



DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 23 January 2019
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow and Rob Hooke
APOLOGIES	Robin Mallik and Jamie Chaffey
DECLARATIONS OF INTEREST	None

Public meeting held at Gunnedah Shire Council on 23 January 2019, opened at 11.02am and closed at 1.20pm.

MATTER DETERMINED

2018NTH006 – Gunnedah – 2018/021 at North Aminya, Oxley Highway, Carroll (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.

The Panel adjourned during the meeting for Council to draft a deferred commencement condition.

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 proposal is an expansion of quarry operations approved in 2015;
- SEPP33 – Hazardous and Offensive development: the proposed quarry operations are not regarded as a potentially hazardous or offensive industry;
- SEPP 44 – an assessment was undertaken of the site and a number of species listed as Koala feed trees were identified as being present however, a further site survey indicated there was no evidence of Koala activity onsite;
- SEPP Remediation of Land – the land is historically agricultural use and associated activities have not resulted in potential contamination of the site. However, during the site inspection a portion of soil appeared to be contaminated by an oil or fuel spill. Appropriate excavation and removal was required by Council including the requirement for a site validation report being submitted to Council post completion;
- Deferred commencement conditions were adopted to ensure the upgrade to the Oxley Highway intersection is completed prior to the consent becoming operative;
- The air quality and noise monitoring of the quarry operations are subject to ongoing General Terms of Agreement (GTA's) by the Environment Protection Authority; and
- The proposed quarry expansion is regarded as being in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Deferred Commencement Conditions added;

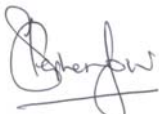
- Draft Condition A2 amended to correct the total maximum extraction and to clarify the permissible number of loaded truck movements per day;
- Draft Condition B2 regarding the Erection of signs was deleted;
- Draft Conditions D1 and D2 deleted as they now form part of the deferred commencement;
- Draft Condition D4 (renumbered as D2) amended to require an updated Environmental Management Plan prior to the commencement of the expanded operations;
- The reason for draft condition D6 (renumbered as D4) amended to clarify the reason for landscaping;
- Draft condition D9 (renumbered as D7) amended to clarify the lots to be consolidated and the reason is also amended for clarification;
- Draft condition G1 heading was amended and the condition was amended to clarify permissible haulage vehicles;
- Draft condition G4 was amended to lower the radius for notification of blasting;
- Draft condition G9 was amended to include the quarry's compliance with conditions of consent to the documentation required to be submitted to Council; and
- Draft condition H4 was amended to clarify the area required for bushfire protection.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Rural addressing issues
- Clarification of allotments for the proposed development
- Failure to carry out upgrades to the Oxley Highway intersection
- Visual impacts of the proposed development

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 public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed addressing all the above issues.

PANEL MEMBERS	
Garry West (Chair) 	 Pamela Westing
 Stephen Gow	 Rob Hooke

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH006 – Gunnedah – 2018/021
2	PROPOSED DEVELOPMENT	Operation of an Extractive Industry – Quarry (extracting up to 399,000 tonnes of hard rock per annum), including crushing and screening of product onsite.
3	STREET ADDRESS	“North Aminya” Oxley Highway, Carroll – Lot 50 DP 751007 & Lot 2 DP 126172
4	APPLICANT OWNER	Outline Planning Consultants IR & DM Swain
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy No 44 – Koala Habitat Protection ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Mining , Petroleum Production and Extractive Industries) 2007 ○ Gunnedah Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: ○ Gunnedah Development Control Plan 2012 ○ Gunnedah Shire Council Engineering Guidelines for Subdivisions & Developments V2.0 (August 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	• Council assessment report: 9 January 2019 • Written submissions during public exhibition: eight (8) • Verbal submissions at the public meeting: ○ In support – NIL ○ In objection – NIL ○ Council assessment officer – Wade Hudson (Town Planner); Daniel Noble (Chief Engineer) and Carolyn Hunt (Manager, Development and Planning) ○ On behalf of the applicant – Gary Peacocke
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 23 January 2019 and final briefing on site at 9am. Attendees: ○ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow and Rob Hooke ○ <u>Council assessment staff</u>: Wade Hudson, Daniel Noble and Carolyn Hunt

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended Conditions attached as Schedule 2

SCHEDULE 2

Deferred Commencement Conditions

The following are deferred commencement condition(s) imposed pursuant to *Section 4.6(3)* of the *Environmental Planning and Assessment Act 1979*.

1. To confirm and clarify the terms of this approval, the consent shall not operate until:
 - a) The existing vehicle access to the Oxley Highway is upgraded to of a BAR/BAL intersection treatment, as approved by NSW Roads and Maritime Services (RMS); and
 - b) The existing vehicle access from the edge of the resulting formation of the Oxley Highway to the property boundary is to be constructed of either bitumen seal, asphaltic concrete, concrete interlocking pavers.

Evidence that will sufficiently enable Council to be satisfied as to the completion of all works required by deferred commencement condition(s) 1(a) and 1(b) above, must be provided to Council within 2 years of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 95(6) of the *Environmental Planning and Assessment Regulations 2000*.

Reason: To ensure traffic safety entering/exit of vehicle from the development site.

This consent will not become operative until such time that the Council notifies the Applicant in writing that the requirements of deferred commencement Condition(s) 1(a) and 1(b) above have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the development consent will become operative from the date of that written notification, subject to the following condition of consent.

A. That development consent be granted subject to the following conditions:

- A1. The proposed development shall be carried out generally in accordance with the details set out in the following:
 - Development Application form lodged 28/02/2018;
 - Environmental Impact Statement, prepared by Outline Planning Consultants Pty Limited, dated February 2018;
 - Additional information letter, prepared by Outline Planning Consultants Pty Ltd, dated 28 March 2018, ref: DA 2018/021;
 - Additional information letter, prepared by Outline Planning Consultants Pty Ltd, dated 18 April 2018, ref: DA 2018/021;

- Additional information letter, prepared by VIPAC Engineers and Scientists Limited, provided to Council 16 November 2018; and
- Submitted plans:
 - Prepared by Ryan Geospatial, dated 21/11/2017, Drawing No. 2017-132-101, Sheet 1 of 1 (General Overview 2mtr Contours and Pit Void), Sheet 1 of 1 (Operation Layout Site Complex and Long Section), Sheet 1 of 1 (Final Rehabilitation Plan), Sheet 2 of 4 (Operation Layout Site Complex and Long Section), Sheet 3 of 4 (Cross Sections), Sheet 4 of 4 (Cross Sections);
- Supporting Documentation:
 - Traffic Impact Assessment, prepared by Street Wise Road Safety & Traffic Services, dated: 12 January 2018, ref: FINAL J/N 0118;
 - Stage 1 Contaminated Site investigation, prepared by Geolyse, dated 16 October 2017, ref: 217448_REP_001B.docx;
 - Heritage Impact Assessment Report, prepared by RPS Australia East Pty Ltd, dated 4 January 2018, ref: PR136338;
 - Air Quality Assessment, prepared by VIPAC Engineers and Scientists Limited, dated 16 November 2018, ref: 20E-17-0085-TRP-542472-5; & dated 13/11/2018, Ref: 20E-17-0085-TRP-8550179-0;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Extraction of Material of no more than 399,000 tonnes per annum;
- Total maximum extraction amount of 4.55 million tonnes (which equates to 1.756 million cubic metres) of material;
- Maximum processing capacity for crushing, grinding or separating works of no more than 399,000 tonnes annually;
- Period of extraction of material of no more than 30 years from the commencement of extraction operations;
- Maximum number of loaded truck movements per day 78 (Monday-Saturday);
- Maximum of fifteen (15) blasts per annum and not more than one per day, excluding misfires;
- Maximum onsite fuel storage capacity of 20,000 Litres; and
- Rehabilitation of the site.

Note. The quarry operator is required to inform Council of the commencement date of extraction operations approved under this consent. Council will then provide written confirmation of the lapsing date for quarry operations under this development consent.

Reason: To ensure compliance with application and plans.

A3. To confirm and clarify the terms used in this approval, the following definitions are provided:

- *Extraction Operations* means the removal of overburden, the extraction, processing, handling, storage and transportation of extracted material both on and off site in relation to this consent.

Note: All conditions under Section C – ‘Prior to the Commencement of Extraction Operations’ shall be completed prior to the commencement of *Extraction Operations*.

Reason: To ensure compliance with application and plans.

Surrender of Existing Development Consent

- A4. At the commencement date of *extraction operations* (as defined in Condition A3), the owner of Lot 2 DP 1107747, "North Aminya" Oxley Highway, Carroll shall, in writing, surrender Development Consent No. 2015/047.

Reason: To ensure compliance with application and plans.

Vegetation Removal

- A5. To confirm and clarify the terms of this approval, consent is granted for the clearing of a maximum of 7.39ha of White Box – White Cypress Pine shrubby open forest, as identified within the Flora and Fauna Assessment Report, prepared by RPS Group, dated 14 February 2018 and the area identified within Figure 6: Vegetation Communities of this document.

Note. Development consent is not given for the removal of any trees outside this designated development area.

Reason: To ensure compliance with development proposal.

B. Prescribed conditions

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

- B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue,

that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

- (2) This clause does not apply:
- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

C. Prior to the Commencement of Road Works

- C1. The developer shall enter into a 'Works Authority Deed' (WAD) with the Roads and Maritime Services (RMS) for all road works on the Oxley Highway. A RMS Pre-Qualified contractor shall complete all road works under the WAD to practical completion, as determined by RMS. Further information on Private Developments adjacent to classified roads can be accessed on the RMS website. A copy of the road works construction plans shall also be provided to Council.

Reason: To maintain the integrity, safety and efficiency of the classified road network.

- C2. Erosion and sediment control facilities must be installed and maintained for the duration of the road works, to avoid damage to the environment during road work construction. The plan and specification for these facilities are considered an integral part of the development and must be approved with the road work construction plans. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure that adequate control measures are installed.

D. Prior to the Commencement of Extraction Operations

Onsite Parking

- D1. Prior to the commencement of the extraction operations, onsite car parking accommodation shall be provided for a minimum of nine (9) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. The car parking area shall be constructed of all-weather material and shall be clearly signposted. An adequate parking area shall be provided for deliveries and heavy vehicles.

Reason: To ensure adequate on site car parking is provided.

Environmental Management

- D2. Prior to the commencement of the expanded extraction operations, a Quarry Environmental Management Plan is to be submitted and approved by Council. The Quarry Environmental Management Plan is to include, but not be limited to the following documents:
- a) A Soil Management Plan outlining 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;
 - b) A Traffic Management Plan detailing the proposed signage and speed limits for the internal haul route and proposed code of conduct for employees and truck operators, prepared by a suitability qualified person.
 - c) A Driver Code of Conduct for the transportation of materials on public roads, shall be developed for all heavy vehicle drivers that access the development site (including haulage and delivery vehicles). All drivers will be required to sign a register of acceptance to the Driver Code of Conduct. The Driver Code of Conduct shall include the following (but not limited to) driver behaviour, compliance with road rules and safety, minimising noise and dust emissions, inform drivers of all known safety considerations along the haul route (including school bus routes and timetables, school zones, concealed driveways, seasonal haulage operations, wet weather safety and any other known local hazards) and ensuring all loads are covered before leaving the quarry site;
 - d) A Bushfire Protection Plan prepared in accordance with the NSW Rural Fire Service "Planning for Bushfire Protection, 2006";
 - e) An Unexpected Heritage Discover Protocol for unexpected finds protocol relevant to historic archaeology contained in the Heritage Impact Assessment Report;
 - f) A Rehabilitation and Landscape Strategy detailing how the site will be rehabilitated and the entire development timeframe for revegetation works. Remediation works are to include progressive rehabilitation. Final rehabilitation works are to commence immediately upon completion of extraction works and completed by 32 years from the commencement of extraction, being 2 years after extraction finishes.

Reason: To ensure compliance with application and plans.

Vegetation Planting

- D3. Prior to the commencement of any extraction operations, a minimum of 1.2ha of vegetation planting shall be undertaken in the area identified on Figure 8: Recommended Revegetation Area, of the Flora and Fauna Assessment Report, prepared by RPS Group, dated 14 February 2018. Revegetation works are to be undertaken in accordance with Part 4.5.3 of this document.

Vegetation replanting is to be monitored throughout the life of the development. Any unsuccessful tree planting is to be replaced and maintained in accordance with the procedures

for revegetation works outlined in the Flora and Fauna Assessment Report, prepared by RPS Group, dated 14 February 2018.

Reason: To ensure that sufficient revegetation is conducted prior to removal of existing vegetation.

Landscaping Plan

- D4. A landscaping plan shall be submitted to and approved by Council prior to the commencement of extraction operations. The plan shall illustrate a minimum five (5) metre wide landscaping buffer along the north and western external boundary of the quarry working area. Vegetation should be staggered to create a more effective vegetation barrier. Details of proposed tree species, height at maturity and proposed pot size are to be submitted to Council.

Note. Suitable vegetation species should incorporate low maintenance, drought and frost tolerant species, suitable for the climatic conditions of the region.

Reason: To ensure adequate landscaping to minimise visual impacts

Identification of Extraction Boundary

- D5. The 'limit of extraction' boundary (as identified on the proposed quarry site plan, prepared by Ryan Geospatial, dated 21/11/2017, Drawing No. 2017-132-101, Sheet 2 of 4 (Operation Layout Site Complex and Long Section), shall be clearly marked out with durable pegs or other markers prior to the commencement of extraction operations. The identification marks shall in place remain for the life of the development, with all operators being made aware of the boundary markers and the limits of the extraction boundary.

Reason: To ensure compliance with application and plans.

Complaints Register

- D6. The operator of the quarry shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all landowners and tenants within a 5.0 kilometre distance of the boundary of the development site in writing of the contact details and associated information and that they may contact the quarry operator to complain about the operation of the quarry. A copy of the notification shall be provided to Council.

Reason: To ensure amenity of area.

Land Consolidation

- D7. Prior to the commencement of Extraction Operations, Lot 50 DP 751007 and Lot 2 DP 126172 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure the lot providing access to the quarry site is held in the same ownership as the quarry. .

Property Identification

D8. Prior to the commencement of extraction operations, a Rural Addressing number and post shall be applied for through Council and erected.

Reason: To ensure compliance and to ensure the correct property identification.

E. Prior to the Commencement of Building Works

On-Site Sewerage Management & Temporary Structures

E1. Prior to the installation of waste treatment device or moveable structure, the Developer shall apply to Council for approval under Section 68 of the Local Government Act 1993 to:

- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (b) Operate a system of sewerage management
- (c) Install a moveable structure (transportable buildings) on the land

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

E2. Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan, 2012.

Reason: To ensure erosion and sediment control on the development site.

F. General

Traffic and Parking

F1. All internal driveways, parking areas and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic and of a dust suppressed material, which is to be approved by Council.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

F2. All mobile plant vehicles utilised onsite are to be use frequency modulated reversing alarms (as opposed to beeping reversing alarms).

Reason: To reduce potential noise impacts on surrounding land holders and occupants.

- F3. All works identified in the approved Quarry Environmental Management Plan are to be implemented.

Reason: To ensure that the Quarry Environmental Management Plan is appropriately implemented.

- F4. All vegetation planting undertaken as part of initial vegetation planting and rehabilitation planting is to be adequately protected via construction or installation of protective fencing or tree guards that restricts browsing on seedlings.

Reason: To restrict browsing on seedlings.

- F5. No waste from the operation of the development is to be disposed of onsite, either by burning of waste or by disposal to onsite landfill.

Reason: To ensure maintenance of car parking areas.

- F6. The use of water from existing water storage dams shall be only from storages located on the development site. Prior to the use of water from onsite storages, any necessary approvals for water harvesting and re-use are to be obtained.

Reason: To ensure compliance with application and plans.

G. During Extraction Operations

Haulage vehicles

- G1. The haulage of material shall not be undertaken by B-Double, A-Triple or commensurate vehicles.

Reason: To ensure compliance with application and plans.

Dust

- G2. To minimise the potential for dust nuisance generated by the development, the mitigation measures outlined in Section 2.3.2 Management of Quarry Operations, Table 2.2, of the Environmental Impact Statement, prepared by Outline Planning Consultants Pty Limited, dated February 2018, shall be implemented during the extraction operations.

Reason: To ensure compliance with application and plans.

Blasting and Fly-rock Management

- G3. The developer is to ensure that all blasting complies with Australian and New Zealand Environment and Conservation Council (ANZECC) assessment criteria as outlined in "Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration – September 1990" and, AS 2187.2-1993 "Explosives – Storage Transport and Use Part 2: Use of Explosives".

Reason: To ensure that all blasting does not pose any risk to life or property of adjoining dwellings or residences.

- G4. Prior to any blasting event occurring the developer is to notify Gunnedah Shire Council and all land holders and tenants within a 1.2 kilometre radius of the development site, of the date, time and location of the proposed blast. Notification is to be completed a minimum of 48 hours prior to any blast occurring.

Reason: To ensure surrounding land holders and occupants are notified in advance prior to any blast occurring.

- G5. To minimise the potential for impacts from blasting, the mitigation measures outlined in Section 2.3.4 Blasting of Rock, Table 2.6, of the Environmental Impact Statement, prepared by Outline Planning Consultants Pty Limited, dated February 2018, shall be implemented during the extraction operations.

Reason: To ensure compliance with application and plans.

Noise Impacts

- G6. To minimise the potential for noise impacts generated by the development, the mitigation measures outlined in Section 6.3, of the Noise and Vibration Impact Assessment, prepared by VIPAC Engineers and Scientists Limited, dated 4 July 2018, shall be implemented during the extraction operations.

Reason: To ensure compliance with application and plans.

Ground Water

- G7. Should groundwater be intercepted at any stage during extraction operations, all works are to cease immediately and Council and the NSW Department of Industry - Water are to be notified immediately. No works will be permitted to recommence without the written authorisation of the NSW Department of Industry - Water.

Reason: To ensure compliance with application and plans.

Documentation

- G8. A copy of all the approved documents related to this consent, shall be kept on site at all times and shall be made available upon inspection by Council or an authorised government agency.

Reason: To ensure all documents are available on inspection.

- G9. An Annual Return detailing the amount of material extracted area of extraction and compliance with the conditions of consent shall be provided to Council.

Reason: To ensure compliance with application and plans.

H. Continued Operations

Waste Disposal

- H1. No general household waste or waste for either industrial premises is to be disposed of onsite. Waste is to be disposed of at an approved waste management facility directly or via licensed contractor.

Reason: To ensure waste is disposed of off-site in an appropriate manner.

Maintenance of Parking Areas

- H2. All vehicular parking, manoeuvring and loading areas are to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

Vehicle Movement

- H3. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure traffic safety.

Bushfire Protection

- H4. The developer is to maintain an Inner Protection Area (IPA) of 30 metres around quarry offices and work buildings, in accordance with the NSW Rural Fire Service Planning for Bushfire Protection, 2006.

Reason: To ensure appropriate bushfire protection measures are implemented.

I. Completion of Extractive Industry Operations

- I1. At the completion of extraction operations, the quarry operator will commission the completion of a Contamination Assessment Report and Site Validation Report for the site. Any recommended remediation actions are to be completed by the quarry operator and shall be identified within the report. The validation report is to specifically include, but not be limited to, testing of the site identified within the Stage 1 Contaminated Site Investigation, prepared by Geolyse, dated 16 October 2017, ref: 217448_REP_001B.docx, as being contaminated by the spilling of fuel or oil, noted on Drawing 2: Quarry Expansion Layout of this report.

Reason: To ensure compliance with Council's requirements.

- I2. Any material used as fill during remediation works must be free of contaminants. A report is to be submitted to Council prior to the commencement of remediation works, providing details of fill including source of fill and potential contaminants within sourced soil.

Reason: To ensure sourced fill does not contain any potential contaminants.

J. General Terms of Approval – Environment Protection Authority

- J1. The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached to this consent.

Reason: To ensure compliance.

Annexure 3 – General Terms of Approval – Environment Protection Authority

Administrative Conditions

NOTE: Definition of Terms Relating to Noise

- NSW Noise Policy for Industry - the document entitled “Noise Policy for Industry” published by the Environment Protection Authority in October 2017.
- Noise – “sound pressure levels” for the purposes of conditions L3.1 to L3.7.
- “Noise sensitive locations” includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application 2018/021 submitted to Gunnedah Shire Council on 15 March 2018;
- environmental impact statement titled, *Environmental Impact Statement - Proposed Extension to Existing Approved Hard Rock Quarry - North Aminya, Lot 50 DP751007 & Lot 2 DP1107747, No. 5255 Oxley Highway, Carroll, NSW 2340*, dated February 2018 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including
 - (i) Outline Planning Consultants Pty Ltd, *Letter to Gunnedah Shire Council, Response to Submissions: Exhibited EIS Proposed Expansion of Quarry at 'North Aminya', Lot 50 DP751007 & Lot 2 DP126172 No. 751007 Oxley Highway, Carroll, NSW, 23 August 2018*
 - (ii) VIPAC Engineers and Scientists, *Letter to Outline Planning Consultants, Attention Gary Peacock*, Ref: 20E-17-0085-TRP-8550179-0, 13 November 2018; and
 - (iii) VIPAC Engineers and Scientists, *EIS Expanded Quarry Operations at Gunnedah Air Quality Assessment*, 16 November 2018.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3. Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits in Table 1.

NOTE 1: If the licensee and the receiver have written agreement, the noise limits will not apply.

NOTE 2: The locations referred to are at Figure 2– 2 Location of Quarry and Noise Sensitive Receivers - Noise and Vibration Impact Assessment in the EIS New Quarry at Gunnedah (Document No:20E-17-0085-TRP-458499-4-Draft) by Vipac Engineers and Scientists Limited, dated 04 July 2018.

TABLE 1 - NOISE LIMITS IN dB(A)

NOISE LIMITS			Noise Level in Decibels - dB(A) - Fast Response
Receiver Locality	Location due to Quarry	Lot and DP Details	DAY LAeq,15min
R1 5483 Oxley Highway	North	Lot 49/DP 751007	43
R2 5255 Oxley Highway	North East	Lot 52/DP 751007	40
R3 149 Kilphysic Road	South East	Lot 170/DP 751007	40
R4 113 Kilphysic Road	South	Lot 67/DP 751007	40
R5 112-130 Phillip Street	Carroll	Lot 155/DP 751007	40
S1 Carroll Public School 73-79 Phillip Street	Carroll	Lot [8 – 10/25] DP 758234	45 When-in-use (Noisiest 1-hour period)
RE1 Carroll Oval 82-100 Breeza Street	Carroll	Lot 26/DP 1141178	55 dB(A) (When-In-Use)

L3.2 For Condition L3.1;

- Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00 am to 6:00 pm Sunday and Public Holidays.
- Evening is defined as the period 6:00 pm to 10:00 pm.

- Night is defined as the period from 10:00 pm to 5:00 am Monday to Saturday and 10:00 pm to 8:00 am Sunday and Public Holidays.

L3.3 The noise limits set out in condition L3.1 apply under all meteorological conditions, including inversion meteorological conditions determined by the on-site meteorological station or alternate representative meteorological station agreed to in writing by the EPA.

L3.4 For the purposes of condition L3.3:

- (i) Data recorded by the on-site meteorological station identified as EPA Identification Point <X> must be used to determine meteorological conditions; and
- (ii) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions in the NSW Noise Policy for Industry.

L3.5 To determine compliance:

- (a) with the LAeq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- (b) with any LAmax noise limits in condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- (c) with the noise limits in condition L3.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L3.5(a) or L3.5(b).

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- (a) at a location other than an area prescribed by conditions L3.5(a) and L3.5(b); and/or
- (b) at a point other than the most affected point at a location.

L3.7 For the purposes of determining the noise generated at the premises, the modification factors in Fact Sheet C - Corrections for Annoying Noise Characteristics of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Noise from the facility shall exclude tonal, low frequency noise or any other annoying characteristic at the noise sensitive receiver locations. Non-tonal or broadband alarms, proximity alarms, reversing cameras, flashing lights or any combination of these shall be applied to dedicated site plant and all other vehicle accessing the facility.

Hours of operation

L3.8 Quarrying operations are permitted 7:00am to 6:00pm Monday to Friday, 7:00am to 1:00pm Saturday with no quarry operation on Sundays or Public Holidays.

L3.9 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.8 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L3.10 The hours of operation specified in conditions L3.8 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L4. Blasting

L4.1 The blast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be accounted for in determining the limit has been exceeded.

L4.2 The blast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent 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 accounted for in determining whether the limit has been exceeded.

Ground vibration level

L4.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be accounted for in determining whether the limit has been exceeded.

L4.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent 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 accounted for in determining whether the limit has been exceeded.

L4.5 To determine compliance with condition(s) L4.1 to L4.4 inclusive:

- (a) Blast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises:
 - Receiver R2: 5255 Oxley Highway Lot 52/DP 751007
- (b) Instrumentation used to measure and record the blast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

NOTE: A breach of the licence will still occur where blast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L4.1 to L4.4 at any "noise sensitive locations" other than the locations identified in the above condition.

L4.6 The blast overpressure and ground vibration levels in conditions L4.1 to L4.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to blast overpressure and ground vibration levels, between the licensee and land owner.

Blasting hours

- L4.7 Blasting at the premises may only take place between 9:00am - 5:00pm Monday to Friday. Blasting is not permitted on weekends or public holidays.
- L4.8 Blasting outside of the hours specified in L4.7 can only take place with the written approval of the EPA.

Operating conditions

O1. Odour

- O1.1 The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

O2. Dust

- O2.1 The premises must be maintained in a condition which prevents or minimises the emission of air pollutants, including dust, from the premises.
- O2.2 Activities occurring at the premises must be carried out in a manner that will prevent or minimise the generation and emission of air pollutants including dust.
- O2.3 The proponent must develop and implement an air quality management plan prior to the commencement of project operations. As a minimum, the air quality management plan must include the following parts:
- (a) Proactive and reactive management measures for all air emission sources;
 - (b) Benchmark proactive and reactive management measures against industry best management practice;
 - (c) Key performance indicator(s);
 - (d) Monitoring method(s);
 - (e) Location, frequency and duration of monitoring;
 - (f) Record keeping;
 - (g) Response mechanisms; and
 - (h) Compliance reporting.

O3. Stormwater/sediment control - Operation Phase

- O3.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the Protection of the Environment Operations Act 1997 catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O4. Noise

Blast management protocol

O4.1 A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- (a) compliance standards;
- (b) mitigation measures;
- (c) remedial action;
- (d) monitoring methods and program;
- (e) monitoring program for flyrock distribution*;
- (f) measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- (g) notification of procedures for neighbours prior to detonation of each blast;
- (h) measures to ensure no damage by flyrock to people, property, livestock and powerlines.*

* where applicable

Monitoring and recording conditions

M1 Monitoring records

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

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

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

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

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

M2. Blast Monitoring

M2.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at *Receiver R2*.

Note: Measurement locations can be:

- a) *At the residential boundary; or*

- b) 30 metres from residences in rural situations where the boundary is more than 30 metres from residences.
- c) Airblast overpressure levels should not be measured within 3.5 metres of any building.
- d) Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

M3 Requirement to Monitor Noise

M3.1 To assess compliance with Condition L3.1, attended noise monitoring must be conducted in accordance with Conditions L3.5 and:

- (a) at R2, R3, R4 and R5 as listed in Condition L3.1;
- (b) occur at the time of commencement of typical production activity;
- (c) occur during the day period as defined in Condition L3.2, for a minimum of 60 minutes duration for the day period for typical production activity.

M4 Requirement to monitor weather

M4.1 The proponent must monitor meteorological conditions listed in condition M4.2 at an onsite meteorological station or alternate representative meteorological station agreed to in writing by the EPA.

M4.2 The proponent must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1.

The proponent must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm/hour	continuous	1 hour	AM-4
Sigma theta	degrees	continuous	10 minute	AM-2 and AM-4
Siting				AM-1
Temperature at 2 metres	kelvin	continuous	10 minute	AM-4
Temperature at 10 metres	kelvin	continuous	10 minute	AM-4
Total solar radiation	watts per square metre	continuous	10 minute	AM-4
Wind Direction at 10 metres	degrees	continuous	10 minute	AM-2 and AM-4
Wind Speed at 10 metres	metres per second	continuous	10 minute	AM-2 and AM-4

Reporting conditions

R1 - Annual Return

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where

the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R2 Noise Monitoring Report

R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the commencement of typical production operations. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- (a) an assessment of compliance with noise limits presented in Condition L3.1 as defined in M3.1 (a); and
- (b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.