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Planning
Our Ref 10.2015.498.1
Your Ref

Cooma-Monaro Shire Council
PO Box 714
COOMA NSW 2630



Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number 10.2015.498.1
Property Description 1107 Monaro Highway BUNYAN 2630
Development Description Lot: 160 DP: 724552, Lot: 159 DP: 724552
Extractive Industry (Upper Bunyan Gravel Pit)

Determination

Pursuant to Section 80(1)(a) of the *Act*

Notice is hereby given of the determination by Cooma-Monaro Shire Council of Development Application **10.2015.498.1** relating to the land described above.

The Development Application has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Joint Regional Planning Panel – (Meeting date 15 March 2016)
Determination Date: 01/04/2016
Consent to Operate from: 29/04/2016
Consent will Lapse on: 29/04/2021

Integrated Approval Bodies

Pursuant to Section 93 of the *Act*

The development application proposal was not Integrated Development.

Conditions

General

- 1) The development being carried out substantially in accordance with the approved documents/plans listed in the Schedule below and development application except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 96 modification.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Environmental Impact Statement – Upper Bunyan Gravel Pit	Jane Blomfield & Jane Mills	16/12/2015
D 1099-7	Draft Plan of Proposed Pit Extension (finished floor levels only)	W.J.H	13/11/2015

Reason: Requirement that the development is completed in accordance with Council's consent.

- 2) RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Monaro Highway. Given this, a Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to extraction works commencing.

Note: conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, Council is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. Council will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, Council should email the conditions of development consent to: WAD.southern@rms.nsw.gov.au.

Reason: Requirement of the Roads and Maritime Services [P.3.01](#)

- 3) All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>.

Reason: Requirement of the Roads and Maritime Services [P.3.01](#)

- 4) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to any expansion of the gravel pit.

Reason: Requirement of the Roads and Maritime Services [P.3.01](#)

- 5) The offset area included in Appendix D is to be increased to include the balance of the site identified as exotic grassland in the northern and western portion of the site.

Mature canopy trees are to be planted in all of the offset areas as increased by this condition and as identified in Appendix D of the approved EIS.

Reason: Requirement of the Office of Environment and Heritage in order to complement the proposal to protect all natural regeneration that occurs across the site. [P.3.04](#)

- 6) Grazing must be excluded from the offset area at all times whilst the canopy species are regenerating.

Reason: Requirement of the Office of Environment and Heritage. [P.3.04](#)

- 7) All offsets must be secured and managed in accordance with the required Biodiversity Offset Plan and Conservation Property Vegetation Plan for the duration of the consent at the proponent's expense.

Reason: Requirement of the Office of Environment and Heritage. [P.3.04](#)

- 8) The Little Eagle nest is to be checked carefully before being removed when the operation reaches that stage of extraction. The nest must not be removed if the Little Eagles are utilising the nest at the time, especially not during breeding season.

Reason: Requirement of the Office of Environment and Heritage. [P.3.04](#)

- 9) Stormwater management and sediment and erosion control should be managed in a manner consistent with the principles stated in 'Managing Urban Stormwater, Soils and Construction. Volume 2E Mines and quarries' (DECC, 2008). Activities at the site must be carried out to ensure that any discharge from the premises complies with Section 120 of the *Protection of the Environment Operations Act 1997*

Reason: Requirement of the Environment Protection Authority and the *Protection of the Environment Operations Act 1997*. [P.3.05](#)

- 10) The required Soil and Water Management Plan (Condition 23) is to include that water from the sediment dams (when available) is to be used as a means of dust suppression on the site.

Reason: Requirement of the Environment Protection Authority. *P.9,95*

- 11) All works on the site will need to be planned and carried out in accordance with the *NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006* (link attached below) and *TransGrid's Easement Guidelines for Third Party Development (V10) (Guidelines)*. Please contact TransGrid in event of any uncertainty.

<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

Note: In the event that the developer does hit either an earthing strap or overhead transmission line/stanchion, please pause all works and contact TransGrid immediately. Any excavation or construction work on the subject site that results in damage to either TransGrid's overhead transmission line or surrounding stanchion/tower's, TransGrid will be seeking full reimbursement of costs from the developer. This would include penalty feeds arising from any outages to the overhead transmission line network.

Reason: Requirement of TransGrid and the *State Environmental Planning Policy (Infrastructure) 2007*.

- 12) The extractive industry must not extract more than 30,000 tonnes of extractive materials from the site per year at any time during operations.

Reason: Production above this threshold would result in the proposal being a Scheduled activity under the provisions of the *Protection of the Environment Operations Act 1997* and would require a license under the provisions of the *Protection of the Environment Operations Act 1997*.

- 13) The maximum depths for extraction shown on the approved plans are not to be exceeded without the submission and approval of an application to modify the development for extraction at any new proposed depth.

Reason: To ensure the finished site is in accordance with the approved plans and to protect groundwater beneath the site.

- 14) Extraction of materials from the site is limited to a total of twenty-five (25) days in any one calendar year.

Reason: To minimise land use conflicts and to ensure the extractive industry does not exceed the total allowable volume of extractive materials per year.

- 15) This consent will expire twenty-five (25) years from the date of this determination. All works must cease at this time and must not recommence unless further development consent is obtained.

Reason: In accordance with the time period applied for and the application was assessed as per this time period.

- 16) The development must be undertaken in the order of stages specified in the approved Environmental Impact Statement.

Reason: The order of the stages was an important consideration during the assessment process and if changed will alter the potential environmental impacts of the proposal.

Required Works

- 17) Intersection Warning signs are to be installed in place of the proposed Truck Turning warning signs in accordance with Australian Standard AS1742.

Reason: Requirement of the Roads and Maritime Services

- 18) All pavement design on the State road network must be in accordance with Austroads standards.
Reason: Requirement of the Roads and Maritime Services P_0_01
- 19) Prior to commencement of extraction operations for Stage 1, Council must upgrade the existing access onto the Monaro Highway to be a sealed auxiliary left turn AUL(S) together with a sealed basic right turn (BAR) configuration in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. The access must be sealed a minimum distance of 10m back from the edge of seal.
Reason: Requirement of the Roads and Maritime Services P_0_03
- 20) The '50 metre tree buffer' area, shown in Figure 2-3 of the approved Environmental Impact Statement, is to be extended along the full length of the northern and western boundary of the site. A one (1) metre high earthen mound is to be constructed adjacent to the boundary of the site within the '50 metre tree buffer' area. Plans of the modified '50 metre tree buffer' area and mound are to be provided within the required Biodiversity Offset and Rehabilitation Plans. The establishment of the '50 metre tree buffer' area is to be completed prior to any extractive works occurring on the site.
Reason: To ensure the extractive industry is visually screened from the Monaro Highway. P_0_02

Conditions to be met prior to commencement of work

- 21) Prior to works commencing, the applicant must enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Monaro Highway.
Reason: Requirement of the Roads and Maritime Services P_0_02
- 22) Council must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. Council will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. Council must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.
Notes: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.
Reason: Requirement of the Roads and Maritime Services P_0_02
- 23) Prior to commencement of works, a detailed Rehabilitation Plan is to be prepared by a suitably qualified person, in consultation with the Local Land Services and the Office of Environment and Heritage. The Rehabilitation Plan is to be consistent with the Rehabilitation Strategy contained within Appendix A of the approved Environmental Impact Statement. The Rehabilitation Plan is to be submitted to Council's Town Planning Section prior to any works occurring on the site.
Reason: To ensure rehabilitation of the site occurs in accordance with the approved Environmental Impact Statement. P_0_03
- 24) Rehabilitation of the site is to be carried out progressively throughout the life of the quarry in accordance with the Rehabilitation Plan.
Reason: To ensure rehabilitation of the site occurs in accordance with the approved Environmental Impact Statement. P_0_03
- 25) a) Prior to commencement of works, a detailed Biodiversity Offset Plan is to be prepared by a suitably qualified person, in consultation with the Local Land Services and the Office of Environment and Heritage and include requirements of conditions 5 & 20.
b) The Biodiversity Offset is to be consistent with the Offset Strategy contained within Appendix D of the approved Environmental Impact Statement. The Biodiversity Offset Plan is to be submitted to Council's Town Planning Section prior to any works occurring on the site. Where possible seeds should be collected on site and utilised throughout the Offset areas. The Offset areas contained within the Biodiversity Offset Plan are to be managed under a Conservation Property Vegetation Plan, prepared by the Local Land Service, in accordance with Part 4 of the *Native Vegetation Act 2003*.

- c) The Biodiversity Offset plan is to include a staging plan that stages work in such a way to ensure early commencement of planning to undertaken prior to commencement of Stage 1. At least 60% of the Biodiversity Offset Plan is to be implemented by the finalisation of Stage 2. The remaining 40% is to be evenly implemented across the remaining stages.
- d) The draft Property Vegetation Plan is to be made available for public comment prior to adoption by Local Land Services. Implementation of the PVP and restoration of the EEC Ribbon Gum, Snow Gum grassy open forest is to commence prior to commencement of works.

Reason: To ensure native vegetation on the site is protected and enhanced. P.9.38

- 26) A detailed Soil and Water Management Plan is to be prepared by a suitably qualified person, in accordance with the Best Practice guidelines contained within Soils and Construction Vol.1 (Landcom 2004). The Soil and Water Management Plan is to be consistent with Section 5.2.3 of the approved Environmental Impact Statement. The Soil and Water Management Plan is to be submitted to Council's Town Planning Section prior to any works occurring on the site.

Note: Operations of the extractive industry are to comply with the Soil and Water Management Plan at all times.

Reason: To ensure soil and water is managed appropriately on the site. P.9.38

- 27) A detailed Weed Management Plan is to be prepared by a suitably qualified person, in consultation with Council's Noxious Weeds Section. The Weed Management Plan is to be consistent with Section 5.3.5 of the approved Environmental Impact Statement. The Weed Management Plan is to be submitted to Council's Town Planning Section prior to any works occurring on the site.

Note: Operations of the extractive industry are to comply with the Weed Management Plan at all times.

Reason: To ensure the development complies with the requirements of the *Noxious Weeds Act 1993*. P.9.38

- 28) A detailed Aboriginal Heritage Management Plan is to be prepared in consultation with a qualified archaeologist, in conjunction with Registered Aboriginal Parties and the Office of Environment and Heritage (OEH). The Aboriginal Heritage Management Plan is to be consistent with Section 5.4.4 of the approved Environmental Impact Statement. The Aboriginal Heritage Management Plan is to be submitted to Council's Town Planning Section prior to any works occurring on the site.

Note: If any Aboriginal objects are uncovered during the proposed extraction activity; all works must stop and the relevant OEH office contacted for advice. An Aboriginal Heritage Impact Permit (AHIP) will be required if Aboriginal objects cannot subsequently be avoided as part of the extraction works

Reason: To ensure impacts to Aboriginal heritage is minimised during extraction. P.9.38

- 29) The mitigation measures contained with Section 6.1 of Appendix C of the approved Environmental Impact Statement are to be implemented through the life of the subject extractive industry.

Reason: To minimise environmental impacts on the site. P.9.38

- 30) An updated version of the Cooma-Monaro Shire Council's Chemical Spill procedure is to be prepared to include the measures contained within Section 5.2.3 of the approved Environmental Impact Statement. The updated version of the Cooma-Monaro Shire Council's Chemical Spill procedure is to be submitted to Council's Town Planning Section prior to any works occurring on the site.

Note: Operations of the extractive industry are to comply with the updated version of the Cooma-Monaro Shire Council's Chemical Spill procedure at all times.

Reason: To minimise potential contamination of the site. P.9.38

- 31) Prior to carrying out any development, the applicant shall prepare, and following approval implement, an Environmental Management Strategy for the development to the satisfaction of the Director of Environmental Services. The strategy must:

- a) Be a single document kept on site and submitted to Council annual based on the date of approval of the first document.

- b) Provide the strategic context of environment that apply to the development
- c) Identify the statutory requirements that apply to the development
- d) Describe how the environmental performance of the development would be monitored and managed during the development including:
 - Traffic Management Plan
 - Rehabilitation Plan
 - Soil and Water Management Plan
 - Biodiversity Offset Plan
 - Weed Management Plan
 - Aboriginal Heritage Management Plan
- e) Describe the procedures that would be implemented to:
 - Keep the local community and relevant agencies informed about the operation and environmental performance of the development
 - Receive, handle, respond to, and record complaints
 - Resolve any disputes that may arise during the course of the development
 - Respond to any non-compliance
 - Manage cumulative impacts; and
 - Respond to emergencies
- f) Describe the role, responsibility, authority and accountability of the key personnel involved in environmental management of the development.
- g) Include a monitoring program updated annually as required
- h) Include an Incident Report Management Plan
- i) Include an Annual Environmental Management Report (AEMR) to be included in the second submission and annual thereafter.
- j) Be made available to the public for inspection at the offices of Cooma-Monaro Shire Council and be placed on Council' website.

Note: Each part (including the required management plans, reports and programs) of the EMS shall include a list identifying all relevant conditions of consent (including GTAs) specific to that section of how those requirements have been satisfied/addressed within the document.

Reason: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(e) of the *Environmental Planning and Assessment Act* as amended.

Advice to Applicant

- 1) Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- 2) 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 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

Note: Under the *Telecommunications Act 1997 (Commonwealth)*, Telstra (and it's authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.
- 3) 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 Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.

Notes

- 1) An applicant may request a review of this determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 6 months of the date of this notification. A review under Section 82A cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97 of the Act confers on an applicant or an objector who is dissatisfied with the determination of Cooma-Monaro Shire Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

On behalf of the above Council:



Edward Paterson
Urban & Rural Planner
for
Mark Adams
Planning Manager