**APPENDIX 1 – DRAFT CONDITIONS OF CONSENT**

**SCHEDULE B**

**ADMINISTRATIVE CONDITIONS**

1. **Development Description**

Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule A.

1. **Development in Accordance with Plans**

The Applicant shall carry out the development generally in accordance with the:

a) Environmental Impact Statement dated October 2020;

b) Environmental Planning and Assessment Act and Environmental Planning Instruments (where applicable), the Local Government Act, the Plumbing and Drainage Act and other applicable statutory codes or legislation

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| --- |
| **Architectural (or Design) Drawings prepared by SMK Consultants** |
| **Drawing No.** | **Revision** | **Name of Plan** | **Date** |
| - | A | Site Plan | 28/01/2016 |
| - | A | Locality Map | 28/07/2015 |

1. **Inconsistency between Documents**

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency with other plans and documents.

1. **Limits of Approval**

This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

1. **Prescribed Conditions**

The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

**SCHEDULE C**

**PERFORMANCE CONDITIONS**

**GENERAL CONDITIONS**

1. **Commencement of Operations**

The quarry operator is required to inform Council of the commencement date of extraction operations approved under this consent.

*(Reason: To ensure that the impacts of the development are appropriately managed and that the development will comply with statutory requirements).*

1. **Limits of works**

The proposed works are to be limited in the following ways:

a) No more than 29,000m3 per year is to be extracted;

b) No more than 150 tonnes per day or 30,000 tonnes per year is to be processed via crushing, grinding or separating works; and

c) Site area maximum 12.6 hectares as mapped in the EIS.

*(Reason: To ensure compliance with the requirements for local development and to minimise amenity and other impacts.)*

**BEFORE COMMENCEMENT OF WORKS**

1. **Utility Services**

Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of any services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

*(Reason: Protection of infrastructure.)*

1. **Complaints Register**

The operator 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 operator shall notify all residents along Gwydirfield Road and those within a 1.0 kilometre distance of the boundary of the development site of the contact details and associated information.

*(Reason: To ensure that complaints are recorded and addressed.)*

**BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

1. **Prescribed Conditions of Development Consent**

In accordance with Division 8A of Part 6 of the Act, the following conditions are prescribed for development that involves building work:

a) That the work must be carried out in accordance with the requirements of the Building Code of Australia,

*(Reason: Statutory requirement.)*

1. **Long Service Levy**

For work costing $25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 131 441.

*(Reason: Statutory requirement.)*

1. **Public road upgrades**

The applicant shall be responsible for upgrading Gwydirfield Road along the haul route to ensure a road formation with minimum sealed road width of 7.5m.

*Note: Council staff estimate the length to be upgraded to be approximately 670m.*

The quarry driveway intersection requires a minor realignment to provide safe and effective “right out” turning manoeuvres.

Design plans for these works shall be submitted to and endorsed by Council’s Engineering Department prior to the issue of a Construction Certificate for Civil Works.

*Note: The narrow railway crossing and the Newell Highway intersection have been identified by Council for upgrade and funds have recently been allocated for the Newell Highway intersection works.*

*(Reason: Road adequacy)*

1. **Traffic and Parking Layout**

a)Plans are to identify the following traffic and parking details:

i) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage. (Note: Parking should be provided for any staff regularly or permanently on-site travelling by motor vehicle. Such parking may consist of unsealed areas);

ii) The swept path of the longest vehicle manoeuvring through the Subject Site, shall be in accordance with AUSTROADS;

b) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

*(Reason: To ensure that access is in compliance with Australian Standards and would meet the needs of the development.)*

1. **Stormwater and Drainage Management**

Stormwater and drainage management shall address stormwater in association with the extraction areas, operational areas and the internal haul road. The design shall minimise the possibilities of erosion and sedimentation. Final design plans of the stormwater drainage systems shall be submitted to the certifier prior to issue of a Construction Certificate. (Note: Any necessary hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff).

*(Reason: To ensure appropriate management of management.)*

1. **Water Access Licence**

The applicant shall demonstrate that appropriate water licencing to facilitate the development has been obtained from Water NSW prior to the commencement of works. Such licencing shall be consistent with the needs of the Water Budget of the site.

*(Reason: To ensure that legal access is available to water supplies to service the needs of the development.)*

1. **Water Budget**

A comprehensive water budget is required for the development. The water budget shall contain details of the proposed water cycle and water management measures and how water resources required to meet the needs of the development would be obtained. The water budget shall be submitted to and approved of by the certifier and, if necessary, Water NSW, prior to the commencement of works.

*(Reason: To ensure that practical access is available to water supplies to service the needs of the development.)*

1. **Dilapidation Report**

A Dilapidation Report for the Gwydirfield Road intersection adjacent to the property and the haul route along Gwydirfield Road is to be undertaken on all public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development, which in the opinion of a suitably qualified engineer, could be potentially affected by the development. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

*(Reason: To protect Council infrastructure)*

**BEFORE OCCUPATION CERTIFICATE / COMMENCEMENT OF USE**

1. **Occupation Certificate Required**

Occupation or use of the whole or any part of a new building shall not commence unless an occupation certificate has been issued by the Certifying Authority. The Occupation Certificate shall not be issued until such time as all relevant conditions of the development consent have been complied with.

*(Reason: Statutory requirement.)*

1. **Potable Water Supply**

The applicant shall provide suitable connection to Council’s potable water supply prior to the issue of an Occupation Certificate. Should an alternative means of potable water supply be proposed it shall comply with the NH&MRC Guidelines for drinking water. Any alternative potable water supply shall be tested by Council’s Health and Building Department at a fee for service, or alternatively, a certificate of analysis from a NATA accredited laboratory shall be supplied to Council prior to the issuance of a Final Occupation Certificate.

*Note: Please contact Council’s Water & Waste Department on 02 6757 3222 to arrange for service connections to be made.*

*(Reason: Health and amenity.)*

1. **Operations Management Plan**

An Operations Management Plan shall be submitted to the satisfaction of Council prior to the issue of any Occupation Certificate. This plan shall be based on the operational management recommendations lodged with the application together with the requirements of this consent (which take precedence) and shall outline how those recommendations would be implemented and policed. The plan shall address all operational matters including noise, dust, traffic generation, drainage, soil management, flooding, enhancement of riparian vegetation along the Mehi River, unexpected heritage discovery protocol, and site remediation.

*(Reason: To ensure appropriate management of the development.)*

1. **Soil Management**

A Soil Management Plan is to be prepared and approved by Council, prior to the commencement of site works which includes the availability and suitability of top soil and subsoil, a soil balance for rehabilitation purposes and stock piling location and management plan. The Plan shall also include details of erosion and sediment control and final void management.

The Soil Management Plan will form part of the Operations Management Plan.

*(Reason: To ensure compliance with application and plans.)*

1. **Site Remediation**

The applicant shall submit a Site Remediation Plan to identify all intended remediation works for the site when extraction activities cease. The Plan shall provide an analysis of the proposed works and demonstrate compliance with best practice standards. Remediation of the western pit, which is not part of this quarry expansion, shall be included in the Plan.

The Site Remediation Plan shall form part of the Operations Management Plan.

*(Reason: To ensure appropriate site remediation.)*

1. **Water Approvals**

The subject allotment features a flood runner in close proximity to the quarry expansion area. The applicant shall seek advice from Water NSW regarding whether any approvals are required for activities on water front land. Should any such approvals be required, they shall be obtained prior to the commencement of use.

*(Reason: Flood management)*

1. **Traffic Management Plan**

A Traffic Management Plan detailing the proposed signage and speed limits for the internal haul road and proposed code of conduct for employees and truck operators, shall be prepared and submitted to Council for approval prior to the commencement of extraction operations.

The Traffic Management Plan shall form part of the Operations Management Plan and shall incorporate provisions relating to:

* Signage within the site and on Gwydirfield Road;
* Management of vehicle speeds both internal to the site and on Gwydirfield Road;
* Protocols when approaching other heavy vehicles, including school buses and the like;
* General good driving practices; and
* The covering of loads.

*(Reason: To ensure appropriate traffic management so as to minimise amenity impacts and enhance public safety.)*

1. **Heritage Discovery Protocol**

The applicant shall develop an Unexpected Heritage Discovery Protocol for unexpected finds relevant to historic archaeology. The Unexpected Heritage Discovery Protocol shall form part of the Operations Management Plan.

*(Reason: Cultural heritage management)*

**ONGOING USE OF THE DEVELOPMENT / LAND**

1. **Extraction Operation Hours**

The haulage hours for heavy vehicles are limited to the following:

 • Monday to Friday – 7.00am to 5.00pm

 • Saturday – 7.00am to 3.00pm

 • Sunday and Public Holidays – none

 Operation hours for the development shall be in accordance with Section 2.3.1.11 Table 4 in the Environmental Impact Statement.

*(Reason: To ensure acoustic impacts are managed.)*

1. **Road Maintenance Levy – Section 7.11 Plan – Traffic Generating Development**

From the date of commencement of the development consent the developer shall pay a financial contribution to Council at the rate determined under Council’s Draft Section 7.11 Plan – Traffic Generating Development (indexed as described below) for heavy vehicle movements to and from the quarry site and in accordance with the following:

* 1. Payment of quarterly contributions are to be accompanied by the submission of quarterly returns to Council specifying the amount of material in tonnes transported within each quarter. The quarterly returns and contribution are to be submitted to Council within 21 days from the end of each quarter. The return is to take the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
		1. Copies of company records relating to the amount received.
		2. Records of the weights recorded at the weight bridge, or by any other approved method for weighing;
		3. Payment of the required contribution.

Quarterly declarations/returns are to be audited annually and a copy of the auditor’s verification provided to Council within 60 days from the end of each 12 month period.

* 1. Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council’s current interest rate for late payment of annual Council rates, whichever is the lesser, unless prior agreement has been reached with Council.
	2. The contribution rate shall be subject to indexation in accordance with the BITRE Road Construction and maintenance Price, as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.
	3. Council shall have the right to request and inspect all relevant records detailed above at any time, subject to prior written notice being provided by Council.

*(Reason: Road maintenance funding)*

1. **Obligation to Minimise Harm to the Environment**

The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development.

*(Reason: Environmental protection.)*

1. **Operation of Plant and Equipment**

The Applicant shall ensure that all plant and equipment used for the Development is:

a) Maintained in a proper and efficient condition; and

b) Operated in a proper and efficient manner.

*(Reason: Neighbourhood amenity.)*

1. **Dust Management**

The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development. Dust management and mitigation measures shall be detailed in the Operations Environmental Management Plan.

*(Reason: Environmental protection and neighbourhood amenity.)*

1. **Operational Noise**

The Applicant shall ensure that the noise generated by the operations on-site does not exceed the Noise Policy for Industry guidelines (Table 2.1 levels) at any time. If, at any time, these levels are exceeded, operation of the development shall immediately be modified, including suspension of operations if necessary, to ensure compliance with this condition.

Notwithstanding the above, noise generated by the proposal should target no more than 5dBA at the nearest sensitive receiver. In this regard use is to be made of the overburden removed together with extracted materials to undertake the proposed noise mounding adjoining each extraction pit, in particular the southern pit. A portable, calibrated noise monitor shall be available for onsite monitoring on an ongoing basis.

*Note: Noise management should form part of the operations environmental management plan and would need to include information relating to the equipment to be used, its location, any necessary training of staff etc.*

*(Reason: To protect Neighbourhood amenity.)*

1. **Pest, Vermin and Noxious Weed Management**

The Applicant shall:

a) Implement suitable measures to manage pests, vermin and declared noxious weeds on site; and

b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

*Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.*

*(Reason: Environmental protection.)*

1. **Bunding**

The Applicant shall store any chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA’s Environmental Protection Manual: Technical Bulletin Bunding and Spill Management.

*(Reason: Environmental protection.)*

1. **Waste Collection**

Wastes generated on the site shall be collected, transported and disposed of in to an appropriate licenced facility.

*(Reason: Environmental protection.)*

1. **Road Maintenance**

The applicant shall maintain all internal access roads to an all-weather standard for the life of the development.

*(Reason: Road adequacy and dust minimisation.)*

1. **Tree / Shrub Removal**

The applicant shall obtain any necessary approvals prior to the removal of any trees, shrubs or other vegetation from the site. Further, land exposed and free of vegetation shall be minimised at all times, consistent with the operational needs of the development.

*(Reason: Statutory requirement and minimisation of impacts.)*

**AT COMPLETION OF USE OF THE DEVELOPMENT / LAND**

1. **Site Remediation Plan**

The applicant shall implement all actions identified in the Site Remediation Plan upon the cessation of on-site extraction. In this regard, as each area of extraction occurs, remediation of exhausted areas is to occur as soon as practicable. A bond, to ensure rehabilitation occurs, of $30,000 (indexed by CPI from the date of commencement of the operation) is to be lodged with the Council. Such bond is to be paid at the rate of $0.25c per cubic metre extracted, up to this limit, based on the quantity of material, as assessed annually. In this regard the operator is to provide evidence, either from a registered surveyor, or photogrammetry or other verifiable means of such extraction rates. Such bond will be placed in Council’s trust fund, and would only be called upon in the event of a default in rehabilitation. Any monies not required to rehabilitate the site in the event of a default would be returned to the person paying the bond, or other person on their written instruction. Council, may, on application, reduce the quantum of the bond held, if it is satisfied regarding the operation of the site, and of ongoing rehabilitation.

*(Reason: To ensure appropriate site remediation.)*

**OR**

The applicant shall make payment of a remediation bond, payable annually for the life of the development so that the bond equals the remediation cost at the end of the design life. The remediation bond shall be costed in today’s dollar value and indexed over the design life. The applicant shall submit a fully costed remediation assessment to Council prior to the issue of an Occupation Certificate.

*(Reason: Site remediation)*