



Glen Innes Severn Council

PO Box 61, Glen Innes, NSW, 2370

Telephone: 02 6730 2350

NOTICE OF DETERMINATION

Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 81 (1) (a)

Development Application Number: 26/16-17

APPLICANT NAME: Glen Innes Severn Council
APPLICANT ADDRESS: PO Box 61, Glen Innes
OWNER NAME: Glen Innes Severn Council, General Manager
OWNER ADDRESS: PO Box 61, Glen Innes

LAND TO BE DEVELOPED

Property Address	Property Title
1296 Gwydir Highway, Glen Innes	Lot 113 DP 753319

PROPOSED DEVELOPMENT

Development Description: Extractive Industry

DETERMINATION

- ☐ Consent granted unconditionally
- ☒ Consent granted subject to conditions described below
- ☐ Application refused

CONSENT TO OPERATE FROM
(SEE Note 1)

17 January 2017

CONSENT TO LAPSE ON

17 January 2022

Prescribed Conditions *(under the Environmental Planning & Assessment Regulation 2000)*

Nil

General Conditions

1. The proposed development being carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.
Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.
2. Annual production from the quarry is not to exceed 30,000 cubic metres per year of extractive materials. Any increase in production or alteration to operations is to be the subject of a further Development Application.
3. The extractive industry is to be carried out so that a total surface area of not more than two (2) hectares of land is disturbed as a result of clearing or excavating; or constructing dams, ponds or roads; or storing or depositing overburden, extractive materials or tailings.
4. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 2.0 kilometre distance of the boundary of the development site of the contact details and associated information.
5. The use and occupation of the site including construction plant and equipment installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the Protection of the Environment Operations Act, 1997.
6. All conditions of the Property Vegetation Management Plan are to be complied with.
7. The rehabilitation of the site will be as per the approved amended rehabilitation plan including:
 - a) No external material will be brought to site for rehabilitation.
 - b) Topsoil will be stored within the bounds of the development and managed to maintain quarry hygiene with regard to environmental weed species.
Vegetation will be replanted using local provenance species representative of the Endangered Ecological Community to facilitate regeneration on batter slopes, and pasture species on even grades.
8. The applicant is to prepare a Quarry Management Plan for the site to summarise NSW Government legislative requirements, guidelines, and the conditions of this development consent. The Quarry Management Plan shall identify operational requirements relating to matters such as noise, water and erosion, air quality, vibration, blasting, access, traffic, transport, bushfires, hazardous materials, noxious weeds, rehabilitation, land care,

community relations, monitoring and auditing, and waste; including measures to mitigate any adverse impacts to the environment, nearby residents and road users.

9. An Environmental Management Plan is to be prepared and submitted to Council prior to commencement and on an annual basis. This is to include all monitoring and measuring of environmental performance undertaken.
10. All recommendations contained within the following assessments are to be complied with:
 - Cultural Heritage
 - Biodiversity
 - Water Resources
 - Air Quality Impact
 - Noise & Vibration Impact
11. The visual impact mitigation measures as stated within the Statement of Environmental Effects are to be complied with. These include:
 - a) Maintenance of existing vegetation outside the extraction limit boundary for visual screening.
 - b) Maintain the site in a clean and tidy condition at all times.
 - c) Ensure that areas of disturbance are kept to the minimum practicable at any one point in time.
 - d) Progressively revegetate all areas where quarrying is completed.
 - e) Where possible, stockpiles, plant and equipment should be located in positions which are naturally screened from views into the site.
12. Prior to the extraction of any materials from the quarry site, the Proponent shall design and construct a two-way road access from the Gwydir Highway (through the Travelling Stock Route 67474) to the site in accordance with the AUSTROADS Rural Access Standards, or make alternate traffic arrangements to the satisfaction of Roads and Maritime Services (RMS), Glen Innes Severn Council (Council) and the Local Land Services (LLS). The Proponent shall obtain written approval of the access design and arrangements from the RMS, Council and LLS prior to construction of the road access to the site.
13. Erosion and sediment controls are to be designed and implemented in accordance with the publication "Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries" published by the NSW Department of Environment and Climate Change in 2008.
14. Upon completion of each stage of quarrying activities, all disturbed areas are to be promptly topsoiled and rehabilitated in accordance with NSW Government best practice guidelines.
15. Compliance with all requirements of the NSW Environmental Protection Authority and SafeWork NSW in relation to the transport, storage and handling of dangerous goods associated with the development.
16. The use and occupation of the site including construction plant and equipment installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the Protection of the Environment Operations Act, 1997.

17. The registered proprietor of the land shall;
 - a) Repair, or pay the full costs associated with repairing any private or public infrastructure that is damaged as a result of carrying out the extractive industry; and
 - b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.
18. The applicant is to make contact with the local 'Inspector of Mines', NSW Department of Industry, Mine Safety Operations Branch, prior to the commencement of operations or activities at the quarry.
19. Applicant to maintain a register of sales of aggregate and provide this to Council upon request for verifying quantities transported; or that operator conducts annual aerial surveys to verify total disturbed area and annual production; or that Council be provided reasonable access to conduct aerial surveys to verify same;
20. Any outdoor lighting is to be shielded and all portable buildings are to be constructed from materials having low reflectivity indices, to minimise visual impact of quarry site.
21. A copy of all the approved documents related to this consent, shall be kept by the operator at all times and shall be made available upon inspection by Council or an authorised government agency.

As Requested by NSW Roads & Maritime Services

22. The total daily vehicles movements generated by the proposed development should not exceed the maximum rates identified in the Statement of Environmental Effects.

Conditions to be Completed Prior to Operation Commencing

As Requested by NSW Roads & Maritime Services

23. The temporary site access is to be upgraded to meet the minimum dimensions of an Austroads Rural Property Access for Articulated Vehicles and appropriately surfaced to minimise the tracking of materials onto the Gwydir Highway for the duration of the temporary operation and/or practical completion of a permanent site access arrangement. All vehicles are to enter and leave the site in a forward direction.

Prior to commencement of physical works within the road reserve of the Gwydir Highway, the Developer is to obtain the approval of Council under S.138 of the Roads Act 1993. Council is required to obtain the concurrence of Roads and Maritime prior to the issue of such approval.

24. The intersection of the site access road and the Gwydir Highway is to operate under an appropriate Traffic Control Plan (TCP) at all times during construction of the temporary site access and whilst the proposed quarry is in operation.

Appropriate TCPs are to be prepared and approved in accordance with the current Traffic Control at Worksites Manual. A Road Occupancy Licence (ROL) is to be obtained from Roads and Maritime prior to the implementation of an approved TCP. An online application for the ROL is to be submitted via the Roads and Maritime Services website at least 10 days prior to implementation.

A TCP is to be implemented prior to the first vehicle entering the site and then removed following departure of the last vehicle from the site. Whilst the development is not in operation the site access should be physically closed to restrict vehicle movements.

25. Prior to the commencement of haulage vehicle movements, the Traffic Management Plan (TMP) should be updated to include;
- Detail of regular and ongoing measures to coordinate the safe interaction of vehicle movements generated by the proposed development and the Glen Innes Wind Farm Project over the duration of the proposed development.
 - Details of daily procedures to monitor and safely remove any material tracked from the site access onto the Gwydir Highway.
 - Details of procedure to manage conflict between vehicles entering and leaving the site access to avoid queuing onto the Gwydir Highway.
 - A Driver Code of Conduct for haulage vehicle operators, which should include, but not be limited to;
 - A map of the primary haulage routes highlighting critical locations.
 - Safety initiatives for haulage along school bus routes.
 - An induction process for vehicle operators & regular toolbox meetings.
 - A complaint resolution and disciplinary procedure.

A community consultation plan for peak haulage periods.

As Requested by NSW Office of Environment & Heritage

26. Mapping of the Endangered Ecological Community (EEC) over the subject site (including access from the TSR) and the southern portion of the study area should be corrected and the local occurrence of the EEC defined as per the Office of Environment & Heritage Threatened Species Guidelines of the Assessment of Significance. The Assessment of Significance for the EEC should then be re-applied using this additional information and provided to Council for approval along with planned biodiversity offsets based on the mapped information.
27. The rehabilitation plan should be amended to include all phases of rehabilitation (topsoil treatment, species selection, habitat re-instatement), as well as reporting and management, and be linked to the Environmental Management Plan. Only native flora species representative of the Endangered Ecological Community should be used for rehabilitation works. This is to be submitted to Council for approval.
28. Confirmation in writing is to be obtained from the Local Aboriginal Community that due consultation has been undertaken with them, and that there are no intangible Aboriginal cultural heritage values that are to be affected by the proposal and if there is that the proposed management of is appropriate.

As Requested by Glen Innes Severn Council

29. It is anticipated that this development will be replaced by a larger ongoing extractive industry development at end of life, as such the rehabilitation of the site will be as per the approved amended rehabilitation plan including:
- c) No external material will be brought to site for rehabilitation.
 - d) Topsoil will be stored within the bounds of the development and managed to maintain quarry hygiene with regard to environmental weed species.
 - e) Vegetation will be replanted using local provenance species representative of the Endangered Ecological Community to facilitate regeneration of the relevant EEC on batter slopes, and pasture species on even grades.

Conditions Relating to Ongoing Operations

As Requested by NSW Industry, Resources & Energy

30. Production data from this 6 month project is to be included with the annual production data from the longer term future development of Wattle Vale Quarry.

Integrated General Terms of Approval Conditions

These conditions are issued pursuant with Section 91A(2) of the Environmental Planning & Assessment Act 1979 by the NSW Environment Protection Authority.

Administrative conditions

Note: Mandatory conditions for all general terms of approval

31. **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 26/16-17 submitted to Glen Innes Severn Council on 4 November 2016;
- the Statement of Environmental Effects titled, Proposed Wattle Vale Extraction Industry – Lot 113 DP753319, 1296 Gwydir Highway Matheson *prepared by GHD and dated October 2016* relating to the development; and
- additional documents supplied to the EPA in relation to the development, including Water Resources Assessment, Air Quality Impact Assessment, Noise and Vibration Impact Assessment, Aboriginal Cultural Heritage Assessment.

32. **A2. Fit and Proper Person**

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

Limit Conditions

33. L1. Pollution of waters

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

34. L2. Concentration limits

L2.1 The discharge point will be the spillway of the sediment dam to be constructed on the premises. The exact location and co-ordinates will be provided after construction

L2.2 For each discharge point, the concentration of a pollutant specified in Table 1 below, the concentration discharged at that point, must not exceed the concentrations limits specified for that pollutant in the table.

L2.3 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.4 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L2.5 The Total Suspended Solids concentration limits specified in Table 1, may be exceeded for water discharged from the sediment basins provided that:

- a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 47.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 47.4 millimetre, 5 day rainfall event.

Table 1 – DISCHARGE POINTS: Overflow from the spillway of water sediment basin [exact location to be confirmed]

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
(Data provided as example only)					
Oil & Grease	Mg/L				10
pH	pH units			5	6.5-8.5
Total Suspended Solids	Mg/L				50

35. L3. Waste

L3.1 the licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L3.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

36.

L4. Noise Limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
Any affected residence not owned by the proponent or where an agreement is in place regarding noise emissions	35dB(A)	35dB(A)	35dB(A)	45dB(A)

L4.2 For the purpose of the table above:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening is defined as the period from 6pm to 10pm;
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

37.

L4.3 Determining Compliance

To determine compliance

- with the Leq (15 minute) noise limits in the Noise limits table, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National park or a Nature Reserve.
- with the LA1 (1 minute) noise limits in the Noise limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- with the noise limits in the Noise Limits table, the noise measurement equipment must be located;
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

L4.4 The noise limits set out in the Noise Limits table apply under all meteorological condition except for the following:

- Wind speeds greater than 3 metres/second at 10 metres above the ground level; or
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Stability category G temperature inversion conditions.

For the purposes of this condition:

- a) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.5 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

38. L5 Hours of operation

L5.1 Unless otherwise approved in writing by the EPA, the hours of operation must be limited to 7.00am and 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. No work is to be carried out on Sunday or public holidays. For the purpose of this licence, the term "works" refers to all construction activities associated with the project and movement of materials and substances used to carry out this licensed activity. This condition does not apply to activities which are inaudible at all non project related residences or other noise sensitive location.

L5.2 Condition L5.1 does not apply to the delivery of material outside the hours of operation permitted by condition L5.1, 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 to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.3 The hours of operation specified in condition L5.1 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.

39. L6 Blasting

Overpressure

L6.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.2 The overpressure level from blasting operations at the premises must not exceed 115db (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.3 Ground vibration peak particle velocity from the blasting operation at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.5 To determine compliance with conditions(s) L6.1, L6.2, L6.3 and L6.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises [exact location(s) to be confirmed] for all blasts carried out in or on the premises;
- b) Instrumentation used to measure the airblast overpressure or ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the blast limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at a "noise sensitive locations(s)" other than the locations identified in the above conditions.

40. Time of blasting

L6.6 Blasting operations on the premises must only be carried out between the hours of 10am to 3pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays.

L6.7 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

41. Frequency of blasting

L6.8 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Note: Additional blasts are permitted where it is demonstrated to be necessary for compelling safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

42. L7. Production Limit

L7.1 Extraction from the premises must not exceed 75,000 tonnes during any consecutive 12 month period.

L7.2 For the purposes of determining compliance with this condition, a tally of trucks and trailers carrying loads from the quarry must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.

Operating Conditions

43. O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

44. O2. Stormwater/sediment control – Construction Phase

O2.1 A soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such

plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

45. **O3. Stormwater/sediment control – Operation Phase**

O3.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

46. **O4. Emergency Response**

O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

Monitoring and recording conditions

47. **M1 Monitoring records**

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

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

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

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

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

48. **M2. Requirement to monitor concentration of pollutants discharged**

M2.1 For each monitoring/discharge point described in condition 2.1, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

Water and /or Land Monitoring Requirements

49. **TABLE 2 – POINT: Overflow from the spillway of the proposed sediment basin [exact location to be confirmed]**

Pollutant	Units of Measure	Frequency	Sampling Method
Oil and Grease	Mg/L	Special Frequency 1	Representative Sample
pH	pH Units	Special Frequency 1	Representative Sample
Total suspended solids	Mg/L	Special Frequency 1	Representative Sample

For the purposes of this condition, 'Special frequency 1' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basin to demonstrate compliance with the concentration limits defined at condition L2.2.

50. **M3. Testing methods – concentration limits**

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2 must be done in accordance with:

- The approved methods Publication; or
- If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

Reporting condition

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

General Conditions

Administrative conditions

52. **Other activates**

(To be used on licences with ancillary activities)

This licence applies to all other activates carried on at the premises, including:

- **Not Applicable**

Operating Conditions

53. *Activates must be carried out in a competent manner*

Licensed activates must be carried out in a competent manner.

This includes:

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

54. *Maintenance of plant and equipment*

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

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

Monitoring and recording conditions

55. *Recording of pollution complaints*

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

The record must include details of the following:

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

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

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

56. *Telephone complaints line*

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

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

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

Reporting conditions

57. Annual Return documents

What documents must an Annual Return contain?

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

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

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

58. Period covered by Annual Return

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

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

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

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

Note: An application to transfer a licence must be made in the approved form for this purpose.

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

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

59. Deadline for Annual Return

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

60. Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a) The assessable pollutants for which the actual load could not be calculated; and
- b) The relevant circumstances that were beyond the control of the licensee

61. Licensee must retain copy of Annual Return

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

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

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

- a) The licence holder; or
- b) By a person approved in writing by the EPA to sign on behalf of the licence holder.

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

63. Notification of environmental harm

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

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

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

64. Written report

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

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

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

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

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

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

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

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

General conditions

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

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

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

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

Advisory Note

1. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under the Exempt and Complying Development State Environmental Planning Policy).
2. ***Dial Before You Dig***

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
3. ***Telecommunications Act 1997 (Commonwealth)***

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
4. ***As Requested by NSW Office of Environment & Heritage***

Prior to consideration of the next stage in this development, the Environmental Impact Statement should include targeted field surveys for Austral toadflax and other potential

threatened flora species as listed in Appendix A of the Statement of Environmental Effects undertaken on any future expansion areas at times when these species are best detected. If this is not possible to be undertaken at the appropriate time, this should be addressed and the Assessment of Significance re-applied if necessary.

5. Mapping of the Endangered Ecological Community (EEC) over the next stage of the development is to be included for consideration.

Reasons for Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and controlled as appropriate. Section 19 (1) (b) of the Environmental Planning and Assessment Regulation 2000, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To ensure that adequate arrangements have been made for compliant mining operations at the site.
7. To minimise the impact of the development on the natural environment.
8. To ensure appropriate environmental monitoring, pollution prevention, and the implementation of best practice.
9. As requested by the Office of Environment and Heritage, Roads and Maritime Services and NSW Industry, Resources and Energy.
10. To ensure any impacts associated with the operation of the development are dealt with by the registered proprietor.
11. To ensure compliance with work health and safety regulations, and minimise risks to people arising from the proposed development.
12. To ensure all documents are available on inspection.
13. To provide for the safe entry, passage and exit of vehicles to the subject land and to provide for the convenience of motorists on the Gwydir Highway.

RIGHT OF REVIEW

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979 ("EP&A Act"), an Applicant may request Council to review the determination that has been made in respect of a development application other than:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination in respect of integrated development, or
- d) a determination made by the council under Division 4 in respect of an application by the Crown.

In requesting a review, the Applicant may make amendments to the development described in the original application, provided that the development, as amended, is substantially the same development as the development described in the original application.

Any request for review of the determination under the provisions of Section 82A of the EP&A Act would need to be made within 6 months after the date on which the Applicant received the Council's Notice of determination of the development application because the Council has no power to conduct a review after that time. The prescribed fee must be paid in connection with an application for a review.

RIGHT OF REPEAL

If you are dissatisfied with this decision (including a determination on a review under Section 82A), Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months:

- a) after the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined

The Environmental Planning & Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development) either unconditionally or subject to conditions, the objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

SIGNED On behalf of the consent authority



Graham Price
Director of Development, Planning & Regulatory Services

Date: 17 January 2017

Note 1 Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

Note 2 Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.