

DEVELOPMENT APPLICATION NO. 5.2016.57.1

Applicant name:	Bogo Operations Pty Ltd
Applicant address:	c/- Michael Howe. PO Box 426 COWRA NSW 2794
Land to be developed:	Lot 1 DP 1205646, part Lot 115 DP 876302 134 Paynes Road Bookham NSW 2582
Proposed development:	Extractive Industry involving to: <ul style="list-style-type: none">• Extend the operational life of Bogo Quarry up to 2046 (for 30 years)• Increase the maximum approved production limit of 200,000 tonnes per annum to 500,000 tonnes per annum (with average of 250,000 tonnes per annum to 350,000 tonnes per annum)• Adjust the limit of extraction area (quarry footprint)• Import, place and operate a mobile concrete batching plant• Import, place and operate a mobile asphalt plant• Erect southern bund (earthen)• Plant perimeter tree screen• Rehabilitate the site at the end of operational life of the quarry
Consent to operate from:	15 May 2017
Consent to lapse on:	15 May 2047

SCHEDULE OF CONDITIONS

PART 1 - GENERAL CONDITIONS

1. The development is to be carried out generally in accordance with the plans and documentation including:
 - Environmental Impact Statement dated March 2016 prepared by R.W. Corkery & Co. Pty Ltd,
 - Letter of Advice & Plan of Management for the Bogo Quarry dated 1 September 2016 prepared by Biosis,
 - Email titled '724_Bogo Quarry OEH Response' regarding Yass Daisy from Nathan Garvey of Biosis dated 11 July 2016)submitted with the application except where varied by the following conditions of Consent.
2. A Construction Certificate, as defined by the *Environmental Planning & Assessment Act 1979*, shall be obtained for all engineering works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Operational Plan relevant at the time of payment.

Draft Conditions

Note: This will require a form to be filled out and submitted to Council to facilitate the issuing of the Engineering Construction Certificate.

3. Any Work shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and the *Building Code of Australia*, has been issued.
4. All engineering works shall be constructed in accordance with *Yass Valley Council Road Standard Policy No RD-POL-09* and Council's *Design and Construction Specification – Ausspec#1*, as modified by Council's "Ausspec Addendum" current at the time of the Construction Certificate being issued.
5. Works associated with the proposed development shall be at no cost to Yass Valley Council and NSW Roads & Maritime Services.
6. The Consent for the proposed development is limited to period of 30 years from the date of this Consent.

ADVISING:

The Consent will lapse on **15 May 2047** after which no further work is to be undertaken on the site.

7. The applicant or quarry operator shall not extract extractive materials below the level of 545m AHD.
8. The following road haulage conditions shall apply:
 - (i) **To All Vehicles**
 - (a) Vehicles shall be loaded so that no spillage can occur at any stage
 - (b) At no time shall any vehicles leave the site with a load giving it a gross tonnage in excess of the absolute maxima as required by the NSW Roads and Maritime Services
 - (ii) **To Vehicles owned by the Applicant or Quarry Operator or operated under contract to the Applicant or Quarry Operation;**
 - (a) The applicant or quarry operator shall ensure that at all times its employees or sub-contractors comply with the requirements of the relevant Government Departments, including the NSW Roads and Maritime Services
 - (b) The applicant or quarry operator shall ensure that at all times its employees and sub-contractors comply with appropriate safety and security requirements of the Workcover Authority
 - (c) The applicant or quarry operator shall refuse to load any vehicle it deems unsuitable to be used for the haulage of product from the quarry
 - (d) The applicant or quarry operator shall use electronic weighing and timing systems which shall refuse to register an overweight vehicle or vehicles not complying with a travel time schedule if required by Council
 - (e) The applicant or quarry operator shall ensure that conveying of materials haulage vehicles does not occur
 - (f) The applicant or quarry operator shall stipulate that its employees or sub-contractors do not apply exhaust brakes when travelling on Paynes Road

9. The applicant shall take all steps in accordance with the procedures outlined in the EIS necessary to minimise the emission of dust from all activities associated with the development.
10. This approval does not relieve the applicant of the obligation to obtain other approvals required under any other Act.
11. The applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to environment that may result from the construction, operation or rehabilitation of the development.
12. Prior to commencing any product dispatch from the site, the applicant shall prepare a Traffic Management Plan and Drivers Code of Conduct for the transportation of material from the quarry site in consultation with Yass Valley Council and NSW Roads and Maritime Services.
13. Noise and dust generated as a result of the proposed development shall comply with the provisions of the *Protection of the Environment Operations Act 1997*.
14. Stormwater management and sediment & erosion control should be managed in a manner consistent with the measures described in EIS. Activities at the site must be carried out to ensure that any discharge from the premises complies with the s120 *Protection of the Environment Operations Act 1997*.
15. Prior to the commencement of operations the applicant shall submit to Council evidence of a relevant Environment Protection Licence,
16. Prior to the commencement of operations, the applicant shall certify in writing to Council that it has complied with all relevant conditions of this approval.
17. The applicant or operator of the mobile asphalt and concrete plants shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

ADVISING:

Should new buildings and structures, and any alterations or additions to existing buildings and structures, are required to be constructed, separate approval would be required to be obtained except for *exempt development* under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

18. The applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.
19. The applicant shall not cause or permit the emission of offensive odours from the site, as defined under s129 *Protection of the Environment Operations Act 1997* unless the odour was emitted in accordance with the conditions of a License.
20. The applicant shall ensure that the stack emissions from the development comply with the relevant standards of concentrations under the *Protection of the Environment Operations Act 1997*.

PART 2 - PRIOR TO ISSUE OF ENGINEERING CONSTRUCTION CERTIFICATE

21. Engineering drawings associated with the upgrade of Paynes Road from the Hume Highway to the Quarry entrance shall be submitted to Council's Engineering Department for approval in accordance with Council's *Road Standards Policy No RD-POL-09* and Council's *Design and Construction Specification – Ausspec#1*.

Upgrade works shall be designed to at least category Local-Minor per Council's *Road Standards Policy No RD-POL-09*, prepared by an appropriately qualified engineer and detail

how the road will be rehabilitated to address localised failures, edge breaks and strengthened to manage the increased heavy vehicle loads

PART 3 - PRIOR TO ROAD UPGRADE WORKS COMMENCING

22. Prior to works commencing within the road reserve of Paynes Road, any contractor undertaking works within the road reserve of Paynes Road shall be recognised by Council as an "Approved Contractor" for such works and shall submit the following details:
- A current public liability certificate with a minimum cover of \$20million;
 - Current plant / vehicle insurances;
 - A certified traffic control plan for the proposed works.
 - Erosion control bond
 - Soil and water management plan
 - Ausspec design report
 - Ausspec Inspection Test Plan (ITP)
 - Performance deposit
23. Prior to works commencing within the road reserve of Hume Highway, approval is required under s138 of *Roads Act 1993* from NSW Roads & Maritime Services (RMS)
24. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.
25. A Soil and Water Management Plan in accordance with Council's *Design and Construction Specification – Ausspec#1*, shall be submitted to Council's Engineering Department for approval. The plan will include construction techniques to minimise the potential for soil erosion, erosion control on any watercourse on the property and any other matters that are deemed necessary by Council.

PART 4 - SURRENDER OF EXISTING CONSENTS

26. The applicant shall surrender all the Development Consents for the existing operations on the site in accordance with clause 97 *Environmental Planning & Assessment Regulation 2000*.

ADVISING:

This requirement does not extend to the surrender of construction and occupation certificates for any existing or proposed building works under Part 4A *Environmental Planning & Assessment Act 1979*. Surrendering of consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used.

PART 5 - IDENTIFICATION OF APPROVED EXTRACTION LIMITS

27. The boundaries of the quarry's extraction area as indicated in Figure 2.1 of the EIS shall be defined by survey and pegged by a Registered Surveyor prior to commencement of any works at the site.
28. Submit to Council prior to commencing any works on site a copy of the survey plan with applicable GPS coordinates required in condition 27.
29. While quarrying operations are being carried out, the applicant shall ensure that extraction area boundaries are clearly marked at all times so that the operating staff identify the approved limits of extraction.

PART 6 - PRODUCTION LIMITS

30. The applicant shall limit the production of finished quarry products to a maximum of 500,000 tonnes per annum (with average of 250,000 tonnes per annum to 350,000 tonnes per annum).
31. The applicant shall limit the concrete batching to 145,600m³ per annum maximum.
32. The applicant shall limit the Asphalt production to a maximum of 50,000 tonnes per annum maximum.

PART 7 - PROTECTION OF PUBLIC INFRASTRUCTURE

33. The applicant shall repair, or pay full costs of repairing any public infrastructure that is damaged by the development.
34. The applicant shall be responsible to relocate or pay full costs of relocating any public infrastructure that needs to be relocated as a result of the development.

PART 8 – HAULAGE ROUTE

35. The haulage route shall be Paynes Road to Hume Highway to the destination or Paynes Road to Hume Highway to Barton Highway to the destination.
36. No other roads within Yass Valley Local Government Area except Paynes Road, Hume Highway and Barton Highway shall be used for haulage of the products from Bogo Quarry.

PART 9 - TREE REMOVAL

37. Only four trees identified on Figure 5.3 of the EIS shall be removed. The trees proposed to be removed shall be felled by controlled or sectional felling so as to avoid any damage to the trees to be retained and nearby buildings.
38. Wildlife ecologist or an experienced wildlife carer must be present when any of the habitat trees are felled.
39. The tree shall be removed by a qualified arborist/tree surgeon.
40. No vegetation clearing shall occur outside of the marked boundary (footprint area of the quarry) required under condition 37.

PART 10 - ENVIRONMENTAL MANAGEMENT PLAN

41. The applicant shall prepare and implement an Environmental Management Plan for the development. This plan must be submitted to Council for approval within 6 months of the date of this consent. The plan shall include:
 - Strategic framework for environmental management of the development
 - Identify the statutory approvals that apply to the development
 - Describe the role, responsibility, authority and accountability of all the key personnel involved in the environmental management of the development.
 - Describe the procedures that would be implemented to:
 - Keep the local community and relevant agencies informed about the operation and environmental performance of the development
 - Receive, record, handle and respond to complaints
 - Resolve any disputes that may arise during the course of the development

- Respond to any non-compliance
 - Respond to emergencies
42. The applicant must assess and manage development related risks that there are no exceedances of the criteria and/or performance measures in Schedule 1 of this Consent. Any exceedance of these criteria and/or performance measures constitute a breach of this consent and may be subject to penalty or offence provisions under the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2000*.
- Where any exceedance of these criteria and/or performance measures have occurred, the applicant must at the earliest:
- Take all reasonable measures to ensure that the exceedance ceases and does not re-occur.
 - Consider all reasonable measures for remediation (where required) or other course of action
43. The applicant shall immediately notify Yass Valley Council and other relevant agencies of any incident. Within 7 days of the incident the applicant shall provide Yass Valley Council and any relevant agencies with a detailed report on the incident.

PART 11 - PAYNES ROAD MAINTENANCE

44. The applicant shall be responsible to maintain Paynes Road for the operational life of the quarry to the satisfaction of Yass Valley Council.
45. The applicant shall consult with Council on annual basis to determine the standard of maintenance required by condition 44.

PART 12 - OPERATION OF PLANT AND EQUIPMENT

46. The applicant shall ensure that all the plants and equipment used at the site are maintained in a proper and efficient condition and operated in a proper and efficient manner

PART 13- HOURS OF OPERATION

47. The applicant shall comply with the operating hours set out in *L4. Hours of Operation* section of the EPA's General Terms of Approval attached as Schedule 1 to this Consent.

PART 14 - NOISE IMPACT ASSESSMENT CRITERIA

48. The applicant shall comply with the noise limits set out in *L3. Noise Limits* section of the EPA's General Terms of Approval attached as Schedule 1 to this Consent.
49. The use of rock breaker and any heavy equipment when operating shall not exceed a noise level of 35dB(A).

PART 15 - BLASTING IMPACT ASSESSMENT CRITERIA

50. The applicant shall ensure that blasting on the site does not cause any exceedance of the criteria and comply with the Overpressure and Ground Vibration limits set out in *L6. Blasting* section of the EPA's General Terms of Approval attached as Schedule 1 to this Consent.

PART 16 - BLASTING FREQUENCY

51. The applicant/quarry operator shall carry out blasting a maximum of 12 times per year unless another blast is required following a blast misfire.

ADVISING:

For the purposes of this condition, a blast refers to a single blast event which may involve a number of individual blasts fired in quick succession in a discrete area of quarry.

52. The blast design, loading and firing shall be carried out by a suitably qualified and experienced blasting engineer or contractor holding a shot firer's certificate issued by NSW Department of Industry (Division of Resources and Energy).

PART 17 - BLASTING

53. Blasting is not to take place outside of the approved hours of operation.
54. No fly rock is to travel past the property boundary.
55. The sensitive receivers/residences identified in the EIS i.e. within 4km radius of the quarry site shall be provided following information prior to undertaking any blast:

- A schedule of planned blast event
- The likely blast location, date and time for the scheduled blasting event
- Contact information should the residents have any further queries or concerns

Should the blasting schedule is changed, all the residents be advised prior to implementation of the revised schedule.

56. A notice shall be installed at the site entrance when the blasting is planned indicating the schedule, and date & time of blasting operation.
57. All blasts shall be monitored by the quarry operator to ensure compliance with ground vibration and airblast overpressure limits to ensure compliance with ANZECC human comfort criteria prescribed in L6. *Blasting* section of the EPA's General Terms of Approval attached to this Consent as Schedule 1. A copy of the blast monitoring data shall be submitted to Yass Valley Council and NSW EPA annually.

PART 18 - AIR QUALITY

58. The applicant shall implement the measures to minimise the dust emission provided in section 5.5 of the EIS.
59. The applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate matter emissions generated by the development do not cause exceedance of the criteria given in the Table below at any residence.

Pollutant	Averaging Period	Criterion	
Particulate PM ₁₀	24 hour	50µg/m ³	
Particulate PM ₁₀	Annual	30µg/m ³	
Particulate PM _{2.5}	24 hour	25µg/m ³	
Particulate PM _{2.5}	Annual	8µg/m ³	
Dust Deposition	Annual	2g/m ² /month (Annual mean incremental)	4g/m ² /month (Annual mean Total)

- 60. The applicant shall take all steps in accordance with the procedures outlined in the EIS necessary to minimise the emission of dust from all activities associated with the proposed development.
- 61. The applicant shall apply water to all stockpile areas as required to minimise the dust emissions.

PART 19- WATER SUPPLY

- 62. The applicant shall ensure that it has sufficient water for all stages of the development. Should a water shortage occur adjust the scale of operations under the Consent to match its available water supply or purchase water off site and deliver to site.

PART 20 - WATER AND LAND POLLUTION

- 63. The applicant shall comply with the Concentration Limits of a pollutant set out in *L2. Concentration Limits* section of the EPA's General Terms of Approval attached as Schedule 1 to this consent.

PART 21 - WASTE MANAGEMENT

- 64. The applicant shall implement the measures proposed in the EIS for the management of production and non-production waste.
- 65. Except as expressly permitted in an Environment Protection Licence, the applicant shall not receive waste at the site for storage, treatment, processing, re-processing or disposal.

PART 22 - OPERATING CONDITIONS

- 66. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- 67. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

PART 23 - UNRECORDED ABORIGINAL CULTURAL HERITAGE

- 68. Should any previously unrecorded or un-anticipated Aboriginal cultural object(s) are identified during any works, the works must be ceased and NSW Office of Environment & Heritage (OEH) must be notified of the find.
- 69. A management strategy must be developed in consultation with NSW Office of Environment & Heritage (OEH), local Aboriginal representative body and a qualified archaeologist, to manage the identified Aboriginal object(s). This may include to apply for an Aboriginal Heritage Impact Permit (AHIP).

PART 24 - MONITORING OF PRODUCT TRANSPORT

- 70. The applicant shall keep accurate records of all the truck movements to and from the site (hourly, daily, weekly, monthly and annually).
- 71. The applicant shall ensure that all reasonable measures are taken such that laden trucks have appropriate signage, including a contact phone number so that they can be easily identified by road users.
- 72. All the trucks entering and leaving the site must have their loads covered.
- 73. All laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site.

- 74. The applicant shall ensure that conveying of materials haulage vehicles does not occur;
- 75. The applicant shall ensure no more than 8 laden vehicles leave the quarry site via the Hume Highway in any given hour.

PART 25 - TRANSPORT MANAGEMENT PLAN

- 76. The applicant shall prepare and submit to Council and RMS for approval a Transport Management Plan as required in Condition 105-of Part 39- Agency Conditions.

PART 26 - LANDSCAPING AND SITE REHABILITATION

- 77. The applicant shall plant perimeter tree screen as shown in Figure 2.1 of the EIS. The tree screen shall comprise of 5 rows of trees at 8m interval between the trees. The tree and shrub species shall be as per Table 2.8 of the EIS.
- 78. At the end of the life of quarry, the applicant shall remove all the equipment, buildings and facilities associated with the development (that are no longer required for future use of the site for agriculture and rehabilitate the site.
- 79. The applicant shall rehabilitate the site to the satisfaction of Council. This rehabilitation must be generally consistent with the rehabilitation strategy set out in the EIS and the indicative final landform plan provided in Figure 2.6 of EIS.
- 80. Areas to be rehabilitated and spread with topsoil, and all disturbed areas not being used for stockpiling and operations etc. are to be sown to a mixture of grasses and fertilised immediately after top soiling. These areas are to be fenced to exclude stock and rabbits until the vegetation/pasture is established.
- 81. Topsoil removed from cleared areas shall be used immediately for rehabilitation works or stockpiles at an appropriate location for later use on rehabilitation works. Soil erosion and sediment control measures described in the EIS shall be implemented immediately upon stockpiling.

PART 27 - REHABILITATION BOND

- 82. The applicant shall lodge rehabilitation bond within 6 months of this approval to ensure the rehabilitation of the site is implemented in accordance with the rehabilitation strategy described in the EIS and relevant conditions of this Consent. The sum of the bond shall be determined by a suitably qualified person using Rehabilitation Cost Calculation Tool prepared by NSW Department of Primary Industry Division of Resources & Energy. The bond shall be reviewed annually to adjust the inflationary adjustments with the change in CPI.

PART 28 - REHABILITATION AGREEMENT

- 83. A legally binding agreement between Yass Valley Council and Bogo Quarry Pty Ltd (owner of the land) for the purpose of site rehabilitation shall be entered into prior to commencement of works. All legal costs involved in this agreement shall be borne by the applicant. This agreement shall ensure that the Bogo Quarry Pty Ltd (owner of the land) rehabilitates the site to the satisfaction of Council.

PART 29 - WEED CONTROL

- 84. The applicant shall be responsible for the implementation and maintenance of weed control program on the site.

PART 30 - VISUAL IMPACT

85. The applicant shall implement reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of Council.
86. The applicant shall plant and maintain the perimeter tree screen to minimise the visual impacts of the development to the satisfaction of Council

PART 31 - LIGHTING MANAGEMENT PLAN

87. The applicant shall submit a lighting management plan for Yass Valley Council's approval prior to any use of night lighting. The plan shall identify:
- (a) All potential light sources and their impacts
 - (b) Measures and work practices necessary to minimise the spillage of light from the areas to be illuminated and to minimise the total night glow from the operations
 - (c) Any flood lighting shall be constructed so as to minimise impact outside of the site
88. The applicant shall ensure that any lighting associated with the development:
- Complies with the Australian Standard AS 4282 Control of Obtrusive Effects of Outdoor Lighting; and
 - Is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or road users.

PART 32 - SURFACE WATER MANAGEMENT

89. The applicant shall implement the surface water management/drainage control measures described in EIS to prevent any soil erosion.
90. All disturbed areas shall be rendered erosion-resistant or otherwise suitably stabilised.
91. Soil erosion and sediment control measures described in the EIS shall be implemented
92. Any oil, grease bearing and vehicles washdown effluent and any other wastewater shall be collected and treated in accordance with the requirements of the EPA.
93. The applicant shall monitor the surface water quality every six months following the first substantial rain fall event resulting in visible runoff. The concentration limits of pollutants shall not exceed the limits specified in Section *L2 Concentration Limits* of EPA's General Terms of Approval attached as Schedule 1 to this Consent.

PART 33 - WASTE MANAGEMENT

94. The applicant shall minimise the waste generated by the development.
95. The applicant shall ensure that the waste generated by the development is appropriately stored, handled and disposed of as per section 2.10 of the EIS.

PART 34 - LIQUID STORAGE

96. The applicant shall ensure all tanks and similar facilities for storage of petroleum, fuels, oils or liquids (other than for water) are protected by appropriate bunding (that can contain spillages and leaks from liquids) which must exceed 110% of the stored volume of the liquid.
97. Fuel spills on site shall be contained and any contaminated areas shall be remediated in accordance with the provisions of *SEPP 55- Remediation of Land* and EPA's requirements.

PART 35 - DANGEROUS GOODS

98. The applicant shall ensure the storage, handling and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS 1940 – ‘*The Storage and Handling of Flammable and Combustible Liquids*’ & AS 2187.2 – ‘*Explosives—Storage, Transport and Use Part 2: Use of Explosives*’ and *Orica Explosives Blasting Guidelines*

PART 36 - BUSHFIRE

99. The applicant shall ensure that the development is suitably equipped to respond to any fires on site and assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

PART 37 - SOUTHERN BUND CONSTRUCTION

100. The applicant shall comply with the VENM and ENM requirements for southern bund construction set out in *L5. Waste* section of the EPA’s General Terms of Approval attached as Schedule 1 to this Consent.
101. The applicant, at no cost to Council, will assume accountability for site clean-up and remediation measures in the event that material other than virgin excavated natural material (VENM) and excavated natural material (ENM) has been used as fill.

PART 38 - ANNUAL ENVIRONMENTAL MANAGEMENT REPORT

102. The applicant shall prepare and submit to Council an Annual Report for each financial year (1 July-30 June inclusive). The Report shall address the requirements of the Council and the responsible government agencies. The Annual Report shall comprise:
- (i) Compliance Report which reviews the environmental performance of the development in terms of the Conditions of this Consent. The Compliance Report shall bring to Council’s notice those matters which the applicant considers may require further investigation, any non-compliance over the year and what actions were taken to ensure compliance.
 - (ii) Land Management and Rehabilitation Plan addressing all matters related to land management, erosion and sediment control, waste and water management, weed control, fire protection and site rehabilitation.
 - (iii) Results of Consultation with Council and the Community regarding the quarry operation impacts.
 - (iv) A record of all current Environmental Approvals obtained to enable operation of the quarry.
 - (v) A copy of the Annual Production Data Report.
 - (vi) What measures will be implemented to improve the environmental performance of the development.
 - (vii) The lighting emissions to the surrounding area periodically monitored and the effectiveness of the control measures, light emission monitoring and complaints received.
 - (viii) Dust management
 - (ix) Planting and maintenance of trees & shrubs peripheral to the site
 - (x) Southern bund construction

- (xi) Maintenance of Paynes Road
- (xii) Protection of Aboriginal cultural heritage object(s)

PART 39 - AGENCY CONDITIONS

103. NSW Environment Protection Authority – (Refer to SCHEDULE 1)

The applicant shall comply with all the General Terms of Approval of the Environmental Protection Authority as detailed in the Authority's letter dated 26 May 2016.

104. NSW Office of Environment & Heritage

The following requirements of the Office of Environment & Heritage shall be met:

- White Box Yellow Box Blakely's Red Gum Woodland (Box Gum Woodland) must be identified on Figure 5.3 - Quarry Site Vegetation, including the habitat and hollow bearing trees in the study area.
- Harm to the recorded Aboriginal sites (AHIMS # 51-1-0042, # 51-4-0352 and # 51-4-0353) must be avoided. The locations of these sites must be marked on all construction and constraints maps as 'no go' areas.
- If these Aboriginal sites will be impacted in future, the applicant must submit an Aboriginal heritage Impact Permit (AHIP) application to OEH for determination.
- All current and future operators of the quarry must be made aware that all Aboriginal objects and places are protected in NSW under *National Parks & Wildlife Act 1974*. It is an offence to harm an Aboriginal object or place without an approval issued by the Office of Environment & Heritage (OEH).
- If any previously unrecorded or unanticipated Aboriginal object(s) are encountered all ground surface disturbance in the area of the finds must stop immediately and OEH must be notified. If objects cannot be avoided, the proponent must apply for an AHIP.
- If any suspected human remains are discovered during any activity, you must:
 - (a) Immediately cease all work at that location and not further move or disturb the remains.
 - (b) Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location. Work is not to recommence at that location until authorised in writing by OEH.

105. NSW Roads & Maritime Services

To ensure appropriate access to the site and management of traffic generated by the proposal the following Roads & Maritime Services requirements are to be met:

- Prior to works commencing within the road reserve of a public road approval is required under s138 *Roads Act 1993* from the road authority (Council) however for works within the road reserve of the Hume Highway concurrence from Roads & Maritime Services is required prior to the issue of that approval. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.
- Access to Paynes Road and the development site is restricted to general access vehicles only. The transportation of materials/goods to or from the quarry site is restricted to general access vehicles.

- A maximum of 8 laden vehicles are permitted to leave the quarry site via the Hume Highway in any given hour.
- The quarry shall be operated so that the working face of the quarry and the disturbed area of the quarry is not visible from the carriageway of the Hume Highway.
- The traffic management plan and drivers code of conduct for the transportation of material from the quarry site should be prepared in consultation with Yass Valley Council and NSW Roads & Maritime Services.
- The applicant shall keep accurate records of the amount of extracted material and process material transported on the public roads and associated traffic movement numbers to and from of the subject site (on a monthly basis). These records shall be made available at the request of either of the Yass Shire Council or Roads and Maritime Services.
- The applicant shall prepare and implement a Transport Management Plan, in consultation with Council and Roads & Maritime Services, to outline measures to manage traffic related issues associated with the operation of the development and haulage of material. This plan shall focus on the management of traffic generated by the development, the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. As a minimum it shall address, but not necessarily be limited to, the following:
 - Measures to ensure heavy vehicles adhere to the designated haulage route
 - Measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule
 - Plans to address poor visibility due to adverse weather e.g. heavy rain periods, fog etc at the intersection of Paynes Road with the Hume Highway
 - Contingency plans to address disruptions to haulage or closure of the haulage route
 - Measures to ensure that all loaded vehicles leaving the site are covered, and are cleaned of materials that may fall onto public roads
 - Details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry
 - Measures to be employed to limit disruption to other motorists, emergency vehicles and school bus timetables
 - A Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc. and appropriate penalties for infringements of the Code
 - The management of worker fatigue during trips to and from the site
 - Appropriate vehicle maintenance and safety
 - Procedures to provide for training and compliance with and enforcement of the plan

SCHEDULE 1

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1540974

The General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Attention: Muzaffar Rubbani

Notice Number 1540974
File Number EF15/11392
Date 26-May-2016

**Re: Development Application No 5.2016.57.1, 134 Paynes Road, Bookham
Expansion of Bogo Quarry - EPL 4219**

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to development application **No 5.2016.57.1** (the DA) and accompanying information provided for the proposed expansion of the Bogo Quarry at 134 Paynes Road, Bookham (the proposal). The DA was received by the NSW Environment Protection Authority (EPA) from Yass Valley Council on 5 April 2016.

Yass Valley Council is aware that the proponent, Bogo Operations Pty Limited, already holds Environment Protection Licence 4219 (the EPL) under the *Protection of the Environment Operations Act 1997* (POEO Act) for a land-based extractive industry at 134 Paynes Road, Bookham.

The EPA has reviewed the information provided by the applicant and has determined that it would be able to vary the EPL to accommodate the proposed expansion of Bogo Quarry, subject to a number of additional and varied EPL conditions. The applicant will need to make a separate application to the EPA to vary the EPL if the development application is approved.

The EPA's general terms of approval for this proposal are provided at Attachment A to this letter. These general terms of approval reflect the changes required to the EPL in light of the proposal and if Yass Valley Council grants development consent for this proposal, these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about any such changes. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Michael Heinze on 6229 7002.

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Yours sincerely

A handwritten signature in blue ink, appearing to read 'Julian Thompson', written over a horizontal dotted line.

Julian Thompson

Unit Head

South East - Queanbeyan

(by Delegation)

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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 5.2016.57.1 submitted to Yass Valley Council on 15 March 2016; and
- the "Environmental Impact Statement for the Ongoing Operations of Bogo Quarry (and Mobile Asphalt and Concrete Batching Plants)" prepared by R.W. Corkery & Co. Pty. Limited and dated March 2016, relating to the development.

A2. Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details

BOGO QUARRY

PAYNES ROAD

BOOKHAM

NSW 2582

LOT 1 DP 1205646 and PART LOT 115 DP 876302

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activities

Bitumen Pre-mix or Hot-mix Industries

Concrete works

Limit conditions

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

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L2.4 Water and/or Land Concentration Limits

POINTS 1,2

Pollutant	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and grease	milligrams per litre				10
pH	pH				6.5-8.5
Total Suspended Solids	milligrams per litre				50

L3. Noise limits

L3.1 Noise from the premises must not exceed an LAeq, 15 min noise level (dBA) prescribed in the table below at the identified sensitive receivers:

Receiver	Day	Evening	Night
R1	35	35	35
R2	35	35	35
R3	35	35	35
R4	35	35	35
R5	36	36	36

Note: For the purpose of the above table, the following definitions apply:

- Day - the period from 7.00am to 6.00pm Monday to Saturday; or 8.00am to 6.00pm on Sundays and Public Holidays
- Evening - the period from 6.00pm to 10.00pm
- Night - the remaining periods

Receivers are as identified in the document "Bogo Quarry Noise and Blasting Assessment", Report No 610.07607-R2, 15 January 2016, by SLR Consulting Australia Pty Ltd.

L4. Hours of operation

L4.1 Operational activities at the premises may only be carried on between the times specified below:

Activity	Day	Time
Blasting	Monday to Friday	9.00am to 5.00pm
	Saturday, Sunday and Public Holidays	None
Extraction	Monday to Saturday	5.00am to 10.00pm
	Sunday	None
Processing	Monday to Sunday	5.00am to 10.00pm
Product transportation and maintenance	Monday to Sunday	Any time

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L4.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 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.

L4.3 The hours of operation specified in condition L4.1 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.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
N/A	Virgin Excavated Natural Material (VENM)	As defined in Schedule 1 of the POEO Act, in force from time to time.	Waste disposal (application to land).	Only to be used for construction of the bund wall.
N/A	Excavated Natural Material (ENM)	Waste that meets all the conditions of the 'excavated natural material exemption 2014', issued by the EPA under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014.	Waste disposal (application to land).	Only to be used for construction of the bund wall.

L6. Blasting

Overpressure

L6.1 The overpressure level from blasting operations on the premises must not:

Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and

Exceed 120dB (Lin Peak) at any time.

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

L6.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and

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Exceed 10mm/s at any time,
when measured at any point within 1 metre of any affected residential boundary.

Operating conditions

O3. Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.