

## **DRAFT SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS**

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in Development Application No.60/2013 registered in Council's records as of 9 July 2012 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council. The following documents form part of this approval.
  - a. Environmental Impact Statement, Revision 1 dated 3 July 2012, written by SMK Consultants
  - b. Noise and Vibration Assessment, Revision 1 dated 9 January 2012, written by VIPAC
2. The General Terms of Approval issued by the NSW EPA (Notice No: 1509154) shall form part of this approval and are attached to these conditions.
3. The applicant/owner of the land shall enter into a planning agreement with Narrabri Shire Council in accordance with Section 93F of the Environmental Planning and Assessment Act 1979 generally in accordance with the offer made by the applicant to Council to carry out certain upgrade works to Wave Hill Road and to make a monetary contribution to the Council of an annual tonnage contributions levy of \$1.12 per tonne (indexed to inflation) towards upgrade works of Wave Hill Rd to be carried out by the Council and further to contribute a maintenance levy of \$0.20 per tonne produced within the first twelve months and participate in the development of a road maintenance plan over the first 12 months after signing of the planning agreement wherein accurate maintenance costs will be determined and a proportional component thereof attributed to JCLS will be agreed between the parties over the remaining 14 years of the planning agreement.

Further that the applicant/owner shall fully fund the cost of construction and sealing of the section of Wave Hill Road between the existing Boral Quarry entrance and the entrance to the quarry the subject of DA60/2013 within 2 years of the date of the signing of the planning agreement.

Such planning agreement must be entered into and registered at Land and Property Information within 3 months of the grant of this development consent.
4. A water access licence and any associated approvals shall be obtained from the NSW Office of Water. The application to the Office of Water shall include, but not be limited to:
  - a. Identification of site water demands and water sources (surface and groundwater) and if there is an adequate, reliable and secure water supply for the proposal (including details of any water reticulation infrastructure).
  - b. Ensuring existing and proposed water licencing requirements are in accordance with NSW water legislation.
  - c. An assessment of the impact of the proposed development on surface and groundwater sources, groundwater-dependent ecosystems, adjacent licensed water users and basic landholder rights.
  - d. Details of any potential requirement to intercept groundwater, including predicted dewatering volumes, zone of drawdown and associated impact, water quality and disposal methods for the proposed development site and adjacent catchments.
  - e. Ensuring adequate mitigation and monitoring requirement to address surface and groundwater impacts.
  - f. Ensuring the proposal meets the requirements of the Aquifer Interference Policy.
5. Extraction from the subject site must not exceed 200,000 tonnes during any consecutive 12 month period.

6. The proponent and Council shall enter into a Voluntary Planning Agreement consistent with the Draft Voluntary Planning Agreement submitted by the proponent on 4 December 2013, as attached to this consent. Finalisation of the Agreement shall not hold up the operations of the quarry, however once finalised, contributions shall be backdated to the date of this consent.
7. The entrance driveway shall be sealed within the property for a distance of 75m to minimise the tracking of sediment off the site. These works shall be undertaken in conjunction with the upgrading of Wavehill Road.
8. All heavy vehicle movements shall be restricted towards the west along Wavehill Rd. No haulage shall occur to the east beyond the subject site.
9. A noise bund shall be provided in accordance with the recommendations within the VIPAC report. The detailed design of the bund shall be approved by Council within three months of this approval.
10. Within three months from the date of consent, the proponent shall provide Council with a Quarry Rehabilitation Plan that will detail the proposed rehabilitation of the site.

#### **STATUTORY**

11. Any use of the subject land not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

#### **ACCESS**

12. Access from the road shoulder to the property boundary be constructed to Council's Design Specifications Rural Vehicular Crossing Standard with a bitumen seal, as determined by the access location, in consultation with Council. The access is to accommodate heavy vehicles used in the operation of the proposed development.

#### **GENERAL**

13. The hours of operation of the business / activity shall be restricted to those identified in the General Terms of Approval issued by the NSW Environmental Protection Authority.
14. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the applicants cost.
15. The applicant shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.
16. The applicant shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.

#### **LIABILITY**

17. The applicant shall indemnify Council against any and all actions, suits and claims of whatsoever nature resulting in injury to person or persons or damage to property other than that owned by the applicant and providing a declaration to this effect to the satisfaction of Council and the applicant providing Council with proof of adequate public liability insurance coverage.

18. Within three months from the date of consent, a road safety audit shall be undertaken on the length of road between the entrance to the Boral Quarry and the entrance to the subject site. Any recommendations shall be incorporated into the reconstruction of Wavehill Road and any required temporary measures shall be installed immediately.

#### **ENVIRONMENTAL**

19. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Department of Environment & Climate Change (DECC) requirements. All sediment is to be controlled onsite including the transport of sediment from vehicular tyres and machinery.
20. The applicant shall ensure noise generated by the development does not exceed the Standards imposed by the Industrial Noise Policy (INP) produced by the Office of Environment and Heritage for a "rural setting".
21. Development to be carried out at no cost to Council.
22. A Waste Management Plan shall be provided to and approved by Council within three months from the date of consent. The Waste Management Plan shall detail the ongoing operations of the quarry.