

DATE OF DETERMINATION	15 February 2017
PANEL MEMBERS	Garry West (Chair), Pam Westing, Stephen Gow and Paul Drake
APOLOGIES	Matt Rogers
DECLARATIONS OF INTEREST	Matt Rogers declared a non-pecuniary conflict of interest as he participated in pre-lodgment discussions with the applicant about permissibility at the site; he did not participate in the determination or any panel member discussion.

Public meeting held at Wauchope Rotary Youth Hall on Wednesday, 15 February 2017, opened at 1:30 pm and closed at 4.15pm.

MATTER DETERMINED

2016NTH002 – Port Macquarie-Hastings Council – DA2015-953.1 Lot 161 DP 754445 and Part Lot 52 DP 754445 Milligans Road, Herrons Creek, and Seq: 184 Ext: SEVERAL, Broken Bago State Forest (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

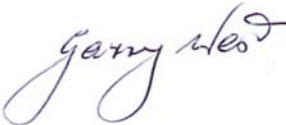

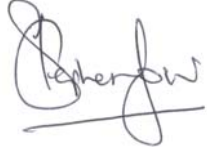

The reasons for the decision of the Panel were:

- The relevant clauses in all applicable environmental planning instruments have been satisfied;
- Agriculture and extractive industries are permitted with consent in the RU3 Forestry zone under the Port Macquarie-Hastings LEP 2011;
- The EPA had issued General Terms of Agreements (GTA's) for the development;
- The designated haulage route was deemed appropriate with minimal impacts;
- The Air Quality Impact Assessment had been carried out in accordance with the EPA Approved Methods and the report concluded that the predicted incremental and cumulative TSP, PM₁₀ and PM_{2.5} concentrations and dust deposition rates are well within NSW EPA assessment criteria;
- Port Macquarie-Hastings Council ecologist confirmed a Species Impact Statement was not required;
- The visual impacts on residential dwellings has been deemed to be temporary in nature and the overall visual impact from public locations was deemed negligible;
- The hours of operation were amended restricting operations to not commence before 7am Monday to Saturday and at no time on Sundays and public holidays;
- Blasting hours on Saturdays have been restricted by a condition limiting blasting hours to between 10.00am and 1.00pm; and
- The Noise Impact Assessment identifies that no residential receivers are within the 35 dB(A) contour and the GTA'S stipulate the noise at all residential receivers must not exceed this noise limit;

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments at the meeting:

- F (12) was amended to require the annual Rehabilitation Monitoring Plan to be made public; and
- F (17) was amended to require the annual compliance report to be made public.

PANEL MEMBERS	
 Garry West (Chair)	 Pam Westing
 Stephen Gow	 Paul Drake

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH002 – Port Macquarie-Hastings Council – DA2015-953.1
2	PROPOSED DEVELOPMENT	Extractive industry (quarry) and associated infrastructure
3	STREET ADDRESS	Milligans Road, Herons Creek and The Paddock Road, Bago
4	APPLICANT/OWNER	Applicant: CTK Natural Resources Pty Ltd Owner: Forestry Corporation of NSW
5	TYPE OF REGIONAL DEVELOPMENT	Designated development – extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 44 – Koala Habitat • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Macquarie-Hastings Local Environmental Plan 2011 • Port Macquarie-Hastings Development Control Plan 2013 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 2 September 2016 • Written submissions during three public exhibitions: 129 • Applicant submission to change conditions of consent dated 15 September 2016 • Council response to applicant submission dated 16 September 2016 • Council supplementary assessment memorandum dated 16 September 2016 • Applicant submission on 20 September 2016 • Verbal submissions at the panel meeting on 21 September 2016: <ul style="list-style-type: none"> ○ Support – NIL ○ Object – 10 ○ On behalf of the applicant – 3 • Applicant response to deferral, dated 6 December 2016 • Updated Council Assessment report dated 30 January 2017 • Late submissions from public dated 12, 13 and 14 February 2017 • Council’s verbal assessment of the late submissions • Verbal submissions at the panel meeting on 15 February 2017:

		<ul style="list-style-type: none"> ○ Support – 1 ○ Object – 12 ○ On behalf of the applicant – 4
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting on 21 September 2016 • Public determination meeting on 21 September 2016 • Inspection of nearby properties (to consider visual impact) on 15 February 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report dated 30 January 2017 as amended at the meeting and attached in Schedule 2.

SCHEDULE 2

PREScribed CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Environmental Impact Statement	Job No: 14164	de Groot & Benson Pty Ltd	December 2015
Post Lodgement Addendum to Environmental Impact Statement	Job No: 14164	de Groot & Benson Pty Ltd	May 2016
Addendum No. 2 to Environmental Impact Statement	Job No: 14164	de Groot & Benson Pty Ltd	October 2016
Sediment and Process Water Dam Detail	Project No: 14164, Drawing No: PM-013 Amendment 4.0	de Groot & Benson Pty Ltd	26 March 2016
Lunchroom Plans	160204B Sheets A00 - A02 Revision A	ATCO Structures & Logistics Pty Ltd	8 February 2016
Office Plans	160204A Sheets A00 - A02 Revision A	ATCO Structures & Logistics Pty Ltd	8 February 2016
Amenities Building Plans	160204C Sheets A00 - A02 Revision A	ATCO Structures & Logistics Pty Ltd	8 February 2016
Workshop Plans	THOMO2-8686 Page 1 - 3	Ranbuild	Undated

The Post Lodgement Addendum and Addendum No. 2 to Environmental Impact Statement are to prevail to the extent of any inconsistency with the original Environmental Impact Statement.

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a. the appointment of a Principal Certifying Authority; and
- b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A007) The development must only proceed in accordance with the stages shown on the approved plans.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A009) The quarry precinct is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- NSW Environment Protection Authority - The General Terms of Approval, Reference DOC16/139577, EF15/1067 and dated 17 March 2016, are attached and form part of this consent.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.
- Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.
- The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:
- i. deposit with the Council, or
 - ii. an unconditional bank guarantee in favour of the Council.
- The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.
- (10) (A069) Trees on the subject land identified as 'Visual Buffer' on the approved plans shall be retained and protected from damage.
- (11) (A195) A truck management plan shall be implemented to ensure all truck drivers, including subcontractors, comply with the conditions of consent as they relate to truck movements. The plan shall include an induction process, a driver code of conduct, a complaint resolution and disciplinary procedure, regular toolbox

meetings to reinforce these requirements, and share lessons from recent incidents or concerns raised by the public or authorities. Drivers shall be equipped and encouraged to recognise and report hazards to the quarry operator.

- (12) (A196) Progressive rehabilitation of the site shall be carried out generally in accordance with the Rehabilitation Plan prepared by Naturecall Environmental and dated December 2015, with the following additional requirements:
- a. Stabilisation of the quarry shall be completed as soon as practicable after sections of the quarry reach their finished surface levels. The stabilisation shall be recognised as the completion of the site preparation to a condition that leaves the site stable and ready to plant seedlings. The stabilisation shall include the spreading of topsoil, site grading, seeding to stabilise the disturbed areas, and the installation of sediment and erosion control works as required.
 - b. The area of the site (including the quarry management centre) disturbed by excavation, building work and extraction activities shall not exceed 4 hectares at any time.
 - c. A validation report shall be submitted to Council at the completion of the final stage of rehabilitation, confirming that the site has been investigated for potential contamination, any necessary remediation has been completed successfully, and the site is suitable for the proposed future use (forestry).
- (13) (A197) The recommendations in Part 7.0 of the Statutory Ecological Assessment prepared by Naturecall Environmental and dated December 2015 are to be implemented in full, to minimise the potential ecological impacts of the development.
- (14) (A198) Prior to the operation of the site as a quarry, a Bushfire Emergency Response Plan shall be developed for the site. The Bushfire Emergency Response Plan shall identify an appropriate response based on the bushfire risk to the site and the occupants including the following information:
- a. Under what circumstances will the complex be evacuated;
 - b. Where will occupants be evacuated to;
 - c. Roles and responsibilities of persons co-ordinating the evacuation;
 - d. Roles and responsibilities of persons remaining with the complex after evacuation; and
 - e. A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where people will be evacuated to.
- (15) (A199) If extraction from the quarry (after its initial commencement) ceases for a continuous period exceeding 12 months, the land is to be rehabilitated in accordance with the Rehabilitation Plan prepared by Naturecall Environmental and dated December 2015, and the conditions of this consent.
- (16) (A200) For the life of the development, the quarry operator shall provide to Council and members of the public (by way of newsletter and/or signage), and keep current, a contact phone number for complaints or hazards to be reported to the quarry operator.
- (17) (A201) Extraction shall not commence at the quarry until a Final Occupation Certificate has been issued for the associated buildings in the management centre.
- (18) (A202) Prior to extraction commencing at the quarry, details of the quarry operator and production manager are to be provided to the NSW Department of Industry.
- (19) (A203) The Developer is to comply with the Lookout Road Hard Rock Quarry Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 between Port Macquarie-Hastings Council and CTK Natural Resources Pty Ltd. The planning agreement, as varied or substituted from time to time, is to be performed in connection with the carrying out of the development the subject of this consent.
- (20) (A204) Extraction from the quarry shall not exceed 200,000 tonnes of material per annum.
- (21) (A205) Operation of the quarry shall not exceed 20 years from the date that an Occupation Certificate is issued for any building constructed on the land in accordance with this consent.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council.
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Earthworks, including filling of the land for flood protection.
 3. Parking areas including;

- a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
4. Stormwater systems.
 5. Erosion & Sedimentation controls.
 6. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Stormwater
 7. Traffic management control plan.
 8. Detailed intersection layout at the junction of Bago Road and Lookout Road in accordance with the current version of the AUSTROADS guidelines for Intersection design, giving particular attention to sight distance.
 9. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.

(3) (B005) Prior to release of the Construction Certificate, approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.

(4) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works;
- Traffic management;
- Work zone areas;
- Hoardings;
- Intersection works in Bago Road;
- The proposed emergency access junction to Compartment 43/2 Trail; and
- The proposed process water pipeline crossing Milligans Road, and any other services.

(5) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

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

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

(6) (B030) Prior to issue of Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:

- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1;
- b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1;
- c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).

(7) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance

with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:

- a) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - b) The design shall include water quality controls designed to achieve the targets specified within the NSW Environment Protection Authority general terms of approval or Environment Protection Licence.
 - c) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (9) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (10) (B063) Prior to release of the Construction Certificate a detailed landscape plan is to be submitted for the approval of the Principal Certifying Authority. The plan shall include the following:
- a. Retention of all trees shown as 'Visual Buffer' on the approved plans;
 - b. Establishment of plantings consistent with the existing hardwood plantation on the southern face of the ridgeline within the Stage 4 extraction area. Plantings are to be carried out prior to Stage 1 extraction commencing;
 - c. Vegetation of any redundant parts of the current Compartment 43/2 Trail adjacent to the proposed emergency access junction to Milligans Road.
- (11) (B195) Prior to the issue of a Construction Certificate, an amended spillway design for the proposed water storage dam shall be submitted for the approval of the Principal Certifying Authority. The plans are to demonstrate that the spillway location will not adversely impact any hollow bearing trees identified in the Naturecall Environmental Addendum Ecological Assessment. In this regard a tree protection zone in accordance with AS4970 - *Protection of trees on development sites* (minimum 12 x DBH) shall be provided for any adjacent hollow bearing trees.
- (12) (B196) The buildings comprising the offices, amenities, and lunch rooms in the management centre shall be constructed to comply with Sections 3 and 5 (BAL 12.5) of AS3959-2009 *Construction of buildings in bush fire-prone areas* and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'. Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (13) (B197) Certification from an appropriately qualified acoustic consultant is to be provided to the Principal Certifying Authority that the pump shed construction will ensure all pump(s) achieve the noise criteria specified in the Environment Protection Licence.
- (14) (B198) The intersection of Lookout Road with Bago Road shall be upgraded to meet AUSTROADS and Council's AUS-SPEC standards prior to Occupation Certificate. Design plans shall be submitted with the Roads Act (s138) application and approved by Council prior to Construction Certificate issue. Design details shall (to the satisfaction of Council):
- a) Demonstrate the proposed intersection will have adequate sight distances (in both horizontal and vertical planes), and the intersection shall be relocated if necessary,
 - b) Ensure all design vehicles (including B-Doubles and Articulated Vehicles) can turn to and from Lookout Road without encroaching into the oncoming traffic lanes,
 - c) Include northbound left turn shoulder widening and two-coat seal to meet the requirements of a Rural Basic Left Turn (BAL, refer *AUSTROADS 2010 Guide to Road Design Part 4A Figure 8.2*) as a minimum,
 - d) Show that the surface seal at the intersection of Bago and Lookout Roads is to be upgraded to accommodate sideways loading on the seal resulting from additional truck turning movements (e.g. Asphaltic Cement),
 - e) Show that the Lookout Road leg is to be sealed (minimum two-coat) for approximately the first 50m from Bago Road.
 - f) Include pavement designs for new works within the road reserve to achieve a durability of at least 1x10⁷ ESAs, and

- g) Show signage and line marking at the T-intersection to comply with AS 1742 (including trucks ahead signage and sight boards opposite the minor leg).

The above requirements may be varied if agreed to by Council as the Road Authority.

- (15) (B199) Design plans for upgrade of the access road to the site along Lookout Road and Compartment 43/2 Trail shall be submitted to and be subject to any requirements of Forestry Corporation of NSW. As a minimum, details shall include:

- a) All-weather, two-wheel drive, two-way trafficable lane width of 7m (minimum), and wider on bends to accommodate swept paths of two opposing truck and dog movements,
- b) Shoulder width of 1m (minimum) each side, and
- c) Adequate sight distances at intersections and vertical curves in accordance with AUSTROADS Guide to Road Design.

A professional engineer shall certify that this condition has been met, prior to issue of the Construction Certificate. The works shall be completed prior to Occupation Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (3) (C195) At the commencement of building works and in perpetuity, the property around the buildings comprising the offices, amenities, and lunch rooms in the management centre, to a minimum distance of 70 metres, shall be maintained as an inner protection area (IPA) 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'.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. at completion of installation of traffic management works
 - c. at the commencement of earthworks;
 - d. when the sub-grade is exposed and prior to placing of pavement materials;
 - e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - f. at the completion of each pavement (sub base/base) layer;
 - g. prior to the pouring of concrete for sewerage works and/or works on public property;
 - h. on completion of road gravelling or pavement;
 - i. prior to sealing and laying of pavement surface course.
- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

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

- (4) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the NSW Office of Environment and Heritage is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes. Excavation works may resume as soon as clearance has been given by the NSW Office of Environment and Heritage.
- (5) (D040) Wastes including vegetation shall not be disposed of by burning.
- (6) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (7) (D043) Any damage caused by construction activities to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (8) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.
- (9) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.
- (10) (D051) Prior to commencement of any pavement works on any public road a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (11) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course on any public road, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas in the immediate vicinity of the management centre shall be provided with a dust free surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (5) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (6) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.

- (8) (E051) Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (9) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (10) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (11) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works may include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (12) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (13) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (14) (E195) Certification is to be provided to the Principal Certifying Authority confirming that the photovoltaic system installed at the premises complies with AS/NZS 4509 - *Stand-alone power systems* prior to the issue of an Occupation Certificate.
- (15) (E196) A static fire fighting water supply of at least 20,000 litres is to be provided within the Asset Protection Zone prior to the issue of an Occupation Certificate. All tanks, pipes and fittings are to be of non-combustible material if located above ground.
- (16) (E197) The proposed weighbridge shall be installed and operational prior to the issue of an Occupation Certificate, to ensure that all haulage can be recorded upon commencement.
- (17) (E198) Certification from an appropriately qualified acoustic consultant is to be provided to the Principal Certifying Authority that the pump(s) at the water process dam achieve the noise criteria specified in the Environment Protection Licence.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F017) Materials stockpiles and handling areas shall be maintained in a condition that prevents wind-blown or traffic generated dust.
- (6) (F020) Liquid materials, including fuel, oil, engine lubricants and fluids, chemicals, etc are to be stored in roofed and impervious bund area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (7) (F023) Spills and contaminated runoff from the workshop and storage shed area where necessary should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (8) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be generated as a result of the operation of the development.
- (9) (F195) The quarry operator shall implement the greenhouse gas reduction strategies in the Greenhouse Gas Assessment prepared by de Groot & Benson Pty Ltd and dated 3 December 2015.

- (10) (F196) Any breach of the water quality standards specified in the Environment Protection Licence is to be reported to Council and operations at the quarry are to cease immediately and only be resumed when the breach has been rectified to the satisfaction of Council. The quarry operator is to engage an appropriately qualified person to carry out an independent review of water management at the site and make recommendations about necessary rectification work to address the breach. Any necessary rectification work is to be carried out to the satisfaction of Council prior operations at the quarry recommencing.
- (11) (F197) Extraction from the Stage 4 area shall proceed generally from north to south, with the operational face of the quarry being oriented such that it is not visible from any lawful dwelling.
- (12) (F198) A copy of the annual Rehabilitation Monitoring Plan shall be provided to Council and made public within 30 days of its completion each year following the commencement of the first stage of rehabilitation.
- (13) (F199) The quarry operations are to be limited to a maximum of one (1) crusher, as specified in the Addendum EIS.
- (14) (F200) All haulage trucks shall be prohibited from travelling along Bago Road north of the site, except in the following cases:
- a) Local deliveries to the King Creek or Bago localities, or Wauchope south of Blackbutt Drive; or
 - b) As otherwise agreed to by Council as the Road Authority in writing (e.g. for emergencies), provided the agreement is time limited.
- Otherwise, access is to be via Bago Road south and the Pacific Highway in accordance with the Haulage Route Plan in Schedule 2 of the Lookout Road Hard Rock Quarry Planning Agreement.
- (15) (F201) Other than during the construction phase, access to the quarry from Milligans Road is only permitted for emergency access to the management centre and for maintenance access to the water supply dam. The proposed gate between Compartment 43/2 Trail (the quarry access road) and Milligans Road shall remain locked when not in use for that purpose, unless otherwise agreed to in writing by Council as the Road Authority.
- (16) (F202) All material exported from the site shall be recorded by the weighbridge.
- (17) (F203) An Annual Compliance Report shall be submitted to Council and made public on the anniversary of the consent detailing compliance with the development consent and all mitigations measures contained within the EIS and Addendum.
- (18) (F204) Hours of operation for the proposed development are to be as follows:
- 7.00am to 5.00pm Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is to be carried out on Sundays or Public Holidays.
- Maintenance activities may occur 24 hours seven days per week provided it is inaudible at all residential receivers.
- (19) (F205) Blasting shall only be carried out between the hours of 10.00am to 3.00pm Monday to Friday and 10.00am to 1.00pm Saturdays.
- (20) (F206) Any sediment cleaned out of the sediment basins or process water dam shall be stored within the overburden stockpile area.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and healthy built environment.