobile phones. Power will be generated on-site. Drinking water will be brought on-site and stored within the amenities area. Water for dust suppression will be sourced from the sediment control dam. There is an existing toilet facility onsite which is serviced by an onsite septic system.

Heritage

A Heritage and Ecological Assessment was undertaken by OzArk Environmental Heritage & Management Pty Ltd which forms part of the Environmental Impact Statement. The part of the Executive Summary that relates to the items of heritage significance states:

“The current survey recorded four (4) Aboriginal sites, (scarred trees GOQ-ST1-4) within the Gospel Oak Quarry study area, 6km south east of Canowindra, NSW. Three scars were assessed as being of probable indigenous genesis while the fourth was determined to be of probable Indigenous genesis while the fourth was determined to be of possible Aboriginal origin. The scars were all on white box trees, which have a strong tendency to scar from a variety of impacts and it is notable that the majority of mature white box trees assessed had scars of varying morphology. In this regard, the only trees recorded as being Aboriginal sites bore scars with characteristics that conformed closely with the scarred tree criteria as documented in Appendix 5. The scarred trees were assessed as being of high cultural significance and moderate-low scientific significance”.

In accordance with Section 91 of the National Parks and Wildlife Act 1974 (as amended), the location of the trees have been notified to the Director General of the NSW DEC and registered on the AHIMS database.

Section 5 of the Heritage and Ecological Assessment contains a number of detailed recommendations in relation to the site. The objective of the recommendations are to ensure that objects of Aboriginal heritage significance are not disturbed by the proposal, to ensure Aboriginal stakeholders are provided opportunity to comment on the nature of results of archaeological investigations and to ensure that relevant NSW and Commonwealth legislation is complied with. The recommendations will form part of the development consent.

In accordance with Council's Aboriginal Consultation Policy, the application was referred to all nominated groups. One submission was received. The submission did not raise any objection to the proposal but requested that if there are any objects of aboriginal cultural significance uncovered that the relevant authorities are notified and operations are halted until artefacts are examined.

The application was referred to the NSW Department of Environment, Climate Change and Water (DECCW) on the 6 October 2010. In the response dated 18 November 2010, DECCW stated that they generally concurred with the recommendations set out in the Statement of Commitments within the EIS; however, would prefer that the fencing of the scar trees be at a distance so as to include the crown of the tree. A condition of consent will apply.

There are no known items of European Heritage located on the site.

Other land resources

The quarry has been operating since 1956. The proposed expansion to the quarry will be confined to the existing Lot boundaries and therefore no additional agricultural land will be used as part of the development.

The continued use and expansion of the quarry will provide up to 50,000 loose cubic metres per annum of quality road construction materials and be a secure, long-term and economically viable source of road construction materials.

Water

Surface Water:

Currently, the existing extraction area is free draining, with a small sediment structure located close to the western boundary of the project site. Surface water is directed to the sediment control structure before being directed, via contour banks, to one of the two farm dams located on the “Gospel Oak” property to the west of the site. Some surface water from other disturbed areas flows to a dam located on Lot 182.

Within three months of development consent being granted, the applicant proposes to build a sediment control dam in the northern section of the extraction area. All sediment-laden surface water will be directed to the sediment control dam. Diversion banks will direct clean surface water flows from other areas away from the extraction area. Once sediment has settled in the dam, water will be released from the sediment control dam and continue to be directed to the farm dams located to the west of the site. Any surface water accumulated within the base of the sediment control dam or sump within the extraction area following rainfall will be used for dust suppression and rehabilitation activities within the project site.

Once extraction activities have progressed below the level of the sediment control dam, all sediment-laden surface water will be contained within the extraction area. The water will be stored by a small sump and the extraction area floor will be maintained as flat as possible to allow the greatest area for evaporation. The site will then be a nil discharge site and the only impact on surface water resources will be a marginal reduction in surface water flows to the farm dam to the west of the site.

Ground Water:

The EIS states that there are eight registered bores within two kilometres of the project site which are registered for domestic, stock or irrigation purposes. Five of the bores have records with information about standing groundwater levels. The records state that the standing water levels within the bores are approximately between 329m AHD and 358m AHD which is a minimum of 27m lower than the proposed lowest point of the extraction area. As a result, it is not anticipated that the extraction area will intersect significant groundwater.

Amenities:

All water used for human consumption will be brought on site in 20 litre containers.

Soils

As the quarry has been in operation since 1956 the soils within the area are generally absent or highly disturbed. The proposal includes measures to ensure that soil resources are managed properly and safeguards and management procedures are implemented.

Soil stockpiles will be appropriately managed by being positioned so as to not be impacted by surface water runoff and where present for more than three months be sown with a non-invasive pasture species to stabilise the stockpile. Topsoil stockpiles will be less than 1.5 metres high and subsoil stockpiles will be less than 3 metres high.

The proposed sediment control dam and associated water diversion structures would be constructed so that any dirty water from the extraction area would be directed to the dam where sediment would be able to settle.

No significant soil-related environmental impacts are anticipated as the proposed safeguards will ensure soil resources are managed properly.

Air & Microclimate

The main existing air contaminant is dust. The principle causes of dust are from extracting and processing operations at the quarry, movements of farm vehicles or livestock along unsealed roads; wind over cleared or highly grazed areas and the sowing or cultivation of crops.

The EIS has proposed the air quality safeguards which are in accordance with the criteria as set out by DECCW. Dust would be minimised within the project area by progressive rehabilitation and revegetation of areas following the completion of quarrying activities.

The site access road will be sealed and therefore no dust will be generated. The internal roads will be lined with coarse gravel and have a maximum speed limit of 40 kilometres an hour. All loads will be covered to minimise dust during transportation. Sections of the internal roads will be watered with a water truck or trailer when necessary.

During any blasting periods, adequate stemming will be incorporated in all blast designs to ensure that any potential dust that is generated is kept to a minimum.

In view of the above, it is considered that the proposed development will have no adverse impact on the locality due to dust emissions. The NSW Department of Environment, Climate Change & Water has provided General Terms of Approval in relation to dust and these recommendations will be included in the conditions of consent. Please refer to Attachment 4 for a copy of the General Terms of Approval.

Flora and Fauna

Flora:

The proposal includes the removal of 1.4ha of Blakely's red gum, white box and yellow box woodland which is a ecological endangered community that is protected under the NSW Threatened Species Conservation Act 1995 and the Environmental Protection and Biodiversity Conservation Act 1999. It is assessed that the impact on this species will not be significant given the proposed safeguards and the Biodiversity Offset Area which will protect 23 hectares of the community in perpetuity.

Fauna:

The following species are protected under the NSW Threatened Species Conservation Act 1995 and the Environmental Protection and Biodiversity Conservation Act 1999 and were detected within the project site:

NSW Threatened Species Conservation Act 1995	Environmental Protection and Biodiversity Conservation Act 1999
Superb parrot	Regent Honeyeater
Swift parrot	Swift parrot
Turquoise parrot	Superb parrot
Greater Long-eared bat	Little pied bat, yellow bellied sheath tailed bat and greater long eared bat.

Of the species identified, the Superb Parrot was noted to be the most prevalent within the area. A breeding population of between 25 and 100 individuals including fledglings were identified on site. The proposal has the

potential to impact on the population; however, it is noted that the population has coexisted with the quarry operations for some time.

Following initial referral comments from the Office of Environment and Heritage, Council requested that a Species Impact Statement (SIS) be prepared. A SIS was prepared by OzArk Environmental and Heritage Management Pty Ltd to review any potential impacts the development would have on the Superb Parrot. The SIS identified that the direct effect to the species would be the removal of one potential breeding tree and the indirect effects would be the ongoing operational impacts that has been experienced since the quarry commenced operation.

Mitigation measures have been proposed to ensure that any potential adverse impacts are minimised and it is assessed that the Biodiversity Offset Area will result in a maintained or improved biodiversity outcome for all of the species identified within the site. Some of the mitigation measures include:

- 89 nest boxes suitable for the Superb Parrot will be erected within the Biodiversity Offset Area;
- Grassy woodland to be rehabilitated with winter flowering species to 'maintain or improve' the outcome for the Superb Parrots;
- Fencing of the Biodiversity Offset Area and exclusion of stock;
- Implementation of regular weed and feral animal control programs;
- Implementation of a monitoring program to identify changes in the population of Superb Parrot within the Offset area;
- Blasting and rock crushing to occur, where practicable, outside of the breeding period for Superb Parrot;
- Establish an earthen bund wall to reduce impacts associated with noise and dust.

Further details of the mitigation measures can be found in the EIS, SIS and recommended conditions of consent.

Biodiversity Offset Strategy:

In order to compensate for the loss of 1.4 hectares of Box-gum Woodland, the applicant proposes that a Biodiversity Offset Area will be established within 12 months of development consent to protect and enhance approximately 23 hectares of the woodland. The Biodiversity Offset Area would be achieved through the imposition of a restriction of use of the land under section 88b of the *Conveyancing Act 1919* or similar mechanism.

The Biodiversity Offset Area will be securely fenced and stock would be excluded from the area, except where grazing is required for biodiversity purposes such as weed control and fuel load management. Pest control and weed control programs will be undertaken in consultation with adjoining land owners. Appropriate native shrub and grass species will be introduced to the area. An additional 89 nest boxes suitable for the superb parrot will also be erected.

Waste

There is an existing toilet facility with associated septic system located on site. It is proposed that Council would maintain separate animal proof rubbish and recycling bins near the site amenities for all waste generated on-site. General waste, including waste oil would be removed from site and disposed of appropriately at the end of each day.

Energy

It is assessed that the proposed quarrying activity methods will allow for an efficient operation. The development will conserve energy and be energy efficient.

Noise and Vibration

The proposed continuation and extension of operations will involve an extension of the operational area primarily to the south west and to the north east direction. Initial operations will involve the ripping of weathered material. Once the limit of ripping is reached, the rock will be drilled and blasted in up to four campaigns per year.

The proposed operations will generate noise, vibration and fly rock which has the potential to impact on nearby residences as a result of the use of the following equipment/ activities:

- Drilling and blasting activities
- Crushing plant
- Dozer ripping
- Front end loader loading trucks, and
- Heavy vehicles leaving and arriving at the site.

As previously indicated, the development is classified as Integrated Development and a separate licence is required to be obtained by the Environmental Protection Authority (EPA). The Department of Environment, Climate Change and Water (DECCW) exercises certain statutory functions on behalf of the EPA and DECCW has indicated that an Environmental Protection Licence is able to be issued for the proposal. The response from DECCW also includes general terms of approval regarding noise and blasting (vibration) issues.

The degree of impact upon adjoining residences is subject to a number of variables including:

- Wind and temperature conditions
- Time and duration of operations
- The location of physical barriers and distance
- The type of noise created by the operations, and
- Noise generated by traffic on the adjoining Mid Western Highway

The EIS references a specialist report prepared by Spectrum Acoustics which addresses the noise, blasting and fly rock impacts of the proposal upon the nearby land uses. The report references the Industrial Noise Policy which provides a framework and process for deriving noise criteria for the Environment Protection Licence that would be required under the *Protection of the Environment Operations Act 1997*.

Noise:

The noise assessment contained in the EIS prepared by Spectrum Acoustics Pty Ltd generates a number of possible scenarios as a means of assessing the variable conditions such as wind direction, equipment type etc. These scenarios have then been applied in map form to generate noise contours. The report suggests that the scenarios are based upon “worst case assessed conditions”.

The EIS indicates that the Industrial Noise Policy (INP) used adopts a default background level of 30dB(A). The INP also states that the equivalent continuous noise level (LAeq(15min)) produced should not be more than 5dB(A) above the default background level of 30dB(A)). As a result, LAeq(15 minute) noise levels attributable to quarry operations at surrounding residences are required not to exceed 35dB(A) LAeq(15min).

The nearest dwelling to the site is located 750 metres west-northwest from the site boundary. The noise contour modelling and assessment has revealed that no residences surrounding the project site would experience noise levels associated with the proposal in excess of the relevant criteria of 35dB(A). Safeguards have been proposed that will be adopted throughout the life of the quarry. These safeguards will ensure that noise levels will remain at suitable levels for the life of the quarry. They are:

- Operating hours of 7am to 6pm, Monday to Friday
- Mobile equipment be well maintained
- When practicable, all crushing be undertaken within the deepest section of the active extraction area
- Where possible, use mobile equipment with frequency modulated reversing alarms
- All trucks to be fitted with exhaust controls
- The site access road to be maintained
- The sign posted speed limit within the site be 40km/h
- Where possible, internal quarry roads would be located in a manner that would use the existing quarry faces and bunds for acoustic shielding
- Lower sound power levels would be used in preference to more noisy equipment

Blasting:

The blasting assessment criteria for the project have been adopted from the advisory limits published by the Australian and New Zealand Environment Council which were included in the *Environmental Noise Control Manual*, published by the Department of Environment and Conservation. The criteria is used for assessing the potential discomfort and disturbance to residents from blast emissions.

The applicant has proposed the following safeguards:

- All blasts are to be designed and supervised by a suitably qualified blasting engineer and shot-firer
- Blast designs would be conservative, i.e. with predicted air and ground vibration levels well below relevant criteria and fly rock to be minimised
- Should the blasting engineer deem it necessary, George Russell Drive may be closed for approximately 10 minutes during the initiation of the blast
- Notification of the blasting schedule at the quarry would be provided prior to the proposed blasting operation to the occupiers of Residences A, B and O and any other interested party who requests to be notified
- Council would maintain a complaints register and would publish a phone number and address which members of the public may use to make complaints with regards to blasting operations at Gospel Oak Quarry
- Should a blasting-related complaint be received, the following procedure would be initiated:
 - Details of the complainant and complaint would be recorded in the complaints register
 - Council representatives would liaise with the complainant to ascertain all details, to identify the nature and source of the complaint and provide supplementary information for the register
 - Investigations would be initiated to verify or otherwise the basis for the complaint.
 - Results of the investigations would be provided to the complainant together with advice as to any changed blast management practices to be implemented as a consequence of the investigation.

The EIS states that with the adoption of the above safeguards, the ANZECC recommended acceptable limits would be achieved. The proposed safeguards will be included as conditions of consent.

Natural Hazards

The site is located above the 1 in 100 year flood level. The subject site is not located within a bush fire zone; however, there are areas within the site that have low site disturbance and are well vegetated. These areas have the potential to pose a bushfire hazard. The EIS has proposed safeguards to ensure that appropriate measures are put in to place.

Technological Hazards

Council has no records to indicate that the subject land is affected by any technological hazards.

Safety Security and Crime Prevention

The quarry has been operating for a considerable period of time without any serious safety, security or crime issues. There are no foreseeable safety, security or crime problems that will arise as a result of the development.

Social Impact in the Locality

It is considered that the proposal will have a positive social impact on the locality due to the employment benefits for local people involved in on-site activities and transportation of the products and also the cost effective road maintenance and improvement programs throughout the Shire.

It is assessed that the proposed measures to mitigate and avoid any potential adverse impacts will ensure that any negative social impacts will be minimal.

Economic Impact in the Locality

The economic benefits that will result from the development are primarily directed at the residents and visitors to the Shire relating to the provision of high quality road construction materials at reasonable cost to enable the maintenance of the existing road network and construction of new roads.

Site Design and Internal Design

The EIS details the proposed extraction sequence in which quarrying at the site will be carried out. The extraction sequence will alternate between the extraction of fresh material and weathered material. The sequence of extraction has been designed to maintain operational extractions in both fresh and weathered material to enable the blending of the various feed sources, enable progressive rehabilitation to be maximised and to avoid disturbance of the box-gum woodland and associated habitats.

Cumulative Impacts

The proposed development has been operating for a significant period of time without detriment to surrounding land uses and therefore no negative cumulative impact is foreseen.

S 79C(1)(c) the suitability of the site for the development

(NOTE: Assessment requires referral to the specific considerations for each primary matter listed below, as specified in 'the Act')

The proposal includes the continued operation and expansion of an existing gravel quarry. The quarry has been in operation since approximately 1956 and is currently operating in accordance with Section 109 of the *Environmental Planning and Assessment Act 1979*.

There are three dwellings located within a two kilometre radius of the site, with the closest dwelling being located 750m to the north-northwest. It is assessed that there will be no significant impacts on these dwellings. The development will not have an adverse impact on the local road network. The EIS states that there will be no vehicle movements on most days and average truck movements will be 10 per day, 45 per day at peak times. There are no services or utilities connected to the site; however, communication will be via mobile phones, power will be generated on site and water will be brought on site for each quarrying campaign. The air quality is appropriate for the development and appropriate measures will be employed to ensure that air quality is not compromised during quarrying campaigns.

An Aboriginal heritage study was undertaken by Ozark environmental and heritage management. The survey revealed 4 potentially scarred trees which are all located within the Biodiversity Offset Area. A condition of consent will apply to ensure the proper protection of the items. There are no items of European Heritage located on site.

A breeding population of superb parrot has been identified and appropriate measures will be taken to ensure that quarrying activities do not have an adverse impact on the population. Such measures include the erection of 89 nest boxes within the Biodiversity Offset Area and the formulation of a biodiversity management plan for the area.

While the site is located within the general rural zone, the subject land is not identified as being prime agricultural land. The proposed extension to the quarry will remain within Lot 173 and Lot 182 DP750368. The development will not prejudice future agricultural production.

S 79C(1)(d) any submissions made in accordance with the Regulation(s)

Public Notification:

The development application was notified to neighbouring land owners from the 13 October 2010 to the 15 November 2010. The application was also advertised in the newspaper during this period.

Two submissions were received during the submission period. The first submission was received on the 21 October 2010 from Steel Walsh and Murphy Chartered Accountants. A copy of the submission is included in Attachment 4 to this report. The submission raised no objection to the proposal on the grounds that if there are any objects of Aboriginal cultural significance found that the relevant authorities are notified and operation are halted until the artefacts are examined.

Comment

A site induction procedure for all contractors and staff members will highlight the existence of items of Aboriginal heritage significance within the Biodiversity Offset Area, inform the inductees of their responsibilities under the National Parks and Wildlife Act 1974, and present the requirements of Council's "Aboriginal Heritage Management Procedure".

The second submission was received on the 25 October 2010 from CE and SM Slattery of 2224 George Russell Drive, Canowindra. A map showing the location of this property is included on page 3 of this report, and a copy of the submission is included in Attachment 4. The submission raised concerns in relation to the speed limit of 100km p/h along George Russell Drive and noted it was unsafe because of the following reasons:

- The width of the road;
- The number of property entrances;
- The crests of hills;
- The corners; and,
- The sun in driver's eyes.

The submission also notes that there are unpleasant side effects caused with blasting and beeping of reversing vehicles at the quarry and that there is a need for maintenance of the road to repair damage that is caused by heavy vehicles.

Comment

It is proposed that a Driver's Code of Conduct will be implemented requiring drivers transporting material from the quarry to drive in a safe and courteous manner, with those identified as not doing so warned and then, if identified again, prevented from entering the project site.

Although Council is not the authority that determines the speed limit along George Russell Drive, it is assessed that the relocation of the project site access will achieve better safe intersection sight distance and may help to reduce any impacts along this section of the road.

In relation to the blasting and other associated vehicle noise, the EIS states that any noise generated at the development will not be over 35dBa. A condition of consent will apply and ongoing monitoring will ensure that these levels are not exceeded.

Submissions from Public Authorities:

The proposed development is Designated Development in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2000, as the proposal involves the extraction of up to 50,000 cubic metres of material per year, which exceeds the 30,000 cubic metres per year threshold and because the 5.8 hectare extraction area exceeds the 2 hectare threshold area for an extractive industry.

The development application is also integrated development because it requires an Environment Protection Licence from the NSW Department of Environment, Climate Change and Water under Section 48 (Schedule 1) of the Protection of the Environment Operations Act 1997. The application was referred to the NSW Department of Environment, Climate Change and Water as part of the integrated development assessment process.

Although the development application was not integrated development with any of the following authorities, the application was referred to them to seek any additional advice in relation to the proposal:

- NSW Roads and Traffic Authority
- NSW Office of Water
- Department of Industry and Investment
- Department of Planning – Joint Regional Planning Panels
- Department of Planning – Major Projects Branch
- Lachlan Catchment Management Authority

Submissions were received from the following public authorities. Copies of the submissions are included in Attachment 4 to this report.

Roads and Traffic Authority:

The response from the RTA stated that the original proposal did not address the RTA's requirements for Safe Intersection Sight Distance (SISD) at the access to George Russell Drive. It also noted that the proposed upgrade works involving a channelized intersection would likely lead road users to confuse the layout with an overtaking lane which would compound the problems of limited sight distance.

In order to address the problem, the RTA recommended conditions of consent. The recommended conditions allow for SISD to be achieved through the relocation of the access off George Russell Drive.

The RTA's comments were referred to Cowra Operations. Cowra Operations have agreed that the RTA recommended conditions of consent be implemented.

Department of Industry and Investment:

A response was forwarded to Council on the 2 November 2010 which stated the following:

"Industry and Investment NSW includes the former Department of Primary Industries divisions of Mineral Resources, Agriculture, Fisheries and Forests. None of these agencies have any concerns regarding the proposed development".

No further action is required.

NSW Department of Environment, Climate Change and Water:

The response from DECCW stated that an Environmental Protection Licence is able to be issued for the proposal, subject to the conditions set out in the General Terms of Approval (GTA). The GTA's will be included in to the proposed conditions of consent.

In comments relating specifically to aboriginal cultural heritage and biodiversity, DECCW recommended that a Species Impact Statement (SIS) be prepared to address the superb parrot population in the area. An SIS for the Superb Parrot was prepared and referred to DECCW. The Office of Environment and Heritage recommended further biodiversity related conditions which will be included with the proposed conditions of consent.

S 79C(1)(e) the public interest

Community interests

The application comprises a proposal to continue and enlarge an existing quarry and to operate it for 40 years. The quarry is intended to produce road building material be used by the local council, RTA and possibly surrounding local government areas.

Community interests can be considered both in the context of the immediate neighbouring community and the broader shire or the northern portion of the shire community. Transport and products to facilitate transport are a fundamental requirement of the functioning of a community and this is particularly the case in rural communities

which are almost entirely dependent upon road transport for both local and regional trips. These transport requirements include: basic servicing, education, recreation, community health and safety, employment, residential and commercial purposes etc.

Road building materials are heavy and bulky and consequently the recovery of 'local' product is important to ensure that the price of material is reasonably affordable and to minimise the need for excessive transport, with consequent related safety and environmental associated issues.

The proposed quarry is located in a rural area with a relatively low density settlement pattern and reasonably well located to serve both local roads in the northern portion of the Shire and the Main road system. Quarrying has operated on the site for a number of years.

The potential impacts have been addressed in the quarry design or conditions can be imposed to ensure that the interests of the local community can be reasonably protected. The DECCW is prepared to issue a conditional licence. In view of the relatively small scale of the activity and the limited number of campaigns, it is considered that on balance, the local community's interests can be safeguarded subject to appropriate conditions.

Summary

An application has been lodged by Cowra Shire Council to continue operations and extend an existing gravel quarry on land south east of Canowindra.

The application has been supported by a comprehensive Environmental Impact Statement and Species Impact Statement which contains a number of technical reports addressing issues such as flora/fauna, noise, vibration and heritage.

The application is classified as Designated Development and Integrated Development and consequently the application has been advertised and notified in the prescribed manner.

Two submissions were received from the public, one being from a nearby neighbour. Three submissions have been received from government departments. No public authorities oppose the development and suggested conditions of approval have been provided including integrated approval conditions of consent.

The Environmental Impact Statement demonstrates a sound understanding of the operational constraints and opportunities of the site and provided that the recommended conditions of consent that are contained within this report are implemented, it is considered that the development will have no significant or unreasonable environmental impacts.

Recommendation

That Development Application 86/2010 for an extractive industry (Gospel Oak Quarry) as existing and proposed extension at Lot 173 and 182 DP 750368, 2003 George Russell Drive, Canowindra be approved subject to the following conditions:


Annalise Cummings
Development Planner

11/10/11
Date


Michael Carter
Director – Environmental Services

11/10/11
Date

Attachments:

1. **Environmental Impact Statement prepared by R. W. Corkery & Co Pty Ltd, dated August 2010.**
2. **Species Impact Statement prepared by OzArk Environmental & Heritage Management Pty Ltd, dated March 2011.**
3. **Project Timeline prepared by Cowra Shire Council, dated 11 October 2011.**
4. **Exhibition Process prepared by Cowra Shire Council, dated 11 October 2011.**

Annexure 'A'

Schedule of proposed conditions of development consent:-

Approved plans and documentation:

1. Consent is granted for the continuation and extension of quarry operations, for a period of 40 years from the date of this consent, for processing and transportation of up to 50,000 loose cubic metres of road construction material per annum, in accordance with the Environmental Impact Statement prepared by R. W. Corkery & Co Pty Ltd dated August 2010 for DA 86/2010, attached to this consent stamped by Cowra Shire Council, except where amended by any of the following conditions.
2. The development shall be undertaken in accordance with:
 - DA 86/2010 lodged with Council on the 5 October 2010;
 - Environmental Impact Statement prepared by R. W. Corkery & Co Pty Ltd dated August 2010;
 - Species Impact Statement prepared by R.W. Corkery & Co Pty Ltd dated March 2011;unless otherwise modified by the conditions of this consent.

General Terms of Approval:

3. The following General Terms of Approval have been integrated with this consent and must be adhered to by the applicant and respective Approval Body in the carrying out of this development:
 - General Terms of Approval – Protection of the Environment Operations Act 1997, for the granting of an Environment Protection Licence, Notice Number 1121764, issued by the NSW Department of Environment, Climate Change & Water.

The Environmental Protection Licence General Terms of Approval are as follows:

4. 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 86/2010 submitted to Cowra Shire Council on 5 October 2010; and
 - the Environmental Impact Statement for the Gospel Oak Quarry, via Canowindra prepared by R.W. Corkery & Co. Pty Limited August 2010 (the EIS).
5. 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 Section 83 of that Act.
6. Licensed activities must be carried out in a competent manner. This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.
7. All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

8. 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.
9. For each discharge point or utilisation area specified in the table below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land – Discharge Point 1 – discharge from sediment dam into farm dam

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
pH	pH	-	-	-	6.5-8.5
TSS	mg/L	-	-	-	50
Oil & grease	mg/L	-	-	-	10

10. 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.
11. 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.
12. Noise from the premises must not exceed an L_{Aeq} (15 minute) noise emission criterion (noise limit) of 35 dB(A) (7am to 6pm) Monday to Saturday.
13. Noise from the premises is to be measured at residence A (Figure 3.4 Local Setting page 3-8 Environmental Impact Statement for the Gospel Oak Quarry August 2010) to determine compliance with this condition.
14. The noise limits set out in condition 12 apply under all meteorological conditions except for any one of the following:
 - a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.
15. To determine compliance:
 - a) with the noise limits in condition 12, 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 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - b) with the noise limits in condition 12, 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 15(a).
16. A non-compliance of condition 12 will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition 12 is measured:
 - in an area at a location other than an area prescribed by conditions 15(a) and 15(b); and/or
 - at a point other than the most affected point at a location.
 17. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.
 18. All construction work at the premises must only be conducted between 7 am and 6 pm Monday to Friday.
 19. Activities at the premises, other than construction work, may only be carried on between the daylight hours of 7 am to 6 pm Monday to Saturday. No activities are to be undertaken at the premises on Sundays and public holidays.
 20. The hours of operation permitted by condition 18 or 19 do not apply to the delivery of material outside the hours stipulated 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.
 21. The hours of operation specified in conditions 18 and 19 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.
 22. 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.
 23. 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 per cent 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.
 24. 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.
 25. 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 per cent 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 homes. A noise sensitive location includes the land within 30 metres of the building.
 26. Blasting operations at the premises may only take place between 9:00 am - 5:00 pm Monday to Friday. Blasting is not permitted on Sundays or public holidays.

27. Blasting operations outside of the hours specified in condition 26 can only take place with the written approval of the EPA.
28. The licensee must send a written request to the EPA identifying the compelling reasons for blasts to occur outside of the hours specified in condition 26. The request must be made at least 14 working days before the requested blast date. The EPA may grant or refuse to give written approval. The written request to EPA should include the following information:
 - the period over which the blasts are proposed;
 - the number of blasts to take place; and
 - the reason for blasting to take place outside of the accepted hours.
29. Blasting at the premises is limited to 1 blast per day and one blast per week on an average over a 12 month period.
30. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
31. All dust control equipment must be operable at all times with the exception of shutdowns required for maintenance.
32. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
33. An Erosion and Sediment Control Plan must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with Landcom's *Soils and Construction – Volume 1, 4th Edition (reprinted July 2006)*.
34. The proponent shall immediately develop and subsequently implement an Operations Noise Management Plan (ONMP). The ONMP shall include, but not necessarily be limited to:
 - mitigation measures to meet licence noise limits;
 - monitoring methods and program;
 - procedures where non-compliances are detected;
 - community consultation/notification; complaints handling monitoring system;
 - site contact person to follow up on complaints; and
 - contingency measures where noise complaints are received.
35. A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:
 - compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and program;
 - monitoring program for flyrock distribution;
 - measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
 - notification of procedures for neighbours prior to detonation of each blast; and
 - measures to ensure no damage by flyrock to people, property, livestock and powerlines.
36. 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 37 and 38.

37. 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.
38. 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.
39. For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Water and Land – Discharge Point 1- discharge from sediment dam into farm dam

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Daily during discharge	Grab sample
Total Suspended Solids (TSS)	mg/L	Daily during discharge	Composite sample
Oil & grease	mg/L	Daily during discharge	Grab sample

Air - Dust Monitoring Points residences A and O (Figure 3.4 Local Setting page 3 - 8 Environmental Impact Statement for the Gospel Oak Quarry August 2010)

Pollutant	Units of measure	Frequency	Sampling Method
Particulates – deposited matter	g/m ² /month	Continuous	AM-19

40. Monitoring for the concentration of a pollutant emitted to the air 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 a relevant local calculation protocol must be done in accordance with:
- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
 - if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.
41. Monitoring for the concentration of a pollutant discharged to waters required by condition 40 must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to

the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

42. To determine compliance with condition(s) 22, 23, 24 and 25 airblast overpressure and ground vibration levels experienced at residence A and O (Figure 3.4 Local Setting page 3-8 Environmental Impact Statement for the Gospel Oak Quarry August 2010) must be measured, recorded and saved for all blasts carried out on the premises. Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises in excess of the limit specified in conditions 22 to 25 are detected at any “noise sensitive locations” other than the locations identified in the above condition.

43. 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 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.
44. 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.

45. 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.
46. 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.
47. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- a Statement of Compliance; and
 - a 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.

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

- Where this licence is transferred from the licensee to a new licensee, 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. The new licensee must also 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.
- 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 the date when notice in writing of approval of the surrender is given (in relation to the surrender of a licence) or the date from which notice revoking the licence operates (in relation to the surrender of a licence).

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.

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

49. 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’).
50. 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.
51. 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.

52. The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable 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.
53. 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
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;

- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

54. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Biodiversity:

55. Blasting and/or rock crushing may only be undertaken between 1 February and 31 August each year.
56. The proponent must develop and implement a Biodiversity Management Plan which:
- Identifies procedures for protecting vegetation and soil outside the disturbance areas;
 - Outlines pre-clearance survey procedures, including investigation of the species using hollows to be removed from feather, scat or other identification method; the results of these investigations should be provided to OEH
 - Identifies the weed and pest control strategy to be implemented;
 - Defines the level of fuel loads that would trigger stock grazing on the project site and the biodiversity offset area, noting that superb parrots will feed partially on the ground,
 - Defines the minimum height in which ground cover can be grazed to;
 - Details bushfire management procedures and how this links with bushfire management at a local and regional scale;
 - Identifies rehabilitation objectives and methodologies, including identification of the rehabilitation plant species list;
 - Details the implementation of revegetation and regeneration within the offset area, including the establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
 - Outlines the final land use strategy
57. No material from roadside vegetation clearing programs is to be disposed of on the project site or the offset areas;
58. The proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.
59. The proponent must implement the offset strategy in accordance with section 2.10.2 and as indicated in Figure 2.1 project site and layout "Cowra Shire Council – Environmental Impact Statement for the Gospel Oak Quarry" August 2010;
60. The proponent shall erect 89 nest boxes within the project site and the biodiversity offset area. The boxes are to be erected prior to the removal of any trees. Any nest boxes which are damaged must be replaced

within 3 months of being identified and efforts must be made to prevent feral species occupying nest boxes; and

61. The proponent must implement an annual monitoring program which aims to identify use of the site and any changes in use by the population of the Superb parrot within the project site and the biodiversity offset area. The monitoring program must:
- Be developed and implemented by a suitably qualified and licensed ecologist;
 - Assess nest box use and monitor invasion of the nest boxes by feral bees, starlings, Indian minors or other feral species; and
 - Establishes a procedure that ensures the replacement of damaged nest boxes over time.

A report outlining the results of the yearly monitoring and trend data is to be provided to the Office of Environment and Heritage by 30 June each year for the life of the quarry.

Road-Works:

62. The final design and construction of the new quarry access to George Russell Drive shall incorporate the following:
- Safe Intersection Sight Distance is to be achieved through relocation of the access and the newly formed access is to conform to the standard rural property access treatment as detailed in Figure 4.9.6 Layout 1(AV) of the RTA Road Design Guide.
 - The proposed access is to be provided with a suitable drainage structure (minimum 375 millimetre diameter). The headwalls are to be sloped so as not to be a traffic hazard.
 - The access is to be sealed for a minimum of 10 metres from the edge of seal of George Russell Drive.
 - The level of the proposed access is to match the levels of George Russell Drive.
 - If a gate, grid or similar structure is constructed on the access it is to provide suitable storage capacity to cater for the maximum length vehicle to access the site (20 metres for single articulated).
 - The access is to be formed so as to provide lay-bys on the departure of the access to be used also as a school bus stop/mail service shelter.
 - The existing access is to be permanently removed.
 - The access treatment is to be completed prior to any further works being undertaken at the site.
 - All activities including loading and unloading of goods associated with the development must be carried out on site.
 - All traffic movements into and out of the property are to be in a forward direction.
 - The hours of operation are to be between 7am and 6pm. No heavy vehicles are to access or exit the site outside of these hours.

A copy of the detailed engineering plans for the proposed road works associated with the new access onto George Russell Drive are to be submitted to Council for approval.

63. The construction of the new access and internal road is to be completed within 12 months from the date of this consent.
64. The internal access road shall be sign-posted to display a 40km/h speed limit for its full length from George Russell Drive to the Project Site.
65. Additional advance truck warning signs are to be erected in accordance with the RTA Traffic Control at Worksites Manual. These signs are to be in place until the completion of the new access and decommissioning of the existing access.
66. That the existing advanced truck warning signs be replaced with larger signs (W5-22 Size C).

Heritage:

67. Compliance with recommendations 5.3.2 through to 5.3.5 at Section 5 – Statement of Commitment of the Environmental Impact Statement.
68. Compliance with recommendation 5.3.1 at Section 5 – Statement of Commitment of the Environmental Impact Statement, with the inclusion that the fencing of the scar trees should be at a distance to include the crown of the tree (in accordance with advice from DECCW).
69. Appropriate protective measures must be applied to ensure the protection and management of Aboriginal artefacts found during the construction and operation of the quarry. Should any item of potential Aboriginal heritage be located during the construction or operation of the quarry, work should cease immediately and advice sought from the Department of Environment, Climate Change and Water.
70. Should any identified site or artefacts or any newly discovered objects or places be impacted as a result of the proposal there may be the potential for Council to apply for an Aboriginal Heritage Impact Permit.

Driver Code of Conduct:

71. The Driver's Code of Conduct outlined in Appendix 4 of the Environmental Impact Statement must be implemented and abided to by all Council employees and contractors from the time which development consent is issued.

Building Control:

72. No other structures may be erected without prior gaining the appropriate approvals or permits, unless the development is considered exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or State Environmental Planning Policy (Infrastructure) 2007.

Biodiversity Offset Area:

73. In order to formalise the Biodiversity Offset Area, documentary evidence of the lodgement with the Lands and Property Management Authority of a Section 88B instrument is to be submitted to Council within twelve (12) months from the date of the consent. The terms of the instrument are to reflect the requirements of the Offset as documented within Section 2.10.2 of the Environmental Impact Statement.

On-site Waste Management System

74. The Applicant must obtain approval to operate the current System of Sewage Management on the site from Cowra Shire Council under Section 68 of the Local Government Act 1993. The ongoing operation of the System of Sewage Management must be carried out in accordance with the conditions of the approval.

Note: All plumbing and drainage works which may be required to be carried out to comply with the approval must be completed by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.