

Reference: 52489; PPS-2017STH035
Contact: Terri O'Brien

DEVELOPMENT CONSENT

Approval Number: 10.2017.35776.1
Endorsed Date of Consent: DRAFT

A P Delaney & Co Pty Ltd
C/-Habitat Planning
1/622 Macauley Street
ALBURY NSW 2640

Subject Land

LOT 2 DP1018401 and LOT 3 DP233061
208 Winchester Lane
TABLE TOP NSW 2640

Description of Development

Extractive Industry & Crushing of Recycled Concrete (Rockwood Quarry)

Attached to Approval:

1. Conditions
2. Plans and documentation endorsed with Consent.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development application has been determined by the granting of consent subject to the conditions referred to in this Notice and attached hereto.

This Consent shall become effective from the endorsed date of consent.

This Consent shall lapse unless development, the subject of this Consent, is commenced within five (5) years from the endorsed date of consent as sanctioned under Section 4.53 of the Act.

Gordon Kirkby
Chair
Southern Regional Planning Panel

Right of Appeal

If you are dissatisfied with this decision, Section 8.10 of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

Alternatively, you may request a review of the decision under Section 8.2 of the *Environmental Planning and assessment Act 1979*, within 6 months of the date of this notice (note: Section 8.2 is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. A fee is payable. For further information please contact the Council on (02) 6023 8285.

Conditions attached to Development Consent 10.2017.35776.1

A. General

(A1) Approved plans

The development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application receipted on 21/11/2017, as amended by the Environmental Impact Statement dated August 2019 and supporting documents lodged on 26 August 2019 and the further revised information submitted on 25 March 2020 and subject to the following conditions.

For the purposes of clarity and to remove any doubt, in the event of any inconsistencies or discrepancies between the information shown on or described in the above mentioned plans and documents and the detailed requirements of the following conditions of this Development Consent, the requirements of the following conditions will prevail to the extent of any inconsistency. All plans and documents which are subsequently prepared and lodged for further approvals or certification are to be consistent with, and include the requirements of, these conditions where necessary. *(A001)*

(A2) Advice on further approvals

The applicant's/landowner's attention is drawn to the need to obtain separate Council approval for any ancillary activity not approved by this consent, including:

- a) The removal of any tree/s not indicated for removal on the approved plans;
- b) The erection of any advertising sign, which is not exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or in Albury Local Environmental Plan 2010. *(A035)*

(A3) Approval conditions of other authorities

The development is to be carried in accordance with the following conditions from the authorities and agencies specified.

1. NSW Environment Protection Authority (EPA)

Hours of Operation

1a. Activities at the premises may only be undertaken during the following hours.

- 7am to 6pm Monday to Saturday; and
- At no time on Sundays or Public Holidays.

Noise

1b. Noise generated by operational activities at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 5 of the table below for that point during the corresponding time periods specified in Column 2 when measured using the corresponding measurement parameters listed in Column 3.

Noise Monitoring Point	Time Period	Measurement Parameter	Measurement frequency	Noise Level
Any noise sensitive location	Day	LAeq(15 minute)	-	35dB(A)

Note: The above noise limits do not apply at any sensitive receivers where the licensee has a written agreement with the sensitive receiver to exceed the noise limit.

Note: 'Noise sensitive locations' include buildings used as a residence, hospital, school, child care centre, place of worship and nursing homes. A noise sensitive location includes the land within 30 meters of the building.

- 1c. The noise limit set out above applies under all meteorological conditions except for the following.
- Wind speeds greater than 3 metres per second at 10 metres above ground level; or
 - Stability category F temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level; or
 - Stability category G temperature inversion conditions.

To determine compliance with the LAeq (15 minute) noise limit above, 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 facade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises.

Blasting

- 1d. The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five percent of the total number of blasts over each reporting period. 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.
- 1e. The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any noise sensitive location at any time. 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.
- 1f. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5 millimetres per second (mm/sec) for more than five percent of the total number of blasts over each reporting period. 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.
- 1g. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any noise sensitive location at any time. 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.

Operating Conditions

Dust

- 1h. Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

Monitoring conditions

- 1i. The following monitoring points referred to in the table below are identified for the purposes of monitoring and/or setting of limits for discharges to water and/or land from the point.

Groundwater Quality Monitoring

Pollutant	Unit of Measure	Frequency	Sampling Method
Standing water level	Metres below ground level	Six monthly	In situ
pH	pH	Six monthly	In situ
Conductivity	Micro siemens per centimetre	Six monthly	In situ

Nitrate	Milligrams per litre	Six monthly	Representative sample
Ammonia-N	Milligrams per litre	Six monthly	Representative sample
Kjeldahl - N	Milligrams per litre	Six monthly	Representative sample
Total Nitrogen	Milligrams per litre	Six monthly	Representative sample
Arsenic	Milligrams per litre	Six monthly	Representative sample
Cadmium	Milligrams per litre	Six monthly	Representative sample
Chromium	Milligrams per litre	Six monthly	Representative sample
Cobalt	Milligrams per litre	Six monthly	Representative sample
Copper	Milligrams per litre	Six monthly	Representative sample
Iron	Milligrams per litre	Six monthly	Representative sample
Lead	Milligrams per litre	Six monthly	Representative sample
Manganese	Milligrams per litre	Six monthly	Representative sample
Mercury	Milligrams per litre	Six monthly	Representative sample
Nickel	Milligrams per litre	Six monthly	Representative sample
Zinc	Milligrams per litre	Six monthly	Representative sample

Note: The Groundwater Quality Monitoring Point(s) are to be agreed between the proponent and the EPA.

2. Department of Planning, Industry and Environment - Biodiversity and Conservation (BCD)

Aboriginal cultural heritage

- 2a. Works must avoid the AHIMS site 55-6-0064 (Mungabareena-mm1). A *minimum* 10 metre buffer must be placed around the tree to protect the tree root zone to mitigate any potential harm. This buffer must be clearly defined through the installation of fencing around the tree.
- 2b. All ground disturbance activities must be confined to the assessed areas. Should modification (a change or increase) to the area of impact be required, then further assessment will be required.
- 2c. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the object
 - Immediately cease all work at the particular location
 - Secure the area so as to avoid further harm to the Aboriginal object
 - Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location
 - Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department of Planning, Industry and Environment contacted.

Biodiversity

2d. A Biodiversity Offset Management Plan be prepared prior to clearing to the satisfaction of Albury City Council that includes:

- objectives for biodiversity offset areas, including ecological outcomes
- a description of the existing condition and baseline ecological data for the offset areas
- details of vegetation communities to be established in the revegetation areas and completion criteria for vegetation composition, structure and habitat.
- management actions for improving biodiversity values in the biodiversity offset areas including, but not limited to: controlling pests and weeds, stock grazing, protecting and promoting the growth of native plants, fire management, fauna habitat enhancement, and access
- a seasonally-based program to monitor and report on the effectiveness of these measures against detailed ecological performance measures and completion criteria that adhere to SMART principles (specific, measurable, achievable, repeatable, time-bound)
- sufficient monitoring sample sites to represent ecological variation throughout the biodiversity offset areas
- a comprehensive list of monitoring actions for the biodiversity offset areas and details the frequency of monitoring for each action, who is responsible and reporting procedures
- list of risks, triggers for adaptive management and corrective actions if monitoring targets are not being met
- details of who would be responsible for monitoring, reviewing and implementing the plan and timeframes for completion of actions.

3. Department of Industry, Crown Lands and Water Division

- 3a. The concurrence of the Minister for Lands and Forestry is not to be assumed for the proposed development.
- 3b. Any development or works including the extension of utilities to service the development will require a separate development application to be lodged. Should these works fall within Crown land such an application will require an Application for Landowner's Consent to the lodgement of a Development Application with respect to Crown land.
- 3c. The Minister for Lands and Forestry reserves the right to make comments, lodge an objection and / or require conditions with respect to development proposed on Crown land.
- 3d. Road construction is not permitted with the Crown road reserve.
- 3e. Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the Department authorising such work or occupation.
- 3f. No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown land or waterway.
- 3g. No materials are permitted to be dumped or stored on Crown land, roads, or waterways.
- 3h. The development is conducted with minimal environmental disturbance to the Crown land and is to avoid the removal or damage of any native trees located within the subject Crown lands or waterways.
- 3i. Public access on the Crown land and waterway is retained and not restricted on and along the Crown land and waterways.
- 3j. Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown land or waterways.
- 3k. Measures should be taken by the applicant to ensure that the work does not contribute to the spread of noxious weeds.
- 3l. Lot 7003 DP 1060806 on the Eastern boundary of the proposed development forms part of Reserve 70577 for Purpose Travelling Stock Reserve. Should the proponent require use of this land as a part of the proposal, including for access [construction or formal access for a new lot], storage of materials, or other ancillary works they should approach Local Land Services at their earliest convenience in order to discuss required permissions. (A0040)

4a. Access to the site from Gerogery Road to a sealed standard and for improvements to the intersection shall comply with the geometric and sight distance requirements as per the *Austroads Guide to Road Design* and are to be constructed in accordance with a design approved by Council.

5a. The operator of the quarry shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience.

Albany City Council is to be notified 48 hours prior to commencement of civil engineering works or clearing associated with the subdivision or civil construction works. (A061)

With the exception of the road and intersection works required by this consent, all work shall be contained wholly within the confines of the allotment boundaries. (A061)

All activities on the site not approved by this development consent shall comply with a relevant previously issued Development Consent. (A070)

The site is identified as being in an area which is bushfire prone. All activities on the site shall be conducted in a manner which is consistent with the objective of the NSW Rural Fire Service publication *Planning for Bushfire Protection 2019*.

Under the provisions of Section 7.12 (formerly Section 94A) of the *Environmental Planning and Assessment Act*, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the *Albury Infrastructure Contributions Plan 2014*. The contribution has been assessed as of the date of this consent as follows:

Section 7.12: \$4,950.00 (being 1% of the estimated cost of development)
(Hot Key 223)

Contributions are due prior to the re-commencement of any quarrying activities, and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the *Albury Infrastructure Contributions Plan 2014* is available for inspection at Council Offices or by visiting Councils website <http://www.alburycity.nsw.gov.au/>. (A302)

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development. Adequate protection must be provided for public infrastructure prior to work commencing and during building operations. Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate. (A450)

The existing approach and manoeuvring area to the quarry within the public road reserve shall be fully reconstructed and sealed from the edge of Gerogery Road to the property boundary and entry gate to Pit 3 and to the boundary of Reserve 70577 (Travelling Stock Reserve), in accordance with details approved by Council. (A998)

(NB: Refer also to the requirements of Conditions (A4), (A11), (A12) and (B3)).

(A11) Earth works/embankment works on Gerogery Road

Earth works/embankment works on Gerogery Road shall address limitation on existing sight lines and construction shall be in accordance with the submitted drawing RW 2018-009 *Proposed intersection upgrade*.

(A12) Approval required for access to Reserve 70577 (Travelling Stock Reserve)

No access via Reserve 70577 to Pit 1 is approved by this Development Consent. Separate further approval (including any measures required to limit public access to any approved access) shall be obtained from NSW Crown Lands prior to the re-commencement of any works in Pit 1.

If access is granted by NSW Crown Lands, traffic movements shall be confined to the section of the reserve located between the access gate to Pit 1 and the intersection of Winchester Lane and Gerogery Road. No access is to be provided to the south of the gate to Pit 1.

(A13) Amendment to Quarry Closure and Rehabilitation Plan

Within 12 months of the issue of this consent, an amended Quarry Closure and Rehabilitation Plan shall be submitted to, and approved by, Council. The plan is to remove reference to the use of biosolid waste from the Norske Skog Paper Mill in the rehabilitation of the site and shall identify and document alternative materials to be used. (A999)

(A14) Consolidation of Lot 2 DP1018401 and Lot 3 DP233061

Quarrying operations shall not re-commence on the site until a plan is registered by NSW Land Registry for the consolidation of Lot 2 DP1018401 and Lot 3 DP233061.

A Subdivision Certificate application must be made to Council prior to lodgement of the plan with NSW Land Registry and documentary evidence supplied of compliance with all conditions of Part F of this consent.

(A15) Limitation on Life of Consent

Extraction of material and recycling of concrete waste activities approved by this consent are limited to a period of thirty (30) years from the endorsed date of this consent. Written advice is required to be provided to Council of the commencement date of extraction and/or commencement of recycling operations on the site. In addition, a further two (2) year period after cessation of the extraction period is permitted for completion of the rehabilitation works.

Should any activities approved by this consent cease prior to the expiration date of the consent, written advice shall be provided to Council and other relevant NSW Government Agencies and authorities to determine any works required to be undertaken for rehabilitation of the site and adjacent public lands, or in regard to the removal of plant, equipment, stockpiles, improvements, amenities and the like.

(A16) Bank Guarantee for rehabilitation works

To ensure that rehabilitation works are completed in accordance with the approved Quarry Closure and Rehabilitation Plan (as amended under Condition (A13)), a bank guarantee to the value of the works (as outlined in Section 6.5 of the Quarry Closure and Rehabilitation Plan) is to be submitted to AlburyCity Council **prior to the commencement of any activities approved by this consent**. The bank guarantee is to be:

- To the value of \$275,000.00
- Unconditional, and
- From an institution and in a form approved by Council.

The value of the Bank Guarantee must be **reviewed every five (5) years** to account for

- changes in cost of materials, labour, availability of resources, etc;
- any rehabilitation and revegetation works undertaken in the previous five (5) years under the staged rehabilitation plan; and
- any change to the operation of the quarry (such as reduced extraction) which may delay the estimated completion of any stage of the rehabilitation works.

Documentary evidence shall be provided to Council by 31 July 2025 (and by 31 July every 5 years thereafter for the life of this consent) outlining the estimated value of the rehabilitation works remaining to be completed (excluding any completed staged rehabilitation and revegetation as documented in accordance with Condition (E9)) and outlining any changes to the cost of the materials, labour, etc. to enable a recalculation of the value of the Bank Guarantee.

All costs associated with the establishment and maintenance of the Bank Guarantee shall be borne by the applicant, A P Delany and Co, or any successors in title to that company; or any future owner of the quarry.

B. Prior to any work commencing

(B1) On site sewage management report

A report by a competent person that demonstrates the suitability of the site for on site disposal together with specifications and installation details for the on site sewage management system be lodged with Council prior to commencement of work. (C050)

(B2) On site sewage management

Following approval of the report referred to in Condition (B1), all soil and sullage wastewater generated shall be treated and disposed of on-site, through an approved Onsite Sewage Management System in accordance with the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals. All relevant matters contained within these regulations shall be completed and lodged with Council for approval prior to commencement of work.

A copy of the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals Section 26 titled "Matters to accompany applications for approval to install or construct sewage management facilities" is enclosed for your convenience. (A420)

(B3) Access pavement seal

All land within the Winchester Lane public road reserve required for vehicular access to the site is to be concreted or sealed with a bituminous pavement in accordance with any requirements of Council's *Engineering Guidelines for Subdivisions and Development Standards*, as applicable at the time of work, to a standard suitable for the types of vehicles accessing and egressing the site and the laden weight of haulage vehicles. Any works for access to Pit 1 undertaken upon Reserve 70577 (Travelling Stock Reserve) shall be constructed to the standards required by Local Land Services and NSW Crown Lands following approval of the access and any construction by NSW Crown Lands. (B404 Modified)

(B4) Soil and Water Management

An Erosion and Sediment Control Plan (ESCP) prepared in accordance with Albury City Council's Soil and Water Management Policy, and consistent with the commitments contained in the Environmental Impact Statement dated August 2019, shall be submitted to and approved, by Council. The plan shall include measures to:

- a) Prevent site vehicles tracking sediment and other pollutants from the site area.
- b) Protect retained vegetation by a suitable barrier.
- c) Divert in an approved manner upslope water around cleared and/or disturbed areas.
- d) Prevent debris escaping off-site by use of on-site sediment barriers.
- e) Provide for stockpiles which do not create nuisance or pollution.
- f) Prevent dust nuisance.
- g) Ensure maintenance of all erosion control measures at operational capacity until the site is effectively rehabilitated.

A copy of the ESCP must be kept on-site at all times and made available to Council's Officer on request. (B053)

(B5) Inspection within public areas

All works within public lands are required to have Council written approval, be inspected at all stages of construction and be approved by Council prior to completion and acceptance of the works. Any fees applicable in accordance with Council's fees and charges shall be paid at the relevant stage. (C009)

(B6) On-site waste storage

Adequate waste receptacles shall be provided within a dedicated area on-site to sort and store all waste pending disposal, including materials recovered from the concrete crushing operations and

staff amenities. The area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience. (C655)

(B7) Protection for retained vegetation

Protective measures for vegetation to be retained shall be installed before commencement of work and maintained for the operational life of the quarry. (C025)

(B8) Operational Management Plan

Prior to the commencement of any quarrying activities or recycling works approved by this consent, an Operational Management Plan shall be prepared, submitted to and approved by Council.

The Plan shall, as a minimum, incorporate:

- the acoustic conditions contained within this consent and the NSW EPA's General Terms of Approval;
- air quality conditions contained within this consent and the NSW EPA's General Terms of Approval;
- identify air quality monitoring locations to the north, east, south and west of the development;
- groundwater monitoring locations and frequency of monitoring;
- a Waste Management Plan which identifies all waste materials generated by activities on the site, including details of their storage and disposal;
- a Stockpile Management Plan which details the means of protecting the surrounding environment from dust; erosion and/or sediment transport or deposition arising from the stockpiles;
- A plan detailing the spills prevention, contingency and emergency clean-up procedures for the development is to be submitted for approval prior to construction works commencing. The approved procedures plan is to be implemented in the event of a spill or emergency.
- a complaints management procedure;
- Measures implemented to ensure all employees, contractors and other persons associated with any activities on site are inducted and kept informed of the operational parameters applying to the site;
- Protection measures for, and extent of, protected vegetation areas; and
- Staging Plan for rehabilitation works.

The Plan shall be reviewed every two (2) years and shall be provided to Council in conjunction with the Annual Report (required by Condition (E8)) submitted for that year.

C. During Construction or Works

(C1) Mode of work (construction works)

Any construction work (including road and intersection construction works) must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like. (D033)

(C2) Hours of work (construction works)

Any construction works (including road and intersection construction works) will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

Note: The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works. (D422)

(C3) Dust suppression (construction works)

Dust suppression techniques are to be employed during all construction works (including road and intersection construction works) to reduce any potential nuisances to surrounding properties. (D051)

- (C4) **Maintenance of soil erosion and pollution controls (construction works)**
All measures specified in Council's *Soil and Water Management Policy* to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed construction areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained. (D522)
- (C5) **Runoff and sediment control (construction works)**
During any construction works, runoff detention and sediment interception measures are to be applied to the work area so as to reduce flow velocities and prevent sediment escaping from the site or entering any downstream drainage easement or natural or artificial water bodies. (D524)
- D. Prior to the commencement of Quarrying operations**
- (D1) **Petroleum products interception**
Any areas where oil, grease and associated products may be deposited or spilled shall be provided with measures to prevent and intercept discharge of such substances and the like to the public drainage system. (E460 Modified)
- E. Use of Site Area**
- (E1) **External lighting**
Any external lights used on the site must be directed away from the adjoining/nearby residences to prevent light spill and glare. (F018)
- (E2) **Environment and amenity**
The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:
- (a) The appearance of any buildings, works or materials used.
 - (b) The parking or moving of motor vehicles.
 - (c) The transporting of materials or goods to or from the site.
 - (d) The hours of operation.
 - (e) Noise, air and water discharges from the site.
 - (f) Electrical interference.
 - (g) The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
 - (h) Emissions or discharges into the surrounding environment including, from waste water, sediment, dust, vibration, odours or other harmful products. (F024)
- (E3) **Regular waste removal**
All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of Council. (F036)
- (E4) **Fuel storage tank licence**
A licence for any fuel storage tanks shall be obtained from WorkCover New South Wales (Dangerous Goods Licensing). (F433)
- (E5) **Environmental bunding**
All works and storage areas where spillages are likely to occur are to be bunded. The size of the area to be bunded is to be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas are to be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate. (F439)
- (E6) **Waste oil storage and removal**
Waste oil is to be stored in a covered and bunded area and regularly removed to a waste oil recycle operation. (F460)
- (E7) **Extraction and Concrete Recycling annual processing limits**

The development shall not extract in excess of 100,000 cubic metres of material or process in excess of 20,000 tonnes of recycled concrete materials per year. To accurately monitor compliance, the Applicant shall keep accurate records of:

- a) volume of materials transported to and from the site (daily, monthly and annually); and
- b) number of laden vehicle movements from the site (daily, weekly, monthly and annually).

A weighbridge is to be installed at the premises to weigh all arriving and departing vehicles and their loads to ensure that the development does not exceed these volumes. Weighbridge records are to be recorded and retained on site for a minimum of 2 years and shall also be available for inspection at the site at any time.

(E8) Annual Report on Activities

Prior to 31 July each year for the life of this consent, the proponent shall submit an Annual Report to Council which documents:

- compliance with all operational and regulatory conditions imposed upon the development consent;
- all activities, volume of extraction, recycling tonnage (inbound and outbound), and haulage volumes of all materials removed from the site during the previous 12 months;
- any complaints received during that year and the resolution of those complaints;
- weighbridge receipts/reports confirming compliance with the annual limits of materials extracted from the site and recycled on the site;
- volume and composition of all waste removed from the site, including the location of their disposal;
- any rehabilitation works undertaken in the previous 12 months (if any); and
- any ameliorative or revised operational measures implemented during the previous 12 months to address requirements of the EPA under their licence conditions.

(E9) Staged Completion of rehabilitation works

When any stage of the rehabilitation works outlined in the (amended and approved) Quarry Closure and Rehabilitation Plan has been completed, Council shall be notified in writing and provided with detailed documentary evidence of the works undertaken in that stage of the rehabilitation works and a site survey confirming the finished surface levels of that stage.

Council will not accept completion of the works until it has undertaken inspections to confirm completion of the works and the satisfactory establishment of groundcovers and vegetation on those areas. Council may require payment of bonds or the like for the maintenance of any vegetated areas for a period of 24 months after it has accepted that the relevant stage of the rehabilitation works has been completed.

F. Prior to the Issue of a Subdivision Certificate

(F1) Compliance with Conditions

Prior to the issue of the Subdivision Certificate for the consolidation of Lot 2 DP1018401 and Lot 3 DP233061 the applicant must submit a completion report for all civil works, and other relevant matters contained in this consent, outlining how each of the conditions have been implemented and/or satisfactorily addressed, so as to confirm compliance with all conditions of the subject consent.

Note: Council will not issue a Subdivision Certificate unless all work has been completed or agreement reached in accordance with Section 6.5(2) of the *Environmental Planning and Assessment Act*. (G001)

(F2) Subdivision Certificate inspection fee

Prior to issue of a Subdivision Certificate the applicant shall pay to Council an Inspection Fee equivalent to 2.2% (includes GST) of the contract price of the civil construction works but not less than One Hundred and Ninety Dollars (\$195) for the cost of providing Council Inspection of Works. **(For office use only - HK 63)** (G306)

(F3) Submit value of civil works and any maintenance bonds

Prior to issue of a Subdivision Certificate, the applicant shall submit an itemised monetary value of civil construction works for the inclusion in Council's Asset Management System and calculation of any necessary maintenance bonds. (G310)

G. Reasons for Conditions

(G1) The above conditions have been imposed: -

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*
- (b) Having regard to Council's duties of consideration under Section 4.13 and 4.17 of the Act
- (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites
- (d) To improve the amenity, safety and environmental quality of the locality
- (e) Having regard to environmental quality, the circumstances of the case and the public interest
- (f) Having regard to the *Albury Development Control Plan 2010*
- (g) To help retain and enhance streetscape quality
- (h) Ensure compatibility with adjoining and neighbouring land uses and built form
- (i) To protect public interest, the environment and existing amenity of the locality
- (j) To minimise health risk to neighbouring residents and workers. (H001)

H. Advisory and Ancillary Matters

(H1) Compliance

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact the AlburyCity Planning & Environment Group on 02 6023 8285 if there is any difficulty in understanding or complying with any of the above conditions. (I010)

(H2) Underground assets – 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). (I130)

(H3) Telstra assets

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. (I131)

(H4) Alterations after consent

Any alterations to the proposed development contemplated after the consent shall be subject to an application for the modification of the Development Consent. (I005)

(H5) Road and Public Domain Works

This development consent does not give approval to works or structures over, on or under public roads.

Details plans and specifications of all works (including but not limited to structures, road works, driveway crossings and storm water drainage) within existing roads, must be submitted to and approved by Council under the *Roads Act 1993*, before the issue of any Civil Construction Certificate.

All public domain works must comply with Council's "*Engineering Guidelines for Subdivisions and Development Standards*". (I051)

* * *