

ANNEXURE 3: DRAFT CONDITIONS

A. General Conditions

A1. The development shall be carried out in accordance with the details set out in the following

- Development Application form lodged 18/12/2012;
 - Environmental Impact Statement (including Executive Summary, Volume 1, Volume 2 and Appendix), prepared by Stewart Surveys Pty Ltd, dated 13/12/2012;
 - Amendment to Environmental Impact Statement, prepared by Stewart Surveys Pty Ltd, dated 17/05/2012; and
 - Traffic Impact Assessment (Revision 5), prepared by Ardill Payne & Partners, dated May 2013.
- except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. To confirm and clarify the terms of this approval, consent is given for the following

- Extraction of Material of no more than 120,000 bank cubic metres (which equates to 360,000 tonnes) per annum;
- Maximum number of truck movements (includes loaded and unloaded) per day - 120 (with no more than 496 truck movements in any one week (Monday-Sunday));
- Period of Extraction of Material of no more than 37 years from the commencement date of extraction operations; and
- Rehabilitation of the site.

Note. The quarry operator is required to inform Council of the commencement date of extraction operations approved under this consent. Council will then provide written confirmation of the lapsing date for quarry operations under this development consent.

Reason: To ensure compliance with application and plans.

A3. To confirm and clarify the terms used in this approval, the following definitions are provided:

- *Extraction Operations* means the removal of overburden, the extraction, processing, handling, storage and transportation of extracted material both on and off site in relation to this consent.

Note: All conditions under Section D – ‘Prior to Operations’ shall be completed prior to the commencement of *Extraction Operations*.

Reason: To ensure compliance with application and plans.

Surrender of Existing Development Consent

A4. At the commencement date of *extraction operations* (as defined in Condition A3) and approved under this development consent, the owner of Lot 161 DP 755508, “Burleith”, 334 Pownall Road, Mullaley shall, in writing, surrender all previous development consents which relate to extractive industries on the subject land.

Reason: To ensure compliance with application and plans.

Voluntary Planning Agreement

A5. The developer is to enter into and comply with the planning agreement under Section 93F of the Environmental Planning and Assessment Act, 1979, being the Voluntary Planning Agreement, prepared 31 July 2013 between Gunnedah Quarry Products Pty Ltd and Gunnedah Shire Council, as agreed to by

Gunnedah Shire Council (Resolution No. 14.12/13, date of meeting 18 December 2013), in relation to the carrying of the development the subject of this consent. The planning agreement shall be executed by both parties prior to the commencement of any work or action associated with this development consent.

Reason: To ensure compliance with submitted agreement.

- A6. All costs, including but not limited to, the assessment of submitted documentation for approval and reporting and required site inspections associated with the implementation and monitoring of the Koala Plan of Management and BioBanking Agreement shall be borne by the development.

Reason: To ensure that all costs associated with the Koala Plan of Management and BioBanking Agreement are borne by the developer.

C. Road Construction

- C1. Prior to the commencement of each stage and component of road works on a Council public road, construction plans and specifications shall be submitted to and approved by Council. All works are to be designed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2.0, dated August 2013. The design of all works is to be related to the adjoining infrastructure.

Reason: To ensure compliance with Council's requirements.

- C2. Prior to the commencement of road works at the Kamilaroi Highway and Goolhi Road intersection, a detailed set of construction plans shall be provided to and approved by the Roads and Maritime Services. A copy of the construction plans shall also be provided to Council.

Reason: To ensure compliance with Council's and Roads and Maritime Services' requirements.

- C3. Erosion and sediment control facilities must be installed and maintained for the duration of the road works, to avoid damage to the environment during road work construction. The plan and specification for these facilities are considered an integral part of the development and must be approved with the road work construction plans. The approved erosion and sediment control measures are to be maintained throughout the construction of the development..

Reason: To ensure that adequate control measures are installed.

- C4. All road works undertaken by contractors (ie. other than Council) on Council's roads and assets shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2.0, dated August 2013. An inspection fee is applicable for each time Council is required to inspect the works in accordance with Condition G1 and shall be paid prior the commencement of road works.

Reason: To ensure compliance.

- C5. The contractors engaged to undertake works on Council's roads or assets must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of such works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance.

D. Prior to Extraction Operations

Road Construction

- D1.** Prior to the commencement of the extraction operations, the construction of auxiliary left acceleration lanes (AUL) and channelized right turn treatment (CHR) intersection at the Goolhi Road and Kamilaroi Highway intersection shall be undertaken. All road works are to be designed and constructed in accordance with the applicable Austroads Guidelines and Australian Standards with reference to the Roads and Maritime Services Supplements for Austroads/Australian Standards.

Reason: To enable haulage vehicles to safely enter the classified road.

Koala Plan of Management

- D2.** A Compensatory Vegetation Management Plan (VMP) shall be prepared for the site by a suitably qualified person and submitted to Council for approval prior to the commencement of extraction operations. A copy of the approved plan is to be submitted to the Department of Planning and Infrastructure for information. The VMP will include a detailed works program for all revegetation and rehabilitation works that addresses:

- Timing, budget and bonding of works;
- Aims, key performance indicators, deliverables and allocated responsibilities;
- Contingency plans for issues such as lack of local seed stock, drought, plague, fire, stock grazing, feral animal grazing;
- Tree loss and replanting; and
- Method of tree planting and source of seed stock.

All plantings are to be bonded with an amount equal to the cost of the works.

Reason: To ensure compliance with approved of Koala Plan of Management.

- D3.** A Monitoring and Reporting Plan shall be prepared by a suitably qualified person and submitted to the Council for approval prior to the commencement of extraction operations. The plan must cover the entire development timeframe for revegetation works and address koala activity and mortality issues. A copy of the approved plan is to be submitted to the Department of Planning and Infrastructure for information. An annual report shall also be submitted to Council (with a copy to the Department) for the first 10 years of the project, then every three years after that and/or at the end of a stage, that addresses revegetation work outcomes, ameliorative measures undertaken, koala activity and koala mortalities.

Reason: To ensure compliance with approved of Koala Plan of Management.

- D4.** A Traffic Management Plan detailing the proposed signage and speed limits for the internal haul route and proposed code of conduct for employees and truck operators, shall be prepared by a suitability qualified person and submitted to Council for approval prior to the commencement of extraction operations. A copy of the approved plan is to be submitted to the Department of Planning and Infrastructure.

Reason: To ensure compliance with approved of Koala Plan of Management.

Traffic Management & Parking Control

- D5.** A Driver Code of Conduct for the transportation of materials on public roads, shall be developed for all heavy vehicle drivers that access the development 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 shall include the following (but not limited to) School Bus Operating Procedure (signed by Paul Hawkins – Hawkins Bus Service on 19/08/2013 and Paul Hope on 13/08/2013), driver behaviour, compliance with road rules and safety, minimising noise and dust emissions, inform drivers of all known safety considerations along the haul route (including school bus routes and timetables, school zones, concealed driveways, seasonal haulage operations, wet weather safety and any other known local hazards) and ensuring all loads are covered before leaving the quarry site.

Reason: To ensure compliance with submitted documentation.

- D6.** A bus pick-up/set-down area on Goolhi Road, west of Marys Mount Road intersection, shall be constructed prior to the commencement of extraction operations. The location of the bus pick-up/set-down area is to be determined in consultation with Council. The pick-up/set-down area shall be constructed in accordance with Austroads Guidelines – Guide to Road Design Part 3: Geometric Design with reference to Roads and Maritime Services' supplements.

Reason: To ensure compliance with submitted documentation.

- D7.** Warning signs shall be erected within the vicinity of the quarry entrance off Barker Road, to advise motorists of additional truck movements in the area. The location of the signage shall be determined in consultation with Council. Signage is to be supplied and installed in accordance with Australian Standard 1742 and relevant Roads and Maritime Services' supplements to Australian Standard 1742.

Reason: To ensure compliance with submitted documentation.

- D8.** The pavement of the internal haulage road shall be upgraded and bitumen sealed from the stockpile area to the quarry entrance off Barker Road. A detailed set of construction plans shall be provided to and approved by Council, prior to the commencement of road works. The bitumen seal shall be maintained for the life of the development.

Reason: To ensure compliance with submitted documentation and for dust suppression.

- D9.** Onsite car parking accommodation shall be provided for a minimum of eight (8) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. The car parking area shall be constructed of all weather material and shall be clearly signposted. An adequate parking area shall be provided for delivery and heavy vehicles.

Reason: To ensure adequate on site car parking is provided.

Soil Management

- D10.** A Soil Management Plan is to be prepared and approved by Council, which includes the availability and suitability of top soil and subsoil, a soil balance for rehabilitation purposes and stock piling location and management plan. The Plan shall also include details of erosion and sediment control and final void management.

Reason: To ensure compliance with application and plans.

Identification of Extraction Boundary

- D11.** The 'limit of extraction' boundary (as identified on the Proposed Quarry Site Plan, prepared by Stewart Surveys Pty Ltd, dated 25 March 2013, Ref: 4122_quarry design Issue F) shall be clearly marked out prior

to the commencement of extraction operations. The identification marks shall remain for the life of the development, with all operators being made aware of the boundary markers.

Reason: To ensure compliance with application and plans.

Other Approvals

D12. Prior to the commencement of the construction of Dam B, consultation with the NSW Office of Water shall be undertaken regarding the Harvestable Rights Dam Policy requirements and approvals.

Reason: To ensure compliance with application and plans.

D13. Prior to the use of water from the existing bore for the development, consultation with the NSW Office of Water shall be undertaken regarding the existing bore licence requirements.

Reason: To ensure compliance with application and plans.

Surface Water Management

D14. The recommendations of the Surface Water Study and Sediment and Surface Water Management Report shall be implemented, with all construction works to be completed prior to the commencement of the extraction operations.

Reason: To ensure compliance with application and plans.

D15. Prior to the commencement of the extraction operations, supporting documentation is to be submitted to Council to demonstrate that Dam A will be of sufficient size to cater for a 1% Annual Exceedance Probability event.

Reason: To ensure that storage dam is of adequate size and to prevent earthwork failure.

D16. The recommendations of the Surface Water Study, prepared by Northwest Project Pty Ltd, dated 30 April 2013 shall be implemented, with all construction works to be completed prior to the commencement of the extraction operations.

- Surface Water Study, prepared by Northwest Project Pty Ltd, dated 30 April 2013; and
- Sediment and Surface Water Management, prepared by Northwest Project Pty Ltd, dated 30 April 2013.

Reason: To ensure compliance with application and plans.

Archaeology

D17. The recommendations of the Archaeological Survey (prepared by Patrick Gaynor, dated October 2012) shall be implemented, with all construction works (including the fencing of the scar tree) to be completed prior to the commencement of the extraction operations.

Reason: To ensure compliance with application and plans.

Bushfire Protection

D18. Prior to the commencement of the extraction operations, a Bushfire Protection Plan shall be prepared and submitted to Council for approval. The Plan shall be prepared in accordance with the NSW Rural Fire Service "Planning for Bushfire Protection, 2006".

Reason: To ensure compliance with application and plans.

Complaints Register

D19. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of

complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 5.0 kilometre distance of the boundary of the development site of the contact details and associated information.

Reason: To ensure amenity of area.

E. During Extraction Operations

Extraction Operation Hours

E1. The extraction operation hours are limited to the following:

- Monday to Friday – 7.00am to 6.00pm (Australian Eastern Daylight Time)
- Monday to Friday – 7.00am to 5.00pm (Australian Eastern Standard Time)
- Saturday – 8.00am to 3.00pm
- Sunday and Public Holidays – closed.

Reason: To ensure compliance with application and plans.

Haulage

E2. All haulage operations are to be limited to the following routes:

- 75% of truck movements shall be via Barker Road – Marys Mount Road – Goolhi Road – Kamilaroi Highway (at Emerald Hill); and
- 25% of truck movements shall be via Barker Road – Marys Mount Road – Goolhi Road – Quia Road – Blackjack Road – Oxley Highway (west of Gunnedah).

A record of movements shall be kept, noting the direction, date, and type of haulage vehicle utilised. The record of movements shall be submitted to Council every 12 months. The register shall also be made available to Council upon request.

Note: There shall be no haulage of material extracted from the development site on any other public road, without an amendment to this development consent.

Reason: To ensure compliance with application and plans.

E3. The haulage of material shall be undertaken in the following heavy vehicles:

- 75% of heavy vehicles used shall be truck and dog (capacity of 32 tonnes);
- 20% of heavy vehicles used shall be single semi-trailers (capacity of 27 tonnes); and
- 5% of heavy vehicles used shall be B-doubles (capacity of 38 tonnes).

Reason: To ensure compliance with application and plans.

E4. The haulage of material along Blackjack Road shall not be undertaken during the three (3) days of the Ag-Quip Field Days.

Reason: To ensure compliance with application and plans.

Koala Surveys

E5. Target surveys for koalas are to be undertaken by an ecologist, who is experienced and qualified in such surveys, within the 24 hours immediately prior to tree clearing.

Reason: To ensure compliance with approved Koala Plan of Management.

Groundwater

- E6.** The quarry operator shall conduct bi-annual water testing of open water storages to ensure that groundwater penetration has not occurred. The testing shall be undertaken by a NATA accredited laboratory. The results are to be forwarded to Council.

Reason: To ensure compliance with application and plans.

- E7.** Should groundwater be intercepted at any stage during extraction operations, all works are to cease immediately and Council and the NSW Office of Water are to be notified immediately. No works will be permitted to recommence without the written authorisation of the NSW Office of Water.

Reason: To ensure compliance with application and plans.

Documentation

- E8.** A copy of all the approved documents related to this consent, shall be kept on site at all times and shall be made available upon inspection by Council or an authorised government agency.

Reason: To ensure all documents are available on inspection.

- E9.** A copy of the Annual Return required in the General Terms of Approval shall be provided to Council in addition to the requirements of the Environment Protection Authority.

Reason: To ensure compliance with application and plans.

Dust

- E10.** To minimise the potential for dust nuisance generated by the development, the Best Practice Mitigation Measures outlined in the Air Quality Impact Assessment (prepared by Pacific Environment Limited, dated 12 December 2012, Job No. 7338) and amended Air Quality Impact Assessment (prepared by Pacific Environment Limited, dated 9 May 2013, Job No. 7338) shall be implemented during the extraction operations.

Reason: To ensure compliance with application and plans.

Sediment and Water Control

- E11.** The recommended monitoring, reporting and corrective action noted in the Sediment and Surface Water Management, prepared by Northwest Project Pty Ltd, dated 30 April 2013 shall be implemented during the extraction operations.

Reason: To ensure compliance with application and plans.

Electricity Relocation

- E12.** Prior to the relocation of the overhead electricity line on the property boundary, consultation with the adjoining property owner of Lot 182 DP 755508 ("Verona", 125 Pownall Road, Mullaley) is to be undertaken with regard to the location of new line.

Reason: To ensure compliance with application and plans.

F. During Road Works Construction

- F1.** The construction of road works shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday: 7.00am to 5.00pm;

Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on the residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the construction operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure compliance with Council's requirements.

G. Inspection of Road Works

Inspections by Council

G1. Council shall be notified, 48 hours prior, by the contractor that the following works are ready for inspection:

(a) Pavement – In accordance with RMS QA Specification R71 Appendix C1 Schedule of Hold Points

(b) Seal – In accordance with RMS QA Spec R107 Appendix C1 Schedule of Hold Points

Reason: To ensure compliance before, during and after construction.

H. Completion of Road Works

H1. One set of approved construction drawings shall be amended to show the “work-as-executed”. These drawings in both hard copy and electronic form shall be provided within three (3) months of completion of each stage of the road works. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. An electronic copy of the “work-as-executed” in dwg format shall be also provided with the drawings.

Reason: To ensure compliance with Council's requirements.

I. Completion of Extractive Industry Operations

I1. At the completion of operations, as determined by Council, the quarry operator will commission the completion of a Contamination Assessment Report for the site. Any recommended remediation actions are to be completed by the quarry operator and shall be identified within the report.

Reason: To ensure compliance with Council's requirements.

J. General Terms of Approval – Environment Protection Authority

K1. The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached in Annexure A to this consent.

Reason: To ensure compliance.

K. BioBanking Statement

- K1.** The development must comply with all the conditions relating to on-site measures specified in Schedule 1 of the BioBanking Statement (BioBanking Statement ID: 12) provided in Attachment B of this development consent.

The development must comply with all the conditions relating to the retirement of biodiversity credits (ecosystem and species credits) specified in Schedule 2 the BioBanking Statement (BioBanking Statement ID: 12) provided in Attachment B of this development consent.

Reason: To ensure compliance with the BioBanking Statement.

General Terms of Approval - Issued



Notice No: 1516540

General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

Attention: Ms Carolyn Hunt

Notice Number 1516540
File Number EF13/4173
Date 12-Sep-2013

Re: Development Application 2012/185 - Proposed expansion of Blue Metal Gravel Quarry & Haul Road Construction and Upgrade - Mary's Mount Quarry "Burleith".

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the Mary's Mount Quarry (the "premises") expansion received by the Environment Protection Authority (EPA) on 18 July 2013 and 16 August 2013.

The EPA has reviewed the information provided and has determined that it is able to vary the existing Environment Protection Licence (No. 20262) for the premises to cater for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to vary this licence if Gunnedah Shire Council grant development consent for this proposal. The premises licence variation application form can be downloaded from the following web link:

<http://www.epa.nsw.gov.au/resources/licensing/20120243varpremises.doc>

The general terms of approval for this proposal are attached. These general terms need to be read in conjunction with the existing premises Environment Protection Licence (No. 20262). If Gunnedah Shire Council grant development consent for this proposal, these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

General Terms of Approval - Issued



Notice No: 1516540

In assessing the proposal, the EPA has also identified a number of environmental issues that Gunnedah Shire Council may wish to consider in its overall assessment of the application. These issues are discussed below:

1. The quarry is located in close proximity of the residence of "Burleith". The assessment indicates that the proponent has entered into a private agreement with the residents of "Burleith" for noise, blast and dust impacts. The EPA added a condition to its General Terms of Approval which removes the need to apply with any noise or blast limits associated at locations where a private agreement exists.
2. Given the size of the proposal, the EPA has applied a condition to its General Terms of Approval that require the applicant to establish a community environment liaison committee, comprising representatives of the community and the applicant, that meet at least once every six months. The EPA may reduce the frequency of these meetings, or consider removing this condition from the premises Environment Protection Licence if the applicant can demonstrate that community representatives are not participating in community environment liaison committee meetings and that concern raised at previous committee meetings have been adequately addressed.

If you have any questions, or wish to discuss this matter further please contact Mr Kharl Turnbull on (02) 6773 7000 or armidale@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Robert O'Hern', positioned above a dotted line.

.....
Robert O'Hern
Head Regional Operations Unit
North - Armidale
(by Delegation)

General Terms of Approval - Issued



Notice No: 1516540

Administrative conditions

A1. Information supplied to the EPA

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

- the development application DA 2013/185 submitted to Gunnedah Shire Council on 18 December 2012;
- any environmental impact statement entitled "Environmental Impact Assessment: Mary's Mount Blue Metal Quarry, "Burleith" prepared by Stewart Surveys Pty Ltd and dated 13 December 2012 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including "Environmental Impact Assessment: Mary's Mount Blue Metal Quarry, "Burleith". Amendment 1" prepared by Stewart Surveys Pty Ltd and dated 17 May 2013.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s 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.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land

Point: Overflow from spillway of each sediment basin [exact locations to be confirmed]

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil & Grease	mg/L				10

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pH	pH				6.5- 8.5
Total Suspended Solids	mg/L				50

L2.4 The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharged provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and Location	Day- LAeq (15minute)	Evening- LAeq (15minute)	Night- LAeq (15minute)	Night- LA1 (1minute)
All surrounding residences	35	35	35	45

L4.2 For the purpose of the table above:

- a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- b) Evening is defined as the period from 6pm to 10pm;
- c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

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L4.3 Determining Compliance

To determine compliance:

- a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) within 30 metres of a dwelling facade, 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
 - iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

- b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling facade.

- c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
 - i) at the most affected point at a location where there is no dwelling at the location; or
 - ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

L4.4 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for 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.

For the purposes of this condition:

- a) Data recorded by the meteorological station identified as EPA Identification Point(s) W1 must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.5 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.

L4.6 The noise limits set by this licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:

- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

L5. Hours of operation

L5.1 Unless otherwise approved in writing by the EPA, the hours of operation must be limited to 7:00am and 6:00pm Monday to Friday and 8:00am to 3:00pm Saturday. No work is to be carried out on Sunday or Public Holidays.

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L5.2 The hours of operation specified in conditions L6.4 and L6.5 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.

L6. Blasting

Overpressure

L6.1 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.

L6.2 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.

Ground vibration (ppv)

L6.3 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.

L6.4 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.

L6.5 To determine compliance with conditions L6.1, L6.2, L6.3 and L6.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non project related premises [exact location to be confirmed] for all blasts carried out in or on the premises; and
- b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

L6.6 Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Saturday, inclusive.

L6.7 The hours of operation for blasting operations specified in condition L4.5 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6.8 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

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Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

L7. Production Limit

L7.1 Extraction from the premises must not exceed 360,000 tonnes during any reporting period.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O2. Stormwater/sediment control - Construction Phase

O2.1 A *Soil and Water Management Plan (SWMP)* 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 *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O3. Stormwater/sediment control - Operation Phase

O3.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O4. Noise

Blast management protocol

O4.1 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;

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- 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;
- measures to ensure no damage by flyrock to people, property, livestock and powerlines.

Monitoring and recording conditions

M1 Monitoring records

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

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

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

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

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 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

POINT: At the nearest surrounding residences [exact locations to be confirmed]

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Special Frequency 1	Representative sample
pH	pH units	Special Frequency 1	Representative sample
Total suspended solids	milligrams per litre	Special Frequency 1	Representative sample

Note: For the purposes of the table(s) above 'Special Frequency 1' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any

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controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.3.

Air

POINT: At the nearest surrounding residences [exact locations to be confirmed]

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micograms per cubic metre	Special Frequency 2	AM-18
Total Solid Particles	grams per square metre per month	Continuous	AM-19

Note: For the purposes of the table(s) above 'Special Frequency 2' means sampling as required from time to time in writing by the EPA.

M3. Testing methods - concentration limits

M3.1 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.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

M3.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 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.

M4. Weather Monitoring

M4.1 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

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POINT: W1 Site Meteorological Monitoring Station [exact location to be confirmed]

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm/h	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	°C	Continuous	15 minute	AM-4
Temperature @ 10 metres	°C	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4

M4.2 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.

Note: The location of the site chosen for the meteorological station and the details of the equipment, measurement and maintenance/ service procedures and schedules to be installed/ implemented must be submitted in writing to the EPA, and approved in writing by the EPA, before any sampling or analysis is carried out. The meteorological station must be calibrated at least once every 12 months. The EPA must be provided with the data from the meteorological station upon request in a Microsoft Office compatible format.

Noise Monitoring

M5.1 To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and:

- a) at locations [to be confirmed];
- b) occur annually in a reporting period;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - i) 1.5 hours during the day;
- d) occur for three consecutive operating days.

Reporting conditions

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

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General Conditions

G1. Community liaison

G1.1 The applicant must establish a community environment liaison committee, comprising representatives of the community and the applicant, that will meet at least once every six months. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions.

Note: Where the applicant can demonstrate that community representatives are not participating in community environment liaison committee meetings and that concerns at previous committee meetings have been adequately addressed, the EPA may consider reducing the frequency of required committee meetings, or removing this condition from the premises Environment Protection Licence.

Special Conditions

E1. Validation of sedimentation pond capacity and management procedures

E1.1 The applicant must prepare and submit to the EPA's Armidale office within 3 months of any development consent being issued by Gunnedah Shire Council permitting any increase in production, a sedimentation system validation report that assesses the sedimentation systems and management procedures at the site against the requirements of the following guidelines:

- *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition. March 2004* available from Landcom;
- *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries, June 2008* available from <http://www.environment.nsw.gov.au/resources/stormwater/08208soilsconststorm2e.pdf>

The sedimentation system validation report must include (but not be limited to) the following:

- An assessment of the capacity of each sedimentation pond (sediment storage and stormwater capture capacity) against the requirements of the documents listed above for the soil types present at the premises.
- An assessment of the and validation of the Soil Hydrologic Group used in the sedimentation pond design calculations for all soils within the controlled drainage area/ catchments at the site;
- Detailed survey data for each controlled catchment area to confirm and validate the size of each catchment used in the sedimentation pond design calculations;
- Documentation of the procedures and/or other procedures that will be employed to ensure that the sedimentation ponds can be managed as required by conditions L2 and M2 of these General Terms of Approval.
- Details of the design and location of any ancillary infrastructure (eg water storages, pumps and control mechanisms) required to facilitate compliance with conditions L2 and M2 of these General Terms of Approval.

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Due Date: Within 3 months of any development consent being issued by Gunnedah Shire Council permitting an increase in production.

E2. Air Quality and Dust Management Validation

E2.1 The applicant must prepare and submit to the EPA's Armidale office within 12 months of any development consent being issued by Gunnedah Shire Council permitting any increase in production, an Air Quality and Dust Management Validation Report that:

- Provides a detailed quantitative assessment of air quality prepared by a suitably qualified air quality specialist that examines air quality impacts against the air quality impact goals/ criteria (PM10 and Total Suspended Particles) established by the EPA, the National Environment Protection Council (see the Ambient Air National Environment Protection Measure) and any other relevant authorities at all surrounding receptor locations and which has been prepared in accordance with the EPA's Approved Methods and relevant guidance;
- Examines the air quality management controls in use at the site and compares them against accepted industry best management practice (including those documented for the coal mining industry available on the EPA's website at <http://www.epa.nsw.gov.au/resources/air/KE1006953volumel.pdf>) to determine whether additional controls should be implemented to ensure that the applicant can comply with condition O1.1 of the General Terms of Approval and sections 124 and 126 of the Protection of the Environment Operations Act 1997; and
- Provides a detailed water balance that demonstrates that the site will have sufficient water available from available supply options to maintain best practice dust management controls during a range of climatic scenarios that are likely to occur during the operating life of premises (eg 90th percentile, 50th percentile and 10th percentile years) and that mechanisms are available to overcome any water deficiencies, or modify operations during extreme dry periods to maintain compliance with condition O1.1 of the General Terms of Approval and sections 124 and 126 of the Protection of the Environment Operations Act 1997.

Due Date: Within 12 months of any development consent being issued by Gunnedah Shire Council permitting an increase in production.

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Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

Crushing, grinding or separating

Operating conditions

Activities must be carried out in a competent manner

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.

Maintenance of plant and equipment

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.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

- a Statement of Compliance; and
- 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.

Period covered by Annual Return

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

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

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

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

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

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

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

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Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

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

The notification must specify:

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment 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.

Written report

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

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

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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.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

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.

BioBanking

Biodiversity Banking and Offsets Scheme

Part 7A of the *Threatened Species Conservation Act 1995*

BioBanking statement	Statement ID 12
	Annexure A: maps
	Map 1: Site Location (dated 11/10/2013)
	Map 2: Vegetation types present on the development site (dated 11/10/2013)
	Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement (dated 11/10/2013)
	Accredited assessor's ID
	0101
	Accredited assessor's name
	Mark Aitkens
	BioBanking credit calculator version
	Version 2.0



Office of
Environment
& Heritage

Section 1: BioBanking statement issued to

Name	Gunnedah Quarry Products
ABN	97 146 581 473
Address	16 Torrens Road, Gunnedah. NSW
Postcode	2380

Section 2: Development site

Address	Burleith, 334 Pownall Road, Mullaley.	
Lot/s and DP/s	Lot 161, DP 755508	
Site reference	Easting: 78300	Northing: 6563000
	AMG zone: 55	Reference system: GDA94
Maps	<p>Map 1: Site location (dated 11/10/2013)</p> <p>Map 2: Vegetation types present on the development site (dated 11/10/2013)</p> <p>Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement (dated 11/10/2013)</p>	

Brief description of development

Proposed expansion of the Mary's Mount Blue Metal Quarry (as designated development) to a 14.54 hectare pit area. Annual extraction of up to 120,000 bulk cubic metres over a 38 year period. Material will be processed and stored on site, prior to hauling direct to customer.

The development will impact on 3.17 ha of the Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147)(NA 199) vegetation type, and 11.37 ha of the White Box – White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Regions (NA 225) vegetation type.

Credit retirement is phased to correspond with the commencement of works in areas identified as Phase 1 and Phase 2 of quarry development.

Phase 1 is the area of the development site outlined in green and identified on Map 3 of Annexure A.

Phase 2 is the area of the development site outlined in orange and identified on Map 3 of Annexure A

Phase 1 consists of 6.27 ha of land; and phase 2 consists of 8.33 ha of land.

Section 3

I, the Chief Executive of the Office of Environment and Heritage issue this biobanking statement on the basis that the development specified above, combined with the credit retirement requirements and on-site measures set out in section 4 of this statement, will improve or maintain biodiversity values in accordance with section 127ZL of the *Threatened Species Conservation Act 1995*. This determination is made on the basis of an assessment of the impact of the development on biodiversity values in accordance with the BioBanking Assessment Methodology.



Sally Barnes
Chief Executive
Office of Environment and Heritage
Date

27 November 2013

Section 4

Conditions applicable to this Biobanking Statement

The conditions as set out in Schedule 1 and Schedule 2 are applicable to this Biobanking Statement.

Schedule 1

Conditions relating to on-site measures

- 1.1 The development to which this BioBanking Statement applies as described in Section 2, must be undertaken in accordance with the following on-site measures:
 - a) Precise delineation of the areas to be cleared using temporary fencing to prevent over-clearing or encroachment into the areas which are not to be cleared.
 - b) All earth work machinery must be excluded from the area outlined in orange and identified on Map 3 of Annexure A (**Phase 2**) until credits have been retired in accordance with the conditions in Schedule 2.
- 2.1 To prevent disturbance of vegetation within Phase 2, that area must be fenced with a type of permanent fencing. The type of fencing must be adequate to protect the vegetation from damage and disturbance during Phase 1, and must remain in place until all credits have been retired in accordance with the conditions in Schedule 2.

Schedule 2

Credit retirement conditions

General

- 3.1 The credits set out in Tables 1 and 2 below must be retired to ensure that the development to which this BioBanking Statement relates improves or maintains biodiversity values.

Timing of Credit Retirement – Phase 1

- 4.1 Prior to the commencement of any works in the area outlined in green and identified on Map 3 of Annexure A (**Phase 1**):

51 ecosystem credits identified in Table 1 must be retired in accordance with condition 7.1 to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type; and

318 ecosystem credits identified in Table 2 must be retired in accordance with condition 7.2 to offset impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type.

- 4.2 Credit retirement reports must be submitted to the Manager, Development and Planning, Gunnedah Shire Council to demonstrate retirement of credits in accordance with condition 4.1. Biodiversity credit retirement must be recorded on the biodiversity credit register by OEHL to have legal effect. A credit retirement report is produced by the Office of Environment and Heritage (OEHL) when credits are retired.

Timing of Credit Retirement – Phase 2

5.1 Prior to the commencement of any works in the area outlined in orange and identified on Map 3 of Annexure A (**Phase 2**):

(a) *101 ecosystem credits identified in Table 1* must be retired in accordance with condition 7.1 to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type;

(b) *380 ecosystem credits identified in Table 2* must be retired in accordance with condition 7.2 to offset impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type.

5.2 Credit retirement reports must be submitted to the Manager, Development and Planning, Gunnedah Shire Council, to demonstrate retirement of credits in accordance with condition 5.1. Biodiversity credit retirement must be recorded on the biodiversity credit register by OEHL to have legal effect. A credit retirement report is produced by OEHL when credits are retired.

Annual reporting

6.1 To ensure that phased credit retirement is completed in accordance with conditions 4.1 and 5.1 above, the proponent must submit a report to the Manager, Development and Planning, Gunnedah Shire Council on the extent of vegetation disturbance (**annual report**).

6.2 The annual report must:

(a) consist of a spatial representation of the extent of vegetation disturbance that has occurred in Phase 1 and Phase 2 using Maps 2 and 3 in Annexure A as base maps,

(b) report on conditions relating to on-site measures required in schedule 1,

(c) be submitted between 8 to 14 months after the development approval (to which this statement relates) commences, and annually thereafter until credits for phase 2 have been retired.

Ecosystem credit retirement conditions

7.1 The specified number of ecosystem credits in Table 1 must be retired to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type indicated on Map 2. The ecosystem credits must be in respect of any one or more of the vegetation types within the CMA subregions listed and meet, as a minimum, the surrounding vegetation and patch size criteria specified in Table 1.

7.2 The specified number of ecosystem credits in Table 2 must be retired to offset the impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type indicated on Map 2. The ecosystem credits must be in respect of any one or more of the vegetation types within the CMA subregions listed and meet, as a minimum, the surrounding vegetation and patch size criteria specified in Table 2.

Table 1 Ecosystem credits required for the Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147) (NA 199) indicated on map 2

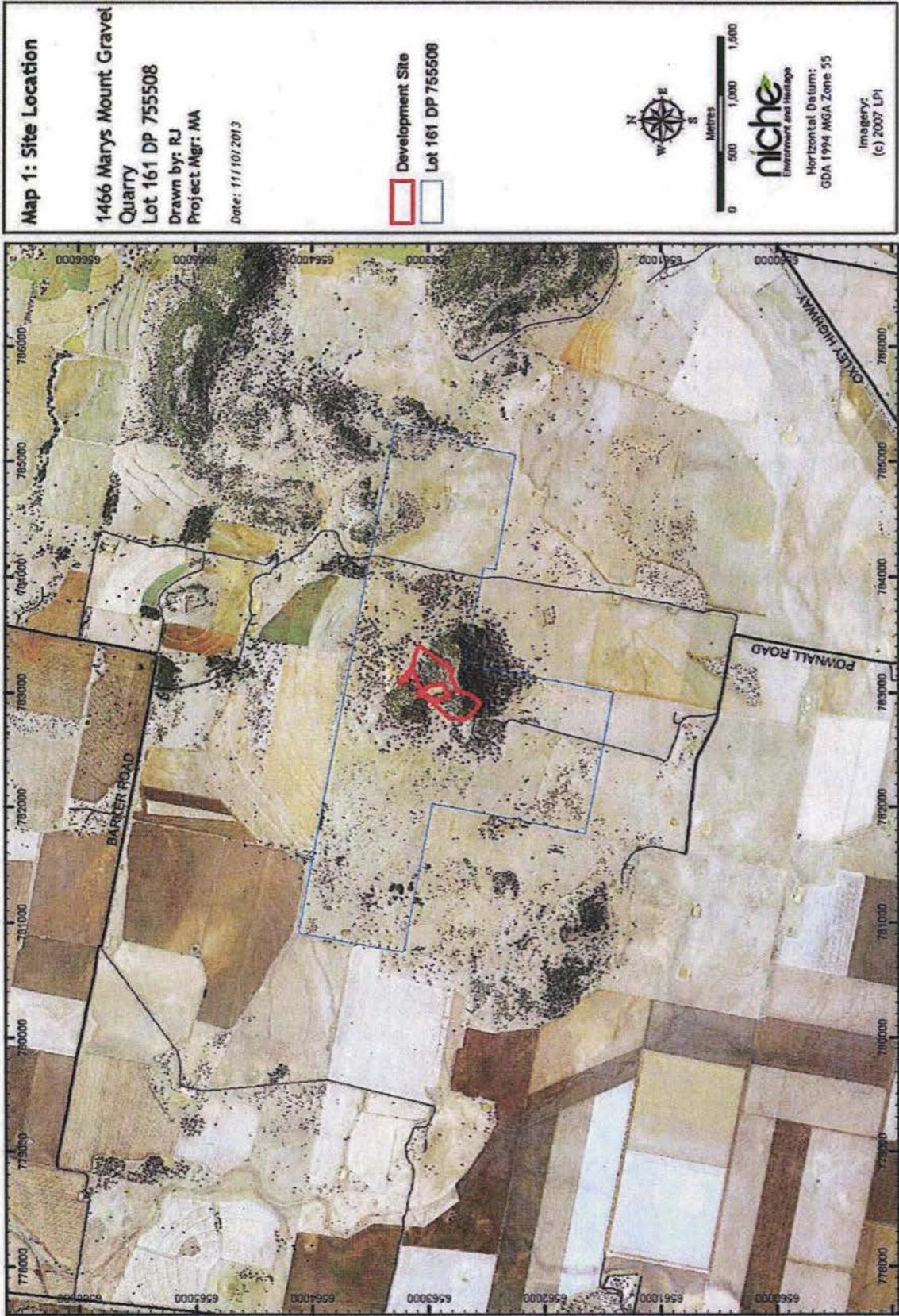
Total number of ecosystem credits	152
Number of credits per credit retirement phase	Phase 1: 51 Phase 2: 101
Surrounding vegetation cover	minimum class 31-70 %
Patch size including low condition	minimum class > 100 ha
CMA sub-region (Catchment Management Authority)	Liverpool Plains (Part B) Tingha Plateau Pilliga - Central West Pilliga (Part A) Pilliga (Part B) Liverpool Plains (Part A) Northern Basalts - Namoi
Vegetation type(s) that can be used to offset the impacts from development	Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147), (NA199)

Table 2 Ecosystem credits required for the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type indicated on map 2

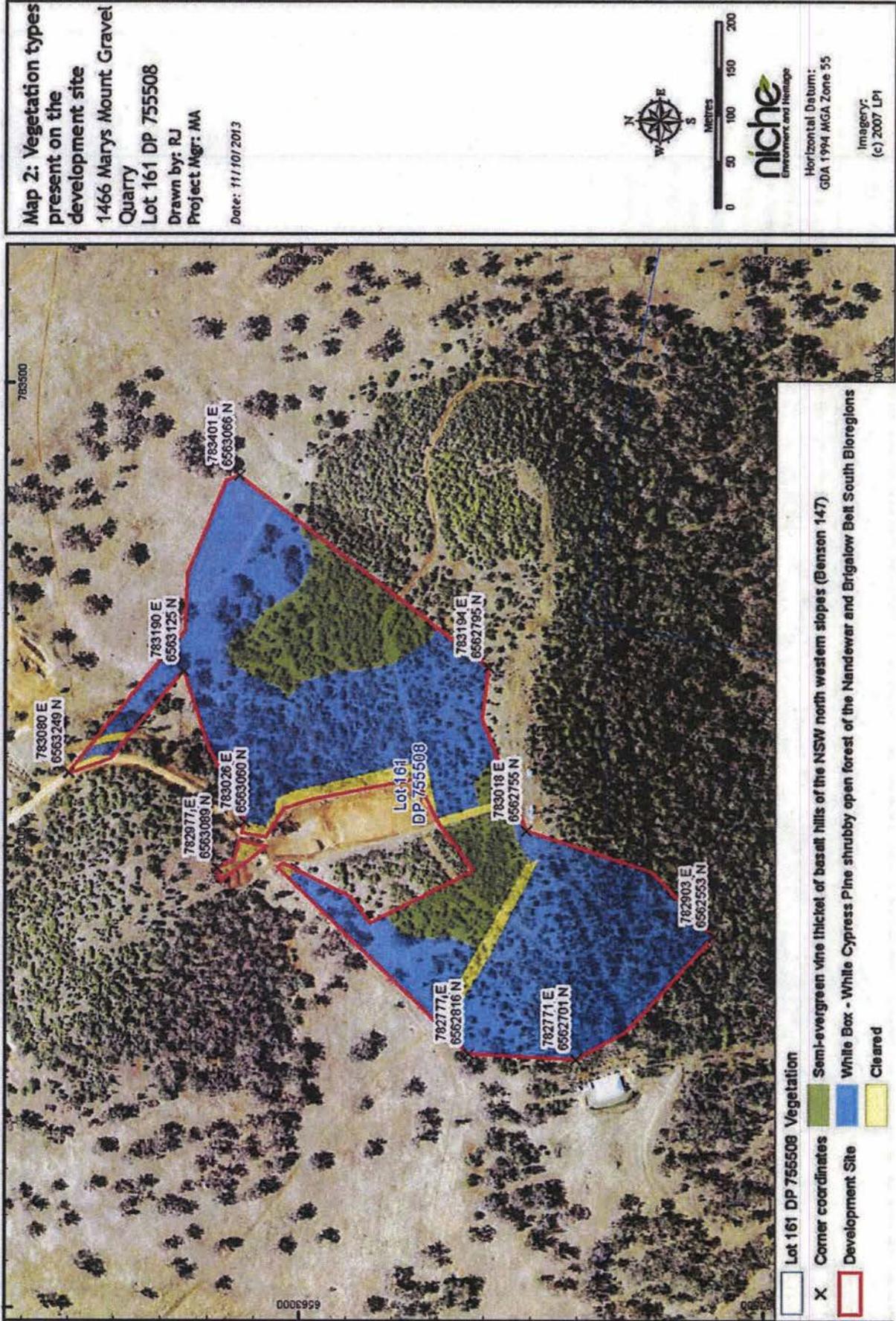
Total number of ecosystem credits	698
Number of credits per credit retirement phase	Phase 1: 318 Phase 2: 380
Surrounding vegetation cover	31-70 %
Patch size including low condition	minimum class >100 ha
CMA sub-region (Catchment Management Authority)	Liverpool Plains (Part B) Pilliga - Central West Pilliga (Part B) Liverpool Plains (Part A))
Vegetation type(s) that can be used to offset the impacts from development	White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions, (NA225) White Box - Red Stringybark shrubby woodlands on basalt slopes of the Nandewar and Brigalow Belt South Bioregions, (CW210) White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions, (CW214) White Box - Red Stringybark shrubby woodlands on basalt slopes of the Nandewar and Brigalow Belt South Bioregions, (NA222)

ANNEXURE A

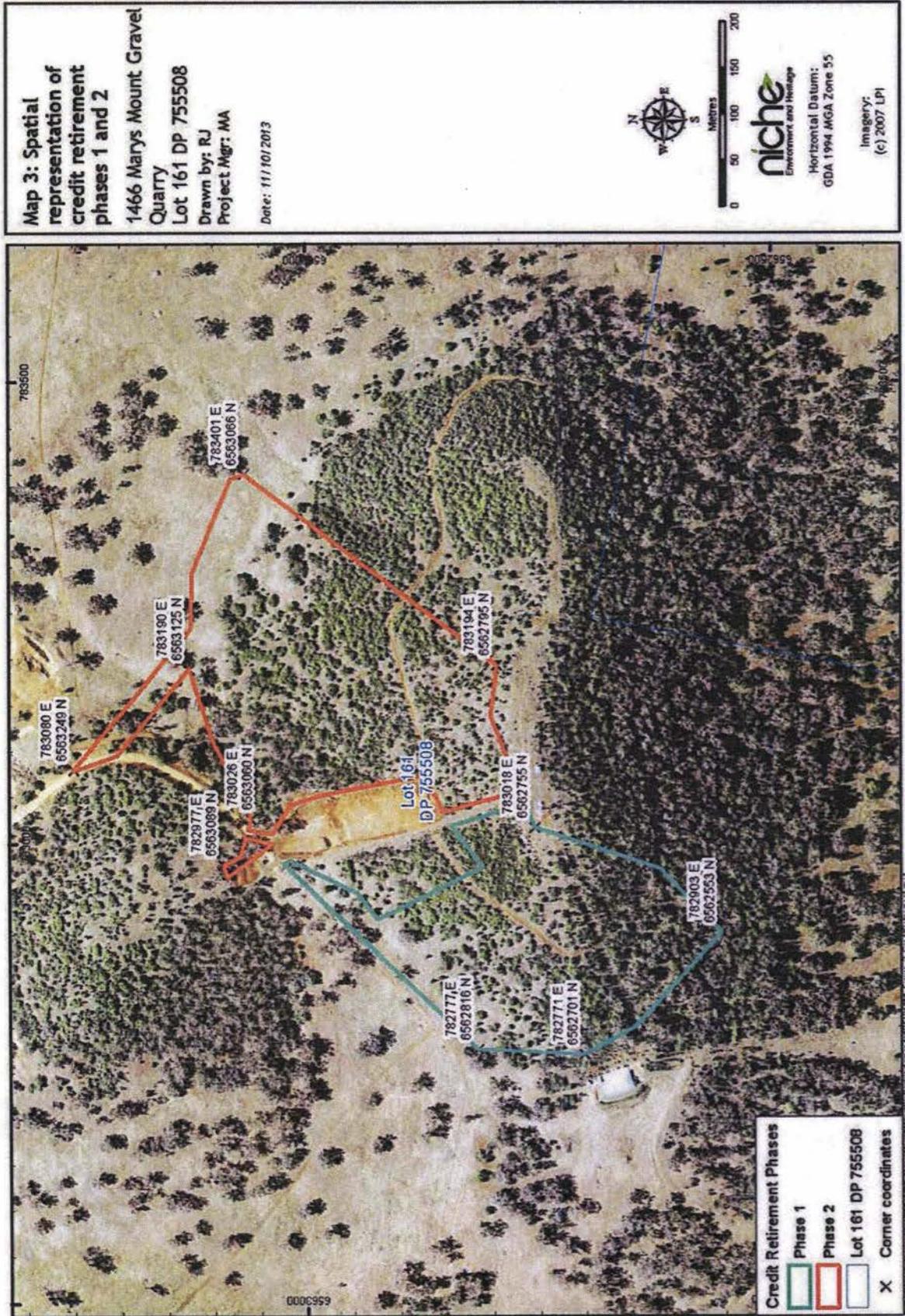
Map 1: Site location



Map 2: Vegetation types present on the development site



Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement



Information about this biobanking statement

Development to which this biobanking statement applies

This biobanking statement has been issued in respect of the proposed development as described in Section 2 of this statement. The biobanking statement has been issued on the basis of an assessment of the direct and indirect impacts on biodiversity values from the proposed development shown on map 1. A revised biobanking statement will be required from the OEHL where there are changes to the proposed development or development footprint that impact on biodiversity values.

Modifying the biobanking statement

If the proposed development to which this biobanking statement applies is modified so that there is a different impact on biodiversity values, the applicant must apply to the OEHL to modify the biobanking statement. An applicant is not required to apply for a modified biobanking statement if a consent authority is satisfied that any modification to the proposed development will have no impact on biodiversity values. However, the consent authority may require an updated biobanking statement that is consistent with the information provided within the development application.

Exemption from threatened species assessment

The development to which this biobanking statement applies is taken to be development that is not likely to significantly affect any threatened species, population or ecological community, or its habitat, and is therefore exempt from complying with the threatened species assessment requirements under Parts 4 and 5 of the *Environmental Planning and Assessment Act 1979*.

No additional assessment of impact on biodiversity values required

Where a biobanking statement has been issued and supplied to a consent authority, the authority is not required to take into consideration the likely impact or effect of the development on biodiversity values.

Biobanking statements and the EP&A Act

If this biobanking statement is provided to a consent authority or a determining authority prior to the determination of an application under the *Environmental Planning and Assessment Act 1979*, the authority must, if it determines to approve the application, include a condition that requires the conditions of this statement to be complied with.

Duration of biobanking statement

Unless an extension is granted by the OEHL, this biobanking statement will lapse within two years of the date of issue if the proposed development to which this statement applies has not been approved under the *Environmental Planning and Assessment Act 1979*.

Retiring biodiversity credits

To retire the biodiversity credits specified in the biobanking statement, an application must be submitted to the OEHL using the application forms available from the web site <http://www.environment.nsw.gov.au/biobanking/forms.htm> and accompanied by the prescribed fee.

If an application to retire credits is successful, the OEHL will issue a credit retirement report to the applicant and the relevant consent or determining authority that summarises the class and number of credits that were retired. This information will also be available from the biobanking statement register within the BioBanking public registers. Physical works on site cannot commence until confirmation is received from the OEHL that the credits have been retired.

Enforcement options for breach of a biobanking statement

If this biobanking statement is incorporated into a development consent under Part 4 of the EP&A Act or the approval of an activity to which Part 5 of the EP&A Act applies, the holder of the statement must comply with any credit retirement condition and/or condition relating to on-site measures. Failure to comply with a condition of consent or approval *may be* an offence under the EP&A Act or other legislation under which the approval is granted.

Where a person fails to comply with a credit retirement condition, the Minister may direct the person to retire biodiversity credits within a specified time. Failure to comply with a direction by the Minister without reasonable excuse is an offence, the maximum penalty for which is \$1,100,000.

Other relevant provisions of the *National Parks and Wildlife Act 1974*

Significant penalties can be imposed by a court if a person harms, or causes or permits the harm to threatened species, or knowingly damages or causes or permits damage to threatened species habitat unless it was essential for the carrying out of development in accordance with a consent or approval within the meaning of the *Environmental Planning and Assessment Act 1979*. Interim protection orders may be issued in certain circumstances to protect threatened species and threatened species habitat.