SCHEDULE OF CONDITIONS

Development Consent DA.2014.035

Prior to Operation Commencing

1. Before any works associated with the development are undertaken a section 90 Aboriginal heritage impact permit (AHIP), must be obtained from the NSW Office of Environment and Heritage.

   Reason: To ensure the disturbance of any Aboriginal heritage relics/sites have received the appropriate approvals before works commence.

2. No extractive materials are to be transported from the site until the intersection and internal road access to the Kings Highway has been fully constructed in accordance with the NSW Roads and Martine Services conditions.

   Reason: To allow the preparation of the extractive site and ensure safe transportation of materials.

Approved development

3. The development referred to in the application is to be carried out in accordance with the Environment Impact Statement prepared by David Hogg Pty Ltd dated February 2014 except as modified by any conditions of consent.

   Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

Limits on Approval

4. This consent will lapse; after 117,000 cubic metres of material have been extracted from the development, or 8 years after the date it commences, whichever comes first.

5. No more than 20,000 cubic metres a year shall be extracted and transported from the development.

   Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only

Site identification

6. Prior to undertaking any site establishment construction works:

   - A registered land surveyor is to be engaged to mark out the boundaries of the approved limits of extraction;
   - These boundaries are to be clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

   Reason: The site is managed in a safe manner.

7. The site where works are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

   - the development application number,
   - name, address and telephone number of the principal certifying authority,
   - name of the principal contractor (if any) and 24 hour contact telephone number, and
   - a statement that "unauthorised entry to the work site is prohibited".

   Reason: The site is managed in a safe manner.

Fencing

8. The extraction sites are to be fenced with 1.8 m high cyclone wire fencing for the duration of extraction and until the rehabilitation of the sites is achieved.

Reason: To ensure the site is protected.

Staging of development

9. The extraction operation shall be staged in accordance with section 5.5 Staging within the EIS.

Reason: *To ensure the site is excavated and rehabilitated in accordance with the EIS.*

10. Rehabilitation should accommodate the list of species as provided by the South East Local Land Service.

Reason: Appropriate vegetation species are used throughout the rehabilitation process.

Noise Control

11. Noise generated at the project is not to exceed 50dB(A) Leq(15min) at any residence or approved residence on privately owned land or no more than 25 percent of any privately owned land.

Plans to be kept on site

12. A copy of all stamped approved plans, specifications and documents is to be kept on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Operation

13. All operations are to be undertaken in accordance with the Environmental Impact Statement and Quarry Pit Plan and Operation Manual.

Reason: To ensure operation associated with the development are undertaken as proposed.

14. All construction and preparation work at the premises must only be conducted between 7:00am and 6:00pm Monday to Friday and between 8:00am and 1:00pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

15. Activities at the premises, other than construction work, may only be carried on between 7:00am and 6:00pm Monday to Friday, and between 7:00am and 2:00pm Saturdays and at no time on Sundays and public holidays.

Reason: Minimise impacts on any surrounding dwellings.

Operational Management Plan

16. In addition to the Quarry Pit Plan and Operational Manual, the proponent is to prepare an Operational Management Plan, to the satisfaction of the Principal Certifying Authority, which includes:-

- baseline data,
- a description of the relevant statutory requirements and relevant performance measures/limits placed on the project by this consent,
- a description of the measures that will be implemented to comply with the relevant statutory requirements, performance measures/limits,
- a program to monitor and report impacts and environmental performance of the project and the effectiveness of any management measures, and
- a complaints handling and reporting system

Reason: To ensure the proposal complies with the conditions of consent.

Evacuation and Emergency Management

17. In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Preparation of Emergency/Evacuation Plan*.

Reason: The intent of measures is to provide suitable emergency and evacuation arrangements for users of the development.

Asset Protection Zones

18. The moveable buildings associated with the extractive processes are to be located within each stage to ensure an adequate asset protection is established in accordance with section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection* 2006 and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Vehicle Movements

19. All vehicles associated with the transportation of extractive materials shall remain on the Kings Highway within the Palerang Local Government Area.

Reason: Safety for road users and amenity of nearby residents.

Road Haulage dust and debris

20. All loaded vehicles entering or leaving the site are to be covered to prevent the escape of dust and debris.

Reason: To ensure that local residents and activities are not disadvantaged by dust during the life of the development.

Vehicle access

21. Vehicle access to the quarry is to be taken from the proposed entrance to the property from the Kings Highway.

Prior to the extraction of any material from the site, the Kings Highway entrance is to be constructed in accordance with the NSW RMS conditions.

. A maximum of six haulage movements shall occur on a daily basis (three in each direction along the Kings Highway).

Reason: Minimise the impact of the traffic generated on the local road system.

Waste Management

22. All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

Stormwater

23. Direct surface water drainage to existing natural drainage or to Palerang Council drainage infrastructure. Surface water must not be directed onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

Construction standard

24. All building work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

Discovery of Unanticipated Aboriginal Objects

25. All Aboriginal objects and places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). After the issuance of an AHIP over the Study Area works may continue. In the event of large dense concentrations of artefacts being encountered, works must cease in the vicinity and the site reassessedby a qualified archaeologist.

26. Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

27. Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity, you must:

    - Immediately cease all work at that location and not further move or disturb the remains.
    - Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location. Not recommence work at that location until authorised in writing by OEH.

    Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Engineering Conditions

Pre-construction requirements

Construction certificate – Civil Works

28. Prior to Council issuing a Construction Certificate, the developer shall enter into a Works Authorisation Deed (WAD) with the RMS for all works on Kings Highway and supply a copy of the WAD to Council.

29. Obtain a civil works construction certificate from Palerang Council or an appropriately accredited private certifier before undertaking any works not part of the RMS works. Forward a copy of any construction certificate issued by a private certifier to Palerang Council at least 2 business days before undertaking any work in accordance with that construction certificate.

    Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Principal certifying authority – civil works

30. Appoint a principal certifying authority to inspect civil works which are not part of the RMS works. (generally within the property) as required and certify the works on completion.

    Advice: If you wish to engage Palerang Council as the nominated principal certifying authority, please complete the attached quote and arrange for payment of the required fees.

    Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Design requirements

Design standard:

31. Civil works are to be designed and constructed to Aus-Spec #1 Development Specification Series as amended by Council, which includes Council's Specification for the Construction of Private Access Roads and Entrances, Austroads Road Design Guides (including RTA supplements) and relevant Australian Standards.

32. Design work is to be done by appropriately accredited engineering designers. Construction work is to be carried out by contractors who are experienced in road and stormwater drainage to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Additional insurance may be required under Section 138 of the Roads Act to work on a public road.

Reason: Roads and other works are of a standard to safely cater for the traffic generated by the development.

Design of Intersection of Right of Way Road (ROW) and Public Road

33. The design of the intersection between the internal access road and the Kings Highway is to be in accordance with the NSW RMS conditions.

Reason: To ensure the intersection is designed in accordance with RMS standards.

Internal Roads:

Access Road to the Quarry

34. The proposed new access road to the quarry shall be located as shown on the plan titled Intersection and Access Road General Arrangement (Drawing No. C11052-D001; dated 14 December 2013) prepared by Brown Consulting (ACT) Pty Ltd.

35. The access road shall be designed and constructed in accordance with the Intersection and Access Road Report prepared by Brown Consulting (ACT) Pty Ltd (Issue A; dated 16 December 2013) and the Water Cycle Management Study for Proposed New Access Road prepared by SEEC (Ref 14000060-WCMS-01; dated 7 May 2014).

36. Design the internal access road and drainage structures between the property access and the sand extraction area, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances. Roads are to have a central crown with crossfalls of 3% for sealed and 5% for unsealed pavements.

37. When designing the road, refer to ARRB Report ARR354 "Road classifications, geometric designs and maintenance standards for low volume roads", to provide guidance to design requirements for this class of road (ARRB Class 5D).
Intermediate sight distance (ISD = 2 x SSD), measured from 1.1 m to 1.25 m for a design speed of 40km/h must be provided in the design. Restricted visibility widening to 2 lanes must be designed for locations where ISD is not economically achievable.
Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown at a minimum. Crossings of any prescribed streams are to be referred to Department of Environment and Climate Change, Office of Water for Part 3A permit.

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

Design drawings – civil works

38. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.

Advice: If Palerang Council is nominated principal certifying authority, engineering drawings shall:

- Be prepared by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Be signed by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Include a note that "All work to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Palerang Council, and the terms of the Development Consent".
- Show consent requirements such as construction hours.
- Include, as a minimum:
    - A site plan showing the access road centreline, vegetation to be removed and drainage structures. Permanent and ephemeral streams shall be shown where they cross the road centreline.
    - A longitudinal section along the access road centreline;
    - A typical cross section showing longitudinal drainage structures;
    - Erosion and sediment control measures is required as specified in Section 4.1 of the Water Cycle Management Study (dated 29 September 2011) and shown on the Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08; dated July 2011) both prepared by SEEC shall be implemented. for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). The ESCP shall include maintenance requirements and inspection schedules for all control measures. The ESCP is to be approved as part of the Construction Certificate.

Engineering drawings are to include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series as amended by Palerang Council, and the terms of the Development Consent."

Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Designers and Contractors

39. Engage civil engineering construction contractors who are appropriately experienced in construction to AUS-SPEC #1 Development Specification Series or similar, be in possession of a registered copy of the Construction Volume of AUS-SPEC #1 Development Specification Series as amended by Council, have quality management, OH&S and environmental management systems in place, and have appropriately qualified staff employed or commissioned to superintend the work, manage the quality system and submit quality records to the certifier.

40. When working in public road reserves contractors must have staff or subcontractors on site who have NSW Roads and Maritime Services accreditation to work with worksite traffic control plans.

Reason: To ensure that the design and construction of works complies with Council's design, construction and risk management standards.

Approved development and drawings

41. The development referred to in the application is to be carried out in accordance with the approved drawings except as modified by any conditions of consent.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

Drawings to be kept on site

42. Keep a copy of all stamped approved drawings, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Road Signage and Traffic Control Devices

43. Provide speed signage (60 km/h) and traffic control devices for the internal road to Austroads (and RMS supplements) standards. Submit details to the principal certifying authority prior to issue of a construction certificate.

Reason: To ensure that roads have appropriate signage and traffic control devices.

Pavement design

44. Provide a pavement design, conforming to the procedures set out in Aus-Spec #1 to Palerang Council Specification D2 and other relevant specifications.
The design must be based on site-existing subgrade CBR information along the routes of all proposed internal roads and is to be shown on typical cross sections in the design drawings.

Reason: To ensure that roads are designed to cater for the traffics generated by the development.

Civil works construction requirements

Damage to any Infrastructure:

45. Any infrastructure (public or private) that is damaged during construction is the responsibility of the applicant to correct and repair or replace as necessary, to bring the damaged infrastructure back to the condition or better, existing prior to any damage. The Applicant/Contractor is to determine the locations of all services, prior to works commencement.

Reason: To ensure existing infrastructure is protected.

Construction of Engineering Works – Internal Road

46. Engineering works are to be constructed at the developer's full cost prior to:

- Prior to the export of product from the property.

Reason: To ensure the development is serviced to Council's standards.

Erosion Control

47. Erosion and sediment control measures is required to be installed for all site works, including road works, and to be approved by the principal certifying authority prior to work commencing.
The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). The ESCP shall include maintenance requirements and inspection schedules for all control measures.

48. Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for sufficient time as necessary after the completion, to prevent sediment and dirty water leaving the site and/or entering the surface water systems beyond the site. The controls shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water

pollution.

Site Revegetation

49. Rehabilitation grass mix is to be applied to all disturbed surfaces as soon as practicable at the completion of each component of work. The mix is to be applied at the recommended rate of dispersal. Do not use species that are listed under the Noxious Weeds Act 1993.

Reason: Prevent soil erosion, water pollution and the discharge of sediment on surrounding land.

Dust Suppression

50. Respond to Councils direction to provide dust suppression on roads leading to, adjacent to and within the development in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.

Intersection of Right of Way Road (ROW) and Public Road

51. The construction of the intersection between the internal access road and the Kings Highway is to be in accordance with the NSW RMS conditions.

Reason: To ensure the intersection is constructed in accordance with RMS standards.

Internal access road

52. Design the internal access road and drainage structures between the RMS intersection works and the sand extraction area, generally to the standard of Type 2 Road as specified in Table 2 of Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances.

53. An intermediate sight distance (ISD) equal to twice the stopping distance (SSD) and measured from 1.1 m to 1.25 m must be provided by the road. Where it is not economic or practical to achieve this, provide stopping sight distance only, together with restricted visibility pavement widening to two lanes. Reference to ARRB Report ARR354 is to be made to provide guidance to design requirements for this class of road.

54. Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements.

Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Stormwater

55. Stormwater management measures as specified in Section 4.1 of the Water Cycle Management Study (dated 29 September 2011) and shown on the Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08; dated July 2011) both prepared by SEEC shall be implemented.
All measures are to be approved by the principal certifying authority.

Reason: Gravel and silt is not washed from the property to the road surface and road table drains.

56. Direct surface water drainage to existing natural drainage or to Palerang Council drainage infrastructure. Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem. All measures are to be approved by the principal certifying authority.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

Inspection and Test Plans:

57. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site foreman or other nominated to do so in the Project Quality Plan:

- installation of erosion and sediment control devices
- culvert location and installation including preparation of base, bedding and backfill
- earthworks including longitudinal drainage and subgrade preparation, prior to placement of pavement materials
- pavement materials and construction
- bitumen sealing where applicable
- fencing, signs, guideposts and markings installation (if applicable)
- Final inspection of completed works

Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Project Superintendent.

Reason: To ensure that the works are carried in accordance with quality assurance principles.

Certification of completed works

58. At the completion of works the superintendent of works shall present to Palerang Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1.

Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.

Works as - executed Drawings:

59. Provide one A3 copy, one PDF copy and one electronic copy in AutoCAD format of works as-executed drawings to Palerang Council, clearly identifying any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.

Reason: To provide a record of works for future technical reference.

NSW Roads and Maritime Services

60. Prior to the commencement of operations, the developer shall enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Kings Highway.

61. Only one access point to the Kings Highway from the subject property will be permitted as shown in the attached intersection access design drawings (Appendix I. Intersection and Access Road Engineering Report, Brown Consulting (ACT)). All existing vehicular access points to the Kings Highway shall be physically closed by fencing and revegetating the access.

62. All existing properties affected by the closure of the existing access road and Kings Highway intersection must be able to access the proposed access road via a "Right of Way" legally certified on the titles of the burdened lots prior to an occupation certificate being issued by way of a Section 88B Instrument under the Conveyancing Act, 1919.

63. Prior to the commencement of operations, the developer shall upgrade the junction of the new access road and the Kings Highway to be a sealed Type BAL left turn configuration in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections.* The access shall be sealed a minimum distance of 10m back from the edge of seal.

64. The existing Channelised Right Turn (CHR) treatment at the existing access road intersection shall remain to ensure provision for residents to safely turn into the bus stopping area to park/drop off while picking up kids from the school bus stop and mail collection.

65. All pavement design on the State road network shall be in accordance with Austroads standards.

66. All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works shall be completed prior to the commencement of operations.

67. All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:

http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html

68. RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Kings Highway. Given this, Section 138 consent under the Roads Act, 1993 shall be obtained from the RMS prior to construction.

69. The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon RMS receiving an accurate and compliant TMP.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

Reason: To ensure the new intersection is constructed in accordance with NSW RMS standards.

Office of Environment and Heritage

Advice: The proponent has referred to the recently released Draft Policy Biodiversity Offsets Policy for Major Projects. The policy is still in draft form and therefore cannot be applied to this development. OEH understand this project is not a major project OEH would therefore refer the proponent to the current 'OEH principles for the use of biodiversity offsets in NSW' http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm (attachment one).

71. The use of the Biobanking tool to quantify the amount of offset required to compensate for the impacts is to be adopted. This tool will also enable the proponent to determine whether the potential offset on-site with regrowth of a different vegetation type will be suitable compensation for the likely higher quality vegetation that was removed.

72. In line with the Principles for the use of biodiversity offsets in NSW, the management for biodiversity must be for perpetuity, and offsets and their actions must be enforceable through development consent conditions, licence conditions, conservation agreements or contracts. As a result of these offsetting principles, OEH recommends that offsets be agreed to prior to the impact occurring. A full description of the offsetting principles, for the proponent's use, can be found in Attachment One.

Reason: To ensure compliance with the principles for the use of biodiversity offsets in NSW.

Sydney Catchment Authority

General

73. The quarry layout and staging shall be as shown on the Surface Water Management Plans prepared by SEEC (Project 11000115; Sheets SWMP01 to 08; dated July 2011). There shall be no revision to the site layout or works that will impact on water quality without the agreement of the Sydney Catchment Authority.

74. The quarry operation shall occur as described in the Environmental Impact Statement prepared by David Hogg Pty Ltd (dated February 2014).

75. The extent of the actual quarry boundary shall be clearly and permanently delineated on the ground by star pickets or posts.

Reason for Conditions 73 to 75 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Wastewater Management

76. No on-site wastewater management system shall be constructed on the site in conjunction with the quarry without the written approval of Council or the Sydney Catchment Authority.

Reason for Condition 78 – To ensure that inappropriate wastewater management system is not constructed on the site, and to ensure that any future system is appropriately designed to have a sustainable neutral or beneficial effect on water quality over the longer term.

Quarry Stormwater Management

77. All stormwater management measures as specified in Section 4.1 of the Water Cycle Management Study (dated 29 September 2011) and shown on the Surface Water Management Plans (Project 11000115; Sheets SWMP01 to 08; dated July 2011) both prepared by SEEC shall be implemented.

Reason for Condition 77 – To ensure that a stormwater management system is designed and managed that ensures a sustainable neutral or beneficial effect on water quality for the development as a whole over the longer term.

Operational Environmental Management Plan

78. The Operational Environmental Management Plan (OEMP) prepared by Malcolm McMullen (Revision dated 22 January 2008) shall be updated to incorporate information in the Water Cycle Management Study prepared by SEEC (dated 29 September 2011). The OEMP shall also include checklists for all standard operations.

Reason for Condition 80 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Access to the Quarry

79. The access road to the quarry shall be located as shown on the plan titled Intersection and Access Road General Arrangement (Drawing No. C11052-D001; dated 14 December 2013) prepared by Brown Consulting (ACT) Pty Ltd.

80. The access road shall be designed and constructed in accordance with the Intersection and Access Road Report prepared by Brown Consulting (ACT) Pty Ltd (Issue A; dated 16 December 2013) and the Water Cycle Management Study for Proposed New Access Road prepared by SEEC (Ref 14000060-WCMS-01; dated 7 May 2014).

81. There shall be no revision to the access road layout or works that will impact on water quality without the agreement of the Sydney Catchment Authority.

Reason for Conditions 79 to 81 - To ensure the access road and associated drainage works and water quality control measures have a minimal impact on water quality and can be maintained over the longer term.

Construction Activities

82. Effective erosion and sediment controls shall be installed as per the Surface Water Management Plans referred to in Condition 5 above prior to all construction works. The controls shall prevent sediment and contaminated water leaving the construction site or entering drains or watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

Reason for Condition 82 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

Department of Primary Industries
Office of Water

Contact: Tim Smith
Phone: 02 6229 7307
Fax: 02 6229 7301
Email: tim.smith@water.nsw.gov.au
Our ref: 40 ERM2014/0231
Our file: 9057874
Your ref: DA.2014.035

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621

Attention: Haydon Murdoch

7 May 2014

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA.2014.035
Description of proposed activity: Extractive Mining
Site location: Kings Highway, Mount Fairy

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).

- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.

- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

> "The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

With the proposal as presented a CAA will only be required for the undertaking of work for the establishment of Stages 3 and 5 and the subsequent extraction of sand. No CAA is required for Stages 1, 2, 4, and 6 of the proposal as outlined in the environmental review.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:
www.water.nsw.gov.au Water licensing › Approvals › Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Tim Smith
Senior Water Regulation Officer
Office of Water - Murray Basin South

General Terms of Approval

for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Our Reference:	40 ERM2014/0231	**File No:** 9057874
Site Address:	Kings Highway, Mount Fairy	
DA Number:	DA.2014.035	
LGA:	Palerang Council	

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA.2014.035 and provided by Council: (i) Site plan, map and/or surveys (ii) Vegetation Management Plan (iii) Works Schedule (iv) Erosion and Sediment Control Plan (v) Soil and Water Management Plan (vi) Rehabilitation Plan Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Our Reference:	40 ERM2014/0231	**File No:** 9057874
Site Address:	Kings Highway, Mount Fairy	
DA Number:	DA.2014.035	
LGA:	Palerang Council	

Number	Condition
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

Attachment 1: Principles for the use of biodiversity offsets in NSW

These principles have been developed by the Office of Environment and Heritage (OEH) to provide a useful framework when considering biodiversity impacts and appropriate offset requirements.

1. Impacts must be avoided first by using prevention and mitigation measures.

Offsets are then used to address the remaining impacts. This may include modifying the proposal to avoid an area of biodiversity value or putting in place measures to prevent offsite impacts.

2. All regulatory requirements must be met.

Offsets cannot be used to satisfy approvals or assessments under other legislation, such as assessment requirements for Aboriginal heritage sites and for pollution or other environmental impacts (unless specifically provided for by legislation or additional approvals).

3. Offsets must never reward ongoing poor performance.

Offset schemes should not encourage landholders to deliberately degrade or mismanage offset areas in order to increase the value from the offset.

4. Offsets will complement other government programs.

A range of tools is required to achieve the NSW Government's conservation objectives, including the establishment and management of new national parks, nature reserves, state conservation areas and regional parks, and incentives for private landholders.

5. Offsets must be underpinned by sound ecological principles.

They must:

- include the conservation of structure, function and compositional elements of biodiversity, including threatened species
- enhance biodiversity at a range of scales
- consider the conservation status of ecological communities
- ensure the long-term viability and functionality of biodiversity.

Biodiversity management actions, such as enhancement of existing habitat and securing and managing land of conservation value for biodiversity, can be suitable offsets. Reconstruction of ecological communities involves high risks and uncertainties for biodiversity outcomes and is generally less preferable than other management strategies, such as enhancing existing habitat.

6. Offsets should aim to result in a net improvement in biodiversity over time.

Enhancement of biodiversity in offset areas should be equal to or greater than the loss in biodiversity from the impact site.

Setting aside areas for biodiversity conservation without additional management or increased security is generally not sufficient to offset the loss of biodiversity. Factors to consider include protection of existing biodiversity (removal of threats), time-lag effects, and the uncertainties and risks associated with actions such as revegetation.

Offsets may include:

- enhancing habitat
- reconstructing habitat in strategic areas to link areas of conservation value
- increasing buffer zones around areas of conservation value
- removing threats by conservation agreements or reservation.