

Ref: T6-14-53, LA 7597  
EF:JH

29 October 2014

NSW QUARRY SERVICES P/L  
C/- GHD  
PO BOX 1340  
COFFS HARBOUR NSW 2450

Dear Sir/Madam

**DEVELOPMENT APPLICATION T6-14-53  
LOT 4 DP622304, 593 GOWINGS HILL ROAD DONDINGALONG  
EXTENSION OF EXISTING QUARRY**

Please find attached a notice to the applicant of the determination of development application T6-14-53.

It is strongly recommended that prior to commencing any activities or work associated with this consent that you read the conditions carefully. In particular, please be aware that this consent does not operate until 27 November 2014.

Should you have any further enquiries please contact Council's Manager Development Assessment – Erin Fuller on 6566 3200.

Yours faithfully



Erin Fuller  
MANAGER DEVELOPMENT ASSESSMENT  
SUSTAINABLE ENVIRONMENT

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)  
29 October 2014

**DEVELOPMENT APPLICATION**

**Development Application Number: T6-14-53**

**LA 7597**

**Date lodged with Council:**

**24 February 2014**

**Building Classification:**

**8**

|                       |   |
|-----------------------|---|
| Applicants name:      | NSW QUARRY SERVICES P/L                               |
| Applicants address:   | C/- GHD<br>PO BOX 1340<br>COFFS HARBOUR NSW 2450      |
| Owner names:          | CK & YE BATES   |
| Owner address:        | 593 GOWINGS HILL ROAD<br>DONDINGALONG NSW 2440        |
| Land to be developed: | LOT 4 DP622304<br>593 GOWINGS HILL ROAD, DONDINGALONG |
| Approved development: | EXTENSION OF EXISTING QUARRY                          |
| Zone No:              | RU2 – RURAL LANDSCAPE                                 |

|                               |  |
|-------------------------------|--|
| Determination made on: (date) | 15 October 2014  |
| Determination made by:        | Northern Joint Regional Planning Panel                           |
| Determination:                | <b>Consent granted subject to the conditions described below</b> |

|                          |                  |
|--------------------------|------------------|
| Consent to operate from: | 27 November 2014 |
| Consent will lapse on:   | 27 November 2019 |

The Planning and Assessment Commission did not conduct a public hearing in respect of the application.

The following approval bodies have given general terms of approval in relation to the development, as referred to on section 93 of the *Environmental Planning and Assessment Act 1979*:

- NSW Environment Protection Authority
- NSW Department of Primary Industries, Office of Water

The following conditions have been imposed in accordance with the requirements of Section 80A of the *Environmental Planning Assessment Act 1979* having regard to the relevant matters identified under section 79C of that same Act.

### **A. GENERAL CONDITIONS**

#### **Terms of Consent**

- A1 The development shall be carried out in accordance with the approved plans and the supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times.

| Document   | Date                    |
|--|-------------------------|
| Development application form   | Lodged 24 February 2014 |
| Environmental Impact Statement prepared by GHD, Volumes 1 and 2  | February 2014           |
| Geotechnical Recommendations prepared by GHD   | 1 July 2014             |
| Greenhouse Assessment prepared by GHD  | July 2014               |
| Staging and Operational Plan prepared by Hopkins Consultants, Drawing Number 6787-0005-01, Rev A, Sheets 1 and 2 | 26 June 2014            |
| Additional Information letter from GHD   | 3 July 2014             |
| Response to Road Safety Audit Findings by GHD  | 22 August 2014          |

#### **Habitat Offset**

- A2 There shall be no vegetation removal on the site until:

- a) arrangements are in place for the protection in perpetuity of:
  - i) 7.3ha of potential koala habitat and 3.5ha of EEC (and including the required 10m buffer west of the quarry access road) retained on Lot 4 DP 622304, and
  - ii) 7.5ha of revegetated land as koala habitat offset on Lot 852 DP 629622.
- b) there is a legally binding agreement, to Council's satisfaction, between the developer and the owners of the land that allows and enables the developer to comply with the condition A3,
- c) Council is satisfied that there is legally binding agreement that ensures the protection of the habitat compensation offset areas in perpetuity.
- d) the developer obtains Council approval for a Vegetation Management Plan for the offset land. Condition A4 describes the requirements for the Vegetation Management Plan.

- A3 The agreement referred to in condition A2 b) shall:

- a) require the developer to request Council to rezone the habitat offset area as E2 Environmental Protection when Council next undertakes a general review of the local environmental plan and the owner and developer shall not object to the rezoning,
  - b) require the developer to register on the title of the land, at its cost, positive covenants for the implementation and maintenance of the Vegetation Management Plan referred to in condition A4.
- A4 The developer shall prepare a Vegetation Management Plan, to Council's satisfaction, for the two land components referred to in condition A2 that includes:
- a) In respect to the retained habitat areas:
    - i. A flora and fauna management plan in accordance with the mitigation measures described in section 5.5.4 of the EIS (GHD February 2014),
    - ii. Provision of a 10m wide vegetated buffer between the quarry footprint and the EEC west of the quarry access road,
    - iii. Protective measures required to be in place prior to commencement of any clearing on the site,
  - b) In respect to the land to be revegetated:
    - i. pre-revegetation forest cover and composition;
    - ii. post-revegetation forest cover and composition targets;
    - iii. the species to be planted (all should be endemic natives not horticultural hybrids), number of trees/plants to be planted, location and density of replanted vegetation;
    - iv. PKFTs seedlings must be of a minimum size and maturity to best ensure survival. Any loss of seedlings within the agreed maintenance period must be replaced by the developer.
    - v. details of the sourcing of all seedlings (demonstrating local seedstock has been used);
    - vi. bush regeneration methods, timeframes and objectives;
    - vii. a schedule of management, monitoring and maintenance activities to ensure establishment and ongoing protection and management of replanted vegetation;
    - viii. the length of proposed monitoring and management periods, the timing of key milestones, and reporting requirements;
    - ix. provisions for planting mortality replacements; and
    - x. responsible parties for undertaking and funding all works and activities included in the plan.
  - c) In respect to hollow bearing tree/habitat tree clearance:
    - i. Surveys are to be undertaken by a suitably qualified ecologist or wildlife handler to identify the number and size of hollows to be lost within the quarry footprint,
    - ii. Incorporation into the Vegetation Management Plan, the number and location of suitable nesting boxes required to mitigate the number of hollows to be lost,



- iii. Installation of the nesting boxes prior to removal of hollow bearing trees and in no case, no later than 12 months after commencement of consent.

### **Obligation to Minimise Harm to the Environment**

- A5 In addition to meeting the specific performance criteria established under this consent, the Developer shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

### **Extraction**

- A6 The total amount of extractive material extracted in any annual return period shall not exceed 450,000 tonnes. "Annual return period" means the period covered in any annual report required under condition C26. The developer shall ensure the development does not exceed this limit.

### **Haulage Volume and Route**

- A7 The total amount of extractive material transported from the site in any annual return period shall not exceed 450,000 tonnes. The developer shall ensure the development does not exceed this limit.
- A8 Truck movements shall not exceed 90 loads (180 total movements in and out) in any one day. "Truck movements" includes truck and dog movements. The developer shall ensure the development does not exceed this limit.
- A9 The haul route for material shall be along Gowings Hill Road, right into West Street, left into South Street and right into Macleay Valley Way. If in the future South Street is extended from West Street to Gowings Hill Road, the haul route shall be along Gowings Hill Road, right into South Street and right into Macleay Valley Way. Trucks shall not use Middleton Street. The developer shall ensure all haul trucks adhere to this haul route.

### **Life of Consent**

- A10 The period during which the development may be carried out is limited to 30 years from the date of commencement notified under condition B3. This condition does not prevent the undertaking of rehabilitation works under condition A11 after the expiration of 30 years.

### **Site Rehabilitation**

- A11 At the expiration of the consent under condition A10, the developer shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the EIS: section 2.13 and Appendix B.

## **B. PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT**

### **Surrender of Existing Development Consents and Commencement of this Consent**

- B1. This consent does not operate until the surrender of consent to development application T4-90-48 and consent to development application T6-08-328 in accordance with Section 80A(1)(b) of the EP&A Act 1979 and in the manner prescribed by clause 97 of the EP & A Regulation 2000.
- B2. The notice of surrender of consent shall be accompanied by:
- a) A detailed topographic survey by a registered surveyor indicating extent and surface levels of the extraction areas immediately prior to the date of surrender of consent.

- b) an assessment of all outstanding contributions payable under each surrendered consent, including sufficient documentation to establish the amount of material removed and a statutory declaration stating that the information is a true and accurate record of extraction under the relevant consents, and
  - c) payment of the assessed amount.
- B3. The developer shall notify Council in writing of the commencement date of operations under this consent. Council will provide written confirmation of the lapsing date for quarry operations under this development consent.

### **Construction Certificate Application**

- B4. The developer shall submit a Construction Certificate application for the proposed weighbridge, site office and amenities buildings.

A Long Service Levy must be paid to the Long Service Payments Corporation, based on the cost of the work and currently 0.35% of the cost. This is a State Government Levy and is subject to change. Payments may be made at Council's Administration Office. Cheques are to be made payable Council.

### **Acceptable Means to Weigh Material Hauled from the Site**

- B5. If haulage of extractive material from the site under this consent is to commence prior to the construction of the weighbridge, the developer shall provide an alternative suitable means to weigh all material hauled from the site. Details are to be submitted to Council for approval prior to commencement of haulage.

### **Vegetation Protection Works**

- B6. Where quarry operations are proposed to commence prior to the provision of habitat offsets required under condition A2, the developer shall:
- a) install a protective barrier between existing vegetation and all quarry operations. The barrier shall be sufficient to prevent accidental incursions beyond the existing extent of quarry operations.
  - b) Submit to Council a survey prepared by a registered surveyor identifying the location of barrier. Council shall inspect the location of the barrier to determine if the barrier is correctly located and may instruct the developer to move the barrier if it is considered that the barrier does not protect any area of existing vegetation. The developer shall relocate the barrier where directed and submit a revised survey to Council.
  - c) The developer shall be responsible for ensuring no incursions into the protected vegetation areas including instructing all operators on site to remain within the permitted area.

### **Road Works**

- B7. The developer shall construct the following road works prior to commencement of truck movements associated with the development. The works are to be at the full cost of the developer. The developer is to submit an application under section 138 of the Roads Act 1993 and gain Council approval before undertaking the works. All works are to be undertaken in accordance with a Traffic Management Plan approved by Council.
- a) Upgrade of the intersection of the internal access road with Gowings Hill Road to an intersection type Austroads BAL, including signage, linemarking, alignment markers, missing guide posts and clearing of vegetation on the inside curve to improve sight distance,

- b) Upgrade of the Gowings Hill Road/West Street intersection by the provision of a 1.2m wide traffic island in West St in accordance with Austroads Guide to Road Design Part 4A,
- c) Upgrade of the West Street/ South Street intersection in accordance with the plan prepared by Hopkins Consultants Drawing Number 6787-0008, Rev B dated 20/08/2014. The design is to be further detailed to include additional road pavement extension, if required, to accommodate the swept paths of two opposing haulage trucks,
- d) Gowings Hill Road Bus Route – undertake a review of bus stops to assess geometric constraints that limit sight distance, vegetation requiring removal and warning signs where relocation is impractical and undertake any identified works.

### **Environmental Management Plan**

B8. The developer shall prepare and implement an Environmental Management Plan for the development to the satisfaction of Council. The Plan must:

- a) Be submitted to Council for approval prior to commencement of operations under the consent,
- b) Be prepared by a suitably qualified and experienced expert,
- c) Identify the statutory approvals that apply to the development,
- d) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development,
- e) Describe the procedures that would be implemented to:
  - i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development,
  - ii) Receive, handle, respond to, and record complaints,
  - iii) Resolve any disputes that may arise,
  - iv) Respond to any non-compliance,
  - v) Respond to emergencies, and
- f) include the implementation of the following operational conditions of this consent including:
  - i) Operation of plant and equipment,
  - ii) Hours of operation,
  - iii) Requirements of any licences,
  - iv) Water quality management,
  - v) Air quality management,
  - vi) Noise management,
  - vii) Blasting Impacts management,
  - viii) Truck Management including Code of Conduct for haulage drivers,
  - ix) Ecological management including vegetation management and habitat offset revegetation,
  - x) Weed management,
  - xi) Greenhouse gas management,
  - xii) Waste management,
  - xiii) Cultural heritage management,
  - xiv) Hazards and risk management,
  - xv) Complaints management,
  - xvi) Geotechnical hold points,
  - xvii) Management of records of haulage amounts,
  - xviii) Rehabilitation preparation and management,
- g) The recommendations identified in chapter 6 of the EIS and summarised in

Table 6-1, and the recommendations in the supplementary report titled "Greenhouse Assessment Proposed Expanded Quarry" (GHD July 2014) and the Geotechnical Recommendations (GHD 1 July 2014).

B9. Preparation of the Environmental Management Plan shall:

- a) Have regard to:
  - i) the Guideline for the Preparation of Environmental Management Plans prepared by the Department of Planning and Infrastructure, 2004,
  - ii) chapter 6 of the EIS and summarised in Table 6-1, and the recommendations in the supplementary report titled "Greenhouse Assessment Proposed Expanded Quarry" (GHD July 2014) and the Geotechnical Recommendations (GHD 1 July 2014), and
- b) include the monitoring and reporting requirements of the conditions of consent.

### **Limit of Quarry Operations**

B10. The limit of the quarry footprint, including all proposed vegetation clearing, stockpiling, access road and site facilities, as identified in the approved quarry plan, shall be clearly marked on site using durable pegs or other markers and shall remain in place for the life of the consent. The developer shall ensure all contractors and employees on the site are made aware of the boundary markers and that no works extend beyond the markers.

### **Initial Environmental Management Works**

B11. Prior to commencement of site operations, all initial environmental management works identified in the approved Environmental Management Plan and identified as being required prior to commencement of works shall be completed including:

- a) Vegetation protection works,
- b) Sediment and erosion control works,
- c) Water quality management measures,
- d) Groundwater monitoring bores,
- e) Dust suppression measures,
- f) Acoustic barriers.

B12. Provision of toilet facilities at the rate of one toilet for every 20 persons or part thereof employed at the site. Each toilet must be an approved temporary chemical closet or there must be a licenced on site effluent disposal system installed. Application is to be made to Council under section 68 of the Local Government Act 1993 for the installation of an on-site effluent disposal system.

### **Utilities and Services**

B13. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Development shall be undertaken. The cost of any such arrangements shall be borne by the developer.

### **Certification that Works Required Prior to Commencement Have Been Completed**

B14. The developer shall provide to Council written certification from relevant experts confirming that all consent conditions required to be satisfied prior to commencement of operations have been so satisfied.



### **C. OPERATIONAL CONDITIONS**

#### **Operation of Plant and Equipment**

- C1. The developer shall ensure that all plant and equipment used on site is maintained in a proper and efficient condition; and operated in a proper and efficient manner.

#### **Hours of Operation**

C2.

- a) Hours of operation shall be limited to the hours set out in the table to this condition, and
- b) On any school day, no truck movements shall occur during the period that the school bus travels along the haulage route and the quarry operator shall consult with the bus company to determine the period that the bus traverses the route.

|   | <b>Days</b>      | <b>Hours</b>             |
|---|------------------|--------------------------|
| Blasting  | Monday to Friday | 9am-3pm                  |
| Drilling  | Monday to Friday | 7am-6pm                  |
|   | Saturday         | 8am-1pm                  |
| Crushing and Screening within Quarry Pit                      | Monday to Friday | 7am-6pm                  |
|   | Saturday         | 8am-1pm                  |
| Stockpiling and Loading                                       | Monday to Friday | 7am-6pm                  |
|   | Saturday         | 8am-1pm                  |
| Transport (empty trucks in)                                   | Monday to Friday | 7am-6pm                  |
|   | Saturday         | 8am-1pm                  |
| Transport (loaded trucks out)                                 | Monday to Friday | 7am-6pm                  |
|   | Saturday         | 8am-1pm                  |
| Transport (loaded trucks in and out)                          | School days      | See part b) of condition |
| Staff Maintenance and Servicing of Plant and Equipment Onsite | As required      |                          |
| Emergency   | As required      |                          |

#### **General Terms of Approval – Environment Protection Authority and NSW Office of Water**

- C3. The development shall be carried out in accordance with:

- a) an Environmental Protection Licence issued by the Environment Protection Licence and in accordance with the General Terms of Approval attached in Annexure A to this consent.
- b) any controlled activity approval issued by the NSW Office of Water and in accordance with the General Terms of Approval attached in Annexure B to this consent.

The developer shall submit copies of licences and approvals to Council within 1 month of receipt and shall provide copies to Council of annual return documents submitted to the EPA in accordance with the licence.

### Water Quality

C4. The developer shall:

- Implement sediment and erosion control measures for the quarry footprint, all internal roads, parking areas and any other site facilities. Measures are to be implemented in accordance with Managing Urban Stormwater Soils and Construction – Volume 2e Mines and quarries (DECC, 2008).
- Ensure no works are undertaken within the riparian zone of the unnamed watercourse within the site without a controlled activity approval under the Water Management Act 2000.
- Undertake groundwater monitoring on a monthly basis to ensure no impact on the local groundwater system. If excavation intercepts ground water at any time, an aquifer interference approval must be obtained under the Water Management Act 2000 before any further quarry operations take place.

### Air Quality

C5. The developer shall:

- Implement dust mitigation measures described in section 5.4.4 of the EIS including water sprays on crushing and screening plant and haul truck routes,
- ensure dust emissions at any offsite residential receiver do not exceed the following criteria:

| Pollutant                            | Averaging period | Criterion                  |
|--------------------------------------|------------------|----------------------------|
| PM10                                 | 24 hours         | 50 µg/m <sup>3</sup>       |
|                                      | Annual           | 30 µg/m <sup>3</sup>       |
| TSP                                  | Annual           | 90 µg/m <sup>3</sup>       |
| Dust deposition (insoluble fraction) | Annual           | 2 g/m <sup>2</sup> /month* |

\* Maximum Increment. Maximum allowable cumulative impact of 4 g/m<sup>2</sup>/month

- Undertake compliance dust emissions monitoring during the initial 3 months of operation to verify if the modelled levels are confirmed and submit a report on the results to Council within 1 month of the 3 month period.
  - Respond to any complaint from a resident at the nearest residential receivers R2, R9 and R10 identified in the EIS, that dust emissions at the residential receiver exceed any of the criteria, by undertaking monitoring and shall provide a copy of a report on the results to the complainant within 3 months of receiving the complaint.
  - Identify and implement additional mitigation measures if the results of monitoring identify that the dust emissions exceed any of the criteria at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.
- C6. Where a complainant under condition C5 d) receives from the developer a copy of a report of dust emissions monitoring that reveals any of the criteria are exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:
- Install mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the

- mitigation measures at the developer's cost, or
- b) Purchase the owner's land in accordance with condition C11.

### Noise Management

C7. The developer shall:

- a) Implement noise mitigation measures described in section 5.3.4 of the EIS including noise barriers adjacent to crushing and screening plants, compliance with the approved hours of operation, minimising materials dropping heights into or out of trucks, selection of equipment to minimise noise emissions, fitting of equipment with silencers and maintaining in good working order, removal of machinery producing noise in excess of normal industry standards and reducing the annoyance from reversing alarms as far as possible.
- b) Ensure noise levels do not exceed an L Aeq (15 minute) noise emission criterion of 36 dB(A) measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
- c) Undertake compliance noise monitoring during the initial 3 months of operation to verify if the modelled noise levels are confirmed and submit a report on the results to Council within 1 month of the 3 month period.
- d) Respond to any complaint from a resident at the nearest residential receivers R2, R9 and R10 identified in the EIS, that noise levels at the residential receiver exceed the specified criterion, by undertaking noise level monitoring and shall provide a copy of the report on the results to the complainant within 3 months of receiving the complaint.
- e) Identify and implement additional mitigation measures if the results of noise monitoring identify that the noise criterion is exceeded at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.

C8. Where a complainant under condition C7 d) receives from the developer a copy of a report of noise monitoring that reveals noise criterion is exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:

- a) Install noise mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the noise mitigation measures at the developer's cost, or
- b) Purchase the owner's land in accordance with condition C11.

### Blasting Impacts

C9. The developer shall:

- a) Implement blasting mitigation measures described in section 5.3.4 of the EIS by ensuring that blasting occurs at a minimum distance of 250m from the nearest receiver (R1) or reducing the charge mass per blast hole. The effectiveness of reducing charge mass is to be determined through monitoring.
- b) Ensure the airblast overpressure level from blasting operations must not exceed 115 dB (Un Peak) for more than 5% of the total number of blasts during each reporting period; and 120 dB (Un Peak) at any time, measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
- c) Ensure the ground vibration peak particle velocity from blasting operations must not exceed 5mm/s for more than 5% of the total number of blasts carried out during each reporting period; and 10 mm/s at any time measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.
- d) Notify sensitive receptors prior to any planned blasting events.



- e) Implement measures for dust and flyrock suppression for each blast.
- f) Monitor each blasting event and shall provide a report on the results to the land owners of the nearest residential receivers R2, R9 and R10, within 1 month of the event.

### **General Requirements for Monitoring**

C10. All monitoring of noise, air quality and blasting events and subsequent reporting shall be undertaken by an independent consultant with the appropriate qualifications and industry registration. The cost of monitoring and reporting is to be met by the developer.

### **Environmental Performance Conditions: Acquisition Upon Request**

C11.

- a) This condition acknowledges that it is the developer's responsibility to comply with the noise, air quality and blasting standards in conditions C5, C7 and C9 but recognises that breaches may occur due to a range of reasons and that land owners of the nearest residential receivers may be significantly affected by multiple breaches of noise, air quality and blasting standards.
- b) Where a land owner of a property listed in Table 1 to this condition receives reports provided in accordance with condition C5 d), C7 d) or C9 f) that confirm environmental performance criteria have been exceeded on three or more occasions within any 2 year period the land owner may require the developer to acquire the land owner's land in accordance with the acquisition procedure detailed in this condition by giving written notice to the developer.
- c) Within three (3) months from receiving a written request from the land owner with acquisition rights as determined in b) above, the developer must make a binding written offer to the land owner based on:
  - i) the current market value of the land owner's interest in the land at the date of the written request, as if the land was unaffected by the development the subject of this consent, having regard to:-
    - (1) the existing use and permissible use of the land in accordance with the applicable environmental planning instruments at the date of the written request to purchase the property;
    - (2) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the land owner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any conditions of this consent;
  - ii) the land owner's reasonable compensation for disturbance at the time of acquisition pursuant to this condition including:-
    - (1) legal costs reasonably incurred by the persons entitled to compensation in connection with the acquisition of the land,
    - (2) valuation fees reasonably incurred by those persons in connection with the acquisition of the land,
    - (3) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),
    - (4) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land acquired),
    - (5) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a



- mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),
- (6) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.
- d) In the event that the developer and the land owner cannot agree (within six (6) weeks of the written offer to the landowner), on the acquisition price referred above and/or the terms of the acquisition, then either party may refer the matter to the President of the NSW Division of the Australian Property Institute who is to appoint a qualified, independent valuer, or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the property and/or terms upon which the property is to be acquired.
- e) Within fourteen (14) days of receiving the independent valuer's determination, the developer must make a written offer to purchase the property at a price not less than the independent valuer's determination.
- f) If the land owner refuses to accept the offer within six (6) months of the developer's offer, the developer's obligations to acquire the property shall cease.
- g) The developer shall bear the costs of any valuation or survey assessment required by the independent valuer, Fellow of the Institute, and all relevant costs associated with determination of the acquisition price incurred through the processes referred to above.

Table 1: Land subject to acquisition upon request

|            |   |
|------------|---|
| R2 in EIS  | Lot 542 DP 711113                                   |
| R9 in EIS  | Lot 851 DP 629622                                   |
| R10 in EIS | Lot 4 DP 631818, Lot 1 DP 1196978, Lot 21 DP 549413 |

### Truck Management

- C12. The developer shall prepare and enforce a Truck Management Plan and Code of Conduct for drivers to ensure that trucks associated with the development adhere to the approved haulage route, operating hours for travel to and from the site, and other measures including travelling speeds, reducing traffic noise levels, maintaining appropriate distances between haul trucks, traffic safety consciousness and courteousness.
- C13. Vehicle wash down areas and other measures shall be provided to minimise tracking of soil and particulates from the site.

### Ecological Management

- C14. No vegetation clearing is to be undertaken until habitat offsets are provided in accordance with conditions A2, A3 and A4.
- C15. The development shall comply with the Vegetation Management Plan approved under condition A4.
- C16. The developer shall undertake ecological condition assessment of the watercourse and riparian area on an annual basis to identify any impacts resulting from the quarry operation. Where impacts are identified, the annual report is to include recommendations for remedial works to address the impacts and the timeframe to be



undertaken. The remedial works are to be implemented and the results are to be reported in the following annual report.

#### **Weed Management**

C17. Measures shall be implemented to prevent the spread of weeds including identification surveys, hygiene procedures for equipment, footwear and clothing, weed disposal protocols and other site management measures.

#### **Greenhouse Gas Management**

C18. The developer shall:

- a) implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
- b) investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigations.

#### **Waste Management**

C19. Measures shall be implemented to manage waste in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the OEH Waste Classification Guidelines 2009 and the "principles of waste management hierarchy" and the mitigation measures detailed in the EIS.

#### **Cultural Heritage Management**

C20. The developer shall provide all plant operators, that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, an introduction on how to identify Aboriginal objects and the procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

C21. If suspected Aboriginal material is uncovered within the site, work in the surrounding area is to stop immediately and the developer shall engage an appropriately qualified archaeological consultant to identify the material. The developer is bound to comply with its legislative requirements in respect to any Aboriginal material encountered on site.

#### **Hazards and Risks Management**

C22. The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

#### **Community Relations**

C23. The developer shall erect a sign at the entrance of the quarry with the phone number and permanent site contact details so that complaints concerning the operation of the quarry can be received and addressed in a timely manner.

C24. Records of all complaints and follow up actions are to be included in the annual report required by condition C26.

#### **Environmental Management Plan**

C25. The developer shall implement the Environmental Management Plan approved in accordance with condition B5.

#### **Monitoring and Annual Reporting**

C26. By the end of March each year, or other timing as may be agreed by Council, the developer shall submit an annual report in accordance with the Environmental



Management Plan required by condition B5. Annual reports must review the environmental performance of the development including:

- a) A description of the development that was carried out in the previous year, and the development that is proposed to be carried out over the next year.
- b) A comprehensive review of the monitoring results and complaints records of the development over the previous year, which includes a comparison of these results against the:
  - i) the relevant statutory requirements, limits or performance measures/criteria;
  - ii) requirements of any plan or program required under this consent;
  - iii) the monitoring results of previous years; and
  - iv) the relevant predictions in the EIS.
- c) Identification of any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance.
- d) Identification of any trends in the monitoring data over the life of the development.
- e) Identification of any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies.
- f) A description of measures that will be implemented over the next year to improve the environmental performance of the development.

C27. Annual reports shall be submitted to Council within 1 month of the end of the reporting period.

C28. Monitoring and environmental reporting is to be completed by an independent and appropriately qualified person for each aspect of the environmental management plan.

#### **Geotechnical Hold Points**

C29. A geotechnical assessment is to be undertaken at the cost of the developer confirming the proposed quarry design is appropriate with respect to stability before any excavation occurs deeper than RL 22m AHD and beyond the red line, or deeper than RL 38m AHD and beyond the green line, as identified in the Geotechnical Assessment by GHD dated 1 July 2014.

#### **Contributions – Road Maintenance Levy**

C30. From the date of commencement of the operation identified in condition B2, the developer shall pay a cash contribution to Council at the rate of \$0.77 per tonne (indexed as described below) of material extracted and transported from the land towards the upgrading and maintenance of Council's road system in accordance with the following:

- a) Submission of a quarterly return to Council specifying the amount of material in tonnes extracted and transported within the previous three months. The quarterly return is to be submitted within fourteen days of the end of each period and is to be in the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
  - i) Copies of all invoices and Company records relating to the amount extracted,

- ii) Records of the weights recorded at the weigh bridge, or by any other approved method for weighing the material hauled,
- iii) Payment of the required contribution.
- b) Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser.
- c) The contribution rate shall be subject to indexation in accordance with the "Price Index of Materials Used in Building Other Than House Building", as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.
- d) Council shall have the right to request and inspect all relevant records at any time, subject to prior written notice being provided by Council.

#### **Sinking fund for site rehabilitation**

C31. The developer shall:

- a) for the life of the quarry, maintain its obligation to contribute to the Rehabilitation Sinking Fund under the profit a prendre with the land owner,
- b) submit to Council a copy of the bank statement for the Rehabilitation Sinking Fund, with every 4<sup>th</sup> quarterly return referred to in condition C30 to demonstrate that adequate funds are available for rehabilitation of the site. The developer shall ensure the site is rehabilitated at the end of the life of the quarry and shall not release any of the sinking fund unless satisfied the site will be or has been rehabilitated in accordance with condition A11.

#### **Limit of Clearing and Quarry Operations**

C32. No works, activities or vegetation clearing shall occur outside of the marked boundary required by condition B10.

#### **Upgrade of Haul Access Road Intersection**

C33. The developer shall upgrade the intersection of the internal access road with Gowings Hill Road to an intersection type Austroads BAR within two years of commencement of the development under this consent. The works are to be at the full cost of the developer. The developer is to submit an application under section 138 of the Roads Act 1993 and gain Council approval before undertaking the works. All works are to be undertaken in accordance with a Traffic Management Plan approved by Council.

\*\*\* END OF CONDITIONS \*\*\*

#### **IMPORTANT ADDITIONAL INFORMATION**

**The *Environmental Planning and Assessment Act 1979* requires you to:**

Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a **Construction Certificate**. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.



Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.

Give Council at least two (2) days notice of your intention to commence the erection of a building **before** commencing construction works by lodging the '**Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority**' form enclosed. You cannot lawfully commence works without complying with this requirement.

Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the '**Application for Occupation Certificate**' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

### Right of Appeal

If you are dissatisfied with this determination, section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

An objector who is dissatisfied with this determination has the right to appeal to the Land and Environment Court pursuant to section 98 of the *Environmental Planning and Assessment Act 1979*, within 28 days after the date on which this notice is given.



Signature:

Erin Fuller  
MANAGER DEVELOPMENT ASSESSMENT  
SUSTAINABLE ENVIRONMENT

Date:

29 October 2014