

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	17 December 2020
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Roberta Ryan, Stephen Ritchie and Mike Montgomery
APOLOGIES	Penny Holloway
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 2 December 2020.

MATTER DETERMINED

PPS-2017NTH004 – Moree Plains – DA2016/45 at Gwydirfield Road, Moree – Wandoona quarry extension (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposal is permissible in the RU1 zone, is consistent with relevant zone objectives and satisfies relevant provisions of applicable SEPPs.
2. The site of the proposal is suitable for the intended use. It contains a valuable geological resource, is largely free of environmental constraints, has good road access and is sufficiently separated from neighbouring residences.
3. The proposal, incorporating the conditions imposed, will not have unacceptable impacts on the natural or built environments, including on the local road network and neighbouring properties. Moreover, the proposal will more effectively mitigate impacts than the existing quarry operation.
4. The proposal is important to the local economy. It will ensure a continued supply of sand for concrete manufacturing thus supporting the local construction industry and local employment, as well as contributing to affordable construction activities.
5. The panel has carefully considered the issues raised by objectors and considers that they have either been resolved through the design of the proposal including the safeguards to be incorporated therein, and/or the conditions that are imposed. The panel believes there are no residual issues that warrant refusal of the proposal.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Delete Condition 5
- Delete Condition 10

- Amend Condition 18 by deleting “to the property boundary” and replacing with “from Gwydirfield Road to the property boundary and within the site for a minimum distance of 200 metres from the western boundary gateway”
- Delete Condition 20
- Amend Condition 28 to refer to TfNSW instead of RTA, and specify that 24 hour operations require approval from Moree Plains Shire Council and notification to neighbours.
- Condition 35 to be amended by adding the following paragraph “Noise management will form part of the Operations Management Plan and would need to include information relating to the equipment to be used, its location, any necessary training of staff etc. The Plan is to incorporate the noise control treatments on page 7 of the Environmental Noise Impact Assessment by Advitech dated 11 February 2016 or provide equally effective alternative measures.” and deleting the note.
- Condition to be added as follows:

Traffic Generation

Traffic generation is to be consistent with the Traffic Impact Assessment by SMK Consultants dated May 2017. The includes the following:

- Average operational circumstances - Two road trains hauling material from the Wandoona quarry to Johnstone, Concrete & Quarries premises at Drive In Road, Moree. At one return trip per hour this equates to ten daily return trips for each truck. Total hourly traffic generation of two return truck trips (four truck movements).
- Peak operational circumstances – Four road trains hauling material for a total hourly traffic generation of four return truck trips (eight truck movements).

Trucks with lower carrying capacity than road trains may be used for haulage. Where this occurs the number of truck movements must be less than those given above for heavy vehicles.

Heavy vehicle movements from the development shall be in accordance with the hours of operation outlined in Condition number 25 of this consent.

(Reason: Traffic management)

- Condition to be added as follows:

Site Rehabilitation Security Plan

The applicant is to implement all actions identified in the approved Site Rehabilitation Plan during or upon the cessation of quarry operations. In this regard, as each area of extraction occurs, rehabilitation of disturbed areas is to occur as soon as practicable thereafter. A bond, to ensure rehabilitation occurs, of \$100,000 (indexed by CPI from the date of commencement of the operation) is to be progressively lodged with the Council. Such bond is to be paid at the rate of \$0.25c per cubic metre of extracted material, up to this monetary limit and is to be paid quarterly. In this regard the applicant 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 partial or full 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 about the operation of the site, and of partial rehabilitation conducted to the date in question.

- Condition to be added as follows:

Independent Compliance Audits

a). On the third anniversary of the date of this consent the applicant is to commission an independent compliance audit to assess compliance with these conditions of consent. The audit is to be undertaken by a suitably qualified person/s who is to be approved by Council’s Director of Planning (or equivalent) beforehand. The auditor’s report is to be completed within three months of the date of commissioning and is to be provided to Council within one month of its completion along with a response by the applicant. The

audit report along with the applicant's response including how and when it will implement any recommendations is to be placed on Council's website. The applicant is to then implement any recommendations required by Council.

b). Subsequently, at 5 yearly intervals, further independent compliance audits are to be prepared following the procedure given in Condition 26a).


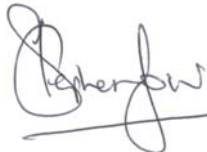

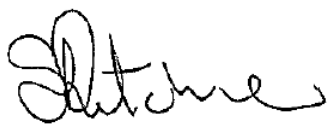

The amended conditions, as approved by the Panel, are attached as Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Increased traffic from existing Wandoona quarry
- Road safety and maintenance
- Noise and dust
- Water supply
- Hours of operation
- Flood impacts
- Impacts on koala habitat
- Changed location for sieving plant

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the meeting with submitters. The panel notes that in addressing these issues appropriate conditions have been imposed addressing compliance, traffic and rehabilitation and other concerns listed above.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Stephen Gow
 Roberta Ryan	 Stephen Ritchie
 Mike Montgomery	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2017NTH004 – Moree Plains – DA2016/45
2	PROPOSED DEVELOPMENT	Extension of existing quarry
3	STREET ADDRESS	“Wandoona” Gwydirfield Road, MOREE, Lot 5 DP 236547
4	APPLICANT OWNER	Johnstone Concrete & Quarries Pty Ltd Wandoona Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 44—Koala Habitat Protection State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (Rural Lands) 2008 State Environmental Planning Policy (State and Regional Development) 2011 New England North West Regional Plan 2036 Moree Plains Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Moree Plains Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 2 December 2020 Addendum council assessment memo: 8 December 2020 Written submissions during public exhibition: four (4)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 3 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Stephen Ritchie and Mike Montgomery <u>Council assessment staff</u>: Murray Amos <u>Applicant representatives</u>: Mitch Johnstone Final briefing to discuss council’s recommendation: 9 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Roberta Ryan, Stephen Ritchie and Mike Montgomery <u>Council assessment staff</u>: Murray Amos Submitter Briefing: 9 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Roberta Ryan, Stephen Ritchie and Mike Montgomery <u>Council assessment staff</u>: Murray Amos <u>Submitters</u>: Bernie Jones

		<p><u>Note:</u> Submitter briefing was requested to respond to the recommendation in the council assessment report</p> <ul style="list-style-type: none"> Applicant Briefing: 9 December 2020 <ul style="list-style-type: none"> <u>Panel members:</u> Paul Mitchell (Chair), Stephen Gow, Roberta Ryan, Stephen Ritchie and Mike Montgomery <u>Council assessment staff:</u> Murray Amos <u>Applicant representatives:</u> Peter Taylor <p><u>Note:</u> Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

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.

2. Development in Accordance with Plans

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

- Environmental Impact Statement prepared by SMK Consultants dated October 2020;
- 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

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

3. 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. In addition, the conditions of this approval prevail to the extent of any inconsistency with other approved plans and documents.

4. Limits of Approval

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

SCHEDULE C

PERFORMANCE CONDITIONS

GENERAL CONDITIONS

5. 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).

6. Limits of works

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

- a) No more than 30,000 tonnes of material are to be extracted per 12 month period;
- b) Site area maximum 12.6 hectares as mapped in the EIS; and
- c) Operations are limited to a period of 21 years from the date of this consent and rehabilitation works are to be completed within 3 years after the cessation of operations or as provided for in the approved rehabilitation plan for the quarry.

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

BEFORE COMMENCEMENT OF WORKS

7. 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.)

8. 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

9. 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.)

10. Public road upgrades

The applicant shall be responsible for upgrading Gwydirfield Road for a length of approximately 670m along the haul route to ensure a road formation with minimum sealed road width of 7.5m.

The quarry driveway intersection is to be realigned 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)

11. 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.)

12. 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.)

13. 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.)

14. 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 issue of a construction certificate.

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

15. 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 Structural and/or Geotechnical Engineer with current Corporate Membership with the Institution of Engineers, Australia.

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)

16. Driveway Access Application

The Applicant shall lodge a Driveway Access Application with Council prior to the issue of a Construction Certificate for Civil Works. The design and construction of the driveway access shall comply with Council's specification in the Driveway Access Policy. The requirements of this application will include bitumen-sealing the driveway access from Gwydirfield Road to the property boundary and within the site for a minimum distance of 200 metres from the western boundary gateway.

(Reason: To ensure appropriate access to the site can be achieved)

BEFORE OCCUPATION CERTIFICATE / COMMENCEMENT OF USE

17. 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.)

18. 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.)

19. 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.)

20. Site Rehabilitation

At least 3 years prior to the completion of operations the applicant is to submit to Council a draft rehabilitation plan for the quarry site. The draft plan is to be prepared by a suitably qualified and experienced rehabilitation specialist who is to be approved off by Council's Director of Planning (or equivalent) before being commissioned by the applicant. The draft plan is to be submitted to Council for assessment and any necessary amendments are to be included in the final plan for Council's approval. Once approved, the final rehabilitation plan is to be implemented according to the schedule given in the plan and the final works are to be approved by the rehabilitation specialist before the security bond is repaid to the applicant (see Condition 37.).

(Reason: To ensure appropriate site remediation.)

21. 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)

22. 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.)

23. Heritage Discovery Protocol

The applicant is to prepare and implement an Unexpected Heritage Discovery Protocol for possible finds relevant to Aboriginal cultural heritage and historic archaeology. The Unexpected Heritage Discovery Protocol shall form part of the Operations Management Plan.

(Reason: Cultural heritage management)

24. Surrender existing quarry consent

The applicant shall surrender the existing local development consent for a quarry on the subject lands (DA2014/58) prior to the issue of an Occupation Certificate.

(Reason: To clarify the terms of this consent)

ONGOING USE OF THE DEVELOPMENT / LAND

25. Operational Hours

Operational hours for the development shall be limited in accordance with the table below:

Activity	Monday to Friday	Saturday	Sunday	Public Holiday
Arrival and loading of trucks to haul product	7.00am to 5.00pm	7.00am to 3.00pm	Nil	Nil
Light vehicle traffic associated with employees, or light service vehicles entering or leaving the site	24 hours per day			
Maintenance of plant and equipment including repairs/alterations to processing equipment and unloaded test runs	6.00am to 10.00pm	7.00am to 5.00pm	7.00am to 5.00pm	7.00am to 5.00pm

Operation of associated equipment within the confines of the excavated quarry area	7.00am to 5.00pm	7.00am to 5.00pm	7.00am to 2.00pm	7.00am to 2.00pm
Operation of loaders, excavators, trucks, screening & washing equipment within the property	7.00am to 5.00pm	7.00am to 5.00pm	7.00am to 2.00pm	7.00am to 2.00pm
Exceptional circumstances – all crushing, screening, loading and product haulage activities within and from the site to enable manufacture and delivery to high priority TfNSW or Shire Projects. Haulage outside normal operating hours is to be limited to four (4) trucks only.	24 hours in emergencies, only with written approval from Moree Plains Shire Council. Council will notify such activities to neighbours by phone or email, prior to commencement. The applicant is responsible for providing current neighbour contact details to Council as part of each application for exceptional circumstances activities.			Nil

(Reason: To ensure acoustic impacts are managed.)

26. Independent Compliance Audits

- a). On the third anniversary of the date of this consent the applicant is to commission an independent compliance audit to assess compliance with these conditions of consent. The audit is to be undertaken by a suitably qualified person/s who is to be approved by Council's Director of Planning (or equivalent) beforehand. The auditor's report is to be completed within three months of the date of commissioning and is to be provided to Council within one month of its completion along with a response by the applicant. The audit report along with the applicant's response including how and when it will implement any recommendations is to be placed on Council's website. The applicant is to then implement any recommendations required by Council.
- b). Subsequently, at 5 yearly intervals, further independent compliance audits are to be prepared following the procedure given in Condition 26a).

27. 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:

- a) Payment of annual contributions are to be accompanied by the submission of annual returns to Council specifying the amount of material in tonnes transported within each 12 month period. The annual returns and contribution are to be submitted to Council within 21 days from the end of each 12 month period. 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:-
 - i) Copies of company records relating to the amount received.
 - ii) Records of the weights recorded at the weight bridge, or by any other approved method for weighing;
 - iii) Payment of the required contribution.

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.

- b) 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.
- c) 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.
- d) 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)

28. 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.)

29. 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.)

30. 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.)

31. Driveway Access

The constructed driveway shall be inspected at the required intervals specified in Council's Driveway Access Policy and endorsed by Council's Engineering Department prior to the issue of a Final Occupation Certificate.

(Reason: To ensure compliance with the approved design)

32. Operational Noise

The Applicant shall ensure that the noise generated by the operations on-site does not exceed the NSW Environment Protection Authority's (EPA) Noise Policy for Industry 2017 (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.

Noise management will form part of the Operations Management Plan and would need to include information relating to the equipment to be used, its location, any necessary training of staff etc. *The Plan is to incorporate the noise control treatments on page 7 of the Environmental Noise Impact Assessment by Advitech dated 11 February 2016 or provide equally effective alternative measures..*

(Reason: To protect Neighbourhood amenity.)

33. Extraction Quantities

All laden trucks departing the quarry site shall be weighed at Johnstone Concrete & Quarries' facility at Drive In Road, Moree. Weighbridge recordings shall inform the applicant's Section 7.11 Plan reporting for road maintenance contributions and will demonstrate compliance with this consent.

(Reason: Verification of extraction quantities)

34. Traffic Generation

Traffic generation is to be consistent with the Traffic Impact Assessment by SMK Consultants dated May 2017. The includes the following:

- Average operational circumstances - Two road trains hauling material from the Wandoona quarry to Johnstone, Concrete & Quarries premises at Drive In Road, Moree. At one return trip per hour this equates to ten daily return trips for each truck. Total hourly traffic generation of two return truck trips (four truck movements).
- Peak operational circumstances – Four road trains hauling material for a total hourly traffic generation of four return truck trips (eight truck movements).

Trucks with lower carrying capacity than road trains may be used for haulage. Where this occurs the number of truck movements must be less than those given above for heavy vehicles.

Heavy vehicle movements from the development shall be in accordance with the hours of operation outlined in Condition number 25 of this consent.

(Reason: Traffic management)

35. 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.)

36. 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.)

37. Waste Collection

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

(Reason: Environmental protection.)

38. 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.)

39. 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

40. Site Rehabilitation Security Plan

The applicant is to implement all actions identified in the approved Site Rehabilitation Plan during or upon the cessation of quarry operations. In this regard, as each area of extraction occurs, rehabilitation of disturbed areas is to occur as soon as practicable thereafter. A bond, to ensure rehabilitation occurs, of \$100,000 (indexed by CPI from the date of commencement of the operation) is to be progressively lodged with the Council. Such bond is to be paid at the rate of \$0.25c per cubic metre of extracted material, up to this monetary limit and is to be paid quarterly., . In this regard the applicant 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 partial or full 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 about the operation of the site, and of partial rehabilitation conducted to the date in question.

(Reason: To ensure appropriate site rehabilitation.)