

JOINT REGIONAL PLANNING PANEL
Western Region

JRPP No.	2016WES017
DA No.	10.2016.78.1
Local Government Area	Oberon Council
Proposed Development	Extractive Industry
Street Address	No 48 Gilholmes Road Oberon Lot 267 DP 757068
Applicant/Owner	Applicant: Robert McGrath Owner: Pine Hill Unit Trust
Exhibition Period	27 October 2016 – 12 December 2016
Number of Submissions	Twenty (20) public submissions
Regional Development Criteria (Schedule 4A of the Act)	<p>Schedule 4a to the <i>Environmental Planning and Assessment Act 1979</i> outlines development for which regional panels may be authorised to exercise consent authority functions of councils. Clause 8 of schedule 4a has identified extractive industries which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> as being development suitable for a regional panel.</p> <p><u>Extractive industry – designated development</u></p> <p>The proposed extractive industry is classified as designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> because it is a proposed <i>industry that obtains or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year or 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</i>. Designated development requires an Environmental Impact Statement which is a comprehensive assessment of the impacts of the development proposal.</p>
Integrated Development (Section 91 of the Act)	<p>The development proposal is considered to be Integrated Development as defined under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as the application also required the following approvals from the Environment Protection Authority (EPA) and the Roads and Maritime Services (RMS):</p> <ul style="list-style-type: none"> • An Environment Protection Licence under section 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997. • Consent to carry out works over a public road in accordance with section 138 of the Roads Act 1993.

	<p>The NSW Environment Protection Authority (EPA) in correspondence dated 16 February 2017 granted their General Terms of Approval for the proposal noting that a separate application to the EPA is required to obtain an environment protection license, should consent be granted by Oberon Council.</p> <p>The Roads & Maritime Service (RMS) provided correspondence dated 9 December 2016 with recommendations for Council's consideration.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP 33 Hazardous and Offensive Industry • SEPP 44 Koala Habitat Protection • SEPP 55 Remediation of Land • SEPP Mining, Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2009 • SEPP State and Regional Development 2011 • Oberon Local Environmental Plan 2013 • Oberon Development Control Plan 2001
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Names and addresses of submitters • Copy of all written submissions
Recommendation	That the Western Region Joint Regional Planning Panel issue conditional consent.
Report by	Brendan O'Loan, Consulting Town Planner, Oberon Council
Report date	6 March 2017

1. EXECUTIVE SUMMARY

1.1. Reason for consideration

The proposed development is designated development as it is for an extractive industry greater than 30,000m³ of extractive material per year in accordance with Schedule 3 of the Environmental and Planning Regulation 2000.

This assessment report is submitted to the Joint Regional Planning Panel Western Region for determination in accordance with the requirements of Sections 23G and 23H *Joint Regional Planning Panels* (JRPP) of the *Environmental Planning and Assessment Act* 1979 (EP&A Act 1979). Clause 8(a) of Schedule 4A to the EP&A Act 1979 specifies this type of extractive industry as development for which Joint Regional Planning Panels may be authorised to exercise consent authority functions of councils.

1.2. Subject description

The application is seeking consent for extractive industry. The area of the proposed quarry will occupy approximately 4.5 hectares of the 72 hectare site within the land parcel identified as Lot 267 DP757068.

The site is located approximately 6km north of Oberon slightly east off Lowes Mount Road and can be identified on the locality map in Figure 1. It is located on the lot immediately north of the Blenheim State Forest as seen in Figure 2. Views of the project site are largely obscured by the rising topography and dense vegetation of the Pine Hill property and the roadside vegetation along Lowes Mount Road. The best vantage points of Pine Hill are from the west along Faugha Ballaughha Road.

The site of the proposed quarry is known as 'Pine Hill' due to its elevation and dense covering of pine regrowth. The site has access to Lowes Mount Road via Gilholmes Road however the applicants have decided not to pursue this access due to the Gilholmes Road-Lowes Mount Road intersection not having a good road alignment and substantial vegetation clearance and land acquisition would allegedly be required to provide an adequate sight distance. The application has proposed to use the existing entrance to the Blenheim State Forest and the internal forestry roads which will be subject to a commercial agreement between the applicant and the NSW Forestry Corporation. Access to the quarry will enter Black Bullock Track from Lowes Mount Road, on to Glenmore Road and then to a 100 metre section of new road linking to the southern boundary of the subject site. This quarry access road will be approximately 1300 metres in length (see Figure 3). The quarry access road in its current condition is a 6m unsealed road and Lowes Mount Road is a 6.6 to 6.8 metre wide sealed road with a posted speed of 100km/h. Lowes Mount Road is reasonably well maintained with the pavement in relatively good condition however there are many sections without a centre line or shoulders.

The proposed intersection of Black Bullock Track and Lowes Mount road is a basic rural gravel intersection without turning or auxiliary lanes. From the intersection the sight distance to the north along Mount Lowes Road is approximately 205 metres and to the south 250 metres.

The project site is located towards the most elevated point of a series of local hills to the north of Oberon. Rising to 1170m AHD the elevation of the site is just below the highest point in the vicinity, with the majority of the surrounding hills being above 1000m AHD. The majority of 'Pine Hill' drains to the west and southwest into Little Spring Creek, with a smaller proportion of run off flowing to the east and north-east into Stony Creek. Both of these creeks flow into Snakes Valley Creek approximately 3.5km further north and continue north to Fish River.

The land uses surrounding the project site are predominantly agriculture, rural-residential, rural industry, tourism and forestry.

The applicant for the submission is Robert McGrath and the owner of the land is Pine Hill Unit Trust, who have consented to the lodgment of the development application. The applicant has engaged R.W Corkey & Co Pty Ltd (the consultant) to assist with the application and preparation of the Environmental Impact Statement (EIS).

Figure 5 shows the location of 27 residential houses in the vicinity of the proposed quarry at Pine Hills. 5 of the houses are within 1km of the project site and all of these are in a south-west to north arc from the project site. 14 more residential houses are between 1km and 2km from the project site with 10 of these houses in a south-west to north arc. 8 residential houses are between 2km and 3km of the project site with 5 of these houses in the south-west to north arc. 74% of houses within 3km of the project site are within a south-west to north arc.

1.3. Proposed development

An outline of the proposal includes the following:

- Extraction of up to 50,000m³ (80,000tpa) of gravel materials using campaign extraction methods for a period of up to 20 years.
- The source of material will be used in road building, landscaping and construction within the local area.
- Establishment of a quarry access road within the Blenheim State Forest at the end of Glenmore Road.
- Clearing and/or disturbance of 9.77ha of vegetation. 8.6ha is within the extraction area and is Monetary Pine forest regrowth. 1.17ha of vegetation is to be disturbed as a result of the quarry access road and is planted Monetary Pine forest. The quarry access road will also result in the removal of 0.9ha of Mountain Gum- Manna Gum.
- Soil is removed to expose underlying rock. Soil will be stockpiled for use in revegetation activities.
- Extraction of gravel using bulldozer push or excavator recovery methods.
- Crushing and screening of the extracted gravel in a mobile crushing and screening unit to meet customer specifications.
- No blasting of rock proposed
- Transportation of the gravel using truck and dog combinations and some rigid trucks.
- Establishment of erosion and sediment control structures
- Rehabilitation of a final landform at an elevation of 1140m AHD and create a modified hill top landform suitable for forestry or grazing.

All materials and equipment including excavators and portable toilets are removed following the completion of the activity.

The extraction area is proposed to be developed in a south to north direction, gradually widening on the east-west axis as activities progress from stage 1 to stage 2 (see Figure 4). The quarry is taking approximately 15-20 meters off the top of the hill in stage 1 and then up to another 10 metres in stage 2. The hill will go from a peak elevation of approximately 1170m AHD to approximately 1155m AHD.

The proposal is for the transport and extraction of rock between 7.00am to 6.00pm Monday to Friday and 7.00am to 2.00pm on Saturday with minor earthworks allowed to be undertaken on Sundays.

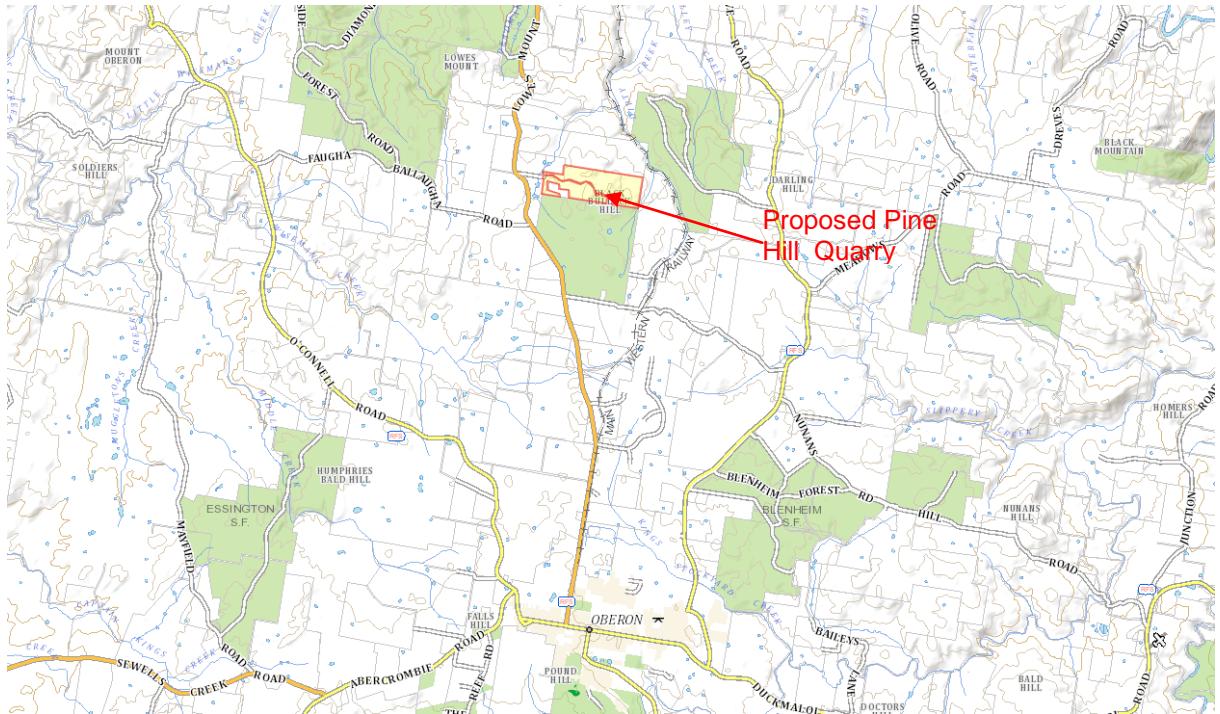


Figure 1 – Locality map showing location of site 6km north of Oberon.



Figure 2- Aerial showing location of site north of the Blenheim State Forest

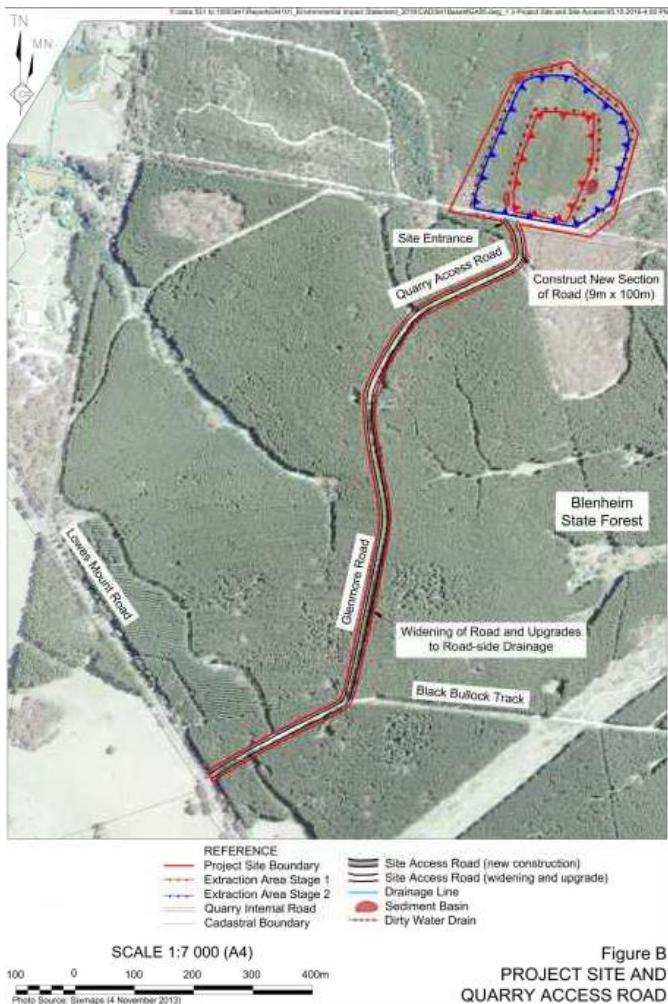


Figure 3 – Proposed access and footprint of quarry

1.4. Development history of the site

An application for gravel extraction was received in June 2013 with the application No. 10.2013.38.1. The application was very light on information and prompted a request for additional information in July 2013 which also outlined a summary of the issues received from five submissions. In August 2013 the applicant requested to withdraw the application however it was not formally withdrawn until 12 February 2015.

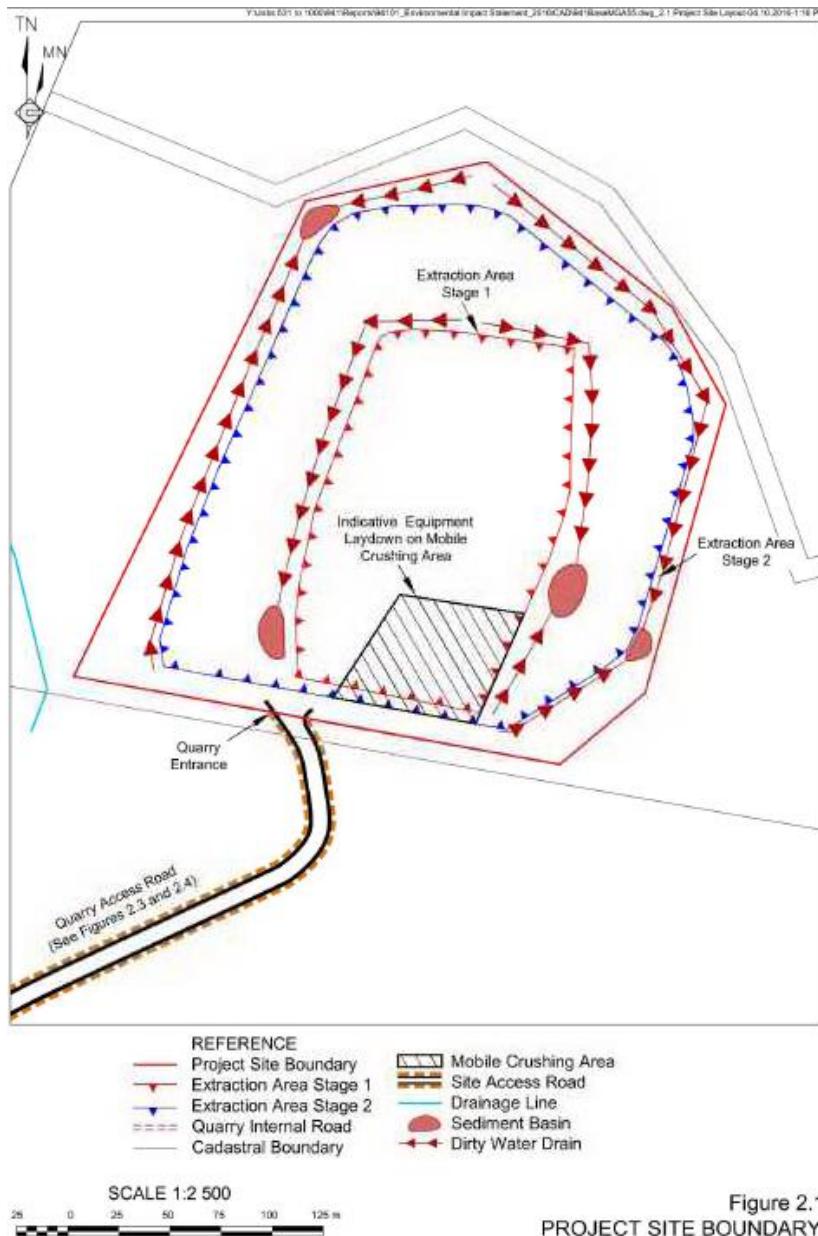


Figure 2.1
PROJECT SITE BOUNDARY

Figure 4 – Project site boundary and staging

1.5. Compliance with planning regulations

The subject land is within the RU1 Primary Production Zone under the *Oberon Local Environmental Plan 2013*. Development for the purposes of extractive industry is permissible with consent on land within the RU1 Zone under both the *Oberon Local Environmental Plan 2013* and in accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. The proposed extractive industry is classified as designated development in accordance with clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.

Section 79C(a)(i) of the EP&A Act 1979 requires a consent authority to consider relevant Environmental Planning Instruments, which are as follows:

- *SEPP (mining, petroleum production and extractive industries) 2007*
- *SEPP (state and regional development) 2011*
- *SEPP (rural lands) 2008*
- *SEPP No 33 (hazardous and offensive development)*
- *SEPP No 44 (koala habitat)*
- *SEPP No 55 (remediation of land)*

- Oberon LEP 2013

Section 79C(a)(iii) also requires the consent authority to consider the *Oberon Development Control Plan*. The parts considered to be specifically relevant are as follows:

- Introduction Part A- Rural development- Rural 1 (a) Zone

1.6. Consultation

The development proposal was placed on public exhibition in accordance with legislative requirements. The exhibition period ran from 27 October 2016 to 12 December 2016. Notification of the proposal was given to landowners adjoining the subject site as well as advertisements placed in the local newspaper. Twenty (20) submissions were received in response to the notification of the proposal.

The major issues that were raised by the submissions included:

- Increased traffic on Lowes Mount Road
- Traffic and operation noise
- Dust
- Quantity and quality of water
- Oberon DCP non-compliance
- Hours of operation
- Landscape and visibility
- Rehabilitation plans
- Impact on tourism and recreation
- Decrease in property values
- Risk of fire
- Need
- Impact on flora and fauna.

Notification of the proposal was also forwarded to the following authorities:

- The Department of Primary Industries Water- recommended conditions of consent (dated 9 December 2016) and review of response to submissions (17 February 2017).
- Environment Protection Authority (EPA)- issued general terms of approval (dated 16 February 2017)
- Roads & Maritime Service (RMS)- provided recommendations for Council's consideration (dated 9 December 2016).
- Office of Environment & Heritage – provided recommendations (7 December 2016).

1.7. Land ownership and tenure

The subject land (Lot 2 DP 1112479) is owned by Pine Hill Unit Trust who has consented to the lodgment of the application and is supportive of the use of the land for quarrying purposes. Correspondence has been received from Forestry Corporation NSW that confirms the use of State Forest Roads for access to the Pine Hill Quarry. This is conditional on the upgrade of the intersection of Lowes Mount road onto Black Bullock Road being approved to the standard of the relevant road authority. A commercial agreement will be put in place, which will include the provision of upgrading and ongoing maintenance of State Forest Roads.

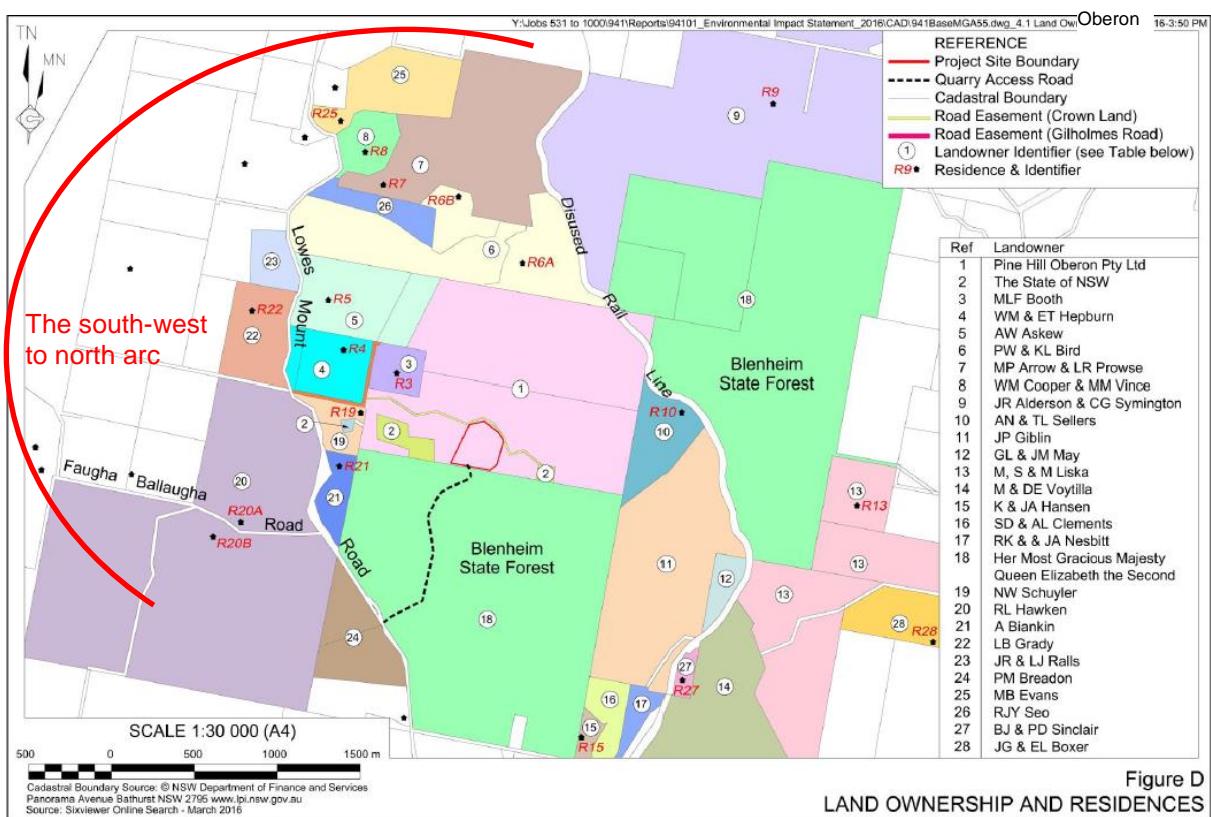


Figure 5 – Surrounding residential properties in context of proposed quarry

1.8. Recommendation

The proposed development has been assessed on its merits and the public interest and in accordance with the legislative and regulatory provisions. Based on the documentation submitted with the application, the proposal is **recommended for approval** subject to conditions of consent.

2. EVALUATION OF DEVELOPMENT APPLICATION

2.1. Environmental Planning and Assessment Act 1979

Section 79C of the EP&A Act 1979 requires a consent authority to assess the impacts of development and to take into account certain matters as are relevant to a development the subject of a development application.

An evaluation of the development proposal against the relevant heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979 is contained in Table 1 below.

Table 1 – Assessment under s79C Environmental Planning & Assessment Act 1979

<i>s79C(1)(a)(i) Any environmental planning instrument</i>
<p><i>State Environmental Planning Policy (State and Regional Development) 2011</i></p> <p>This SEPP confers functions on Joint Regional Planning Panels (JRPP) to determine development applications. As the proposal is 'Designated Development' for the purpose of extractive industry the proposal is classified as Regional Development and will be determined by the JRPP – Western Region.</p>
<p><i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i></p> <p>The SEPP requires the proper control of development that is hazardous or offensive that without mitigation measures would pose a risk.</p> <p><u>Potentially Hazardous Industry</u> – The proposed development is not considered to be a <i>potentially hazardous industry</i>. The proposal would comprise the use of diesel fuels and minor amounts of lubricating oils and liquids, with the applicant noting that diesel would not be stored onsite. Similarly no explosives would be stored onsite. The nature of the proposal and the intended operations are expected to sufficiently mitigate this risk.</p> <p><u>Potentially Offensive Industry</u> – The proposed development is not considered a <i>potentially offensive industry</i> as the 'noise emissions from the proposed quarry without taking any mitigation measures' are not likely to have a significant adverse impact on the existing development.</p> <p>Clause 13 'Matters for consideration' by consent authorities require the consent authority to consider:</p> <ul style="list-style-type: none">(a) <i>current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</i>(b) <i>whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</i>(c) <i>in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</i>(d) <i>any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</i>(e) <i>any likely future use of the land surrounding the development.</i>

The Noise Impact Assessment (NIA) by Muller Acoustic Consulting shows that even without any mitigation techniques the noise modelling results demonstrate that worst case operational noise levels will be between 35-40 dBA. Although this is potentially greater than the 5dBA above the existing background level it is well below the acceptable recommended noise level for residences in a rural area of 50dBA.

The EPA will require the applicant as part of the Environmental Protection License under section 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997 to adhere to appropriate noise levels at sensitive receptors during operational hours of the day. This means that sensitive receivers (R3, R4 and R19 being the closest dwellings to the proposed quarry) should not have a noise level of greater than 35dBA for longer than 15 minutes.

Modifying the staging of the quarry to ensure there is a natural barrier (earth and trees) between the exposed quarry and the main sensitive receivers (R3, R4 and R19) is one of the most effective ways of reducing the noise impacts. This can be done by ensuring the west and northern elevation of the study area is untouched until the final stages of extraction.

The NIA demonstrates that off-site noise emissions from product transport are predicted to satisfy relevant day road noise. The driver code of conduct for the transport of materials from the site will ensure this noise is below an acceptable level.

State Environmental Planning Policy No. 44 – Koala Habitat

This SEPP requires a consent authority to satisfy itself whether or not the land is a potential koala habitat or core koala habitat. Schedule 1 of the SEPP identifies Oberon LGA as an area that could provide Koala habitats.

An Ecological Assessment was undertaken by OzArk Environmental and Heritage Management Pty Limited (October 2016). The field survey did not identify any koalas within the project site and considers there are no resident populations with only sporadic transient Koala movements likely. In accordance with clause 9 of SEPP 44, because the site is not identified as containing core koala habitat, a consent authority is not prevented from granting consent to the development application under the requirements of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP requires the consideration of the potential contamination of land and its remediation as part of the development application process. The subject land is pine regrowth and has potentially been used for forestry activities in the past. Forestry activities are not listed in Table 1 of the *Managing Land Contamination Planning Guidelines*, therefore there are no identified contamination issues and thus no remediation works are necessary.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The proposed extractive industry is permissible with consent in accordance with clause 7(3) of this SEPP.

Clause 12 of this SEPP requires the consent authority to consider the compatibility of the proposed extractive industry with other land uses (existing and approved) in the vicinity of the development and evaluate any measures proposed to avoid or minimize any incompatibility. The immediate surrounds of the proposed quarry site are used for grazing, rural living, tourism and forestry. Many of the objections received had concerns with the quarry and its impacts on people who reside in the area or the small tourism enterprises. Considering the location of the rural residential and tourism enterprises, the quarry could have an impact in the following ways.

- Dust- an air quality management plan is regulated by an Environmental

Protection License required from the EPA. The Environmental Impact Statement states that water from the existing dams and proposed sediment basins will be used for dust suppression among a number of other procedures. The EIS concludes that sufficient water is available from the existing dams and proposed sediment basins for dust suppression and gravel washing. A condition will be recommended that if the water from the existing dams and proposed sediment basins runs out then the quarry is to stop operating unless an alternative water supply can be used.

- Noise- as detailed in the SEPP (Hazardous and Offensive Industry) the increase in noise will still be well below the EPA's acceptable recommended noise level for residences in a rural area. The quarry will only be able to operate during daytime hours and will still be regulated by an Environmental Protection License required from the EPA. The increase in noise to some of the nearby residential dwellings will be reduced with a revised rehabilitation and staging plan that will retain earth and vegetation between the quarry and the residential dwellings in the early and middle stages of the life of the quarry.
- Visual impact- A revised rehabilitation and staging plan will require the western and northern elevations to remain in place until the final stages of extraction to reduce visual impacts for the majority of the surrounding residential houses.

Clause 13 of this SEPP requires a consent authority to consider whether or not the development is likely to have a significant impact on current or future extraction in the vicinity. Having regard for the proposed scale and nature of the proposed extractive industry, it is not expected to negatively impact on the current or future extractive activities in the vicinity.

Clause 14 of this SEPP requires consideration of natural resource management and environmental management. It requires a consent authority to consider environmental responsibility and include conditions in relation to:

- Impacts on water resources- EPA General Terms of Approval require a surface water and sediment management plan
- Threatened species and biodiversity- An Ecological Assessment did not identify any significant impacts on a threatened species
- Minimisation of greenhouse gas emissions. The extraction of gravel products is not expected to impact significantly on greenhouse gas emissions.

Clause 15 of this SEPP requires a consent authority to consider the efficiency of the development in terms of resource recovery and recycling of material. Given the scale and nature of the proposal, significant waste generation is not expected. Top soils and overburden materials from the site will be utilised in the restoration and rehabilitation of the site. Due to the impermanence of works on the site, all materials and equipment will be brought in and later removed from the site as part of each extraction campaign.

Clause 16 of this SEPP relates to the transport needs of the proposed development and requires a consent authority to have regard for the impacts on public roads. The conditions of this recommendation to the JRPP will require the preparation of a driver code of conduct relating to the transport of materials on public roads. Roads and Maritime Services have provided recommendations for the consent relating to loading and unloading and sight distances. Oberon Council as the relevant roads authority have recommended upgrades to the intersection of Lowes Mount Road and Black Bullock Track to facilitate a smooth transition in and out of Black Bullock Track.

Clause 17 of this SEPP relates to the rehabilitation of the land affected by the extractive industry proposal. The applicant has provided some details of the final landform and proposed rehabilitation however this can be improved. A revised rehabilitation and staging plan will be required as a condition to the recommended

consent with the priority to reduce the noise and visual impacts on nearby residential properties.

Clause 10 of this SEPP exempts business identification signs on an approved extractive industry if there is minimal environmental impact and is on land that is the site of an approved extractive industry. If the business identification sign is proposed to be on State Forest land, clause 10 will not exempt a business identification sign from consent. The Oberon DCP 2001 states that signage must be consistent with the objectives of *SEPP64- Advertising and Signage*. SEPP64 Clause 15 (2) states that *the consent authority must not grant consent to display an advertisement on land to which this clause applies unless (i) the advertisement relates to the land on which the advertisement is to be displayed, or to the premises situated on that land or adjacent land, and (ii) specifies one or more of the following particulars: (A) the purpose for which the land or premises is or are used, (B) the identification of a person residing or carrying on an occupation or business on the land or premises, (C) a description of an occupation or business referred to in subparagraph (B), (D) particulars of the goods or services dealt with or provided on the land or premises*. A condition of this recommended consent therefore will be to ensure the applicant gains consent for a business identification sign in accordance with SEPP64 if it is proposed to be located on State Forest land.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP contains rural planning principles applicable to the use and development of rural land. These principles include protecting productive activities and opportunities, recognition of the significance of rural land to the community and identification of natural resources and the provision of opportunities of natural resources. The proposed extractive industry is considered to be consistent with these principles. The proposal will provide for the sustainable, economic use of a natural resource (rock) and includes operational measures that will result in the rehabilitation and restoration of the site following completion of the extraction activity. The proposal will be compatible with continued forestry land use surrounding the project site.

Oberon Local Environmental Plan 2013

The subject land is within the RU1 Primary Production Zone under the provisions of the *Oberon Local Environmental Plan 2013* (LEP). The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.*

The proposed development is defined as an “extractive industry” for the purposes of the LEP and is permissible with consent in the zone.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Extractive industry is consistent with the objectives of the RU1 Zone as the land will be enhancing the natural resource base and the products from the extractive industry will be associated with primary production activities. The proposal given its scale and nature will not result in the fragmentation or alienation of rural lands. The subject land will be rehabilitated and restored following quarrying works enabling the entire site to return to forestry, nature conservation or agriculture.

The proposed extractive industry is of a use, scale and location that with appropriate noise, dust and traffic management should only have minor impacts to residential properties.

s79C(1)(a)(ii) Any proposed instrument that is or has been placed on exhibition

There are no draft environmental planning instruments applicable to the proposal.

s79C(1)(a)(iii) Any development control plan

The *Oberon Development Control Plan 2001* (DCP) applies to the subject land and outlines Council's policy with regard to development of land. Part A of the DCP applies to rural development and refers to land in the "Rural 1(a) Zone".

Since the publication of the DCP, land zoning regime in the Oberon Council area has changed following the gazettal of the *Oberon Local Environmental Plan 2013* (LEP). For the purposes of this assessment a reference to the "Rural 1(a) Zone" in the DCP is taken to be equivalent to the RU1 Primary Production Zone in the LEP.

Section A.2.1 of the DCP contains Council's general policy for rural development and provides that non-agricultural development should be located on land that is not prime crop or pasture land. It requires that non-agricultural development should be carried out in a way that minimises adverse effects on normal farming and forestry practices. As discussed this quarry can operate whilst having limited effect on the forestry and agricultural activities in the surrounding area. This will be supported and regulated by the surface water and sediment management plan and the air quality management plan. The final landform of the project site will also facilitate forestry, nature conservation or agricultural uses in the future. For the reasons above, it is considered that the proposed extractive industry complies with the requirements of this section of the DCP.

Section A.2.6(d) of the DCP contains specific principles for land degradation. Specific to these principles are that stripped topsoil is to be stockpiled for re-spreading and sediment and erosion control structures such as sediment or retarding basins are required to prevent possible land degradation. The proposed development will result in alterations to the land through the extraction of rock materials with appropriate sediment basins and dirty water drains planned around the perimeter of the extraction area. The proposal includes details of the applicant's commitment to manage, restore and rehabilitate the site following the completion of the proposed extractive works. This includes the planting of vegetation on the final landform.

The DCP specifies that extractive industry has a minimum buffer distance of 500 metres from residential development (from footprint of operations and is to be provided wholly within the proponents land or by appropriate lease over the buffer area) to minimize land use conflicts and avoid undue interference with the living amenity of residents. Council may consider less stringent conditions based on partial use and/or annual production volume having regard for public benefit.

From the footprint of stage 2 of the proposed quarry to the dwelling located at R3 (see figure 5) is 530m and to the edge of the property boundary is 347m. From the footprint of stage 2 of the proposed quarry to the dwelling located at R19 (see figure 5) is 634m

and to the edge of the property boundary is 576m.

Given the context of the land between the dwelling at R3 and the proposed quarry is heavily vegetated and a steady incline and considering the outcomes of the Noise Impact Assessment and the proposed dust suppression plan, a distance of 576 metres between the footprint of the quarry and the dwelling at R3 is acceptable.

s79C(1)(a)(iiia) Any planning agreement

There are no planning agreements applicable to the subject site or to this development application.

s79C(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no applicable regulations to this development application.

s79C(1)(a)(v) Any coastal zone management plan (within the meaning of the Coastal Zone Management Act 1979 that apply to the land to which the development application relates)

No coastal zone management plans apply to the subject land.

s79C(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Access, transport and traffic

The subject site is located off Gilholmes Road which is accessed off Lowes Mount Road. It is not proposed to utilise this access as there is a more effective route using existing forestry roads within the Blenheim State Forest which total approximately 1.3 km in length and have direct access to Lowes Mount Road. The use of these roads is subject to an agreement with the Forestry Corporation of NSW.

Black Bullock Track is located between Glenmore Road and Lowes Mount Road and totals 240m in length and is 5.5-6m width. The applicant has proposed to widen the road to 6.5 to 7m and lay compact gravel to 150mm for a width of 5.5-6m with re-sheeting and compaction as required.

Glenmore Road is located off the Black Bullock Track and is approximately 850m in length and follows a natural ridgeline. The road is 6-7m in width and has existing gravel. The applicant has also proposed to widen this road to 6.5-7m and lay compact gravel to 100mm for a width of 6m.

The fire trail easement is located between Glenmore Road and the subject site and is 100 metres long. There is no road formation and it needs clearance from pine regrowth and Manna Gums. It is proposed to have a 6-7m wide road with 200mm of compact gravel. The entire 1.3km quarry access road is to be have a 40km speed limit.

The Traffic Impact Assessment prepared by Constructive Solutions Pty Ltd (September 2016) estimates 60 heavy truck movements per day from the site. This quantum of movements will require the upgrades to the State Forest Roads. Council also has an opportunity for an annual contribution in accordance with the Oberon Council Schedule of Fees and Charges 2016/17 from the quarry operator for the use of Lowes Mount Road and other Council owned and maintained roads.

The intersection of the Black Bullock Track and Lowes Mount Road is proposed by the applicant to be upgraded to a basic left treatment in accordance with *Figure 8.2 of Austroads Guide to Road Design: Part 4A* (Austroads, 2010), and a basic right treatment in accordance with *Figure 7.5 of Austroads Guide to Road Design: Part 4A*

(Austroads 2010). This is supported by Council officers. The sight distances to the south is approximately 250 metres and to the north is 205 metres. The 'Safe Intersection Sight Distances' (SISD) for the intersection in accordance with Austroads (2010) are 234m and the Extended Design Domain (SISD) is 208m. The sight distance to the south is therefore acceptable however to the north the sight distance is short of the recommended standard. This is still the most appropriate location to access the proposed quarry therefore a few additional features will be required to ensure this intersection is considered safe. The widening of the shoulder for north bound traffic for a length of 117.5 metres will assist with traffic when a vehicle is waiting to turn right into Black Bullock Track. A 53 metre long deceleration lane will also be used for southbound traffic which is turning left into Black Bullock Track. In addition the BAL will include the construction of a sealed acceleration lane and taper for 50m for existing (southerly) traffic. These additional intersection features will be required as a response to not being able to meet the SISD to the north.

Appropriate 'Trucks Turning' signage will also be required on the approach along Mount Lowes Road from the north and south towards the Black Bullock Track intersection to slow approaching traffic and paint lane marking for turning and merging traffic. Vegetation clearing will also be required within the Lowes Mount Road easement to the north of the intersection and excavation of a mounded batter (to road level) on the eastern side of Lowes Mount Road approximately 170m north of the intersection.

The EPA General Terms of Approval is supportive of the proposed hours of operation being between 7.00am to 6.00pm Monday to Saturday and no times on Sunday's and Public Holidays. Any noise impacts as a result of the quarry trucks will be confined to the daytime. The Noise Impact Assessment prepared by Muller Acoustic Consulting has used the NSW's EPA's Road Noise Policy (2011) to model that the quarry trucks will be well below the assessment criteria of 60dba.

The applicant has proposed a driver code of conduct for any vehicles delivering or picking up product from the quarry. This will include a 40km speed limit when using the quarry access road, to avoid using engine brakes and that poorly maintained vehicles can be refused entry.

Lowes Mount Road is forecast to have an increase of approximately 80 light and heavy vehicles per day. The general alignment and typical section of Lowes Mount Road is considered suitable for the additional traffic movements.

Public domain

The additional truck movements are expected to have a manageable impact on the public domain.

Utilities

The nature of the proposal means no permanent utility services are needed for the activity. All materials and equipment needed for the extraction works will be brought to the site and removed following completion of works.

Heritage

The impacts of the proposed extractive industry have been assessed with regard to both European and Aboriginal heritage. An Aboriginal and Historic Due Diligence Archaeological Assessment was prepared by OzArk Environmental and Heritage Management Pty Ltd (September 2016). The recommendations were that the proposed work may proceed without future archeological investigation under the condition that all life disturbing activities are confined to within the assessed project site. Should the parameters of the proposed work extend beyond the assessed area, then further archaeological assessment may be required.

No historic heritage was located on the site.

Other land resources

The proposed activity is not expected to result in significant or unreasonable impacts on land resources.

Waste

Accessible rubbish and recycling bins will be located at the quarry. Any waste oil, oily rags or machinery will be stored separately within the fuel tank bund and enclosed shed and periodically removed from the site.

Visual amenity

As demonstrated in Figure 5 the majority of residential houses are within the arc from the south-west to the north of the quarry. The current staging plan is to extract material from the south to the north and then gradually widening on the east-west axis as activities progress from stage 1 to 2. This staging process results in the entire footprint being excavated prior to any rehabilitation which can cause impacts to the 27 residential houses surrounding the quarry.

There is potential to soften the visual and noise impacts from the quarry by extracting certain sections at a time and allowing rehabilitation on exhausted stages of the quarry. The retention of the pine vegetation within the site boundary until such time as it is needed to be removed for extraction and the delaying of the western and northern elevation until the final stages of extraction will result in a reduced visual impact from properties within the south- west to north arc.

A revised rehabilitation and staging plan will be required as part of the draft conditions that aims to provide better protection for the residential housing in the south-west to north arc at least in the short to medium term. This staging plan should be developed with the ongoing visual amenity of the houses in the south-west to north arc as a primary consideration.

The retention of the pines within the property of 'Pine Hills' (but outside the quarry footprint) will provide natural screening and assist in mitigating the visual impact of the quarry on the surrounding areas. Thinning of the pines will be allowed but full harvest of the pines will be unacceptable whilst the quarry is operating.

Water

Pollution of downstream water courses can occur from runoff from stockpiles and roads and also rehabilitated areas prior to full stabilization. The environmental impact statement shows the quarry is to have a stabilized site access, dirty water drains, mitre drains, sediment basins and sediment fencing to ensure no contaminated water enters any waterways.

A surface water and sediment management plan is within the EPA General Terms of Approval and will cover the any issues of concern regarding water quality.

The Department of Primary Industries –Water has reviewed the EIS and as there is no information regarding standing water levels in bores in the vicinity, they have suggested that a monitoring bore should be constructed within 1 year of approval to determine the depth of the groundwater table. The monitoring bore must be at least 10 metres deeper than the proposed maximum depth of the quarry. If the groundwater is to be found within 3m of the proposed maximum depth of the quarry then the proponent is to develop a Groundwater Management Plan.

The applicant responded to this with evidence that ground water within the surrounding area was well below the proposed extraction depth and a monitoring

bore was not required however DPI Water have insisted that the monitoring bore is constructed.

Soils

The proposal seeks to retain and utilise existing topsoil and overburden stockpiles on the site. Any additional overburden and waste rock material generated as a result of the proposed extractive industry will be stockpiled on site and utilised as part of the proposed rehabilitation and restoration of the site. There is no evidence of contamination of the site.

Noise

The proposed development is expected to generate some levels of noise by nature of the activity proposed, however as demonstrated by the Noise Impact Assessment by Muller Acoustic Consulting, this noise will not significantly impact residential properties in accordance with the Industrial Noise Policy and the Road Traffic Noise Criteria. Irrespectively, noise will be controlled by the Environmental Protection License required by the EPA. As stated, a revised staging plan will be required that ensures the landform and pines on the south-west to north arc remain intact until the final stage of extraction and the pines within the remainder of the 'Pine Hill' property are not harvested to ensure there is an additional noise barrier for the majority of the residential houses within the vicinity of the proposed quarry.

Flora and fauna

The quarry is expected to require the removal of approximately 0.09 hectares of native vegetation. The Ecological Assessment prepared by OzArk identified a number of species that were triggered for a 7-part test. The applicant's assessment concludes that there is no significant impact on any threatened species or vegetation class being *Mountain Gum- Manna Gum open forest of the South Eastern Highlands Bioregion*. As Oberon Council does not have an offsetting policy, there is no requirement to offset this destroyed vegetation.

A recommendation of the Ecological Assessment was to avoid vegetation clearing between the months of September and November when the young of birds and arboreal fauna are most likely to be found within nests or roosting sites.

The Office of Environment and Heritage (OEH) Review Recommendations had concerns about the presence of Endangered Ecological Communities (EEC) notably the *Tableland Basalt Forest in the Sydney Basin and Southern Eastern Highlands Bioregion*. As part of this removal of 0.09ha of *Mountain Gum- Manna Gum* OEH recommends an offset package be prepared that comprises an offset for the *Mountain Gum- Manna Gum* and the EEC *Tableland Basalt Forest in the Sydney Basin and Southern Eastern Highlands Bioregion*. The applicant has responded to the recommendations from OEH that although the EEC *Tableland Basalt Forest in the Sydney Basin and Southern Eastern Highlands Bioregion* may be present, the 0.09ha of vegetation removed in the context of a 110ha patch will not be a significant impact to the EEC and therefore the offset should not apply.

The OEH has no statutory role in the approval of offsetting strategies for projects being assessed under Part 4 of the *Environment Planning and Assessment Act 1979*. Because the proposed development constitutes "designated development" for the purposes of the *Environmental Planning and Assessment Act 1979* it is specifically exempt from the consent requirements under section 25(f) of the *Native Vegetation Act 2003*.

Given the relatively small amount of *Tableland Basalt Forest in the Sydney Basin and*

Southern Eastern Highlands Bioregion removal (0.09ha) in the context of a 110ha patch and the lack of statutory role to enforce offsets under Part 4 of the *Environment Planning and Assessment Act 1978* the biodiversity offset and strategy should not be a condition of the consent.

OEH also had concerns with the clearing which has occurred on the existing fire trail which will be used as the final part of the quarry access road to the quarry site. The applicant that stated that due to the size of the juvenile Manna Gum, the clearing is most likely to have been within the past 10 years undertaken by Forestry Corporation NSW as a fire break or for property access to the fence line. Irrespective of the original purpose, this report is not recommending offsets as discussed above.

Dust

The environmental impact statement states that the following procedures would be used throughout each extraction and processing campaign to control dust suppression.

- A water truck or cart would be used to wet the active unsealed forestry roads during campaign extraction operations.
- The mobile crushing plant would be located within the extraction area which provides topographical shielding from the effects of the winds.
- Water would be applied, as required during crushing and screening activities to reduce the potential generation of dust.
- The drop heights between front-end loader buckets and trucks would be minimized through operator training and education on the management of dust.
- The exhausts of all earthmoving equipment would be diverted away from the ground surface so as not to generate dust.
- Activities such as stripping of soil and gravel winning (by ripping or excavation) would avoid periods of high wind (exceeding 5m/s) or dry weather.
- Soil stockpiles would have a cover of vegetation equivalent to 70% coverage within 60 days of establishment.
- The quarry access road would be regularly graded, re-sheeted with gravel, compacted and watered to reduce the potential for dust emissions.
- Progressive rehabilitation over the life of the quarry would reduce exposed areas generating dust.

Dust monitoring at locations surrounding the project site will demonstrate emission levels. In the event that elevated dust levels are recorded at any of the deposited dust gauges it may be necessary for the applicant to initiate temporary monitoring of particulate matter using a dustrak or similar item of equipment.

The EPA has conditioned that an air quality management plan (including impacts and controls for dust) are required as part of its General Terms of Approval. The Environmental Protection License also requires that activities occurring in or on the site must be carried out in a manner that will minimize the generation or emission of dust from the premises.

A condition will also include that trucks carrying loads of dust generating materials must have their loads covered at all times.

Some public submissions stated that there is a risk of naturally occurring asbestos being present in the Oberon area. The applicant responded by stating that the rock types where this asbestos was found is not present at the quarry site area. Irrespective the applicant has noted that any suspicious material would be referred to an occupational hygienist or geologist for further analysis.

Odour

The quarry is not expected to produce a source of odour that is detrimental to the surrounding environment.

Energy

The nature of the proposed extractive industry will require minimal energy requirements. All plant and equipment is to be brought in to the site during the quarrying activities and removed upon completion of each extraction campaign. No permanent infrastructure or fixed energy supply will be connected to the site.

Natural hazards

The quarry is located within a Category 1 Bushfire hazard area. Given the industrial nature of the proposed activities and their operation during daytime hours only, no advice was obtained from the NSW RFS.

The proposed quarry is likely to increase the number and type of ignition sources in the local area and some safeguards were proposed by the applicant to ensure the risk is low. These safeguards included:

- Refueling undertaken within cleared areas of the project site
- Engines turned off during refueling
- No smoking in designated areas of the project site
- Fire extinguishers available
- Quarry access road regularly maintained
- Emergency and evacuation management procedures developed
- Fuel loads immediately surrounding the operational areas monitored and reduced where required.

Social impacts in the locality

Some of the public submissions objected to the proposed quarry on the grounds of impacts to tourism and recreation. The submissions identify the issues with visibility, noise, road impacts and air quality (dust) which have already been discussed in this report.

Recreation in State Forests will still be able to continue as the quarry will only be using the state forest roads intermittently during campaign extraction. In terms of tourism, if the impacts are appropriately mitigated then there should be minimal impacts on local tourism.

Economic impact in the locality

The quarry will supply the road sheeting, building, landscaping and construction material to many local industries including the forestry industry and increase the full time equivalent employees on site.

Construction

There are no significant construction requirements to establish the proposed activity. Improvements are proposed to the intersection into the site at Mount Lowes Road to ensure it meets road safety standards and the internal state forest roads will also need to be widened with compacted gravel surface.

Cumulative impacts

The proposal is not expected to result in any significant cumulative impacts. Even the

increase in trucks using Lowes Mount Road will have just a minor increase in terms of cumulative noise.

s79C(1)(c) The suitability of the site for the development

Does the proposal fit in the locality?

The proposal is in a rural environment with no residential dwellings within 500 metres but 27 residential dwellings within 3km. The proposed quarry site is approximately 6 km from Oberon.

The proposed land use is considered to be an appropriate use in the locality, subject to impact mitigation measures and conditions of consent.

s79C(1)(d) Any submissions made in accordance with the Act or Regulations

Public submissions

The development proposal was placed on public exhibition in accordance with legislative requirements. The exhibition period was from 27 October to 12 December 2016. Notification of the proposal was given to landowners adjoining the subject site as well as advertisements placed in the local newspaper.

A total of twenty (20) public submissions were received in response to the public exhibition of the proposal.

The following list is the major issues that were raised by the submissions. All of these issues have been discussed within the body of the report.

- Use of Lowes Mount Road
- Traffic and operational noise
- Dust
- Quantity and quality of water
- Oberon DCP
- Hours of operation
- Landscape and visibility
- Rehabilitation
- Tourism and recreation
- Property values
- Fire
- Need
- Flora and fauna

Submissions from public authorities

Notification of the proposal was provided to the Environmental Protection Authority, Office of Environment and Heritage, Department of Primary Industries- Water NSW, and Roads and Maritime Services.

A submission was received from Roads and Maritime Services who are also an integrated authority, providing recommendations for council's consideration. These recommendations relate to loading and unloading and sight distances for the intersection.

A submission was received from the Department of Primary Industries- Water and the Office of Environment and Heritage. Where appropriate their recommendations have been included as draft conditions.

A submission was received from the Environmental Protection Authority (also an integrated authority) who provided conditions as part of the General Terms of Approval. These conditions relate to hours of operation and management plans (surface water and sediment; and air quality) conditions. These recommendations have been incorporated into draft conditions of consent.

s79C(1)(e) The public interest

All submissions made in response to the proposal have been acknowledged and addressed. The interests of the public have been considered in relation to the proposal and it is considered, on its merits and subject to appropriate conditions of approval, the proposal is not contrary to the public interest.

Development contributions

The development will be subject to contributions levied under section 94 of the *Environmental Planning and Assessment Act 1979* and the Oberon Development Contributions and Water Management Works Plan (Amendment) 2004. The following contributions amounts will be required if paid within the 2016/17 financial year.

Public open space \$242.63

Community facilities \$242.63

Emergency facilities \$290.69

Rural roads \$4,734.80

Total \$5,510.75

The Oberon Development Contributions and Water Management Works Plan (Amendment) 2004 also allows for the levying of a per tonne, per kilometer rate for extractive industry towards recurrent annual expenditure on roads within the locality. The contributions plan specifies a rate of 15 cents per tonne, per kilometer being levied on the net weight of raw materials exported from the site. The distance from the intersection of the proposed quarry access road and Lowes Mount Road to the nearest regional or State road is 6.5 kilometers, therefore the 15 cents per tonne will be multiplied by 6.5 for the recurrent annual expenditure.

3. CONCLUSION

The application is seeking consent for an Extractive Industry. The area of the project site will occupy approximately 4.5 hectares of the 72 hectare site within the land parcel identified as Lot 267 DP 757068.

The application is classified as designated development in accordance with clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. As designated development, the development application is submitted to the Joint Regional Planning Panel Western Region for determination in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The applicant has addressed the relevant environmental impacts of the proposal in the Environmental Impact Statement submitted in support of the proposal. Having been assessed in accordance with the matters for consideration in section 79C of the *Environmental Planning and Assessment Act 1979* as detailed in this report, the proposal is recommended for approval subject to the draft conditions attached.

4. DRAFT CONDITIONS OF CONSENT

Proposal: Extractive Industry

Address: 48 Gilholmes Road, Oberon (Lot 267 DP 757068)

Western Region JRPP (2016WES011)

Oberon Council (DA 10.2016.78.1)

GENERAL

1. General terms of approval

The development shall be carried out in accordance with the approved stamped plans and supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

Document	Author	Date
Environmental Impact Statement	R.W.Corkery & CO.PTY.LTD	October 2016

Reason: To confirm and clarify the terms of Council's approval.

2. Extraction limits

The total amount of material extracted from the site in accordance with this consent shall not exceed 2,000,000 tonnes. The total annual extraction from the site shall not exceed 80,000 tonnes (measured from the date of commencement of this consent).

Reason: To ensure compliance with the application and approved plans and to confirm and clarify the terms of Council's approval.

3. Haulage Route

The haul route for trucks accessing the quarry and transporting extracted aggregate material shall be in accordance with the approved driver code of conduct.

Reason: To confirm and clarify the terms of Council's approval.

4. Protection of amenity

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason: To ensure the development does not unreasonably impact on the amenity of the surrounding area.

5. Dust suppression

The following operational procedures will be adopted throughout each extraction and processing campaign to control dust generation:

- a) A water truck or cart would be used to wet the active unsealed forestry roads during campaign extraction operations.
- b) The mobile crushing plant would be located within the extraction area which provides topographical shielding from the effects of the winds.
- c) Water would be applied, as required during crushing and screening activities to reduce the potential generation of dust.
- d) The drop heights between front-end loader buckets and trucks would be minimized through operator training and education on the management of dust
- e) The exhausts of all earthmoving equipment would be diverted away from the ground surface so as not to generate dust
- f) Activities such as stripping of soil and gravel winning (by ripping or excavation) would avoid periods of high wind (exceeding 5m/s) or dry weather.
- g) Soil stockpiles would have a cover of vegetation equivalent to 70% coverage within 60 days of establishment.
- h) The quarry access road would be regularly graded, re-sheeted with gravel, compacted and watered to reduce the potential for dust emissions.
- i) Progressive rehabilitation over the life of the quarry would reduce exposed areas generating dust.

Should the water supply from the existing harvestable rights be insufficient for dust suppression, the quarry is to stop operating until an alternative water supply can be used.

Reason: To protect the surrounding area from excessive dust

6. Asbestos

Any suspicious materials extracted from the quarry will be referred to an occupational hygienist or geologist for further analysis.

Reason: To ensure there is no risk to life.

7. Annual return

The operator of the extractive industry approved in this consent is to submit to Council an annual return within two (2) weeks of twelve (12) months following the commencement of quarrying works approved under this consent. The annual return is to quantify the amount of material (tonnes) removed from the site and is to be submitted with payment in arrears of recurrent contributions towards road maintenance levied in accordance with the Oberon Development Contributions and Water Management Works Plan (Amendment) 2004.

The annual recurrent levy is to be calculated based on an amount of 15 cents (indexed annually on 1 July) per tonne of extracted material multiplied by 6.5 (the length in kilometres of the haulage route from the quarry entrance to a State controlled road). The recurrent levy paid annually is to be reconciled with the amount of extracted material removed from the site as reported in the annual return.

Reason: To ensure compliance with the approved plans, documentation and extraction amount and to enable the payment of a recurrent road maintenance levy in accordance with Council's contributions plan.

8. Operation of plant and equipment

The applicant is to ensure that all plant and equipment used on site is maintained in a proper and efficient condition, in a safe and working order; and operated in a proper and efficient manner.

Reason: To protect and minimise impacts on the surrounding environment.

9. Aboriginal Heritage

The proposed work may proceed without further archaeological investigation under the condition that all land-disturbing activities are confined to within the assessed Project Site. Should the parameters of the proposed work extend beyond the assessed area, then further archaeological assessment may be required.

Reason: To ensure Aboriginal heritage is understood and protected.

10. Cultural heritage awareness

Work crews should undergo cultural heritage induction to ensure they recognise Aboriginal artefacts and are aware of the legislative protection of Aboriginal objects under the *National Parks and Wildlife Act 1974* and the contents of the *Unanticipated Finds Protocol*.

Reason: To ensure cultural heritage is understood and protected.

11. Cultural heritage management

In the unlikely event that objects are encountered that are suspected to be of Aboriginal origin (including skeletal material), the *Unanticipated Finds Protocol* should be followed.

Reason: To ensure appropriate action is taken upon discovery of Aboriginal cultural heritage items and/or human remains.

12. Historic heritage

Work crews employed in ground disturbing work within the impact footprint should be made aware of the legislative protection of the historic sites and relics.

In the event any historic relics are discovered during excavation or drilling, work will cease immediately at the specific location and the NSW Heritage Council contacted for further directions.

Reason: To ensure appropriate action is taken upon discovery of historic heritage items.

13. Groundwater

A monitoring bore at the proposed project site is to be constructed within 1 year of approval to determine the depth of the groundwater table. The monitoring bore must be at least 10 metres deeper than the proposed maximum depth of the quarry and the construction details including any water bearing zones are to be supplied to DPI Water.

If the groundwater table is found to be within 3m of the proposed maximum depth of the quarry, at any stage of its life, the proponent is to develop a Groundwater Management Plan, in consultation with DPI Water, which includes the following:

- a) Construction of an additional two monitoring bores;
- a) A monitoring plan to measure water level and quality;
- b) A water balance, accounting for any take of groundwater by evaporation or discharge within the quarry;
- c) Assessment of any potential cumulative impacts from the proposed activity on groundwater resources in accordance with the Aquifer Interference Policy (AIP);
- d) Demonstration that the proponent holds Water Access Licenses for the relevant Groundwater source(s) with sufficient entitlement to account for any estimated take via evaporation or inflows during, and following completion of the project.

All bores must be screened within the underlying aquifer, conform to the Minimum Construction Requirements for Water Bores in Australia (NUDLC 2012) and have a completed Form A lodged with DPI Water.

The proponent must obtain relevant licenses and approvals under the Water Act 1912/Water Management Act 2000 for monitoring bores and groundwater interception prior to commencement of these works

Should groundwater be intercepted at any time during the operational works of the extractive industry, all works are to cease immediately and Council and the Department of Primary Industries – Water notified. Works are not to resume until written authorisation is received from DPI-Water.

Reason: To protect and minimise impacts on the surrounding environment.

14. Hours of Operation

The hours of operation of the extractive industry are limited to the hours specified in the following table.

Days	Hours
Construction activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 2.00pm
Sunday & Public Holiday	No works permitted

Days	Hours
Operational activities	
Monday to Saturday	7.00am to 6.00pm
Sunday & Public Holiday	No works permitted

Reason: To ensure the operations of the development are consistent with the application and approved plans.

15. Complaints register

During the operational phases of the extractive activity, the applicant is to record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made (telephone, mail or email);
- (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) The nature of the complaint;
- (e) Any action(s) taken by the Applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the Council upon request.

Reason: To ensure complaints in relation to the proposed development are appropriately addressed.

16. Limit of clearing and quarry operations

No works, activities or vegetation clearing shall occur outside of the project site boundary and access road as identified within the approved Environmental Impact Statement.

Reason: To ensure the development is contained within the approved area of operations.

17. Toilet facilities

Toilet facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must:

- (a) be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally),
- (b) have a hinged door capable of being fastened from both inside and outside,
- (c) have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
- (d) have a floor constructed of a material that is rigid and impervious,
- (e) be provided with a suitable receptacle for, and an adequate supply of, deodorising or fly-repelling fluid, and
- (f) comply with any relevant requirements of the Building Code of Australia.

Reason: To ensure adequate facilities are provided for workers.

18. Documentation

A copy of the approved documents and plans relating to this consent are to be kept by the quarry operator at all times and shall be made available for inspection upon request by Council or an authorised government agency.

Reason: To ensure the relevant approval documents are available for inspection.

19. Protection of flora and fauna

Vegetation clearing and removal shall be minimised and limited to the proposed project site boundary and road access and no damage should occur to retained vegetation. Exclusion tape and signage should be installed on site to ensure that machinery does not enter the

vegetated areas to be retained that may otherwise damage the remaining vegetation not intended for clearing. Clearing should be avoided between September and November when the young of birds and arboreal fauna are most likely to be found within nests and roosting sites.

During any authorised clearing works, appropriate protection procedures are to be implemented including (but not limited to):

- (a) Engagement of a suitably qualified and experienced spotter-catcher to undertake an initial assessment of the area to be cleared for threatened species and to guide and inspect the felling of any hollow bearing trees,
- (b) Checking all trees for the presence of nesting or roosting fauna immediately before felling or removal.
- (c) The appropriate care taken during the removal of any identified hollow bearing trees to enable animals to vacate,
- (d) Avoid leaving felled trees on the ground unmanaged for more than two weeks to prevent creation of habitat for hollow dependent species, and
- (e) Salvage tree trunks, major limbs and minor branches as appropriate for use in the rehabilitation of disturbed areas and the biodiversity offset area.

Reason: To minimise and mitigate impacts on the natural environment during vegetation clearing works.

PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT

20. Business identification signage

Consent for a business identification sign is required from Oberon Council in accordance with the Oberon DCP and Clause 15 of State Environmental Planning Policy No. 64, Advertising and Signage. The approved sign must be adjacent to the entrance gate of the subject site containing the name of the quarry operator and the phone number, postal address and email address of the permanent site contact so that complaints or any other issues relating to operation of the quarry can be received and addressed in a timely manner.

Reason: To provide relevant contact details to the public and restricts advertising.

21. Access improvements

Prior to the commencement of the extraction and transportation of materials, the applicant must obtain approval for the undertaking of road safety improvement works in Lowes Mount Road at the entrance to the quarry site. The applicant shall obtain a construction certificate from the principal certifying authority for the proposed improvements and undertake the necessary upgrade works as approved prior to the commencement of the extractive industry. An application for construction certificate and approval under section 138 of the *Roads Act 1993* is to be submitted to Council with the following design:

Intersection upgrade in accordance with figure three of the Traffic Impact Assessment prepared by Constructive Solutions with the addition of the following features:

- a. The BAL will include the construction of a sealed acceleration lane and taper for 50m for existing (southerly) traffic.
- b. An appropriate 'Trucks Turning' signage is required on the approach along Mount Lowes Road from the north and south towards the Black Bullock Track intersection to slow approaching traffic.
- c. Paint lane marking for turning and merging traffic.
- d. Vegetation clearing will be required within the Lowes Mount Road easement to the north of the intersection and excavation of a mounded batter (to road

- level) on the eastern side of Lowes Mount Road approximately 170m north of the intersection.
- e. Grid set-back 5m from the road surface of Lowes Mount Road.

Reason: To ensure compliance with the requirements of Section 81A of the Environmental Planning and Assessment Act 1979 and to provide sufficient safe access to the site without impacting on road safety or traffic movements in accordance with Roads & Maritime Services (RMS) Guidelines

22. Revised rehabilitation plan

Prior to Council endorsing/stamping any plans, the applicant is to provide a revised rehabilitation and staging plan that protects the visual amenity of residential houses in the south-west to north arc as the primary consideration. This can be done by leaving the west and north elevation intact until the final stages and not removing any pine trees within the site boundary until that area is ready for extraction. The revised rehabilitation and staging plan should also be prepared, that allows for continuous rehabilitation activities of the site.

The revised rehabilitation and staging plan should note that the pines outside the site boundary can be thinned but will not be harvested until such time as the quarry has ceased extracting and is completely rehabilitated.

Reason: To ensure the site is rehabilitated and implemented in accordance with the approved plans and documentation.

23. Driver code of conduct

Prior to the commencement of the extractive industry the applicant is to prepare and submit to Council a driver code of conduct that will be applied to the transport of materials from the site. The driver code of conduct is to be applied to all heavy vehicle operators that access the development, including haulage and delivery vehicles. All drivers shall be required to sign a register (or similar) acknowledging and accepting the driver code of conduct. The driver code of conduct is to include:

- a) A map detailing the approved haulage route highlighting critical locations and safety issues and other relevant traffic/transport issues,
- b) Procedures and/or safety initiatives for trucks travelling through residential precincts, school zones and roads where school bus pick up/set down areas are located,
- c) That a 40km speed limit applies to the quarry access road, all trucks should avoid the use of engine brakes and that poorly maintained vehicles can be refused entry to the quarry.
- d) Procedures to minimise noise and dust emissions,
- e) Procedure for complaints resolution and disciplinary action.
- f) All activities including loading and unloading of goods associated with the development are to be carried out onsite and all loads are to be adequately covered before vehicles exit the mine.

Reason: To ensure the environmental impacts of heavy haulage is adequately managed.

24. Quarry Access Road

The proposed quarry access road is to be upgraded to a minimum width of 6.5 metres and a minimum pavement of 6m compacted crushed gravel with appropriate gradient and drainage. This is to be completed in accordance with any contractual arrangement from Forestry Corporation of NSW.

Reason: To ensure safe vehicle access to and from the quarry site.

25. Entrance gate setback

Prior to the commencement of the extractive industry, the existing entrance gate is to be setback sufficiently to allow storage capacity from the carriageway for the largest articulated vehicle required to access the site.

Reason: To provide sufficient safe access to the site without impacting on road safety or traffic movements.

26. EPA General Terms of Approval

a) Except as expressly provided by these General terms of Approval (GTAs) or by any conditions of consent granted by Oberon Council or the conditions of an in-force environment protection licence issued by the Environmental Protection Authority, works and activities must be carried out in accordance with the proposal contained in:

- Development Application 10.2016.78.1 submitted to Oberon Council, and
- Any other additional information provided to council.

b) Should any conflict exist between the above mentioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the Environmental Protection Authority.

c) Management Plans

The following management plans must be prepared and implemented within 3 months of development consent being granted and prior to commencement of any surface disturbance:

- Surface water and sediment management plan. This plan must be prepared in accordance with the requirements for such plans outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and "Managing Urban Stormwater: Soils and Construction – Volume 2E Mines and Quarries (DECC, 2008):
- Air Quality management plan (including impacts and controls for dust and odour)

d) Hours of Operation

Construction activities Construction activities related to the proposal must only be undertaken during the following hours:

- 7am to 6pm, Monday to Friday
- 8am to 2pm, Saturday; and
- At no time on Sunday's or Public Holidays.

Except where superseded by the condition above, construction activities must be undertaken in accordance with the 'Interim Construction Noise Guidelines' (DECC, 2009) or any revision.

Operational activities Operational activities related to the proposal may only be undertaken during the following hours:

- 7am to 6pm, Monday to Friday
- 8am to 2pm, Saturday; and
- At no time on Sundays or Public holidays.

Rock breaking activities related to the Proposal will be restricted between the hours of 9am and 4pm Monday to Friday.

- e) Trucks entering and leaving the premises that are carrying loads must be covered at all time, except during loading and unloading
- f) The internal quarry access/haulage road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
- g) All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
- h) Erosion and sediment controls must be established prior to the commencement of vegetation removal, soil stripping and extraction as per section 2.3.3.2 of the EIS.
- i) The proponent must apply for and hold an in-force environment protection license issued by the Environment Protection Authority prior to the Proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.

Reason: To conform with the requirements of the Environmental Protection Authority

27. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of the extractive industry under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

28. Sediment and erosion control

Prior to the commencement of extractive operations, appropriate sediment and erosion controls are to be implemented and functional. The sediment and erosion control measures must remain in place and be functional during the life of the activity.

Reason: To protect the surrounding environment.

29. Bushfire Management Plan

Prior to the commencement of extractive operations an appropriate bushfire management plan should be established and available to all employees or contractors who visit the quarry site and which includes the following procedures:

- Refueling is to be undertaken within cleared areas of the project site
- Engines are to be turned off during refueling
- No smoking is allowed in designated areas of the project site
- Location of fire extinguishers
- Quarry access road is regularly maintained for ease of access
- Emergency and evacuation management procedures
- Fuel loads immediately surrounding the operational areas regularly monitored and reduced where required.

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