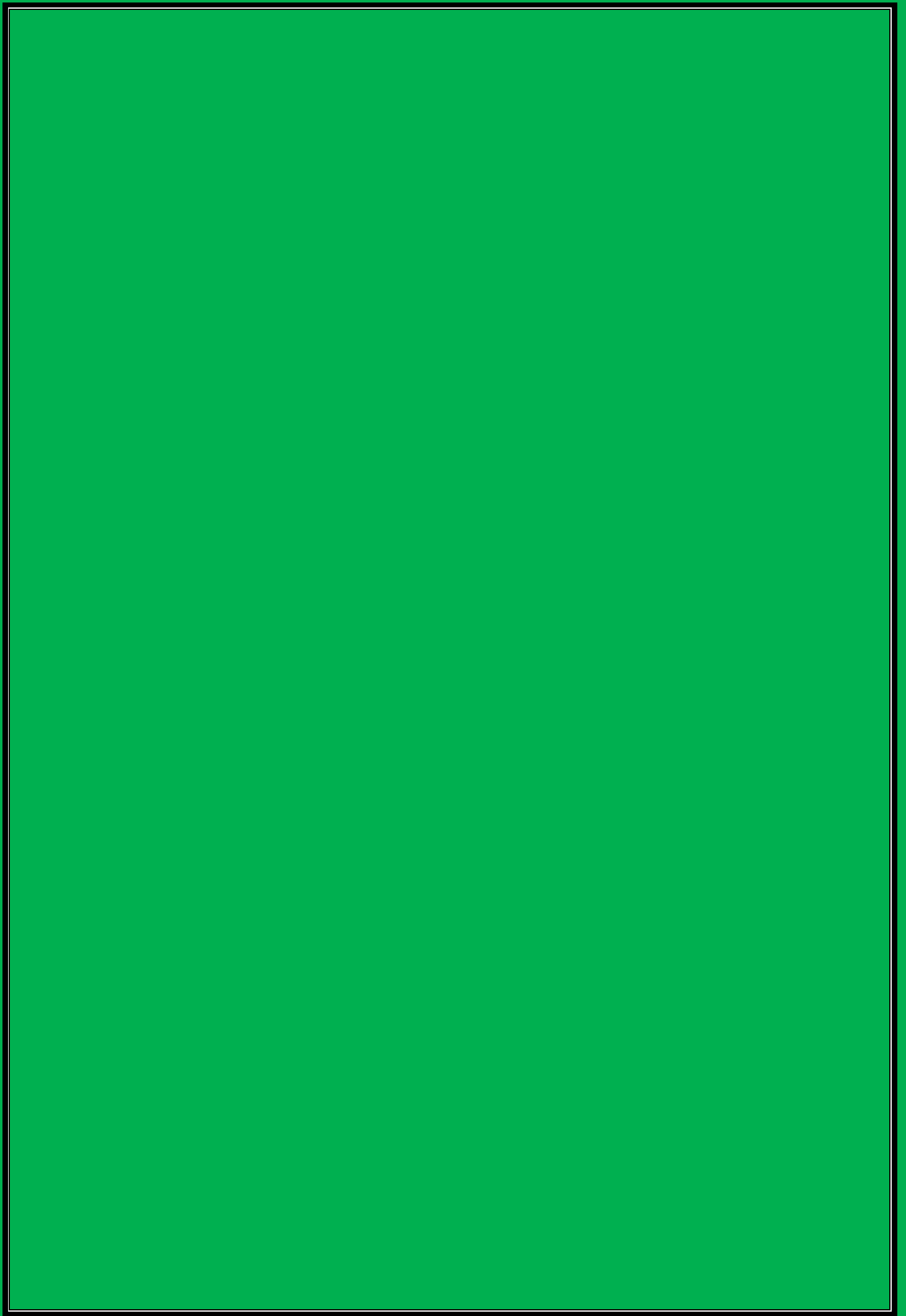


Council Assessment Report

2015STH009

Sand Quarry

Lot 1 DP456698 - 114 Currandooley Road, Lake George



JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2015STH009
DA Number	DA.2015.036
Local Government Area	Palerang
Proposed Development	Sand Extraction
Street Address	114 Currandooley Road, Lake George
Applicant/Owner	Applicant - Carnavalesca Pty Ltd Trading as Paragalli Sands
Number of Submissions	Departments – Eight Submissions
Regional Development Criteria (Schedule 4A of the Act)	Section 8 Particular designated development Development for the purposes of: (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <u>Environmental Planning and Assessment Regulation 2000</u> .
List of All Relevant s79C(1)(a) Matters	List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy No 44 – Koala Habitat Protection • State Environmental Planning Policy (Infrastructure) • Palerang Local Environmental Plan 2014 List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> • Yarrowlumla Development Control Plan - Rural Zones
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Environmental Impact Statement and Appendices, prepared by ngh environmental, dated February 2015 • Aboriginal Heritage Management Plan, prepared by Dr Julie Dibden, dated 14 June 2015 (Addendum response to OEH comments) • Addendum to EIS – SEPP No. 44 Koala Habitat Protection
Recommendation	Consent subject to the attached conditions
Report by	Haydon Murdoch

Assessment Report and Recommendation Cover Sheet

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2014.035 for a sand extraction quarry at Lots 50, 52, 183 and 196 DP754878 Lots 3 and 4 DP1160367, and Lot 31 DP1178883.		
FILE NO.	DA.2014.035	DIVISION	Planning & Environmental Services

Attachments

1. Aerial photograph
2. Proposed Conditions of Consent

Synopsis

Applicant: Carnavalesca Pty Ltd trading as Paragalli Sands

Owner: Dominic Osborne

Date lodged: 3 March 2015

Site Area: 184.64 Ha

Zoning: RU1 Primary Production (Palerang Local Environmental Plan 2014)

Recommendation

That Development Application DA.2015.036 for a Sand Extraction Quarry, on 1 DP456698 be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.

Report

Proposal description

The proposal seeks approval to undertake sand extraction on an area of approximately 25.38 Ha on Lot 1 DP456698. Specifically, the proposal includes:

- Extraction of a total volume of 1.2million tonnes of sand;
- An annual extraction rate of 21,000 cubic metres;
- Clearing of approximately 25.38 Ha of former pine plantation;
- Lowering the surface of the extraction site up to 3 metres;
- Truck movements between 7am and 7pm via the existing access road to the property to Tarago Road, then via the Kings Highway to Paragalli Sands' yard in Queanbeyan.
- Stockpile areas for the storage of material prior to being processed or transported from site.
- Screening operations with capacity to process 150 tonnes per day.
- Temporary demountable buildings or containers for use as a site office and workshops.
- Storage of general maintenance equipment, spare parts, oils (generally within 205 litre drums), fuels (likely to be in a 4000 litre self bunded tank) and diesel generators.
- Portable pump out toilet.
- Parking of plant and equipment.

The application will be undertaken using the following extraction method:

- Vegetation clearing or clearing of pine rubble at proposed excavation site. It is expected that between 1 and 2 hectares would be cleared at one time. Topsoil would be stockpiled for reuse during rehabilitation. Pine rubble would be pushed into windrows using either a front-end loader and/or excavator and stockpiled until extraction is finalised and rehabilitation takes place.
- Extraction of material (i.e. sand) by mechanical means (e.g. front-end loader and/or excavator) to 2 metres above groundwater level.
- Stockpiling of extracted material. Material would be stockpiled within the excavated pit or at a designated stockpile area.
- Transportation of stockpiled material to a centrally located on-site processing area for screening.
- Stockpiling of the processed material until transportation from the site for use in the residential and construction industry.

The application has indicated that blasting would not be required.

Extraction activities would be staged at a rate of approximately 2 hectares per year and would begin in the highest parts of the site (generally north-east) moving to the lower elevations through the life of quarry. The south-west corner of the site (which groundwater modelling shows to have the highest groundwater table) would be the last extraction area within the site.

Site description and location

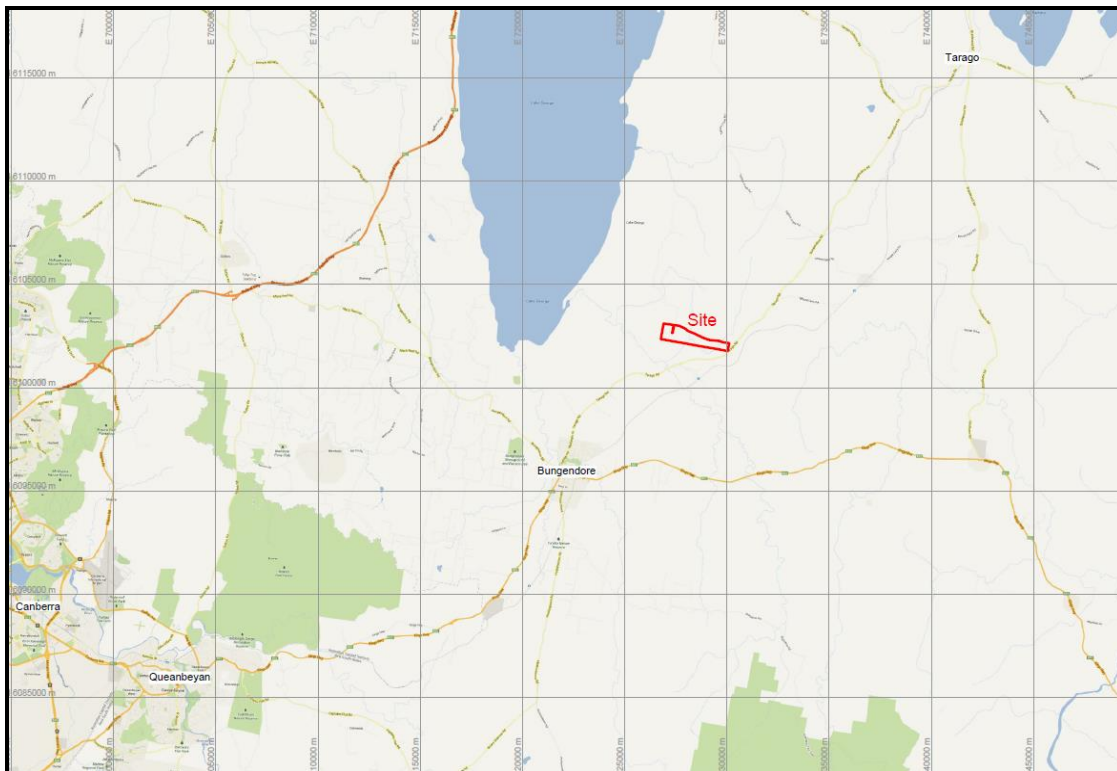
The site is located approximately 7 kilometres north-east of Bungendore along Tarago Road on Lot 1 DP456698, 114 Currandooley Road, Lake George. The allotment features a former pine plantation and Bridge Creek runs through the central western part of the site.

A strand of pine trees occurs along the western and southern boundaries of the proposal site and would be retained to assist in visually screening the proposed activities from Tarago Road.

Access to the proposal site is from Tarago Road via an existing access through the Capital Wind Farm Project.

Surrounding development is of a rural nature comprising of rural dwellings and detached structures on varying allotment sizes containing undulating slopes, drainage lines and dams and a mixture of grazing land, pine plantations and native vegetation. Another entity operates a sand quarry immediately to the north of the proposal site (Council reference D101/96) and was approved to extract up to 30,000 cubic metres per annum (no longer in operation). There are also two sand quarries in operation to the south of the site along Tarago Road.

Location plan



Consent authority

Assessment

Section 77A - Designated development

19 Extractive industries

- (1) *Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):*
- (a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
 - (b) that disturb or will disturb a total surface area of more than 2 hectares of land by:*
 - (i) clearing or excavating, or*
 - (ii) constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) storing or depositing overburden, extractive material or tailings, or*
 - (c) that are located:*

- (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
 - (ii) within 200 metres of a coastline, or
 - (iii) in an area of contaminated soil or acid sulphate soil, or
 - (iv) on land that slopes at more than 18 degrees to the horizontal, or
 - (v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or
 - (vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.
- (2) This clause does not apply to:
- (a) extractive industries on land to which the following environmental planning instruments apply:
 - (i) Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme,
 - (ii) Western Division Regional Environmental Plan No 1—Extractive Industries, or
 - (b) maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, provided that:
 - (i) the extracted material does not include contaminated soil or acid sulphate soil, and
 - (ii) any dredging operations do not remove any seagrass or native vegetation, and
 - (iii) there has been no other dredging within 500 metres during the past 5 years, or
 - (c) extractive industries undertaken in accordance with a plan of management (such as river, estuary, land or water management plans), provided that:
 - (i) the plan is prepared in accordance with guidelines approved by the Director-General and includes consideration of cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies, approved by a public authority and adopted by the consent authority and reviewed every 5 years, and
 - (ii) less than 1,000 cubic metres of extractive material is removed from any potential extraction site that is specifically described in the plan, or
 - (d) the excavation of contaminated soil for treatment at another site, or
 - (e) artificial waterbodies, contaminated soil treatment works, turf farms, or waste management facilities or works, specifically referred to elsewhere in this Schedule, or
 - (f) development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent, or
 - (g) maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, but only if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Director-General and published in the Gazette, as amended by the Director-General from time to time by publication of an amended Protocol in the Gazette.

The development application was lodged with Council on 3 March 2015. Council put the application on public exhibition and notification of the application was undertaken in accordance with Section 79 of the EP&A Act as follows:

- The application publicly exhibited for a period of not less than 30 days (32 days) commencing on the day after the notice of the application was first published in the local newspaper (25 March 2015 - Braidwood Times & Bungendore Mirror). The application was exhibited at the Palerang Council offices in Braidwood and Bungendore, the Joint Regional Planning Panel office in Sydney and the NSW Department of Planning office in Queanbeyan.
- All relevant State Government Agencies and other interested bodies were notified in accordance with clause 77 of the EP&A Regulation;
- Written notice of the application was undertaken in accordance with clause 78 of the EP&A Regulation to persons who own the land adjoining the land to which the development application relates and to other persons who own land which could be detrimentally affected if the designated development is carried out (108 properties in total);
- A notice of the application was exhibited in accordance with clause 79 of the EP&A Regulation on the land to which the application relates;

- A notice of the application was published in accordance with clause 80 of the EP&A Regulation in a newspaper circulating in the locality on two separate occasions (Braidwood Times & Bungendore Mirror);

No submissions were received.

The proposal was referred to the following State Agencies:

- Roads and Maritime Services (response received)
- NSW Office of Water (response received)
- NSW Office of Environment & Heritage (response received)
- NSW Rural Fire Service (response received)
- NSW Department of Primary Industries (response received)
- NSW Trade and Investment – Crown Lands (response received)
- NSW Trade and Investment – Division of Resource and Energy (response received)
- Environmental Protection Authority (response received)
- South East Local Land Services (no response received)
- NSW Department of Planning & Infrastructure (no response received)
- Water NSW (no response received)
- Queanbeyan City Council (no response received)
- Goulburn Mulwaree Council (no response received)

Responses received are discussed below.

Integrated Development

The development is classified as Integrated Development under Section 91 of the EP&A Act because it requires the following additional approvals:

Protection of the Environment Operations Act 1997 - The proposed extraction has the capacity of processing 150 tonnes per day, which is the threshold for consideration as scheduled development, as listed in *Schedule 1 of the Protection of the Environment Operations Act*. The application is therefore Integrated Development in accordance with Section 91 of the EP&A Act. The application was referred to the NSW Environmental Protection Authority and General Terms of Approval were received on 23 April 2015.

National Parks and Wildlife Act 1974 - The proposed extraction area proposes to disturb known Aboriginal artefacts and as a result is Integrated Development in accordance with Section 91 of the EP&A Act. Additional information was requested on 14 April 2015. The applicant responded to the additional information request on 13 July 2015. A response was received from OEH on 14 July 2015 issuing their General Terms of Approval and satisfaction with the EIS and additional information.

The development does not require any other additional approvals as follows:

Water Management Act 2000 - The development has provided a 40m buffer area from the named creek through property and does not require any water use approval, water management work approval or activity approval under Part 3 of Chapter 3.

Fisheries Management Act 1994 - The development does not include a fishery and will not be located within any waters that are within the limits of the State.

Heritage Act 1977 – An interim heritage order or listing on the State Heritage Register does not apply to a place, building, work, relic, moveable object, precinct, or land on the site.

Mine Subsidence Compensation Act 1961 – The development does not include improvements within a mine subsidence district or to subdivide land therein.

Mining Act 1992 – The development does not involve mining of the site.

Petroleum (Onshore) Act 1991 – The proposed development does not include any works which would require a petroleum title.

Rural Fires Act 1997 – The proposed development does not require authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety because it does not involve subdivision and is not classified as a special fire protection purpose.

Roads Act 1993 – The development application is not integrated development approval under section 138 of the Roads Act 1993 from NSW RMS. However, concurrence is required to be obtained from the NSW RMS before any consent is granted.

Section 94 contribution plans

The development application was referred to Council's Development Engineer, who calculated the relevant Section 94 contributions payable for the development.

P 7.6.1 Extractive Industries and Landfilling (and other intensive truck haulage developments)

Where haulage is over existing roads Section 94 contributions will be charged based on applying the following formula previously adopted by Council (Reference – paper prepared by Cr J. Maclachlan, dated 11 Feb 92).

$$\text{Charge per m}^3 \text{ km} = \frac{\frac{C}{R_{DL}} \times \frac{1.5}{1}}{P} \quad \text{- EQN (5)}$$

or

$$\text{Charge per tonne km} = \frac{C}{P \times R_{DL}} \quad \text{- EQN (6)}$$

Where	C	=	Estimated cost to provide existing pavement
	R_{DL}	=	Existing pavement design capacity in ESAs
	m^3	=	cubic metres of payload
	t	=	tonnes of payload
	P	=	payload(t)/ESA (use 5.25 for 3 axle heavy trucks; 6.75 for articulated vehicles)

Note: The formulae are a mathematical representation of the cost of the impact of the haulage of each t or m^3 of payload caused to a pavement with a particular design life and replacement cost.

The formulae involves dividing the assessed cost of the replacement of the existing pavement travelled by haulage trucks by the assessed design life of the existing payment to give the value per ESA of the pavement.

The passing of each ESA 'consumes' this dollar amount which the S94 charge seeks to recover.

The payload in tonnes is converted to ESAs by dividing by 5.25 recognising that an ESA is based on a single standard axle with dual wheels supporting a legal load of 8.2t and the payload on this single standard axle is approximately 5.25t. Different payloads/ESA apply for different axle configurations.

A conversion factor of $1m^3$ to 1.5 tonne is used, although measurement in tonnes is preferred as the conversion factor from m^3 is affected by moisture content.

From the above formulas, the calculated s.94 rate is:

Tarago Rd type 7 (as per YDCP)	C	\$ 215,000	per km	
	L	6.2	km	
	Rdl	1.1×10^6		
	P	4.444	articulated vehicle rate used	
$\text{Charge per m}^3 \text{ km} = \frac{C}{R_{DL}} \times \frac{1.5}{1} - \text{EQN (5)}$				
	\$ charge/m ³ /km	\$ 0.0660		
	or			
	\$ charge/t/km	\$ 0.044		

These rates are based on costs as at March 1994 when the Plan was originally prepared. The amount payable are required to be adjusted in accordance with subclause P7.6.11 to account for increases in the Road Cost Index to the current date.

Contribution Plan	Base Contrib.	Inflation to 2015/16	Current Contrib.
Yarrowlumla Plan No.2 Provision of Access Roads	m ³ /km rate 6.60¢	*108.87%	13.69¢
Or, alternate rate is:			
Yarrowlumla Plan No.2 Provision of Access Roads	Tonne/km rate 4.4¢	*108.87%	9.13¢

* RTA RCI Index applicable for 2015/16

Indicative annual s.94 charge:

At the extraction rate of 21 000m³ as per the EIS, the annual s.94 charge would be in the order of:

$$21\,000\text{m}^3 \times \$0.1369 \times 6.5\text{km} = \$18\,687$$

Section 64 contribution plans

Section 64 contributions are not required for the proposed development.

Assessment

79B(3)b Is the development likely to significantly affect a threatened species, population, or ecological community, or its habitat

An Ecological Assessment was undertaken on site by a suitably qualified person and was lodged with the development application. The ecological assessment concluded that the areas affected by the proposed works contain limited habitat features that would support threatened species or ecological communities.

79BA Consultation and development consent—certain bush fire prone land

The subject site is classified as bushfire prone. Under section 79BA of the EP&A Act, development consent cannot be granted for the proposed development unless the consent

authority is satisfied that the development conforms to the specifications and requirements of the document entitled *Planning for Bush Fire Protection 2006* (PBP).

Subject to the recommended conditions of consent, the proposed development is assessed as conforming with the relevant clauses of PBP as outlined in the following table:

Clause	Comment
Aim of PBP	
<i>The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.</i>	The proposed development is considered to be consistent with this aim because the operations and infrastructure associated with the development will minimise the bushfire threat on the property and surrounding properties.
Objectives of PBP	
<i>(i) afford occupants of any building adequate protection from exposure to a bush fire;</i>	The proposed moveable site buildings are considered to be capable of being sited in suitable locations to establish adequate protection from the exposure to bushfire.
<i>(ii) provide for a defensible space to be located around buildings;</i>	Given the nature of the development and the associated extraction process, the moveable site buildings are able to be sited so as to establish a defensible space.
<i>(iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;</i>	Subject to the conditions of consent the moveable buildings associated with the extraction processes will be located to provide appropriate separation from hazards.
<i>(iv) ensure that safe operational access and egress for emergency service personnel and residents is available;</i>	Adequate access roads have/will be provided as they have been designed to accommodate heavy vehicles and these will enable fire trucks to turn around within the site.
<i>(v) provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and</i>	The nature of the development will ensure ongoing management and maintenance of the area around the moveable site building.
<i>(vi) ensure that utility services are adequate to meet the needs of fire fighters (and others assisting in bush fire fighting).</i>	The sediment control ponds and the water tank attached to the moveable buildings will ensure adequate utility services are provided for bushfire fighting.
3.1 Bush Fire Protection Measures	
<i>a) The provision of clear separation of buildings and bush fire hazards, in the form of fuel-reduced APZ (and their subsets, inner and outer protection areas and defensible space);</i>	The operation of the quarry will allow suitable locations for the site's moveable buildings. It is considered that the placement of these building will create clear separation from bush fire hazards.

Clause	Comment
<i>b) Construction standards and design;</i>	As the moveable site buildings are able to be relocated around the site throughout the operation processes and because they are not habitable buildings, it is considered that the buildings are not required to be upgraded to comply with <i>Planning for Bushfire Code 2006</i> .
<i>c) Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation;</i>	Appropriate access is proposed having regard to widths and turning areas.
<i>d) Adequate water supply and pressure;</i>	The site is not serviced by a reticulated water supply. However the sediment control ponds and attached water tank ensure adequate water supply is provided for bushfire fighting.
<i>e) Emergency management arrangements for fire protection and/or evacuation; and</i>	An emergency evacuation plan will be prepared and enforced on site (recommended condition of consent).
<i>f) Suitable landscaping, to limit fire spreading to a building.</i>	Operating works and landscaping being established will limit the likelihood of fire spreading to the moveable site buildings.

Assessment

Section 79C(1)(a)(i) the provisions of any environmental planning instrument

State environmental planning policies (SEPPs)

SEPP No. 33 - Hazardous and Offensive Development

Clause 8 of the SEPP states:

"In determining whether a development is:

(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or

(b) an offensive storage establishment, offensive industry or other potentially offensive industry,

consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development."

The proposed sand extraction does not propose to use or produce any potentially hazardous or offensive substances other than diesel fuel (up to 4000 L). The 4000 L quantity of diesel is below the screening threshold of 10 tonnes applied in Table 3: General Screening Threshold Quantities for Class 1.3 substances within the *Hazardous and Offensive Development Application Guidelines*. As such SEPP 33 does not apply to the proposal because it is not classified as a potentially hazardous or offensive industry.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Under Part 2, Section 7 (development permissible with consent), Clause 3 (extractive industry), the proposed development is permissible with consent as it involves an extractive industry on land which development for the purpose of agriculture or industry may be carried out.

The following provisions of SEPP (Mining, Petroleum Production and Extractive Industries) 2007 are considered relevant to assessment of the proposal:

Clause	Comment
Part 3 Development Application – Matters for consideration	
12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses	
<p><i>Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:</i></p> <p><i>(a) consider:</i></p> <p><i>(i) the existing uses and approved uses of land in the vicinity of the development, and</i></p> <p><i>(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</i></p> <p><i>(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</i></p>	<p>The site is a former pine plantation. The sand extraction would occur on land previously used for exotic timber production which will be progressively rehabilitated to native vegetation or agricultural grazing. Therefore, the proposed use is consistent with the existing uses on the site and will not detract from preferred land uses within the area.</p> <p>The extraction area borders a property to the north that has been previously used as a pine plantation and sand extraction area. The development is located 1.3km from the closest residence. These distances together with the existing vegetation around the extraction area and the topography of the land will minimise any incompatibility with other land uses within the area.</p>
<p><i>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and</i></p>	<p>The development will be of public benefit compared with the alternate use of the extractive site for the uses listed above. Given the current state of the extraction area is a clearfelled pine plantation and the site once extracted will be rehabilitated to native vegetation or agricultural grazing conditions, it is considered the proposal will have a positive public benefit.</p>
<p><i>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).</i></p>	<p>Given the current use and proposed potential use of the extraction site once operations have concluded, there will be no impact of the site's compatibility with the surrounding area.</p>
13 Compatibility of proposed development with mining, petroleum production or extractive industry	
<p><i>(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:</i></p> <p><i>(a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or</i></p> <p><i>(b) identified on a map (being a map that is approved and signed by the Minister and copies of which are</i></p>	<p>The application is in the vicinity of an extractive industry which was previously undertaken on part of an adjoining site.</p>

Clause	Comment
<i>deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</i>	
<p>(2) Before determining an application to which this clause applies, the consent authority must:</p> <p>(a) consider:</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</p>	<p>The site is located within an area where there are multiple approved and existing uses. Uses include:</p> <ul style="list-style-type: none"> - Capital Wind Farm (multiple north west) - Capital Solar Farm(3.5km approx. north east) - Previous Extractive Industry (adjoining site to the north, approx. 3km west and approx. 5.5km south); - Former and existing pine plantations (north and south); - Agriculture <p>The extractive industry is considered to be compatible with the existing uses within close proximity to the site and will not have a significant impact on current or future extraction of minerals.</p>
<i>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and</i>	It is considered that the proposal will be of public benefit in terms of providing alternative economic resource choice of bricklayers' sand to local and regional markets.
<i>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).</i>	There are no measures considered warranted or proposed. However, the existing row of pine trees along the southern boundary of the site will provide screening to minimise any potential impacts.
14 Natural resource management and environmental management	
<p>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:</p> <p>(a) that impacts on significant water resources, including surface and</p>	<p>The application has demonstrated that the proposed works and management procedures will be undertaken in a manner that would ensure that impacts on water resources, threatened species and biodiversity are minimised to the greatest extent practicable. Furthermore, responses have been received from SCA, NSW Office of Water and OEH recommending conditions that will ensure minimal impacts having regard to Clause 1, (a), (b), (c).</p>

Clause	Comment
<p><i>groundwater resources, are avoided, or are minimised to the greatest extent practicable,</i></p> <p><i>(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,</i></p> <p><i>(c) that greenhouse gas emissions are minimised to the greatest extent practicable.</i></p>	
<p><i>(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.</i></p>	<p>The EIS (section 6.9) has assessed greenhouse gas emissions and air quality. The EIS has proposed to minimise greenhouse gas emissions by implementing measures including:</p> <ul style="list-style-type: none"> - Ensuring machinery is properly maintained - Vehicles and machinery would not be left idling when not in use - The works would be planned to ensure the appropriate use of machinery to maximise efficiency. <p>These measures combined with the rehabilitation measures and plan will ensure minimal impact in terms of increased carbon emissions from this source.</p>
15 Resource recovery	
<p><i>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.</i></p> <p><i>(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.</i></p> <p><i>(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.</i></p>	<p>Section 6.10 within the EIS demonstrates the proposal's ability to minimise waste and therefore the efficiency of the extractive industry. All material extracted is to be sold or used to rehabilitate the site. Any trees or other green waste removed during extraction would be mulched and used on revegetated areas (other than those areas where native vegetation is to be later planted). Topsoil would be set aside for reuse in rehabilitation. Topsoil considered to have a high weed seed load may be disposed of offsite or treated on site prior to reuse. Supernatant from sediment basins would be reused on site for rehabilitation works. All other waste would be recycled or reused where possible or transported from the site to an appropriately licenced waste facility. The recommended conditions of consent optimise and reinforce the development commitment to recover and reuse materials and minimise waste.</p>
16 Transport	
<p><i>(1) Before granting consent for development for the purposes of mining</i></p>	<p>A suitable traffic movement statement has been provided within section 6.8 of the EIS. It is proposed</p>

Clause	Comment
<p><i>or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:</i></p> <p><i>(a) require that some or all of the transport of materials in connection with the development is not to be by public road,</i></p> <p><i>(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,</i></p> <p><i>(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.</i></p>	<p>that the destination for the sand extracted from the site would be the Paragalli Haulage depot in the Queanbeyan industrial area via Tarago Road, Kings Highway and Yass Road. The proposed delivery route to Queanbeyan is along a high standard, state controlled roads.</p> <p>Subject to conditions of consent truck movements will be restricted to the route detailed above. No trucks will be permitted on local roads within the Palerang Council local government area.</p>
<p><i>(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:</i></p> <p><i>(a) each roads authority for the road, and</i></p> <p><i>(b) the Roads and Traffic Authority (if it is not a roads authority for the road).</i></p> <p>Note. Section 7 of the <u>Roads Act 1993</u> specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.</p> <p><i>(3) The consent authority:</i></p> <p><i>(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and</i></p> <p><i>(b) must provide them with a copy of the determination.</i></p>	<p>The development involves transport of materials on Tarago Road, the Kings Highway and public roads within the Queanbeyan City local government area (as discussed above).</p> <p>The application was referred to the NSW RMS who did not object to the application subject to the attached conditions.</p> <p>Consultation was also undertaken with Queanbeyan City Council and no response was received.</p> <p>A copy of the determination will be forwarded to the RMS within 21 days of the date of determination.</p>
17 Rehabilitation	
<p><i>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the</i></p>	<p>Section 3.2.5 includes a recommendation for the preparation of an Environmental Management and Rehabilitation Plan outlining the way in which the site will be rehabilitated to encourage the natural regeneration of the site to native forest or to allow agricultural use at the conclusion of the proposed</p>

Clause	Comment
<p>development.</p> <p>(2) In particular, the consent authority must consider whether conditions of the consent should:</p> <p>(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</p> <p>(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or</p> <p>(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the <u>Contaminated Land Management Act 1997</u>), or</p> <p>(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</p>	<p>works.</p> <p>The recommended conditions of consent will ensure the regeneration plan is undertaken and reflect the requirements with section 17 (2).</p>

SEPP No. 55 – Remediation of Land

Clause	Comment
7 Contamination and remediation to be considered in determining development application	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>The areas affected by the extractive procedures to be undertaken as part of the development have not been subject to contamination. The site has only been used for pine plantation, agricultural land or to support native vegetation. Rehabilitation of the site will be conditioned to ensure the site returns to a native or agricultural state. SEPP 55 is considered not to apply.</p>

SEPP No. 44 - Koala Habitat Protection

The following provisions of SEPP No. 44 - Koala Habitat Protection are considered relevant to assessment of the proposal:

Clause	Comment
7 Step 1—Is the land potential koala habitat?	
<p>(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.</p> <p>(2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.</p> <p>(3) If the council is satisfied:</p> <p>(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or</p> <p>(b) that the land is a potential koala habitat, it must comply with clause 8.</p>	<p>A Biodiversity Assessment was prepared by <i>ngh environmental</i> and submitted as part of the EIS and supplementary information specifically relating to koala habitat was provided by <i>Groundwork plus</i> in August 2015.</p> <p>The assessment found that the site contained seven regrowth <i>Eucalyptus viminalis</i> trees (potential koala feed trees) but does not support potential koala habitat as defined in the SEPP.</p>

Local Environmental Plans

The proposed quarry and the proposed access road extension are located wholly within areas of the site zoned RU1 Primary Production. The proposal is considered against the relevant provisions of the PLEP below.

Objective	Comment
1.2 Aims of Plan	
<p>(1) This Plan aims to make local environmental planning provisions for land in Palerang in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</p> <p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</p> <p>(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</p> <p>(c) to retain, protect and encourage sustainable primary industry and commerce,</p> <p>(d) to ensure the orderly, innovative and appropriate use of resources in</p>	<p>The development application meets the aims of the PLEP 2014.</p> <p>The application has demonstrated through the relevant reports that there will be minimal impacts on the economic, environmental, social and cultural resources and prospects of the Palerang community. Appropriate approvals have been sought in conjunction with the development application to ensure any impacts are appropriate.</p> <p>The sand quarry does not place any unreasonable demands on public services or facilities. Section 94 contributions have been conditioned to ensure the increase of traffic generated by the development offsets any potential impacts.</p> <p>The development is an effective reuse of former</p>

Objective	Comment
<p><i>Palerang through the effective application of the principles of ecologically sustainable development, (e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></p> <p><i>(f) to identify, protect and provide areas used for community health and recreational activities,</i></p> <p><i>(g) to ensure that innovative environmental design is encouraged in residential development.</i></p>	<p>commercially timbered land. The development ensures ongoing primary industry use of the site.</p> <p>The development application has considered the principles of ecological sustainable development.</p> <p>The application has demonstrated minimal impacts on wetlands, watercourses and water quality. The biodiversity assessment demonstrated minimal impacts on biodiversity and habitat corridors.</p> <p>The development is not located on a site identified for community health and recreational activities.</p>
Zone RU1 Primary Production – Objectives of zone	
<ul style="list-style-type: none"> <i>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> <i>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> <i>• To minimise the fragmentation and alienation of resource lands.</i> <i>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> <i>• To minimise the impact of any development on the natural environment.</i> <i>• To ensure that development does not unreasonably increase the demand for public services or facilities.</i> 	<p>The proposal is for the development of a primary industry (quarrying) to extract sand. The quarry would exist amongst agricultural industry, and infrastructure to support the renewable energy industry. A small patch of forestry is located immediately north of the site.</p> <p>The extractive area is located on land previously used for a pine plantation. The location of the extraction area identified within the submitted plans, demonstrate that no agricultural land in the surrounding area is to be impacted. Remediation works proposed will result in the extraction area being recovered for possible future agricultural or environmental land uses.</p> <p>The proposal would not fragment or alienate resource lands. The proposal area is located within an already fragmented site which has been highly modified by its former use as a pine plantation.</p> <p>Land uses adjoining the zone include agriculture, forestry and a former sand quarry. It is therefore considered that there will be no impacts on adjoining land uses. The development site is approximately 2.0km from the nearest zone (E3 Environmental Management) to the west.</p> <p>The development is located on a site previously used as a pine plantation. The site was clearfelled with no replanting undertaken; the site is now predominately regrowth of pines. As such, it is considered that the development does not detract from existing natural environment.</p>

Objective	Comment
	<p>The development proposes no additional impacts on existing public services and facilities other than those able to be offset by Section 94 Contributions (any additional traffic generated by the proposal).</p>
<p>5.9 Preservation of trees or vegetation</p> <p><i>(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</i></p> <p><i>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</i></p> <p>Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.</p>	<p>The <i>Palerang Development Control Plan 2015</i> (PDCP) prescribes the vegetation types that are affected by this clause. The PDCP was came into force on 21 May 2015. Section A16 within the PDCP requires, 'Any development application lodged before the commencement of this DCP will be assessed in accordance with any previous DCP, or other Council policy which applied at the time of development application lodgement'.</p> <p>The development application was lodged on 3 March 2015 whilst the Yarrowlumla Development Control Plan (Rural Zones) was in force. There was no vegetation prescribed by the Yarrowlumla Development Control Plan.</p> <p>However the development is considered to maintain the objective of Clause 5.9. The Biodiversity Assessment outlines that there will be no loss of significant biodiversity values from the development.</p>
<p>6.1 Earthworks</p> <p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(2) Development consent is required for earthworks unless:</i></p> <p><i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p><i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p>	<p>The extractive industry process and the initial setup of the operation involves extensive earthworks. The EIS has proposed suitable measures to ensure any earthworks undertaken on the site will not result in the degradation of surrounding lands. However, in accordance with 6.1(2) (b) earthworks is permitted without consent if ancillary to development for which development consent has been given.</p>
<p>6.3 Terrestrial biodiversity</p> <p><i>(1) The objective of this clause is to maintain terrestrial biodiversity by:</i></p> <p><i>(a) protecting native fauna and flora,</i></p>	<p>The development site is identified as "Biodiversity" on the Terrestrial Biodiversity Map. The EIS has demonstrated that the development is capable of meeting the objectives of Clause 6.3.</p>

Objective	Comment
<p>and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. (2) This clause applies to land identified as “Biodiversity” on the <u>Terrestrial Biodiversity Map</u>. (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have: (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The EIS was submitted with a Biodiversity Assessment, prepared by <i>ngh environmental</i>. The Biodiversity Assessment concluded that there would be no significant loss to biodiversity values on the site or surrounds. The site is a previous pine plantation and the extractive area has been designed to ensure the clearing of native vegetation is avoided. Regardless, conditions are recommended to ensure that any vegetation and habitat removal is undertaken by a qualified person.</p>
<p>6.5 Riparian land and watercourses (1) The objective of this clause is to protect and maintain the following: (a) water quality within watercourses,</p>	<p>The development site is identified as having “Riparian Land” on the Riparian Lands and Watercourses Map. The development site contains a named creek running south of the extractive site. The extractive site also</p>

Objective	Comment
<p><i>(b) the stability of the bed and banks of watercourses,</i></p> <p><i>(c) aquatic and riparian habitats,</i></p> <p><i>(d) ecological processes within watercourses and riparian areas.</i></p> <p><i>(2) This clause applies to all of the following:</i></p> <p><i>(a) land identified as “Riparian land” on the <u>Riparian Lands and Watercourses Map</u>,</i></p> <p><i>(b) land identified as “Watercourse” on that map,</i></p> <p><i>(c) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.</i></p> <p><i>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:</i></p> <p><i>(a) whether or not the development is likely to have any adverse impact on the following:</i></p> <p><i>(i) the water quality and flows within the watercourse,</i></p> <p><i>(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,</i></p> <p><i>(iii) the stability of the bed and banks of the watercourse,</i></p> <p><i>(iv) the free passage of fish and other aquatic organisms within or along the watercourse,</i></p> <p><i>(v) any future rehabilitation of the watercourse and riparian areas, and</i></p> <p><i>(b) whether or not the development is likely to increase water extraction from the watercourse, and</i></p> <p><i>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	<p>contains a drainage line running through the middle of the site into the named creek.</p> <p>The EIS has proposed to provide a 40m buffer from the drainage line running through the extractive site and has demonstrated minimal impacts (subject to the measures recommended in the Surface Water Quality Impacts Assessment, prepared by Sustainability Workshop) on the named creek to the south.</p> <p>The development will not impact on water quality and flows within the watercourse, aquatic and riparian species and habitats.</p>

Objective	Comment

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority;

No draft environmental planning instruments are relevant to this application.

Section 79C(1)(a)(iii) any development control plan;

As noted above the Yarrowlumla Development Control Plan Rural Zones (although repealed) continues to be relevant because of the savings provisions in the Palerang DCP 2015. The proposal is considered against the relevant clauses of the Yarrowlumla Development Control Plan Rural Zones in the following tables:

Aims and Objectives	Comment
Clause 1.5 - Aims of the Plan	
<i>This DCP aims to:</i>	
<i>a) highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to proposed development;</i>	The EIS has made proper consideration of the environmental constraints and servicing requirements for the development. These considerations are consistent with the Secretary's Environmental Assessment Requirements.
<i>b) provide guidance to landholders for the protection of biodiversity values within the Shire;</i>	The EIS has been accompanied with a Biodiversity Assessment. The assessment found no significant biodiversity values on the site.
<i>c) establish criteria to be applied which will determine the allotment density achievable in any area with regard to the subdivision of land; and</i>	No subdivision is proposed.
<i>c) allow for public participation in the determination of development proposals.</i>	The application was advertised and notified in accordance with the EPA Regulations. No submissions were received.

Section 79C(1)(a)(iii)(a) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates;

Conditions have been included within the recommended conditions of consent regarding compliance with the erection of signs and shoring of adjoining property, to satisfy Clauses 98A, and 98E of the EP&A Regulation 2000.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality;

Access and Traffic

The application proposes to utilise an existing access road on to Tarago Road. As such the application was required to be referred to the NSW RMS who did not object to the application subject to the entrance being constructed in accordance with RMS standards.

The standard of the proposed access is considered to be a suitable standard having considered the average vehicle movement rates generated by the proposal. As such the development is not considered to adversely affect the condition of Tarago Road.

Surface and Groundwater

The Surface Water Quality Impact Assessment prepared by Sustainability Workshop was lodged with the application. The assessment concluded from a surface water quality perspective the development is minor in nature. Subject to the attached conditions of consent the likely impacts on surface water will be minimal.

The application was referred to the NSW Office of Water. The NSW Office of Water raised concerns regarding the distance between the extractive area and ground water. Additional information was supplied by the applicant addressing NSW Office of Waters concerns. The NSW Office of Water did not object to the development subject to conditions of consent to minimise any potential impacts.

Noise

Predicted noise and vibration levels were supplied within the EIS to address potential impacts on the surrounding properties in the area. As the nearest adjoining property not included within the proposal is 1.3 km away it is considered that noise and vibration impacts will be minimal. Conditions to this effect are included within the recommended schedule of conditions of consent to ensure any dwellings located nearby on adjoining properties are not impacted by the development.

Flora and Fauna

A Biodiversity Assessment prepared by *ngh environmental* was submitted as part of the development application. The assessment identified areas which have significant endangered flora and fauna values. The assessment concluded as a result of the proposed works it would be unlikely that threatened flora and fauna or habitat would be destroyed or impacted upon.

Visual Amenity

The extraction area is located a minimum of 1.3 km from the nearest sensitive receiver. The development site has established pine trees along the southern boundary of the site and cannot be seen from Tarago Road. To the north of the site are undulating hill sides and scattered vegetation. The distance together with the existing vegetation around the extraction area and access track, and the topography of the land, minimises any potential impacts on the visual amenity of the surrounding area.

Heritage

The development site contains identified Aboriginal heritage sites. The EIS was accompanied with an Aboriginal Cultural Heritage Assessment Report (Dr Julie Dibden, dated 12 January 2015) and an Aboriginal Heritage Management Plan (Dr Julie Dibden, dated 14 June 2015). The

application was also Integrated Development under Section 91 of the *EP&A Act* with the Office of Environment and Heritage. The Office of Environment and Heritage did not object to the development, subject to the attached conditions.

Dust

The nearest property to the west is about 1.3 km away, together with shielding by topography and vegetation, would be more than adequate to ensure that neighbouring properties will not be affected by dust.

Section 79C(1)(c) the suitability of the site for the development;

As assessed above, subject to the inclusion of the recommended conditions of consent, the site of the proposed sand extraction has been assessed as being suitable because the proposal will not result in any significant impacts on the natural, social or economic environments.

Section 79C(1)(d) any submissions made in accordance with the Act or Regulations;

Notification

The application was notified in accordance with the requirements of the *EP&A Regulation 2000*. No submissions were received.

Development Engineer

The proposed development was referred to Council's Development Engineer for assessment of the proposed access and internal road to the extractive industry. The response received indicated that the proposed access would comply with the relevant Austroads standards subject to the implementation of the recommended conditions of consent.

NSW Office of Environment & Heritage

The application was referred to the NSW Office of Environment & Heritage under section 91 of the *EP&A Regulation 2000*. Additional information was requested on 14 April 2015. The applicant responded to the additional information request on 13 July 2015. A response was received from OEH on 14 July 2015 issuing their General Terms of Approval and indicating satisfaction with the EIS and additional information.

NSW Roads and Maritime Services

The application was referred to the NSW RMS because the application seeks approval to connect an access road on to Tarago Road. The RMS responded on the 31 July 2015 stating they have no objections with the development subject to the attached conditions.

NSW Office of Water

The application was notified to the NSW Office of Water under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. The NSW Office of Water requested additional information in regards to the distance to the water table. Additional information was provided and NSW Office Water did not object to the development, subject to the attached conditions of consent.

NSW Department of Primary Industries

The application was referred to the NSW Department of Primary Industries under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. A response was received from Fisheries NSW, a division of NSW Department of Primary Industries indicating that there is no objection to the development, subject to the attached condition.

NSW Trade and Investment (Crown Lands)

The application was referred to NSW Trade and Investment (Crown Lands) under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. A response was received detailing satisfaction with the EIS and recommended conditions of consent. Some of the conditions that were recommended have been included within the schedule of conditions.

Department of Industry & Investment

The application was referred to the NSW Department of Primary Industry & Investment under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. A response was received detailing satisfaction with the EIS.

NSW Rural Fire Service

The application was referred to the NSW Rural Fire Service Industries under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. A response was received detailing no objection and recommended conditions of consent.

NSW Department of Planning and Infrastructure

The application was referred to the NSW Department of Planning and Infrastructure under section 77 of the *EP&A Regulation 2000* as an authority which may have an interest in the development. No response was received.

Section 79C(1)(e) the public interest

As discussed above and subject to the recommended conditions of consent; it is not considered that the proposed development would be contrary to the public interest because potential impacts on the natural, social and economic environments are considered to be minimal, with appropriate measures to be implemented during the construction and operation process to mitigate against any negative impacts.

Conclusion

The application has been assessed in accordance with the *EP&A Act* and the relevant Environmental Planning Instruments and Development Control Plans.

It is considered that, subject to the implementation of the recommended conditions of consent, the development can be operated in a manner that would avoid significant impact on the locality having regard to the natural, social and economic environments.

Recommendation

Recommended that Development Application DA.2015.036 for a Sand Extraction Quarry, on Lot 1 DP456698, 114 Currandooley Road, Lake George be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.

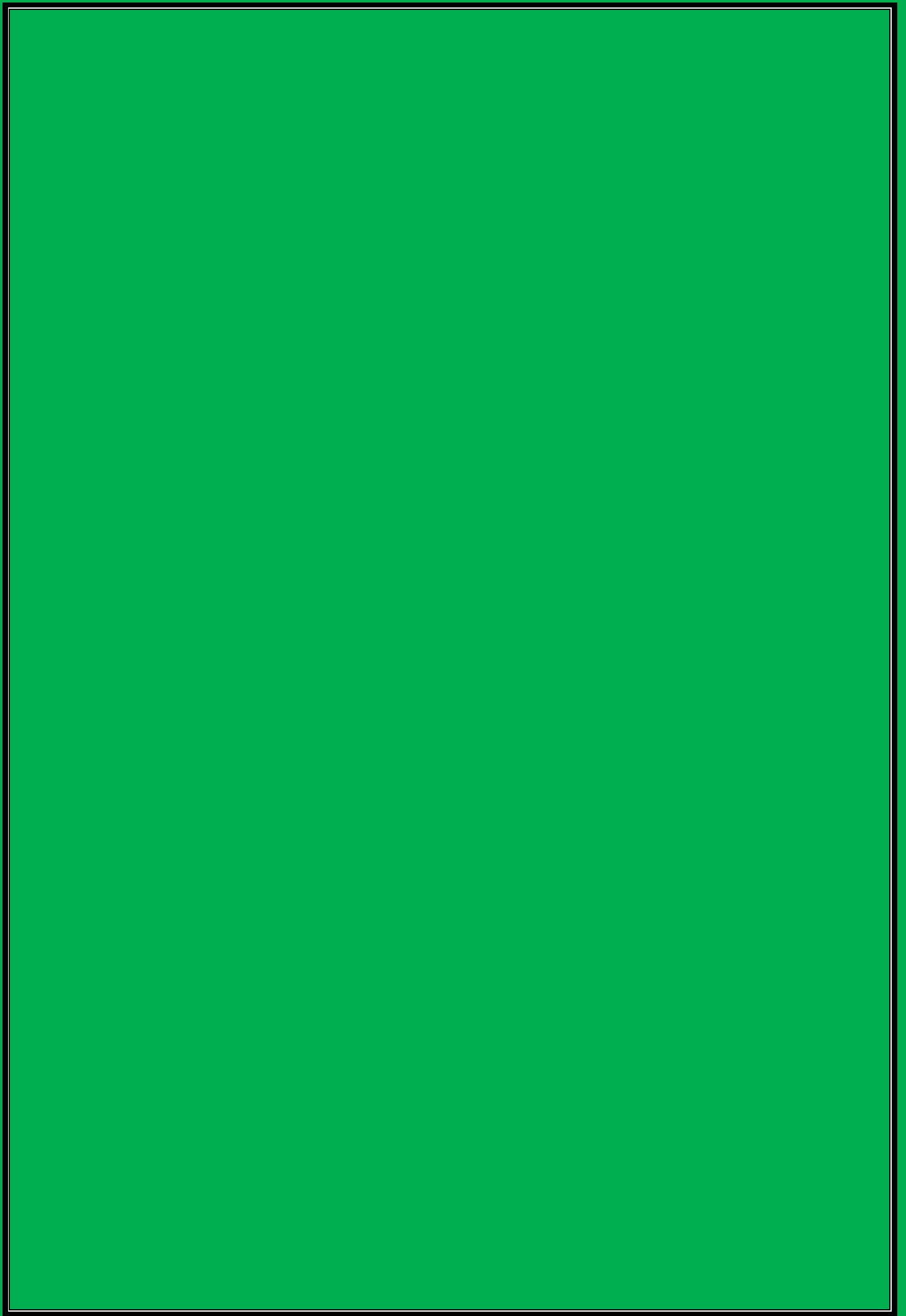
Attachment 1

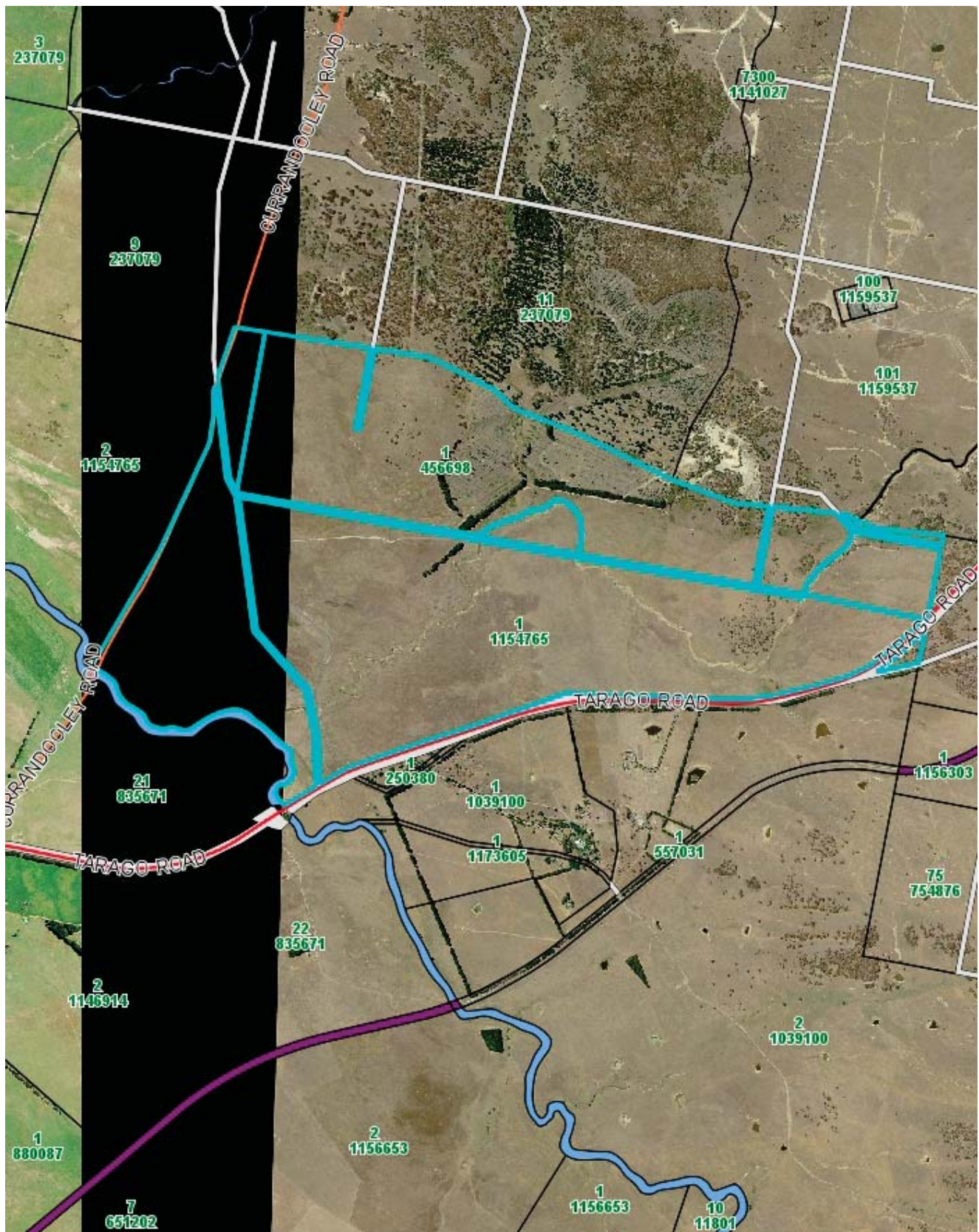
Air Photo

2015STH009

Sand Quarry

Lot 1 DP456698 - 114 Currandooley Road, Lake George





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Drawn By: John Wright

Projection: GDA94 / MGA zone 55

Date: 16/09/2015 10:58 AM

Attachment 1 DA.2015.036

Map Scale: 1:25000 at A4

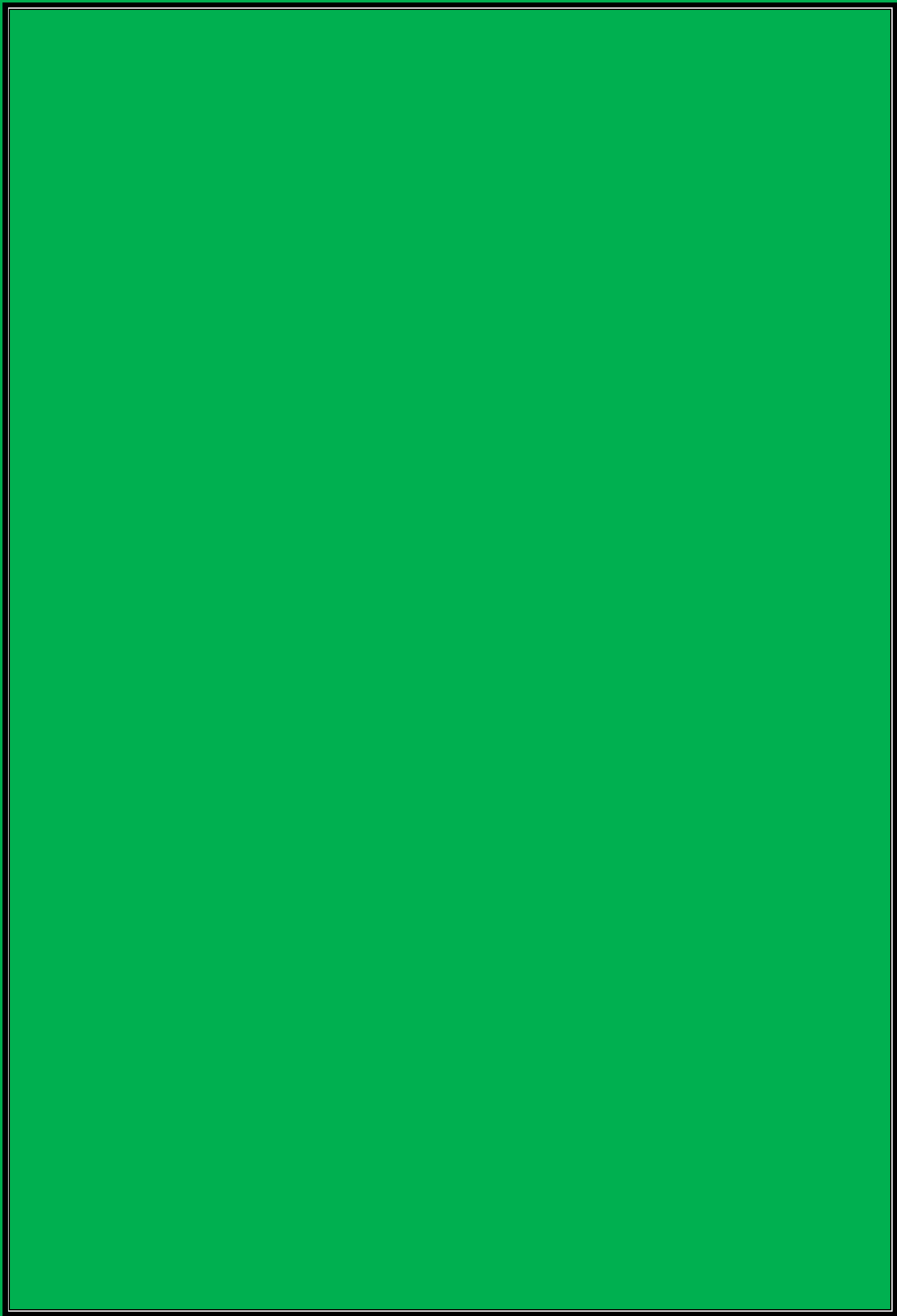


Schedule of Conditions

2015STH009

Sand Quarry

Lot 1 DP456698 - 114 Currandooley Road, Lake George



SCHEDULE OF CONDITIONS
Development Consent DA.2014.036

Right of Carriageway

1. Create a covenant by way of a section 88B instrument, under the *Conveyancing Act 1919*, providing rights of carriageway of 10 metres width, or as approved by Palerang Council, to contain all road formation and associated drainage works over Lot 1 DP115476.

The alignment of the rights of carriageway shall be determined after the design of the internal road has been certified as satisfying Council's specifications in accordance with Conditions 36 and 39. Palerang Council shall have the sole power to vary or remove the required covenant.

Reason: To ensure coinciding legal and physical access to the lot(s) benefitted.

2. No extractive materials are to be transported from the site until the internal access road utilising the right of carriageway over Lot 50 DP 754878 and new intersection with Tarago Road has been fully constructed in accordance with the NSW Roads and Maritime Services conditions.

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

Approved development

3. The development is to be carried out strictly in accordance with the following plans and reports, except as otherwise provided by the conditions of this consent.
 - Environment Impact Statement (ngh environmental, dated February 2015)
 - Conceptual Site Layout Plan, drawing no. 1704.009 (Goundwork Plus, dated 16 December 2014)
 - Aboriginal Cultural Heritage Assessment Report (Dr Julie Dibden, dated 12 January 2015)
 - Aboriginal Heritage Management Plan (Dr Julie Dibden, dated 14 June 2015)
 - Exploration Program Summary and JORC Resource Statement (Goundwork Plus, dated October 2014)
 - Biodiversity Assessment (ngh environmental, dated February 2015)
 - Surface Water Quality Impact Assessment (Sustainability Workshop, dated February 2015)
 - Groundwater Assessment (Martens Consulting Engineers, dated December 2014)
 - Addendum to EIS Surface Water Management (Groundworks, dated 26 May 2015)
 - Traffic and Transport Study (Bega Duo Designs, dated July 2014)
 - Environmental Noise Assessment (

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

Limits on Approval

4. No more than 21,000 cubic metres a year shall be extracted and transported from the development. The proponent shall provide details to Council on an annual basis of actual quantities of materials that have been extracted and transported.

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

Site identification

5. Prior to undertaking any site establishment construction works:
 - a. A registered land surveyor is to be engaged to mark out the boundaries of the approved limits of extraction;
 - b. These boundaries are to be clearly marked at all times in a permanent manner that allows operation

Reason: The site is managed in a safe manner.

6. 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;
 - a. the development application number,
 - b. name, address and telephone number of the principal certifying authority,
 - c. name of the principal contractor (if any) and 24 hour contact telephone number, and
 - d. a statement that "unauthorised entry to the work site is prohibited".

Reason: The site is managed in a safe manner.

Monitoring of development boundaries

7. As part of the Operational Management Plan, the operator is required to submit a survey of the extraction sites to Council from the date of commencement every 3 years for the duration of extraction and until the rehabilitation of the sites is achieved.

Reason: To ensure areas outside the site are protected.

Operations and establishment of development

8. The extraction operation shall be undertaken in accordance with 3.2 within the EIS.

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

Noise Control

9. Noise generated at the project is not to exceed 40dB(A) Leq(15min) at any residence or approved residence on privately owned land or no more than 25 per cent of any privately owned land not owned or controlled by the Proponent.

Plans to be kept on site

10. 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

11. All operations are to be undertaken in accordance with the Environmental Impact Statement (ngh environmental) and Paragali Sands Quarry and Pit Management and Operation Plan (Paragalli Sands).

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

12. All construction and preparation work at the premises must only be conducted between 7:00am and 7:00pm Monday to Saturday and at no time on Sundays and public holidays, unless inaudible at any residential premises not owned or controlled by the Proponent.
13. Activities at the premises, other than construction work, may only be carried on between 7:00am and 7:00pm Monday to Saturday and at no time on Sundays and public holidays.

Reason: Minimise impacts on any surrounding dwellings.

Operational Environmental Management Plan

14. In addition to the *Paragali Sands Quarry and Pit Management and Operation Plan (Paragalli Sands)*, the proponent is to prepare an Operational Environmental Management Plan (OEMP), to the satisfaction of the Principal Certifying Authority, which includes:-

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

The OEMP shall be updated annually and each year the Proponent shall submit a copy of the annual results to Council and relevant public agencies which are to be made available on Council's web site for the information of local residents.

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

Evacuation and Emergency Management

15. 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* to the satisfaction of Council.

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

Vehicle Movements

16. Other than when on the development site or access road, all vehicles associated with the transportation of extractive materials from the site shall remain on Tarago Road and the Kings Highway when within the Palerang Local Government Area.

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

Road Haulage dust and debris

17. All loaded vehicles entering or leaving the site are to be covered to prevent the escape of dust and debris. Measures shall be taken to the satisfaction of Council to prevent mud from being tracked onto Tarago Road and the Kings Highway.

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

Vehicle access

18. Vehicle access to the quarry is to be taken from the new entrance to the property from Tarago Road.

Prior to the extraction of any material from the site, the Tarago Road entrance is to be constructed in accordance with the NSW RMS conditions (Conditions 79-83).

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

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

Waste Management

20. All waste materials other than waste spoil 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

21. 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. All measures are to be approved by the principal certifying authority.

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

Construction standard

22. 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.

ENGINEERING CONDITIONS

Design requirements

Design standard:

23. 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.
24. 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.

25. 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 s.138 approval.

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;
 - Passing bays shall be shown on plans and longitudinal sections if compliance with section 4.1.3(2) of Planning for Bush Fire Protection 2006 is required elsewhere in this consent;
 - A typical cross section showing longitudinal drainage structures;
 - A typical cross section showing road widening if compliance with section 4.1.3(2) of Planning for Bush Fire Protection 2006 is required elsewhere in this consent;
 - An erosion and sediment control plan including control details;
 - Line of sight diagrams in both road directions at each property access showing that safe intersection sight distance (or safe stopping distance as a minimum) is being achieved.
26. 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 (conditions 23-26): To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Pavement design

27. Provide a detailed 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 roads and is to be shown on typical cross sections in the design drawings.
28. Provide a detailed pavement design, conforming to the procedures set out in Aus-Spec #1, i.e. Chapter D2. The design must be based on site-existing subgrade CBR information along the routes of all proposed roads and the relevant road type design ESA's with a 25 year design life. The pavement structure and design parameters are to be shown in longitudinal and sectional view in the design drawings and to incorporate a design of its intersection with the major road.
29. All road pavement work is to be sealed with Double/Double 14/7 sprayed bitumen surfacing.
30. Design reinforced concrete pavements for roundabouts and roundabout approaches to current RMS/RTA Guidelines.

Reason (conditions 27-30): To ensure that roads are designed to cater for the traffics generated by the development.

Intersection of Currandooley Road and Tarago Road

31. The intersection location shall be assessed as to compliance with the provision of Safe Intersection Sight Distance (SISD) and Minimum Gap Sight Distance (MGSD) as determined by reference to Austroads "Guide to Road Design Parts 4 and 4A", including RTA Supplements. The Applicant is to undertake an assessment of the proposed locations and this assessment is to be submitted at time of application for S.138 Approval.
32. Applicant is to identify any earthworks necessary to provide sight lines. This is to be provided in conjunction with the Engineering S.138 Application.
33. Design the intersection to the standards of a Type BAL/BAR turn configuration to Austroads "Guide to Road Design Part 4A.as set out in Austroads and RMS Supplements. The intersection including any lane widening and tapers, must cater for the loargest vehicle proposed to access the site and are to be designed as a sealed road pavement and the branch road as a sealed pavement (both double/double 14/7) for at least 50m from the outer sealed pavement edge of the through road.
34. If required, design the cross-road drainage pipe culvert conveying stormwater flows along the public road, to the applicable drainage design frequency as specified in Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances.. Calculations to be submitted in conjunction with the S.138 application for civil works.

Reason (conditions 31-34):To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Road Signage and Traffic Control Devices

35. Design roads and intersections with road signage and traffic control devices to Austroads (and RMS supplements) and RMS requirements. Submit traffic control details to the principal certifying authority prior to issue of a s.138 approval.

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

Internal Roads:

36. Design the private internal access road and drainage structures between the end of the public road (Currandooley Road), 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 **Type 2 roads**, give particular attention to erosion and sediment control in drains and at culverts. 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 a this class of road**, however road location(s), longitudinal grades and stream crossings are to be shown at a minimum. Any crossings of a prescribed stream are to be referred to Department of Environment and Climate Change and Water (DECCW), and Water NSW, for a licence or permit.
38. Roads are also to be designed to the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2]. Alternative access road is not required in this case.
39. When constructing **Type 2 roads** refer to the Specification/s or Road Standards referenced, and give particular attention to erosion and sediment control in drains and

at culverts. Base course gravel where unsealed is to be erosion resistant and conform to the specification for unsealed road pavements. More detailed construction drawings are required for this road and are to include:

- General arrangement of the proposed road and features within the alignment such as contours of the existing topography, streams, trees (whether to be removed or retained) and grading extents
- Longitudinal section,
- Typical and detailed Cross sections at 20m centres
- Location and details of culverts
- Sufficient notes to the constructor describing pertinent instructions from this consent
- Rural Infrastructure within the works site and intent for these assets are to be shown at a minimum.
- Any crossings of prescribed streams are to be referred to Department of Environment and Climate Change and Water (DECCW), and Water NSW, for a licence or permit.

Reason (condition 36-39): To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

Stormwater Design

40. Any works being considered to upgrade any crossings of prescribed streams are to be referred to Department of Environment and Climate Change and Water (DECCW), and Water NSW, for a licence or permit. This approval must be obtained prior to any works being undertaken and must be submitted (if applicable), with the S.138 application.
41. All stormwater design is to comply generally to Yarrowlumla Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances.
42. 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 (conditions 40-42): Stormwater disposal does not impact on the building, verge or neighbouring properties.

Designers and Contractors

43. 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.

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

Design drawings – civil works

44. 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 s.138 approval.

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.
 - Road Plan and Long Section Views – illustrating road geometry and control lines.
 - Typical Sections and Road Cross Sections including locations of underground services (including subsoil drains)
 - Traffic Control Devices – illustrating new pavement markings and signs and/or removal/eradication of existing lines and signs.
 - An erosion and sediment control plan including control details;
45. Drawings are to be provided in A3 sheets in hard (3 copies) and autocad file. Engineering design drawings, and supporting information to AUS-SPEC #1 standards as amended by Council are required for all proposed works. These drawings shall include proposed lot boundaries and road widening where needed, and are to be approved by the appointed Certifier before a s.138 approval will be issued.
46. 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 (conditions 44-46): To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Approved development and drawings

47. The development referred to in the application is to be carried out in accordance with the S.138 approval approved drawings except as modified by any conditions of consent.

Reason: To ensure that the development is undertaken in accordance with the s.138 approval

Drawings to be Kept on Site

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

Reason: To ensure that relevant documentation is available for perusal on site by a council officer, for compliance check.

Pre-construction requirements

Principal certifying authority – civil works

49. Appoint a Principal Certifying Authority to inspect works 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, when lodging your S.138 Application.

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

Section 138 consent (s.138)

50. The Contractor **MUST** obtain consent under section 138 of the Roads Act 1993 from Palerang Council before any work is undertaken within the public road reserves. A Security Bond as identified in the Security Deposit section, is to be lodged with the s.138 Application.
51. Contractors or others proposing to carry out works on a public road shall be experienced and pre-qualified to Council's and/or have NSW Roads and Maritime Services accreditation.

Reason (conditions 50-51): To ensure that works carried out comply with the Roads Act.

Erosion Control

52. An Erosion and Sediment Control Plan (ESCP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to any works 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.
53. 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 as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the site.

Reason (conditions 52-53): To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

Construction Management

54. A Construction Management Plan (CMP) 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 construction activities and temporary traffic management in accordance with Roads and Maritime Services requirements.

Reason: To minimise risk to road users and to ensure public safety.

Civil works construction requirements

Damage to any Infrastructure:

55. Any infrastructure (public or private) that is damaged during construction within the road reserves 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

56. All civil works relating to the Section 138 works are to be completed in accordance with all Development Approval Conditions of Consent, prior to the export of product from the property.

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

Construction Standard

57. Civil works are to be constructed to Aus-Spec #1 Development Specification Series, Construction as amended by Council, Austroads Road Design Guides (including RTA supplements), Water Services Association of Australia Sewer and Water Codes (WSA-02

& WSA-03), and relevant Australian Standards and/or as amended by these conditions of Consent.

58. Construction work is to be carried out by contractors who are experienced in civil construction works 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 (conditions 57-58): To ensure the development is undertaken to comply with Council's standards.

Site Revegetation

59. 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: To prevent soil erosion, water pollution and the discharge of sediment on surrounding land.

Dust Suppression

60. Respond to Council's direction to provide dust suppression on roads leading to, adjacent to and within the worksite 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 Currandooley Road and Tarago Road

61. Roadworks shall be constructed to the specifications as set out in AusSPEC # 1 Technical Specifications for Subdivisions –Part B2, as amended by Palerang Council.
62. Construct the intersection to the standards of a Type BAL left turn configuration and a Type BAR right turn configuration to Austroads "Guide to Road Design Part 4A.as set out in Austroads and RMS Supplements. The intersection including any lane widening and tapers, are to be designed as a sealed road pavement and the branch road as a sealed pavement (both double/double 14/7) for at least 50m from the outer sealed pavement edge of the through road.
63. Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for adjustments to any road, water supply, sewer or stormwater infrastructure, which may be required to meet designed finished surface levels to match new construction.
64. Provide road signage and pavement marking as appropriate for the development and as required to comply with AS1742.

Reason (conditions 61-64): To ensure that road and pedestrian facilities meet the requirements of the traffic generated by the development and meets current accessibility requirements.

Traffic Control Devices

65. Provide road signage and pavement marking as appropriate for the development and as required to comply with AS1742.

Reason: To provide a safe and legible street network and suitable driver instruction within the street network.

Internal Roadways (Rural):

66. Construct/upgrade as necessary the internal road and drainage structures between the end of Currandooley Road and the extraction site, 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.

67. When constructing **Type 2 roads** give particular attention to erosion and sediment control in drains and at culverts. 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.
68. The internal road is to be constructed to comply and be maintained in perpetuity to provide the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2], particularly in respect of minimum carriageway pavement width (4 metres), passing bays, minimum vertical clearance of 4 metres to overhanging obstructions, minimum curve radii and maximum gradients.
69. Bitumen seal the pavement of a Type 1 road 14/7 double / double, where grades of erosion-resistant gravels exceed 15%, or within 50 metres of the near edge of any existing building envelopes or dwelling facade on adjacent properties.

Reason (condition 66-69): Roads created allow for environmental protection and requirements for bushfire planning.

Stormwater

70. 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: To ensure that stormwater disposal does not impact on the building or neighbouring properties.

Inspection and Test Plans:

71. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works relating to external and internal roadworks, excluding any operational works within the extraction site. Witness points shall be signed off by the Site Superintendent or other person nominated to do so in the Project Quality Plan:

- Installation of sediment and erosion control devices;
- Culvert location and installation including preparation of base, bedding and backfill;
- Subgrade preparation prior to placement of pavement materials;
- Pavement pavement materials and construction prior to bitumen sealing;
- Bitumen sealing;
- Traffic control devices;
- 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. Successful and completed inspections are mandatory prior to issue of a subdivision certificate.

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

Works as - executed Drawings:

72. Provide one A3 copy, one electronic PDF copy and one electronic copy in AutoCAD format (dwg/dxf (MGA) to GDA94 UTM Zone 55), of all works as-executed drawings to Palerang Council, clearly recording 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 ensure compliance of the works with the terms of the development consent and quality control requirements.

Certification of completed works

73. 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.

Bonds & Security Deposits

Defects Liability Roads

74. A defects liability period of 6 months will apply from the date of practical completion of all works on public roads (including pavement, entrances, drainage, re-vegetation and erosion control). The date of practical completion shall be the date as identified in writing by Palerang Council.

Lodge a \$8000 bond with Palerang Council for the works to provide for repair of defective or inadequate work within the road reserve. When paying this bond please quote account code GLBondRdWks.

Reason: To cover Palerang Council's costs of repair any defects that are not repaired by the applicant.

Security Deposit - Damage to Public Assets

75. Pay the following Security Deposit/s, prior to commencement of any works:

Construction Activity	GST Applicable	Fee 2015/16 \$
Rural areas - developments involving delivery of construction materials or machine excavation	No	500.00
Inspection prior to bond release (if Council not PCA)	No	199.50 Fee

When paying security deposit please quote account code **GLBondRdWks** or for the inspection fee **GLDevinspect**.

Reason: To cover Palerang Council's costs of repair of any damage that is not properly rectified by the applicant.

Contributions

Section 94 Contributions – Roads (YSC)

76. The Applicant at the close of each quarter shall submit to Council a declaration indicating exactly the amount of material (in cubic metres) extracted for that quarter. Nil extraction quantities for the quarter shall also be submitted.
77. The quantity of material is to be proven by survey carried out by a Registered Surveyor annually from the date of approval and submitted to Council. In default, Council may enter the property to survey the development site, with all costs being borne by the Applicant.
78. Pay Palerang Council **\$0.0913 per m³ (or \$0.1369 per tonne) of extracted material per km travelled on Tarago Road**, from Currandooley Road to Kings Highway, Bungendore, (or distance on other Palerang Council roads to a State Road, if applicable), towards the maintenance and asset costs of Council Roads in accordance with Yarralumla Section 94 Plan No. 2.
Payments are to be made at quarterly intervals, the rate being adjusted annually for each financial year, subject to annual indexation on 1 July based on the previous March quarter of the RMS (RTA) Roads Cost Index. **Please ensure that RA35541 is quoted with each payment statement and DA.2015.036 is included in the reference.**

Advice: This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Reason (conditions 76-78): Appropriate provision for the increased maintenance and road asset life reduction of public roads, resulting from the traffic loading generated by this development. .

NSW RMS

79. Prior to the commencement of works, the developer must obtain Section 138 consent under the Roads Act, 1993 from Council for all works on Tarago Road.
80. Only one access point to Tarago Road from the subject property will be permitted. All existing vehicular access points to Tarago Road must be physically closed by fencing and revegetating the access.
81. Prior to any occupation, the developer must upgrade the junction of the proposed access and Tarago Road to be a sealed Type BAL left turn together with a sealed Type BAR right turn configuration in accordance with Austroads *Guide to Road Design- Part 4a: Unsignalised and Signalised Intersections*, catering for the largest vehicle accessing the site. The access must be sealed a minimum distance of 20m back from the edge of seal.
82. 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 must be completed prior to occupation.
83. Prior to occupation, the developer must obtain formal notification from Council that the works on Tarago Road were designed and constructed to Council's satisfaction.

Reason (conditions 79-83): To ensure safe egress and access to the site from Tarago Road.

NSW RFS

Asset Protection Zones

84. To allow for emergency service personnel and occupants to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around all buildings.

85. At the commencement of building works and in perpetuity a 10m asset protection zone shall be provided around all buildings as outlined within 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'.

Reason (conditions 84-85): To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat

Water and Utilities

86. Water, electricity and gas are to comply with the requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Access

87. Property access roads shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006* with the exception that an alternate access road is not required.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

Landscaping

88. Any proposed landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

NSW Office of Water

89. The proponent must develop / revise a Groundwater Management Plan in consultation with the NSW Office of Water. The plan is to provide an ongoing measure of groundwater levels below the operational areas to ensure the maintenance of a minimum buffer of 2 meters above excavation/extraction sites.

Reason: To ensure groundwater is below the 2 meter buffer as indicated in the EIS.

NSW Department of Primary Industries (Fisheries)

90. The proponent must apply for and obtain a Part 7 permit for dredging/reclamation under the FM Act from Fisheries NSW **prior to any works on site**. Permit application forms are available from the Fisheries NSW website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>. **(Please note that a Fisheries permit is not required if a Controlled Activity Approval (CAA) has been or will be obtained from the NSW Office of Water)**
91. All works conform to and are consistent with the Environmental Impact Statement (EIS) by NGH Environmental dated December 2014, in particular all safeguards and mitigation measures as outlined in section 6.2.5.
92. Environmental safeguards (e.g. silt curtains, sediment fences, booms etc.) are to be installed and maintained throughout the proposal in accordance with "*Managing Urban Stormwater: Soils and Construction*" (4th Edition Landcom, 2004, aka the Blue Book) to ensure that there is no escape of turbid plumes into the adjacent aquatic environment.
93. Spill kits suitable for the containment of fuel and oil spills must be kept on site.
94. Fisheries NSW (1800 043 536) is to be immediately notified of any fish kills in the vicinity of the works. In such cases, all works other than emergency response procedures are to cease until the issue is rectified and written approval to proceed is provided by Fisheries NSW.

Reason (conditions 90-94): To ensure fish habitat is maintained.

NSW Trade & Investment (Crown Lands)

95. Any development or works including the extension of utilities to service the development will require a separate development application be lodged. Such application will require an Application for Landowner's Consent to the lodgement of a Development Application with respect to Crown Lands.
96. Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the NSW Trade & Investment-Crown Lands authorising such work or occupation.
97. No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown land.
98. No materials are permitted to be dumped or stored on Crown land.
99. The development is to be conducted with minimal environmental disturbance to the Crown land and is to avoid the removal or damage of any native trees located within the subject Crown lands.
100. Public access on the Crown land is retained and not restricted on and along the Crown land.
101. Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown Land.
102. No construction is to be undertaken on the Crown Road. If construction is required to service the development the developer can apply to close and purchase the Crown Road without guarantee or alternatively the road may be transferred to Palerang Council's control through the road transfer process.

NSW Office of Environment and Heritage

ATTACHMENT A - General Terms of Approval for DA.2015.036

Administrative conditions

Information supplied to OEH

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

- the integrated development application DA.2015.036 submitted to Palerang Council on 3 March 2015 and received by OEH on 30 March 2015;
- the Environmental Impact Statement prepared by nghenvironmental, dated February 2015, relating to the Paragalli Sands Bungendore Quarry development;
- the final Aboriginal Cultural Heritage Assessment Report titled: *Paragalli Sands Bungendore Quarry, 114 Currandooley Road, Lake George, via Bungendore NSW: Aboriginal Cultural Heritage Assessment Report*, dated 12 January 2015 and received by OEH on 30 March 2015; and
- the final Aboriginal Heritage Management Plan titled: *Paragalli Sands Bungendore Quarry, 114 Currandooley Road, Lake George, via Bungendore NSW: Aboriginal Heritage Management Plan*, dated 13 July 2015.

Aboriginal cultural heritage conditions

- No harm can occur to any Aboriginal objects within the development area unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by OEH.
- The applicant must comply with the conditions of any AHIP that is issued by OEH.
- The applicant must ensure that all persons involved in actions or works covered by an AHIP (whether employees, contractors, sub-contractors, agents and invitees) are made aware of, and comply with, the conditions of any AHIP.
- The Aboriginal Heritage Management Procedures outlined within the Aboriginal Heritage Management Plan (AHMP), dated 13 July 2015, must be complied with, including;
 - a) The establishment and protection of an Aboriginal Heritage Conservation Zone, as part of the 40 metre setback waterway zones in the project area;
 - b) The salvage of the *Aboriginal object locale: Bridge Creek SU3/L1* under the conditions of any AHIP issued for the development area;
 - c) The management of any unidentified Aboriginal objects and/or Aboriginal burials, as outlined in the AHMP;
 - d) The provision of Aboriginal Heritage Induction for all site workers and contractors; and
 - e) The continued consultation with OEH and the Registered Aboriginal Parties as required.

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Administrative conditions

A1. Information supplied to the EPA

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

- the development application DA.2015.036 submitted to Palerang Council on 3 March 2015;
- the environmental impact statement 'Paragalli Sands Bungendore Quarry' prepared by ngh environmental, dated 24 February 2015, relating to the development.

A2. Fit and Proper Person

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

Discharges to Air and Water Applications to Land

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L3. Noise limits

L3.1 Noise from the premises must not exceed the limits specified in the following table:

Noise Assessment Location* LAeq (15 min)

All residential receivers	35
R1-R7	

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*Locations as identified in '114 Currandooley Road, Lake George. Environmental Noise Assessment of Proposed Sand Quarry' prepared by Renzo Tonin & Associates and dated 22 December 2014.

L3.2 Noise from the premises is to be measured at the nearest sensitive receiver to determine compliance with this condition

Note: Noise measurement

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the facade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L3.3 The noise emission limits identified in **L3.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

L3.4 All construction work at the premises must only be conducted between 7.00 am and 6.00 pm Monday to Friday and between 8.00 am and 1.00 pm on Saturdays. No work will be done on Sundays or public holidays.

L3.5 Activities at the premises, other than construction work, may only be carried on between 7.00 am and 6.00 pm Monday to Friday and between 8.00 am and 1.00 pm on Saturdays. No work will be done on Sundays or public holidays.

L3.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition **L3.4** or **L3.5**, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L3.7 The hours of operation specified in conditions **L3.4** and **L3.5** may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

01. Dust

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

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

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02. Stormwater/sediment control - Construction Phase

02.1 A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

03. Stormwater/sediment control - Operation Phase

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

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

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

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

the point at which the sample was taken; and

the name of the person who collected the sample.

M2. Testing methods - concentration limits

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M2.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

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Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

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

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

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

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

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

Deadline for Annual Return

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

Notification where actual load can not be calculated

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Licensee must retain copy of Annual Return

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

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

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

the licence holder; or

- c. by a person approved in writing by the EPA to sign on behalf of the licence holder.

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

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

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

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

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- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

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

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Important notice - Appointment of Certifier for Civil Works

QUOTE TO APPOINT PALERANG COUNCIL AS CERTIFIER

Under current legislation, a person who proposes to carry out civil construction works as part of a development must appoint an accredited certifier to certify design of works, issue a S.138 approval, and certify that the work as constructed meets the requirements of the development consent.

This Certifier must be Council for subdivision works, or for other civil works, a registered accredited private certifier or Council, who will certify design documentation, issue the S.138 approval prior to the start of the work, provide surveillance and audit of quality systems for the work and issue Compliance Certificates to Council during, and at the end of the work. A quote for Council to provide these services which includes works surveillance / audit that needs to be carried out in relation to your development is given below. Council's fees and estimates for certification and surveillance services associated with the project are detailed below, and are based on Council's current Fees and Charges Index.

If you wish to select Council as certifier for civil engineering works, please sign the authorisation below and forward the amount indicated.

E1.15 Principal Certifying Authority (PCA) Nomination (if Council nominated)

Activity	Rate	\$ Totals	GST Applicable	
Notice to commence admin. fee	Flat rate	\$71.50	Yes	
Inspection fee - by quote / inspection	6 @ \$211.10 / each	1266.60	Yes	GLSubdivEngineer
Missed inspections admin fee (additional to inspection fee)	@ \$132.50 / each		Yes	GLSubdivEngineer
Re-inspection fee or additional inspection	@ \$240.40 / each		Yes	GLSubdivEngineer

E1.26 Development Engineer Inspections (Post Construction Certificate)

Activity	Rate	\$ Totals	GST Applicable	
Public and Private Road <1km	m @ \$4.00/m (min. \$400)	400.00	No	
Public and Private Road 1-2km	m @ \$3.50/m		No	
Public and Private Road 2-3km	m @ \$3.00/m		No	
Public and Private Road >3km	m @ \$2.50/m		No	
Major Culverts/drainage	3% of estimated cost, min. \$102			
Private & public accesses	@ \$248 / each		No	
Construction inspections s.138 works	6 @ \$215.50 / each	1293.00	No	GLSubdivEngineer

TOTAL	\$	+ \$LSL Fees if applicable
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The above quote as per Council's current Fee & Charges Schedule and may be subject to future increases, as determined by Council.

Name: _____

Development Approval No.: **DA.2015.036**

Postal Address: _____
_____ NSW _____

Site Address: _____ F
_____ NSW _____

ESTIMATED COST OF WORK (Refer CC application form)	\$N/A
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I hereby authorise Palerang Council to act as Certifier for the nominated project and enclose the nominated sum.

_____/_____/_____/_____/_____/_____

Signed
Number

Date

\$ Amount

Receipt