

FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2014/960

DATE: 25/06/2015

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Bago Quarry Noise and Vibration Impact Assessment for MA Roche Group Ptd Ltd	0213484 Final	ERM	October 2014
Bago Quarry Production Increase Air Quality Impact Assessment for Volcanic Resources	0213484	ERM	November 2014
Bago Quarry Production Increase Environmental Impact Statement	0213484	ERM	November 2014

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;

2. Appropriate dust control measures;

- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW EPA** - The General Terms of Approval, Reference DOC15/76408, EF13/3241 and dated (10 March 2015), are attached and form part of this consent.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A016) This consent does not override any requirements of the *Native Vegetation Act 2003* and/or the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (8) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (9) (A031) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (12) (A195) Lodgement of a security deposit with Council upon practical completion of public infrastructure works.
- (13) (A196) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to refund of associated bond securities. The copyright for all information supplied, shall be assigned to Council.
- (14) (A197) The maximum truck size permitted for material exported from the site shall be a 48.5T capacity truck and dog. A Section 96 modification to the DA (and modification to any VPA if required) shall first be approved by Council if larger trucks are sought to be used. Nothing in this condition allows the overloading of trucks above State or RMS regulations and conditions.
- (15) (A199) A truck management plan shall be implemented within 3 months of the date of this consent, to ensure all truck drivers comply with the conditions of consent as they relate to truck movements, including subcontractors. The plan shall include regular toolbox meetings to reinforce these requirements, and share lessons from recent incidents or concerns raised by the public or authorities. Drivers shall be equipped and encouraged to recognise and report hazards to the quarry operator.
- (16) (A200) The landowner shall comply with the provisions of any Voluntary Planning Agreement (VPA) with Council as they relate to:
 - a) A cash contribution per tonne of material exported from site,
 - b) Maintenance of the Council owned section of Milligans Road by the landowner and at no cost to Council, as detailed in the VPA.
- (17) (A201) Installation of a weighbridge structure and completion of all recommended mitigation measures shall occur within six (6) months of the date of determination of the DA consent, or prior to export of 30,000 tonnes since the date of determination, whichever occurs first. All material exported from the site upon installation shall be recorded by the weighbridge.
- (18) (A202) The landowner shall construct at no cost to Council a minimum two-coat seal along up to 300m of Milligans Road from the Bago Road intersection, or as agreed to by Council. Details shall comply with Council's

AUS-SPEC standards and shall be submitted to and approved by Council under a Roads Act (s138) application prior to commencement of works.

- (19) (A203) The landowner shall construct the following works to address safety concerns raised in the Road Safety Audit by TTM dated April 2014, and to meet Council standards, including AUSTROADS and AUS-SPEC. Details shall be submitted to and approved by Council under a Roads Act (s138) application prior to commencement of construction works. Separate s138 applications may be lodged for each item. All works shall be completed within the first twelve (12) months from the date of the consent. Alternatively Council may extend the timeframe for specific items by giving written permission, at the request of the landowner.
- a) Tree removal to enhance sight lines at the intersection of Bago Road and Milligans Road,
 - b) Increase width of minor leg of Bago Road and Milligans Road intersection (to allow two opposing truck movements to safely pass),
 - c) If required, minor widening of the Bago Road northbound lane on approach to the intersection to accommodate the swept path of a truck and dog turning into Milligans Road,
 - d) install signage and line-marking to T-intersection to AS 1742 (including black and white chevron backboard),
 - e) Install guideposts and/or safety barriers where required by AUSTROADS guidelines at the locations nominated in the Road Safety Audit at Item 3.3.1.
- (20) (A204) For the life of the development, the landowner shall provide to Council and members of the public (by way of newsletter and/or signage) and keep current a contact phone number for complaints or hazards to be reported to the quarry operator.
- (21) (A205) The Developer is to enter into and perform the provisions of the Bago Quarry Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 between Port Macquarie-Hastings Council ABN 11 236 901 601 of PO Box 84, Port Macquarie, New South Wales 2444 (Council) and Volcanic Resources Pty Ltd ABN 33 060 536 441 of 129 Milligans Road Herons Creek 2443 and Warren James Roche, Inez Marie Roche and Mark Andrew Roche of 129 Milligans Road, Heron's Creek NSW 2443.
- (22) (B060) Approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your

Construction Certificate number and property description to ensure your inspection is confirmed:

- a. at completion of installation of erosion control measures
- b. at completion of installation of traffic management works
- c. at the commencement of earthworks;
- d. when the sub-grade is exposed and prior to placing of pavement materials;
- e. at the completion of each pavement (sub base/base) layer;
- f. on completion of road gravelling or pavement;
- g. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D004) Survey marks, including permanent survey marks and reference marks, shall be retained, undamaged, and not relocated. Failure to comply with this condition may also be an offence under Section 24(1) of the Surveying and Spatial Information Act (2002).
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (5) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OPERATION EXTRACTION WORKS EXCEEDING 30,000 TONNE PER ANNUM

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E008) Payment to Council, prior to extraction of material above 30,000 tonnes a year of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (3) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (4) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The matching of new infrastructure into existing or future design infrastructure
- (6) (B063) Within six (6) months of granting of development consent a detailed site rehabilitation plan for rehabilitation of the site post the quarry ceasing operation shall be submitted to Council for approval.

F – OCCUPATION OF THE SITE

- (1) (F017) Materials stockpiles and handling areas shall be maintained in a condition that prevents wind blown or traffic generated dust.
- (2) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (3) (F195) The recommendations made to mitigate and manage noise emissions in Section 8 on pp 32-34 of the "Bago Quarry Noise and Vibration Impact Assessment" report dated October 2014 prepared by ERM shall be complied with in full.
- (4) (F196) The three (3) month compliance noise monitoring report shall be submitted to Council within forty (40) days of the compliance monitoring being completed.
- (5) (F197) The recommendations made to mitigate and manage air emissions in Section 7.5 on pp 47-48 of the "Bago Quarry Production Increase Air Quality Impact Assessment" report dated October 2014 prepared by ERM shall be complied with in full.
- (6) (F198) The large stockpiles recommended by ERM in sections 5.2.1 and 8.1 of the "Bago Quarry Noise and Vibration Impact Assessment" report dated October 2014 shall be stabilised by an appropriate means as soon as practicable after construction to minimise or prevent dust and particulate emissions.
- (7) Maintenance of Milligans Road shall only be undertaken during approved Quarry Operating Hours.