

ANNEXURE 2: DRAFT CONDITIONS

Prior to work Commencing

1. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of works:
 - i. obtain a construction certificate from either Council or an accredited certifier; and
 - ii. appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council).
2. A minimum one (1) week's notice shall be given in writing to Tamworth Regional Council of the intention to commence works, together with the name of the principal contractor and any major sub-contractors engaged to carry out road works.

General Conditions

3. The development must be carried out in accordance with the proposal contained in the following documents or as amended by conditions of this consent:
 - a. ***Development Application DA0199/2012 submitted to Tamworth Regional Council on 15 November 2011.***
 - b. ***BMR Quarries – Environmental Impact Statement for Expansion of Production and Mount Winton Quarry, dated November 2011.***
 - c. ***BMR Quarries Mount Winton Quarry Proposed Expansion EIS – Additional Information, dated February 2012.***
 - d. ***BMR Quarries Mount Winton Quarry Proposed Expansion EIS – Additional Information for OEH regarding ACH and Dust, dated March 2012.***

Any amendment to the development or to these conditions will require the consent of the Council.

4. All proposed works indicated in the documents referenced within **Condition 3** or as otherwise required under the terms of this consent shall be completed prior any increase in production or expansion of the quarry to ensure compliance with the provisions of the *Environmental Planning and Assessment Act 1979*.
5. To confirm the terms of Council's approval and to prevent impact on the amenity of the locality. Hours of haulage operations shall comprise a maximum of 7:00am to 6:00pm – Monday to Saturday.
6. To confirm and clarify the terms of approval, consent is granted for an increase in extractive material extraction to a maximum of 150,000 tonnes per annum for a period not exceeding 24 years. The total amount permitted to be extracted and processed under this consent is not to exceed 2.4 million tonnes of andesite material. The quarry operator is required to inform Council of the commencement date of operations approved under this consent. Council will then provide written confirmation of the lapsing date for quarrying operations under this development consent.

7. At the commencement of operations approved under this development consent the owner of the Lot 103 DP 755348 shall, in writing surrender all previous development consents which relate to extractive industries on the subject land.
8. A copy of the Annual Return required in the General Terms of Approval will be provided to Council in addition to the requirements of the Environmental Protection Authority.
9. The quarry operator will conduct bi- annual water testing of Pit One, or any other water open water storages to ensure that groundwater penetration has not occurred. These results are to be forwarded to Council on completion.
10. The quarry operator will implement the recommendations of the Ecological Assessment prepared by OzArk Environmental & Heritage Management before any increase in production or expansion occurs. A compliance report will be required to be provided to Council to demonstrate compliance.
11. The quarry operator will develop a Driver Code of Conduct for all heavy vehicle drivers that access the site (including haulage and delivery vehicles). All drivers will be required to sign a register of acceptance to the Driver Code of Conduct. The Driver Code of Conduct will include the following (but not limited to): Driver behaviour, compliance with road rules and safety, minimising noise and dust emissions and ensuring all loads have been wet down and are covered before leaving the quarry site.
12. All haulage operations (both loaded and unloaded) are required to be conducted along Duri Winton Road and New Winton Road to the Oxley Highway without exception.
13. No material other than Andesite Rock is permitted to be removed from the quarry site.
14. The completed Environmental Checklists specified in the submitted documentation referred to in **Condition 3** shall be maintained by the quarry operator and made available to Council on request.
15. Should groundwater be intercepted at any stage during quarrying operations all works are to cease immediately and Council and the Office of Water is to be notified immediately. No works will be permitted to recommence without the written authorisation of the Office of Water.
16. To minimise the potential for dust nuisance generated by the development the following measures shall be implemented by the development:
 - Progressive stripping and rehabilitation of the quarry to minimize areas of exposed earth.
 - Cessation of blasting and crushing activities on days of unfavorable metrological conditions (hot, dry and windy).
 - Use of water sprays on crushing equipment to reduce dust production.
 - Water spray gantry over weighbridge used to wet down all outgoing haulage loads. All haulage loads are to be covered on leaving the site.
 - Daily use of a 20,000 litre water cart to wet down internal access roads and any unsealed sections of the haulage route, during haulage operations as required.

17. Any collected surface water in the Sediment Ponds is to be pumped into Pit One to ensure capacity of the Sediment Ponds is maintained.
18. No discharge of waters are permitted from the quarry site without the approval of the relevant statutory authorities.
19. Extraction operations will not exceed a depth of 472m AHD.
20. A material stockpile (preferably overburden or topsoil) shall be constructed immediately to the east of the main crushing and screening area to minimise noise impacts.

21. Duri-Winton Road

The existing narrow concrete causeway on Duri-Winton Road between McGowans Lane and Forges Lane shall be renewed and widened to 9 metres. A geometric and structural design undertaken by a Chartered Professional Engineer in accordance with Councils Engineering Design Guidelines for Subdivisions and Developments for the renewal and widening of the causeway shall be submitted to Council for approval prior to the works commencing.

This work must be completed before any increase in operations as approved by this development consent.

22. New Winton Road

New Winton Road between the bridge over Tangaratta Creek (Tangaratta Creek Bridge) and the bridge over Mountain Creek (Ridds Bridge) shall be widened to a 9 metre formation with an 8 metre 20/10 bitumen seal applied over the entire width of the road. The widening on either side of the road shall be keyed into the existing pavement with a minimum 300mm overlap at each layer. The widening of the pavement shall ensure the longitudinal joints along the road are in the middle of each travel lane. The travel lanes shall each be 3.5 metres wide and delineated with line marking and guideposts in accordance with AS1742.2

A pavement design for the widening shall be prepared in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments and submitted to Council for approval prior to works commencing.

This work must be completed before any increase in operations as approved by this development consent.

22A: The pavement between the radius of curvature at the "S-Bends" (between Hartigans Lane and Dobsons Lane) shall be widened to a sufficient width to ensure haulage vehicles do not cross the double barrier centre line.

22B: The quarry operator shall be responsible for the widening of the culvert and associated road works located adjacent to the intersection of Duri Wallamore Road and New Winton Road. All works are to be in accordance with Council's Engineering Guidelines for Subdivisions and Developments.

This work must be completed before any increase in operations as approved by this development consent.

23. **Section 94 Contributions**

The applicant shall be required to contribute toward the routine maintenance provided by Council to those sections of the public road under the control of Tamworth Regional Council and used by haulage operations relating to the development being Duri-Winton Road and New Winton Road.

Such contributions shall be based on Tamworth Regional Council's adopted contributions methodology formula for mining and extractive industries specified by the Parry S.94 Contributions Plan No. 3 pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The current rate of contributions is calculated to be 51 cents per tonne of material hauled from the development. Payments are required to be made on a monthly basis, no later than 14 days at the completion of the preceding month.

The General Manager may at any reasonable time request the production of records from the applicants to verify haulage quantities. The agreed rate of contribution shall be subject to annual adjustment in accordance with fluctuations in the Consumer Price Index (All Groups Sydney), or other negotiated appropriate index. These adjustments will be effective from 1st July each year.

24. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
25. The quarry operator will be required to obtain the appropriate approvals for the relocation and reconnection of the existing onsite sewer management system.

Inspections

26. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning and Assessment Regulations 2000*. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Issue of Occupation Certificate

27. To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until:
- i. it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
 - ii. the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

Completion of Extractive Industry Operations

28. At the completion of operations, as specified by Council, the quarry operator will commission the completion of a Contamination Assessment Report for the site. Any recommended remediation actions will be required to be completed by the quarry operator.

GENERAL TERMS OF APPROVAL

29. The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Agency, attached in Annexure A to this consent.